MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 6, 1975
1:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by MR. ROBERT NEUBAUER, Vicar - First English Lutheran Church.

APPROVAL OF MINUTES

Mayor Pro Tem Dryden moved that the Council approve the Minutes of February 27, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Lebermann
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for 1:00 p.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

GEORGE NALLE, JR. By George Nalle, III C14-75-008	609 West 10th Street 909 Rio Grande Street	From "B" Residence To "O" Office RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "O" Office District as recommended by the Planning Commission. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

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

ELISABET NEY MUSEUM By City of Austin C14h-74-015	304 East 44th Street	From "A" Residence To "A-H" Residence-Historic RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "A-H" Residence-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler, Councilman Binder
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "A-H" Residence-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

O. HENRY MUSEUM By City of Austin C14h-74-016	409 East 5th Street	From undesignated To "H" Historic RECOMMENDED by the Planning Commission

Councilman Binder moved that the Council grant "H" Historic District as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "H" Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GOODMAN BUILDING By City of Austin C14h-74-022	202 West 13th Street	From "C" Commercial To "C-H" Commercial-Historic RECOMMENDED by the Planning Commission

Councilman Binder moved that the Council grant "C-H" Commercial-Historic District as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "C-H" Commercial-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ST. EDWARDS UNIVERSITY MAIN BUILDING By City of Austin C14h-74-025	3001 South Congress Avenue	From "A" Residence To "A-H" Residence-Historic RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "A-H" Residence-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Lebermann
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "A-H" Residence-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ST. MARY'S CATHEDRAL By City of Austin C14h-74-027	201 East 10th Street	From "C" Commercial To "C-H" Commercial-Historic RECOMMENDED by the Planning Commission

Councilman Lebermann moved that the Council grant "C-H" Commercial-Historic District as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "C-H" Commercial-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

B. J. SMITH HOUSE By City of Austin C14h-74-029	610 Guadalupe Street	From "C" Commercial To "C-H" Commercial-Historic RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "C-H" Commercial-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler, Councilman Binder
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "C-H" Commercial-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CATHERINE ROBINSON HOUSE By City of Austin C14h-74-030	705 San Antonio Street	From "O" Office To "O-H" Office-Historic RECOMMENDED by the Planning Commission

Councilman Binder moved that the Council grant "O-H" Office-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden
Noes: None
Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "O-H" Office-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

PIERRE BREMOND HOUSE By City of Austin C14h-74-031	402 West 7th Street	From "O" Office To "O-H" Office-Historic RECOMMENDED by the Planning Commission

MR. CHARLES BURNS appeared requesting that some tax relief be given to this historic building along with the Walter Bremond House and the John Bremond House. Mayor Butler indicated that the tax situation was a State law, and the Council could not either waive or ignore it. City Attorney Don Butler stated that it would take a constitutional amendment.

In response to Mayor Butler's question, Mr. Dick Lillie, Planning Department Director, stated that the change to historic related to the exterior of the building; and nothing could be done without a Certificate of Appropriateness by the Historic Landmark Commission. He pointed out that this property was already on the State and National Landmark List and restrictions were already beyond the City's ability.

Councilman Friedman entered the Council Chamber at this point.

Councilman Binder moved that the Council grant "O-H" Office-Historic District as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden
Noes: None
Abstain: Councilman Friedman

The Mayor announced that the change had been granted to "O-H" Office-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

NEILL-COCHRAN HOUSE By City of Austin C14h-74-033	2310 San Gabriel Street	From "A" Residence To "A-H" Residence-Historic RECOMMENDED by the Planning Commission

MR. JACK JENNINGS, owner of property across the street from this, did not appear in opposition but was concerned about the street width. He noted that this was about 20 feet wide; and as in any other zoning change, the City generally took enough right of way to make a usable street. He indicated that he was concerned with the possibility that he might want to develop his property in the future, and it might pose some burden because this would not be normal street width. Mr. Lillie pointed out that there should not be any requirement for right of way.

Mayor Pro Tem Dryden moved that the Council grant "A-H" Residence-Historic as recommended by the Planning Commission. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the change had been granted to "A-H" Residence-Historic, and the City Attorney was instructed to draw the necessary ordinance to cover.

