

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 5, 1969

9:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Absent: Councilman Johnson (enters Council Meeting later)

Present also: MR. JIM deBERRY, Acting City Manager, Mr. Glenn Brown,
City Attorney

City Manager, ROBERT TINSTMAN, was absent as he was attending the American Management Association meeting.

The Lord's Prayer was lead by MAYOR LaRUE.

Mayor LaRue and the Council recognized a long time City employee who had commendably served the City of Austin making many contributions in his field. Mayor LaRue read the following resolution:

(RESOLUTION)

WHEREAS, the lives, the health, and the comforts of the people of Austin have been improved by the tireless labors of faithful public servants doing their daily tasks in all seasons; and

WHEREAS, Roy Sternberg has contributed thirty-nine years and ten months of his life to the service of the people in the City of Austin area as a member of the Fire Department, and retired on May 22, 1969; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That upon the occasion of his well-earned retirement, the gratitude of the people of Austin be officially expressed for the faithful service of Roy Sternberg, and that a permanent record of this public recognition be set apart in the official Minutes of the City Council, and that a copy of this Resolution be presented to the said Roy Sternberg.

Councilman Janes moved the adoption of the resolution. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue

Noes: None

Absent: Councilman Johnson

SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

TRACT 1: LOTS 1, 2 AND 3, BLOCK 3 OF THE MARTHA E. WHITTEN ADDITION, LOCALLY KNOWN AS 3200-3206 BAILEY LANE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND

TRACT 2: LOTS 7 AND 8, BLOCK 3 OF THE MARTHA E. WHITTEN ADDITION, LOCALLY KNOWN AS 1207-1209 WEST 33RD STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;

ALL SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

LOT 25, BLK. 9, ROSEDOWN RESUBDIVISION, LOCALLY KNOWN AS 2112-2116 WEST 49TH STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE
MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954
AS FOLLOWS:

TRACT 1: A 50, 214 SQUARE FOOT TRACT OF LAND OUT OF THE
SANTIAGO DEL VALLE GRANT, LOCALLY KNOWN AS 515-603 MONTOPOLIS
DRIVE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT;
AND

TRACT 2: A 56,043 SQUARE FOOT TRACT OF LAND OUT OF THE SANI-
TAGO DEL VALLE GRANT, LOCALLY KNOWN AS 518 THRASHER DRIVE,
REAR OF 514-516 THRASHER DRIVE, AND REAR OF 520-602 THRASHER
DRIVE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DIS-
TRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY,
TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF
ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCES
FINALLY PASSED

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEX-
ATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
32.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF
THE JOHN APPLGAIIT SURVEY; WHICH SAID ADDITIONAL TERRI-
TORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY
LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN
THE ORDINANCE.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 3.03 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

GENERATOR TURBINE CONTRACT - Holly Power Plant
Unit No. 4 - \$4,711,789

MAYOR LaRUE stated it appeared the Council would not have sufficient time to go into this in detail, with the agenda it has, and the number of zoning cases to be heard. Councilman Price moved to delay this for further study until next week. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

Councilman Atkison asked if the Council were to be supplied with an evaluation of this matter. Mayor LaRue asked that the entire breakdown on which the Resolution and recommendations were based, be made available to the Council prior to next week. The Director of Electric Utilities stated the specifications set out three basic recommendations--Item I, Item II, and Item III. Item III was not bid by General Electric, and the evaluations which were contingent upon the full three items could not be compared. Councilman Price asked that Brown & Root send in a report.

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At this time, Councilman JOHNSON entered the Council meeting.

ANNEXATION ORDINANCES TO BE SET FOR HEARING

Mayor LaRue introduced 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 75.38 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT AND 3.60 ACRES OF LAND OUT OF THE HENRY P. HILL 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.

Councilman Gage moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on June 19, 1969, at 9:30 A.M. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

AMBULANCE SERVICE REPORT

The Council received the following Ambulance Service Report:

June 2, 1969
Mr. R. M. Tinstman, City Manager
City of Austin
Austin, Texas

Dear Mr. Tinstman:

"As directed, I have reviewed the report of operations of the Austin Ambulance Service for the eight months ending March 31, 1969.