WALTER BREMOND HOUSE By City of Austin C14h-74-034	711 San Antonio Street 705 West 8th Street	From "O" Office To "O-H" Office-Historic RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "O-H" Office-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "O-H" Office-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN BREMOND HOUSE By City of Austin C14h-74-035	700 Guadalupe Street	From "C" Commercial To "C-H" Commercial-Historic RECOMMENDED by the Planning Commission

Councilman Lebermann moved that the Council grant "C-H" Commercial-Historic District as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

The Mayor announced thatthe change had been granted to "C-H" Commercial-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

NORTH-EVANS CHATEAU By City of Austin C14h-74-036	708 San Antonio Street	From "B" Residence To "B-H" Residence-Historic RECOMMENDED by the Planning Commission

Councilman Lebermann moved that the Council grant "B-H" Residence-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change had been granted to "B-H" Residence-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

NORTH COTTAGE By City of Austin C14h-74-040	706 San Antonio Street	From "O" Office To "O-H" Office-Historic RECOMMENDED by the Planning Commission

Mayor Pro Tem Dryden moved that the Council grant "O-H" Office-Historic District as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "O-H" Office-Historic District, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM J. CLARK By Don Ferguson C14-75-001	5908 Aurora Drive	From "A" Residence To "C" Commercial NOT Recommended RECOMMENDED by the Planning Commission "GR" General Retail subject to a special permit and 6-foot privacy fence

MR. ROGAN GILES, representing the applicant, stated that they were not in favor of the recommendation. He noted that this property had been purchased in the 1950's and was already zoned "C" Commercial District, and the applicant got a building permit from Building Inspection which allowed him to build on the tract in question and operate his sheet metal and roofing business. He noted that in 1963 the applicant returned to Building Inspection and got another building permit, but last year he discovered he had a non-conforming use and made application to the City for "C" Commercial District on this property. Mr. Giles stated that the staff expressed concern that this was adjacent to an "A" Residence District tract of land but suggested that "GR" General Retail District be authorized subject to a special permit to allow him to continue his business.

Mr. Giles stated that in order for the applicant to get the special permit to correct a "mistake he did not make" he would have to build a privacy fence. Mr. Giles requested that if the applicant had to be put through the special permit procedure, the permit should be issued without any conditions.

Councilman Friedman suggested that if this was an error on the part of the City, Building Inspection could be instructed to issue this special permit to allow the applicant to continue operating in the same fashion.

MR. PAUL WENDLER, 5912 Aurora Drive, noted that there had either been a sale of this property or in the process, and the applicant would only be there another year. He was concerned that there might be another massage parlor in the area; and he stated that if the new owner objected to the privacy fence, he would be glad to share in the expenses.

Mr. Giles noted that the sale was complete, and the applicant was leasing this for a year and did not feel he should have to pay for a fence for such a short period of time.

Mayor Pro Tem Dryden indicated that if this were a new zoning case, the applicant would be required to put up the fence.

Councilman Binder felt that since there was only a year left on this lease, now would be a good time to put this back in order and return to its original zoning. In response to Councilman Binder's question, Mr. Lillie stated that the staff's recommendation was that this remain "A" Residence District because of the extension back into the neighborhood.

After discussion, Mayor Pro Tem Dryden moved that the Council approve the zoning change to "GR" General Retail District, as recommended by the Planning Commission and subject to a special permit and a 6-foot privacy fence. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Lebermann, Mayor Butler
Noes: Councilman Binder

The Mayor announced that the change had been granted to "GR" General Retail District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Binder felt that it was an eminently appropriate time to correct the mistake previously made and felt that the staff's recommendation of "A" Residence District was appropriate.

MORIN M. SCOTT By Pat Burnett C14-75-007	2910 Fruth Street	From "B" Residence To "GR" General Retail as amended NOT Recommended RECOMMENDED "O" Office by the Planning Commission

MS. PAT BURNETT, representing the applicant, appeared requesting that this be changed to "GR" General Retail District, as requested. She noted that she had spoken to the neighbors, and no one was in opposition. Mayor Butler noted that it would take 4 votes to overturn the decision of the Planning Commission. Councilman Friedman moved that the Council grant "O" Office District as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilman Binder
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Dryden

The Mayor announced that the change had been granted to "O" Office District and the City Attorney was instructed to draw the necessary ordinance to cover.

LUTHER E. SMITH By Philip Rivers C14-74-180	8212-8222 Jamestown Drive 1401-1409 Clearfield Drive	From "B" Residence (Tract 1) and "BB" Residence (Tract 2) To "C" Commercial(Tract 1) and "LR" Local Retail(Tract 2) NOT Recommended RECOMMENDED "C" Commercial, (Tract 1) subject to a 25-foot building setback and a privacy fence along the north and east boundaries by the Planning Commission

MR. PHILIP R. RIVERS, representing the applicant, requested that the zoning for Tract 2 be changed to "LR" Local Retail as originally requested. He indicated that if there could not be a compromise on this, he wanted to emphasize the inappropriateness of the requirement for a setback in that he did not feel this was an intrusion on the neighborhood; and he felt the setback would be an interference into the land and would limit its use.

Mr. Lillie noted that it was the staff's concern that the fence and setback would act as a buffer for future apartment development. Councilman Binder moved that the Council grant "C" Commercial for Tract 1, subject to a 25-foot building setback and a privacy fence along the north and east boundaries, as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Binder, Mayor Pro Tem Dryden
Noes: None
Abstain: Mayor Butler

The Mayor announced that the change had been granted to "C" Commercial District for Tract 1, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BARROW CORPORATION By Leroy Lange C14-75-002	8101-8307 Brodie Lane also bounded by Thomas Kincheon Street, Dunliegh Drive, and Plantation Road	From "A" Residence To "LR" Local Retail NOT Recommended RECOMMENDED by the Planning Commission "LR" Local Retail with a 25-foot strip of "A" on the eastern boundary of all three tracts; subject to a privacy fence on the southern and eastern edge of Tracts 1, 2, and 3

Mr. Lillie reviewed the difference in the staff's and Planning Commission's recommendations by stating the following:

Tract 1: To grant "LR" Local Retail except the southern and eastern 25 feet to be buffer-zoned "A" Residence.

Tract 2: To grant "LR" Local Retail except the eastern 25 feet to be buffer-zoned "A" Residence to protect single-family use siding to retail.

Tract 3: To grant "LR" Local Retail except the northern 115 feet tier of lots facing the Kincheon single-family subdivision and excluding the eastern 25 feet to be zoned "A" Residence District.

Mr. Lillie noted that if the zoning was granted, it would be his suggestion that signs be placed on the property indicating the change.

MR. LEROY LANGE, representing the applicant, felt that the tier of lots was unnecessary and was in agreement with the plan that was submitted to the Council for its approval at this time. In response to Councilman Friedman's question concerning the placement of signs, Mr. Lange noted that since March, 1973, a sign had been erected telling the public he would be coming before the Planning Commission and Council for a zoning change.

In response to Councilman Friedman's question as to whether or not it was feasible and acceptable to the applicant to have a restriction against curb cuts onto Thomas Kincheon Street, Mr. Lange felt that it would be more advantageous to have curb cuts to keep the traffic from coming out onto Brodie Lane.

Mr. Lange pointed out that for the past 25 years the applicant, Mr. Nelson Puett (owner of Barrow Corporation), had conformed to the rules and regulations. Mr. Lange read a letter from Mr. Puett stating the intent of this request.

Motion

Mayor Pro Tem Dryden moved that the Council accept the recommendation of the Planning Commission. Mayor Butler seconded the motion.

Substitute Motion

Councilman Binder moved that the Council accept the recommendation of the staff (as reviewed by Mr. Lillie). Councilman Friedman seconded the substitute motion. Roll call showed the following vote:

Ayes: Councilmen Binder, Friedman, Lebermann
Noes: Mayor Butler, Mayor Pro Tem Dryden

The Mayor announced that the substitute motion failed to carry.

Roll Call on Original Motion

Roll call on Mayor Pro Tem Dryden's motion, Mayor Butler's second, to accept the recommendation of the Planning Commission, showed the following vote:

Ayes: Mayor Pro Tem Dryden, Mayor Butler
Noes: Councilman Lebermann, Binder, Friedman

The Mayor announced that the motion failed to carry by a 2 to 3 vote.

Motions

Councilman Friedman moved that the Council grant "LR" Local Retail with a 25-foot strip of "A" Residence District on the eastern boundary of all three tracts; subject to a privacy fence on the southern and eastern edge of Tracts 1, 2, and 3, as recommended by the Planning Commission, subject to no curb cuts onto Thomas Kincheon Street. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Lebermann, Mayor Butler
Noes: Councilman Binder

In response to Mr. Lillie's comment that the staff neglected to bring to the attention of the Planning Commission the possibility of placing signs on the property, Councilman Binder moved that the Council add a condition to the previously approved zoning so that there would be the placement of signs on the property by the applicant. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail District with a 25-foot strip of "A" Residence District on the eastern boundary of all three tracts, subject to conditions, and with the additional condition of placement of signs on property by the applicant, and the City Attorney was instructed to draw the necessary ordinance to cover.

CENTRAL TEXAS SERVICE CORPORATION By Bill Williams C14-75-010	Intersection of Brodie Lane and Eskew Drive, Brodie Lane and Woodstone Drive	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area (Tracts 1A and 2A), "LR" Local Retail 1st Height and Area (Tract 3) and "C" Commercial 2nd Height and Area (Tracts 1B, 2B and 3B) NOT Recommended RECOMMENDED by the Planning Commission "LR" Local Retail, 1st Height and Area (Tracts 1A, 1B, 2A, 2B, 3A and 3B) subject to a 50-foot setback on western boundary along drainage easement and subject to driveway access to be determined by special permit on Tracts 2A, 2B, 3A and 3B.

In response to a request made by a lady that the church be preserved, Councilman Friedman assured her that the property of the church would not be effected.

MR. WOODROW SLEDGE, Austin Independent School District, objected to this, stating that it would be setting a precedent for commercial zoning.

MR. PHIL MOCKFORD, representing the applicant, felt that because of the terrain and the natural division of the three tracts from the remainder of the subdivision by a creek, commercial use would not detract from the rest of the neighborhood. He felt that this area needed some kind of commercial zoning and that there was no other reasonable use for this property. He requested that it be approved as recommended.