The report reflects a profit before taxes of \$3,322, or 2.8% of sales. This gain, before Federal corporate income tax, is 11.7% of the capital investment. The gain after tax would be approximately 8.75% of the capital investment.

It is noted that the accumulated deficit at March 31, 1969, was \$8,341.00. That deficit should be more than offset by the collectible accounts receivable that were not included in the balance sheet as of March 31, 1969. The uncollected accounts receivable as of May 26, 1969, that had accumulated since August 1, 1968, totaled approximately \$49,000.

Your attention is called to the continued amortization of the ambulance service covenant not to compete. The amount charged to expense during the eight months was \$1,000.

It was noted that records of the separate corporation which operates a bus service in Austin and other cities are also maintained at the same premises occupied by the ambulance service. I recommend that the Austin Ambulance Service show in future reports the basis of proration of expenses common to both enterprises, such as office rent, supplies, utilities, management salaries, etc.

In its report dated May 20, 1969, addressed to the Mayor and members of the City Council under General Comments, the company stated that use of a commercial computer billing service had increased collections. The collections for the eight months ended March 31, 1969, were 10.1% in excess of the cash collected in the corresponding eight months of the previous fiscal year. Part of that increase may have resulted from installation of the new billing system, but some of it should be attributed to the increased population of the area served.

Even though the income had increased in excess of 10%, the company's monthly statements reflect less net income for the period from August 1, 1968, to March 31, 1969, than for the period from August 1, 1967, to March 31, 1968. This means that operating costs have increased more rapidly than income.

"The company has been notified by the Austin Urban Renewal Agency that it will acquire the base of operations at 1601 Sabine Street. That location is very convenient to Brackenridge Hospital where many of the ambulance trips begin or end. The company does not presently have a new location in prospect. A location farther from Brackenridge could cause an increase in operating costs.

The most significant factor affecting the company's financial results is the failure to collect for services rendered. If its reported collection percentage of 64% could be materially increased, the company should be able to realize a consistent profit after substantial reduction of the subsidy paid by the City of Austin.

The company's fiscal year ends on July 31st. If the Council should grant the request for extension of the present ambulance contract to October 6, 1969, I recommend that the company be required to file its annual report of operations not later than September 5, 1969, to allow time for study and whatever analysis you or the Council may desire.

Respectfully submitted
/s/ Wm. A. Harrison
City Auditor"

Councilman Gage moved to note the receipt of the Ambulance Service Report. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson (at this time)

Councilman Janes stated this matter needed discussion, and the contract should be extended as it expires June 6th. Councilman Janes moved to extend the contract for 30 days. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson (at this time)

MAYOR LaRUE reported Councilman Price had brought to his attention that the Commissioners' Court was vitally interested in ambulance service for the County. He suggested that the Council might appoint a committee to study this with the hope that the Commissioners' Court in turn would appoint members, thus creating a joint City-County Committee and resolve the entire problem. Councilman Price reported he met with one of the Commissioners who is taking the findings of his study back to the other Commissioners whereby the City and County could work together through one ambulance company. Councilman Janes suggested that COUNCILMAN PRICE be appointed a Committee of one to enter into that investigation. Mayor LaRue suggested that four or five people be appointed by the Council, and that the County appoint a like amount. Councilman Gage moved to appoint a five man Citizens' Study Commission to study this problem and report back to the Council. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price
Mayor LaRue
Noes: None
Absent: Councilman Johnson (at this time)

Later in the meeting, Councilman Johnson who had been absent at the time the ambulance matter was discussed, asked that further consideration be given as he had some information to be brought out. One of the problem areas involved in the current franchise contract is, the Company is bound to serve and transfer patients with clinic cards whether in Austin or elsewhere. He wanted to move that any extension of that contract include a provision to remove the obligation to transfer these patients should they reside out of Travis County, or if the call originates outside of Travis County. Mayor LaRue stated it might be that a general hospital such as Brackenridge, has responsibility under Medicare and other Federal programs, that the City might be in such a position that it could not refuse patients. He believed this would require more investigation because of the recent ruling of the Supreme Court which more or less eliminated the guidelines that the City had been using for many years. Councilman Johnson said he was not advocating precluding them from treatment, but he did not favor people in other cities having the right to call the Austin Ambulance to be transferred from there to the Austin hospital free of charge. He referred to a particular situation where the Ambulance Company is transferring a patient from Coupland twice a week.