Motion

Councilman Binder moved that the Council accept the recommendation of the staff to grant "LR" Local Retail District on Tracts 1A and 1B and "A" Residence District on Tracts 2A, 2B, 3A, and 3B. Councilman Friedman seconded the motion. Roll call showed the following vote:

Ayes: Councilmen Friedman, Lebermann, Binder
Noes: Mayor Pro Tem Dryden, Mayor Butler

The Mayor announced that the motion had failed to carry by a 3 to 2 vote.

Motion

Mayor Pro Tem Dryden moved that the Council accept the recommendation of the Planning Commission. Mayor Butler seconded the motion.

Amendment to Motion

Councilman Friedman offered an amendment to the motion whereby the Council would accept the recommendation of the Planning Commission to grant "LR" Local Retail District, 1st Height and Area on Tracts 1A, 1B, 2A, 2B, 3A and 3B, subject to a 50-foot setback on western boundary along drainage easement and subject to driveway access to be determined by special permit on Tracts 2A, 2B, 3A and 3B, but delete Tracts 3A and 3B. The motion, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Mayor Pro Tem Dryden
Noes: Councilman Binder

Motion

In connection with the possibility of placing signs on the property, Councilman Binder moved that the Council add a condition to the zoning so that there would be the placement of signs on the property by the applicant. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, on Tracts 1A, 1B, 2A and 2B, subject to conditions, and with the additional condition that the applicant place signs on the property, and the City Attorney was instructed to draw the necessary ordinance to cover.

BEN WHITE, LTD. By Dale Hill C14-75-004	1314-C West Ben White Boulevard	From "GR" General Retail To "C-2" Commercial NOT Recommended

MR. CHARLIE CARPENTER, the applicant, noted that this request was for a lounge in the rear of shopping center and felt that the request was in order and submitted that there was more than adequate parking available with good access into the center from three streets. He pointed out that he would control the signs as far as size, and there would not be flashing lights.

In response to Mayor Butler's question, Mr. Lillie noted that the Planning Commission's primary concern was the location of the lounge in relation to the residential area. He felt that this would probably have been approved if it had been located in the front of the center. In connection with this, Mr. Carpenter pointed out that the reason this was not in the front was that he did not need window space for the lounge.

In response to Mayor Butler's further question concerning a fence, Mr. Carpenter noted that a 6-foot solid fence had been requested initially.

Councilman Binder moved that the Council grant "C-2" Commercial District. The motion, seconded by Councilman Friedman, carried by the following vote:

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

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

The following zoning changes were DENIED.

JOHN V. FELTER By Jack Peevey C14-74-120	5900-6108 Johnny Morris Road	From "A" Residence 1st Height and Area To "C" Commercial 2nd Height and Area NOT Recommended

Mr. Lillie noted that this had been before the Council in December, but it had been postponed for 90 days at the request of the LBJ Neighborhood Association for a chance to get with the applicant to come back with a joint recommendation. He stated that a memo had been distributed to the Council from Charles Graves, Director of Engineering, concerning the impact of flooding of Walnut Creek, in which it was noted that the back water effect along Johnny Morris Road did not reach the tract in question.

MR. JACK PEEVEY, representing the applicant, furnished the Council with drawings of the area and noted that the request was actually for "B" Residence District and "C" Commercial District as follows:

13.9 acres on the rear portion of the tract adjacent to the Missouri-Kansas-Texas Railroad would be zoned "C" Commercial.

The remaining 8.143 acres fronting Johnny Morris Road would be zoned "B" Residence.

He submitted that the rear portion of the tract was unsuitable for "A" Residence for the following reasons:

1. Land is effected by the 100-year Flood Plain.

2. To the south of this property is a railroad.

He felt that the front portion of the property would not support a residential subdivision for the following reasons:

1. There is a junk yard, trailer park, lumber yard, and some substandard houses.

2. This is effected by the 100-year Flood Plain.

He requested the Council's consideration of the proposed zoning change.

MR. DON SULLIVAN, 5101 Johnny Morris Road, noted that he was representing the LBJ Neighborhood Association and requested that the Council accept the recommendation of the Planning Commission to deny this request. He felt that this would set a precedent and would cause a real problem for the entire area. He indicated that he did not know what the applicant had intended for this tract, and the Association was worried about it.

There was discussion concerning the fact that it would take 4 votes to overturn the decision of the Planning Commission.

MR. JOHN V. FELTER, the applicant, submitted that this area was not suitable for residential use in that there were no trees, and no homes had been built because of the flooding problem. He felt that the property was good for warehouse-type construction.

In response to Mayor Pro Tem Dryden's question, Mr. Sullivan did not agree with Mr. Felter that this was not suitable for residential use and noted that a drainage study was underway and did not feel there was enough information concerning the flooding.

MR. WILLIAM C. MONTANDON, owner of two tracts of land across from this, felt that this property was not ideally situated for residential uses and that it should be commercial.

Motion

Mayor Pro Tem Dryden moved that the request for the change to "C" Commercial, 2nd Height and Area be granted by the Council. Mayor Butler seconded the motion. Roll call showed the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Dryden, Councilman Lebermann
Noes: Councilmen Binder, Friedman

The Mayor announced that the motion had failed, and that the zoning request was DENIED.

In response to Mayor Butler's question concerning whether or not the staff had made an alternate suggestion, Mr. Lillie stated that they were not in a position to recommend anything other than "A" Residence District. In response to Councilman Friedman's question, Mr. Lillie indicated that the staff would be happy to work with the applicant to come up with something.

GILBERT CHAMPION By Teddy Henderson C14-74-179	3704 North I.H. 35 also bounded by East 38th Street	From "C" Commercial To "C-2" Commercial NOT Recommended by the Planning Commission

Councilman Friedman moved that the Council DENY the zoning change to "C-2" Commercial District. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the zoning change had been DENIED.

THOMAS WOODROW WILSON C14-75-003	407 West 35th Street	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission

Mr. Lillie noted that there was a valid petition on this. MR. THOMAS WOODROW WILSON, applicant, stated that he would have ample off-street parking. It was noted that there was already "B" Residence District in the area; and in response to Mayor Butler's question, Mr. Lillie stated that there had been several zoning requests already granted; and the Planning Commission felt the precedent was there, and the Council granted them. However, in the past couple of years the Commission had been made aware of the limitations of the street, and the neighborhood association had supported the Commission's action for denial.

Councilman Lebermann moved that the Council DENY the zoning request. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the zoning change had been DENIED.

The following zoning changes were POSTPONED:

HALE-HOUSTON HOUSE By City of Austin C14h-74-037	706 Guadalupe Street	From "C" Commercial To "C-H" Commercial-Historic RECOMMENDED by the Planning Commission

MR. CHUCK CHRISTENSEN, owner, indicated that this was used for offices and requested that it not be designated as historic. He noted that as a board member of the Heritage Society, he was for historic zoning; and as a citizen, he was interested in old buildings. However, as an owner and businessman, he had many reservations and doubts concerning "H" Historic District being placed on a profit-oriented business. He was in doubt as to whether or not the Historic Landmark Commission would allow him to add on a third story to this building. He offered the following suggestions:

1. The Historic Zoning Ordinance should contain an incentive instead of prohibition.

2. Either by ordinance or State Statute, all property taxes on historic homes should be eliminated.

3. The Historic Landmark Commission should make positive statements instead of negative statements.

Until he was sure he could add on his addition when he wanted to and how he wanted to, he preferred that this request be denied.

Mayor Pro Tem Dryden felt that Mr. Christensen's points were very well made and that if he did decide to add on to the present structure, it would conform insofar as possible with the present structure. He also felt that what Mr. Christensen was asking for was very reasonable.

It was established that this house already had a State historical designation.

In response to Councilman Binder's question, Mr. Lillie stated that the recommendation that this be zoned "H" Historic District was not only to protect this building but the property adjacent. He pointed out that the ordinance provided that plans be submitted for changing the building or structure; and they would be reviewed by the Landmark Commission. If the Commission was in agreement, a Certificate of Appropriateness would be issued for a building permit. He noted that if the Commission decided this was not in the best interest, that decision could be appealed and would come to the Council for final decision. In conclusion, he recommended that this change be granted.

Councilman Lebermann saw no problem in that he felt the ordinance contemplated alternate uses such as the one Mr. Christensen had achieved.

Mr. Lillie pointed out that one of the primary purposes of the Commission was not to be negative but rather be in the position of offering counseling services to property owners and occupants of buildings in the event that occupancy could not be achieved to help find occupants either to buy, rent, or lease. He felt that every member of the Commission was as positive as possible in each of these cases. In response to Mayor Butler's question, Mr. Lillie stated that the total land would be effected by the ordinance and not just the structure itself.

Mayor Pro Tem Dryden felt that Mr. Christensen would give the Council his word that he would conform to the present style. Councilman Lebermann realized that Mr. Christensen's concern was for preservation, but no one knew who would own this in the future. Councilman Lebermann felt that Austin either had historical preservation zoning or it did not.

Councilman Friedman felt that the whole point of the ordinance was designed to protect for the future and did not believe the ordinance could only be applied to certain structures. He suggested that this be postponed to go back to the Commission and work out a general frame of reference of the type of addition the Commission would approve and write this in as a restriction for approving this as "H" Historic District.

Mr. Christensen did not want to take the time or expense to do this because he did not have any specific plans at present. He appreciated the Council's concern, but he did not believe this was feasible.

Motion

Councilman Binder moved that the Council grant "C-H" Commercial-Historic District, as recommended by the Planning Commission. Councilman Lebermann seconded the motion. Roll call showed the following vote:

Ayes: Councilmen Lebermann, Binder, Friedman
Noes: Mayor Butler, Mayor Pro Tem Dryden

The Mayor announced that the motion had failed to carry.