The City Attorney called attention to the Contract agreement regarding transporting persons on trips outside the city limits of Austin, that an additional fee of \$1.00 a mile one way would be charged for that portion of the trip outside the city limits. It was his opinion the Company would be required to pick up staff patients and the fear expressed about going great distances is spurious. Staff patient cards are obtainable only if one resides inside Travis County, and one loses all rights to the clinic card by moving outside the County. Many times the ambulance has to go outside the County in order to reach a person residing in the County. He respectfully requested that his Department have additional time to give these matters more study.

COUNCILMAN JOHNSON did not object to the additional time, but he noted the problem that people moved out of this community; their houses are continually being torn down and they move into the County; and if the tax payers' money is to be spent, the Council should be cognizant of the services that had to be provided.

COUNCILMAN JANES inquired how the Williamson County resident obtained a clinic card from the Hospital. The Assistant City Manager, Mr. DeBerry was asked to check this and let the Council know by next Thursday.

MAYOR LaRUE referred to the ruling from the Supreme Court concerning the elimination of resident requirements. The City Attorney stated this was another item he wanted to brief and to see what could be done to remedy the situation in this case.

COUNCILMAN JOHNSON discussed the 30 day extension granted the Ambulance Company by the Council earlier. He said he would submit, for the reasons that he did not want it to appear to the public that the Council was simply prolonging the agony, but that it was going to do something constructive, that an extension of 60 days past July 31, the termination of the Ambulance Company's fiscal year, be given; that a complete audit be presented to the Council on or by August 5, 1969, for its scrutiny, and that this accounting clarify the mutual expenses of the bus company operated by this same firm. Further, he would like to request that the specifications in the present contract be brought to the Council at the first opportunity for its information; that a new contract be worked on to include a performance bond, and the discontinuance of the City subsidy upon the Company's reaching the break-even point which is not in the contract. In the same 60 day period, he asked that bids be called for from all persons interested either

locally or otherwise. He suggested also a three member Ambulance Board to be appointed by the Council, and that the County Commissioners be asked to join in by appointing two members to the Board, the responsibility being to assist in studying the Ambulance Franchise, making suggestions to improve the Franchise Contract and attempting to reach an equitable solution for a City-County joint participation. Mayor LaRue pointed out that Councilman Price had been working with the County Commissioners, and reviewed a proposed City-County Committee considered earlier, whereas there would be five members appointed by each governmental entity.

In discussion of Councilman Johnson's suggestions, Councilman Gage and Councilman Janes stated it might be well to have the findings of the study commission on what others are doing, and what all of the potentials might be, before the Council called for bids. The City Manager had been asked to prepare a study which would be helpful to the Council, and to the people appointed on the Ambulance Study Commission. Councilman Janes added that the Commission might consider the feasibility of pursuing those suggestions. Councilman Gage stated the Commission would be given a charge along with a great deal of information, and a request to come back with a recommendation in 30 days.

Councilman Janes moved to reconsider the action taken in the morning session. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

Councilman Johnson moved to extend the Austin Ambulance Service contract 60 days past July 31, 1969, (October 1, 1969) and that an audit be required. The motion, seconded by Councilman Atkison with the statement that an audit be required at the end of the Ambulance Company's fiscal year, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

The Assistant City Manager said MR. BILL HARRISON who prepared the audit before the Council today, is of the impression it would be difficult, if not impossible, for them to give figures as of July 31st until early in September, and he points out a date, September 5th; however, on this time schedule the audit could be one month shy of the end of their fiscal year. October 31st would give enough time for them to get their books in order for Mr. Harrison to make an audit of their fiscal year.