Mayor Pro Tem Dryden prefaced his vote by stating that it would be appropriate to give this gentleman the benefit of the doubt and was convinced his "heart was in the right place."

Councilman Friedman submitted that he had tried to come up with a compromise.

Councilman Lebermann noted that next week he would be asking the Council to consider an ad hoc group under the terms of the present ordinance to come forward with a plan within 90 days for a revolving fund ancillary to this ordinance, which would mean that the ordinance and the citizens would be protected from any taking without compensation.

Mayor Pro Tem Dryden asked if there would be a way of adding something that would favor this individual as a property owner and his rights. In response to this, City Attorney Don Butler did not feel that there was anything binding by just indicating a desire to any future Council.

Councilman Binder suggested that there could be a recognition of this individual's concern and respect for historic preservation.

Motion

Mayor Pro Tem Dryden moved that this request be reconsidered and postponed pending further consideration of the development of the revolving fund. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

The Mayor announced that the zoning request had been POSTPONED.

JACK & ALYCE RAGSDALE SUTTON C14-75-009	1109 Edgewood Avenue	From "A" Residence To "GR" General Retail NOT Recommended by the Planning Commission

MS. ALYCE SUTTON, applicant, requested that this be postponed in that there were some items pending. It was determined that she could call Mr. Lillie whenever she wanted to place this back on the agenda for consideration. Mayor Pro Tem Dryden moved that the Council POSTPONE consideration of this zoning request until the applicant desired. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the zoning had been POSTPONED.

AMENDMENT OF LEASE IN CONNECTION WITH RESTAURANT

The Council had before it the possible amendment of the Dobbs House, Inc., Restaurant and Gift Sales Leases concerning improvements to be made by Dobbs totalling approximately $93,500 and to increase revenues to be paid to the City. It was noted that this was a 12-year lease, and Councilman Lebermann was concerned as to whether or not there was a clause so that the City would not be bound if they did not perform to the City's standards. In response to this, Mr. Roy Bayless, Aviation Director, felt that Dobbs would not object to a stronger clause.

In response to Mayor Pro Tem Dryden's question, Mr. Bayless noted that this would increase revenues from 9.6% to 10.9%. In response to Mayor Pro Tem Dryden's further question concerning the City's auditing Dobbs' books, Mr. Bayless stated that all the agreements had a clause that permitted the City to do this from time to time.

In response to Councilman Binder's comment that he hoped during the construction the decor would be in keeping with the more modern airports, City Manager Davidson pointed out that this would be presented to Construction Engineering for approval before any work was done.

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to amend the Dobbs Houses, Inc., Restaurant and Gift Sales leases in consideration for improvements to be made by Dobbs totalling approximately $93,500 and to increase revenues to be paid to the City. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

AMENDMENT OF RENT-CAR LEASES

The Council had before it consideration of rent-car leases to permit advertising with the City's contract advertising agency, Hart & Johnson, in the Airport Terminal Building. In response to Councilman Friedman's question, Mr. Bayless stated that this would accomplish the following:

1. Would control the program so that it would be aesthetically pleasing to the public.

2. Would generate substantial revenue.

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to amend the rent-car leases to permit advertising with the City's contract advertising agency, Hart & Johnson in the Airport Terminal Building. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

CHANGE ORDER

Councilman Friedman moved that the Council adopt a resolution approving a Change Order to Babcock and Wilcox in the amount of $109,250.00 for increasing boiler stack height 30 feet, vent stacks for the reheater safety valves and miscellaneous deductions. (Decker Unit #2). The motion, seconded by Councilman Lebermann, carried by the following vote:

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

AGREEMENT CONCERNING VEHICLES

Councilman Lebermann moved that the Council authorize Vehicle and Equipment Services Department to service Austin Housing Authority vehicles with fuel from City facilities. The motion, seconded by Councilman Friedman, carried by the following vote:

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

CONTRACTS AWARDED

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

TOM FAIREY COMPANY 5005 East 7th Street Austin, Texas	- Front End Loader and Spare Tire and Wheel, Vehicle and Equipment Service Department. Item 13 - 1 ea. @ $25,579.76 Item 14 - 1 ea. @ $ 590.00 Total $26,169.76

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

LANFORD EQUIPMENT COMPANY 830 Airport Boulevard Austin, Texas	- Tractors and Mowers, Vehicle and Equipment Services Department Item 3 - 1 ea. @ $18,258.00 Item 6 - 2 ea. @ $ 1,772.00 Item 7 - 1 ea. @ $ 1,237.00 Total - $23,039.00

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

GENERAL ELECTRIC X-RAY COMPANY Box 30563 Dallas, Texas	- X-Ray Film and Chemicals, Brackenridge Hospital, 12 months supply agreement - $142,455.20. (subject to 7% maximum escalation)

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

WESTERN SPRINKLER CORPORATION 3211 Northwest Expressway Oklahoma City, Oklahoma	- Lion's Municipal Golf Course Sprinkler Irrigation System Phase I, C.I.P. Project No. 8672 0 Total $107,296.96.

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

FERD STAFFEL COMPANY 821 East Commerce Street San Antonio, Texas	- Soil Amendment, Organic; for Green Renovation, Municipal Golf Course, Parks and Recreation Department. Item 1 - 655 cubic yards at $9.69 c.y. Total $6,346.95

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Sand and Gravel materials; for Golf Course Green Renovation, Municipal Golf Course.
SOUTHWEST MATERIALS, INC. 2906 East 19th Street Austin, Texas	- Item 1 - Gravel, 1200 Cubic yards at $3.49 each - $4,188.00.
CAPITOL AGGREGATES, INC. Bolm Road & Ed Bluestein Boulevard Austin, Texas	- Item 2 - Sand, 2400 Cubic yards at $3.50 each - $8,400.00

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

W. H. RICHARDSON COMPANY 3708 Woodbury Austin, Texas	- 131 Lawn Mowers and 32 Grass Trimmers and Edgers. Item 1 & 2 - 131 @ $77.55 ea. Item 3 - 32 @ $111.50 ea. Total $13,727.05.

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

ACETO CHEMICAL COMPANY 126-02 Northern Boulevard Flushing, New York	- Hydrazine 35% Solution in water, N_2H_4 used to reduce corrosion in steam turbine boilers, Power Production Division, Electric Utility Department, 12 months supply agreement. Item 1, estimated 13,000 lbs. @ $1.47 Estimated total $20,580.00 (subject to escalation)

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

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

Mayor Pro Tem Dryden moved that the Council adopt a resolution awarding the following contract:

FEDERAL PACIFIC COMPANY c/o R. D. Erb Company 111 West Laurel Street San Antonio, Texas	- Metal Clad Switch Gear, Electric Department. Item 1 - $50,660.00 (subject to escalation)

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

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

SOILS INVESTIGATION ENGINEERING TESTING SERVICES

Mayor Pro Tem Dryden moved that the Council select the firm of SHILSTONE ENGINEERING TESTING for Soils Investigation Engineering Testing in connection with the following Capital Improvement Project:

Airport Apron Fillet Improvement, Robert E. Mueller Municipal Airport, C.I.P. Project No. 8120 0.

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

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

SUPPLEMENTAL GRANT APPLICATION CONCERNING AUSTIN RAPE CRISIS CENTER

The Council had before it the submission of a supplemental grant application for $1,000 to the Texas Criminal Justice Division on behalf of the Austin Rape Crisis Center to pay eight speakers' travel costs to Austin for a seminar. In response to Councilman Friedman's question, Ms. Karen Duggan, Rape Crisis Center, stated that this was a state-wide seminar and would be on April 24, 25, and 26, 1975, at the Quality Inn. Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to submit a supplemental grant application for $1,000 to the Texas Criminal Justice Division on behalf of the Austin Rape Crisis Center, to pay eight speakers' travel costs to Austin for an ARCC-sponsored seminar, "Rape - A Texas Concern". (No cash match or in-kind contribution required). The motion, seconded by Councilman Friedman, carried by the following vote:

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

CERTAIN ITEMS WITH REGARD TO WIDENING OF WEST 38TH STREET

Councilman Friedman moved that the Council adopt a resolution approving certain items to be performed by the City of Austin at its expense with regard to the widening of West 38th Street from Crawford Street to Guadalupe Street. (Texas Department of Mental Health and Mental Retardation) The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

EXECUTION OF LEASE FOR CITY-OWNED PROPERTY

Councilman Binder moved that the Council adopt a resolution authorizing the City Manager to execute the Fourth Modification Lease for City-owned property at Barton Springs Road and Dawson Road, leased to the United States of America. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ACQUISITION OF LAND FOR LOOP 1 (MOPAC)
U.S. 183 INTERCHANGE

The following was withdrawn:

Authorizing the acquisition of 9150 Research Boulevard (Frank Robert Miller) for Loop 1 (MoPac) - U. S. 183 Interchange.

EMINENT DOMAIN PROCEEDINGS

Councilman Friedman moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire property for expansion of Fiesta Gardens:

All of the north 29.47 feet of Lots 1 and 2, Block 4, Bergman Valley View Addition. (Danny Del Rio)

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

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

In response to Councilman Friedman's question, Mr. Joe Morahan, Property Management Director, stated that the owner now lived in Houston, and no agreement could be reached.