HEARING ON ZONING TEXT

At 9:30 A.M., MAYOR LaRUE opened the hearing scheduled at this time on amendments to the Zoning Ordinance Text. The Planning Director explained Section 31B would be amended to require six members of the Council to override a negative recommendation of the Planning Commission, and to override a valid petition by a required number of property owners. This amendment would comply with the State statutes requiring a three-fourths vote of the Council (a six to one vote in this case) and as provided by the amended Charter increasing the number of Councilmen.

After discussion, the Mayor introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 31B THEREOF, SO AS TO REQUIRE SIX (6) MEMBERS OF THE CITY COUNCIL TO PASS AMENDMENTS TO THE ZONING ORDINANCE UNDER CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance be passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

Section 31G of the Zoning Code was recommended to be amended to set time for public hearings before the City Council on a date not more than forty-five days after the date of filing of a zoning application, in lieu of the 35 days now in effect. The Planning Director explained the administrative problems involved, and that there would be no particular inconvenience to applicants requesting zoning changes. He stated in many cities the period of time from the date of application to date of hearing is six months. The Assistant City Manager stated this procedural problem would become more acute as the case load grows, and it might be necessary to lengthen the time to 50 or 60 days. With the use of data processing equipment the time limit might be shortened. The Council discussed this procedure at length and in great detail with a thorough examination of the effects of this ordinance and the advantages, and/or disadvantages.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 31G THEREOF, SO AS TO SET THE TIME FOR PUBLIC HEARING BEFORE THE CITY COUNCIL ON A DATE NOT MORE THAN FORTY-FIVE (45) DAYS AFTER THE DATE OF FILING OF APPLICATIONS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Atkison, Janes, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Johnson

HEARING ON ANNEXATION ORDINANCE AND
PASSAGE THROUGH FIRST AND SECOND READINGS

COUNCILMAN GAGE noted the Council again was annexing an area (9.94 acres of land out of the Henry P. Hill League) whereby city vehicles would have to drive over roads outside of the City to service the area and not annexing F.M. 2244. The Assistant City Manager stated this F.M. 2244 Road is on the Agenda today to be introduced, ordered published and set for hearing, which would tie this area into the City. Councilman Johnson moved the hearing be closed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.90 ACRES OF LAND, SAME BEING OUT OF THE THEODORE BISSEL LEAGUE; 9.94 AND 51.16 ACRES OF LAND, SAME BEING TWO TRACTS OF LAND OUT OF THE ISAAC DECKER AND WM. CANNON LEAGUES; 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. (Requested by representative or owner)

The ordinance was read the first time and Councilman Johnson moved to suspend the rule and pass the ordinance to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 1.31 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE H. T. DAVIS SURVEY 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 Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

ORDINANCE REGARDING DISCARDING OF TRASH, ETC.,
IN STREETS AND PARKS
Section 13.13

MAYOR LaRUE opened up for discussion the amendment of Section 13.13, Austin City Code, covering discarding of trash in parks, and interfering with, disrupting or preventing orderly conduct of any recreation program. The Assistant City Manager, Mr. DeBerry, explained this amendment would be only an extension of the ordinance already in force which prohibits littering of streets and alleys. The amendment adds Public Parks, and gives the Parks and Recreation staff better control of the public parks and playgrounds. The City Attorney stated one of the big problems was littering with cans and bottles. Councilman Janes asked if "any" city owned property could be included. He stated if it were necessary to come back and do something else, it could be expanded. Councilman Johnson inquired about fines for these violations. The City Attorney stated this would be under the Corporation Court, and the maximum fine was \$200.00.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 13.13 OF THE AUSTIN CITY
CODE OF 1954 ENTITLED "THROWING LOOSE PAPERS INTO
STREETS, ALLEYS, ETC., PROHIBITED" BY DELETING SAME
AND SUBSTITUTING NEW LANGUAGE IN LIEU THEREOF; AND DE-
CLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Janes moved to suspend the rule and pass the ordinance to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The ordinance was read the second time and Councilman Janes moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE REGARDING DISRUPTING OR PREVENTING
ORDERLY CONDUCT OF ANY RECREATION PROGRAM
Sections 21.10-1, 21.10-2, & 21.10-3

MAYOR LaRUE brought before the Council the following ordinance amending the Code whereby interference with recreational activities could be prevented and controlled:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 21.10-1, SECTION 21.10-2, AND SECTION 21.10-3 PERTAINING TO INTERFERING WITH, DISRUPTING, OR PREVENTING THE ORDERLY CONDUCT OF ANY SUPERVISED OR UNSUPERVISED PLAY OR AMUSEMENT PROGRAM BEING CONDUCTED IN OR ON ANY PUBLIC PROPERTY WITHIN THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The Assistant City Manager explained the intent of this amendment is to prevent the interference of any recreational activity on any public park or playground. Mr. Sheffield, Director of Recreation, in the materials furnished the Council, had cited a few examples of what does and can happen, and he believes this provision would enable better control of activities in the parks and playgrounds. The City Attorney stated before, on one could be prosecuted unless the people were engaged in supervised recreation programs. This includes in or on any public property within the City.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The ordinance was read the second time and Councilman Johnson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the ordinance had been finally passed.

CONCESSIONAIRE CONTRACT AT MORRIS WILLIAMS GOLF
COURSE AND DISTRICT PARKS SWIMMING POOLS

The Assistant City Manager, Mr. DeBerry stated this was the time for a renewal of the concessionaire contract. The present concessionaire is proposing that the City take a slightly lower percentage of the receipts rather than increasing the prices to the public. Submitted to the Council was a comparison by the City Auditor showing the percentage reduction as well as the common commissions collected from the vending company from other large users of vending machines such as Bergstrom Field, I.R.S., the University of Texas, and others. These seem to be in line so far as the information they have is comparable. This is the recommendation of the Director of Recreation. Councilman Johnson asked if bids were advertised. It was noted this contract had been in effect for five years, and it was recommended these prices would go into effect in April 1, 1970, when this new contract expired. Councilman Johnson suggested that the City Manager or Recreation Department invite other companies to bid. Mayor LaRue stated this could be held for another week and additional information submitted. Councilman Janes suggested a reasonable time would be to establish a 30 day period in which to accept bids.

Councilman Johnson moved that the City Manager be requested to seek bids and bring the report back to the Council. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

DECLARATION OF INTENT TO ANNEX PUBLIC HOUSING
SITE AS REQUESTED BY THE HOUSING AUTHORITY

The Assistant City Manager said there was a request from the Austin Housing Authority, which has authorization from H.U.D. to proceed with land acquisitions. H.U.D. has a policy that grants cannot be forwarded to consummate purchases of property outside the City limits. H.U.D. will give the "go-ahead" on negotiations for the land if the City will give a written intent that it will annex this land on request after the Housing Authority becomes the owner. The Director of Public Works displayed a map showing the present City limits, and the tract to be annexed which is adjacent to the City limits. Pointed out was an easement for a 138 KV Transmission line. Councilman Johnson asked if the Housing Authority were aware of this line. It was stated this line was shown on their map. Councilman Janes saw no objection to adopting the resolution indicating willingness to annex this property; and he moved the adoption of the Resolution that would fulfill the request by the Housing Authority. Councilman Gage seconded the motion. Councilman Gage wanted to see a larger map and to know if City services could be provided to the property. Councilman MacCorkle asked if the City had any control over the placing of these houses on the land, the architectural design, playgrounds, etc. The Director of Public Works stated the plans were submitted and reviewed; but whether or not the City could direct types of buildings or locations, he could not say. It was brought out the various codes of the City would be complied with.