REQUEST CONCERNING STREET BANNER

Councilman Friedman moved that the Council approve a request by the Austin Chamber of Commerce for permission to hang a street banner from October 27, 1975, to November 10, 1975, at the 1200 block of South Lamar to promote the Austin Arts and Crafts Fair. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Dryden

REQUEST FOR USE OF CITY FACILITIES AS
POLLING PLACES

Councilman Friedman moved that the Council approve a request by Mrs. Doris Shropshire, Travis County Clerk, for permission to use the following City facilities as polling places for the April 22, 1975, Constitutional Amendment Election:

Doris Miller Auditorium
City of Austin Communication Building
West Rural Neighborhood Center
Pan American Center
Ullrich Water Treatment Plant
Austin Recreation Center
City of Austin Fire Station #2

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Dryden

AMENDMENT OF BUDGET ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1974, AND TERMINATING SEPTEMBER 30, 1975, BY TRANSFERRING CERTAIN PREVIOUSLY ALLOCATED SURPLUS GENERAL REVENUE SHARING FUNDS TO A PARKS AND RECREATION CONSTRUCTION ACCOUNT; REQUIRING ADHERENCE TO GENERAL REVENUE SHARING FUND FISCAL CONTROLS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING TRANSFER OF INTEREST

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE AND ORDINANCE NO. 741017-M CAPITAL IMPROVEMENTS PROGRAM BUDGET BY TRANSFERRING $27,885 FROM THE ANNUAL BUDGET TO THE CAPITAL IMPROVEMENTS PROGRAM BUDGET; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING HIT AND RUN COLLISIONS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21, SECTION 17, OF THE AUSTIN CITY CODE OF 1967, BY ADDING A NEW PARAGRAPH PROVIDING A PRESUMPTION THAT THE OWNER OF A VEHICLE WAS THE DRIVER UNDER CERTAIN CIRCUMSTANCES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that 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 Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Lebermann, Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 0.79 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4703-4707 WEIDEMAR LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, 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. (Lupe R. & Lydia C. Ojeda, C14-74-157)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT A, SAVE AND EXCEPT THE EAST 50 FOOT BUILDING SETBACK LINE ALONG MATAGORDA STREET AND MARIPOSA DRIVE, I. H. 35 SOUTH SUBDIVISION, LOCALLY KNOWN AS THE REAR OF 2001-2045 SOUTH I. H. 35, AND ALSO BOUNDED BY MARIPOSA DIRVE, 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. (Mrs. E. R. Youngblood, C14-73-227)

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

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

The Mayor announced that the ordinance had been finally passed.

NOTICE OF SPECIAL MEETING

Mayor Butler took this opportunity to announce that there would be a Special Meeting on Monday, March 10, 1975, at 10:00 a.m. at the Council Chamber.

ORDINANCES CONCERNING REGULAR MUNICIPAL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 5, 1975 FOR THE PURPOSE OF ELECTING SIX COUNCILMEN AND A MAYOR OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1975; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE REGULAR MUNICIPAL ELECTION TO BE HELD APRIL 5, 1975; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR THE CONDUCTION OF SAID ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUSTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; DIRECTING THAT AN INSTRUCTION SCHOOL FOR ELECTION OFFICERS SHALL BE CONDUCTED; PROVIDING NOTICE OF SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTIN SAVINGS AND LOAN ASSOCIATION AND NELSON PUETT, JR. (Las Cimas, Section 3; Oak Plantations, Phase I)

The ordinance was read the second time, and Mayor Pro Tem Dryden moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WILLOW CREEK HILLS, BUCKINGHAM RIDGE DEVELOPERS, AND DAVIS-WEBB ENGINEERING, INC., AND BUILDING ENTERPRISES, INC. (Willow Creek, Section 4; Buckingham Ridge, Section 4; Cooper Oaks, Section 1-A)

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

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING FIRE DEPARTMENT

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

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE PERIOD COMMENCING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975, BY REDUCING THE AUTHORIZED NUMBER OF LIEUTENANTS IN THE FIRE FIGHTING DVISION OF THE FIRE DEPARTMENT AND BY INCREASING THE NUMBER OF AUTHORIZED CAPTAINS IN THE FIRE FIGHTING DIVISION OF THE FIRE DEPARTMENT.

The ordinance was read the third time, and Councilman Friedman moved that the ordinance be finally passed. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

WITHDRAWAL OF ORDINANCE CONCERNING TRANSPORTATION

The third reading of an ordinance amending the Transit System Capital Improvements Program in order to qualify for funding under Section 5 of the National Mass Transportation Assistance Act was withdrawn.

VACATION OF HOLMES DRIVE

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

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF HOLMES DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the second time, and Councilman Friedman moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

VACATION OF BAYLOR STREET

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

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF BAYLOR STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RETAINING EASEMENTS IN THE CITY OF AUSTIN FOR ELECTRIC UTILITY AND GAS UTILITY PURPOSES.

The ordinance was read the third time, and Councilman Friedman moved that the ordinance be finally passed. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

The Council adjourned at 5:00 p.m.

APPROVED Ray Butler
Mayor

ATTEST:

Grace Monroe
City Clerk