MRS. JOHN BARROW was concerned about the transportation problems of the people who were to live in this new Housing Project. She stressed public transportation. It was pointed out the High School was across the street from the proposed project. The Assistant City Manager stated this site was Choice "E", and several sites had been considered over a 2 or 3 year period. Mrs. Barrow stated if the Council gave them permission to use the land, the Council should also require there be public transportation. Councilman Gage stated the Council had delayed action on this until a larger map showing exact locations, and more information were brought before the Council. Councilman Johnson stated H.U.D. would not fund the project unless public transportation was available, and the Housing Authority would have to arrange for this.

Later in the meeting, a large map showing the area of the proposed Housing Project was exhibited to the Council, showing Ed Bluestein Boulevard, Montopolis Interchange, the Govalle Treatment Plant, Ortega School, Johnston High School and undeveloped land. It was stated City services and utilities would be available. Councilman MacCorkle asked about the nearest shopping center. The Assistant City Manager replied there was a Supermarket on 7th Street, and one at Oak Springs and Airport, with a smaller center on Springdale Road and Airport. The nearest small shopping center would be one mile, and the larger modern center would be two miles from this location. Councilman MacCorkle asked about recreational facilities. The Planning Director pointed out Govalle Park on Bolm Road, stating only a portion of the area is actually developed at this time. The Council held a general discussion of the site. After discussion, Councilman Janes moved that the Council declare its intent to annex the public housing site (Bolm Road and Bluestein Boulevard, Project Tex. 1-9) upon request of the Public Housing Authority. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, MacCorkle, and
Mayor LaRue
Noes: None

EASEMENTS RELEASED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for drainage and public utility purposes in, upon and across a part of Lot 7, Block F, Community of Fairview, Section One, a subdivision in the City of Austin, Travis County, Texas, of record in Book 20 at Page 16 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said drainage and public utility easement, to-wit:

771 square feet of land, same being out of and a part of Lot 7, Block F, Community of Fairview, Section One, a subdivision in the City of Austin, Travis County, Texas, of record in Book 20 at Page 16 of the Plat Records of Travis County, Texas, which 771 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said Lot 7, Block F, same being the southeast corner of Lot 6, Block F, and which point of beginning is the southwest corner of the herein described tract of land;

THENCE, with the west line of said Lot 7, Block F, same being the east line of said Lot 6, Block F, N 06° 24' E 22.09 feet to the northwest corner of the herein described tract of land, same being a point in the south line of an existing five (5.00) foot public utilities easement;

THENCE, with said south line of an existing five (5.00) foot public utilities easement, N 69° 44' E 60.74 feet to the northeast corner of the herein described tract of land, same being a point in the east line of said Lot 7, Block F;

THENCE, with said east line of Lot 7, Block F, S 10° 03' W 6.73 feet to the southeast corner of said Lot 7, Block F, same being the southeast corner of the herein described tract of land;

THENCE, with the south line of said Lot 7, Block F, S 58° 02' W 68.68 feet to the point of beginning.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility and drainage purposes in, upon and across a part of Lot 18, Block B, Northtown West, Section One, a subdivision in the City of Austin, Travis County, Texas, of record in Book 14 at Page 93 of the Plat Records of Travis County, Texas; said easement being provided by deed dated January 17, 1962, of record in Volume 2403 at Page 551 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility and drainage easement, to-wit:

A strip of land two (2.00) feet in width, same being out of and a part of Lot 18, Block B, Northtown West, Section One, a subdivision in the City of Austin, Travis County, Texas, of record in Book 14 at Page 93 of the Plat Records of Travis County, Texas; the centerline of said strip of land two (2.00) feet in width being more particularly described as follows:

BEGINNING at a point in the north line of said Lot 18, Block B. Northtown West, Section One, same being the south line of Steck Avenue, from which point of beginning an iron stake at the northwest corner of said Lot 18 bears N 60° 07' W 13.01 feet;

THENCE, S 33° 31' W to point of termination in the north line of an existing public utilities easement ten (10.00) feet in width.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

ZONING HEARINGS

MAYOR LaRUE opened the hearing on zoning applications at 10:30 A.M.

He submitted a written request from MR. GEORGE WEBB for withdrawing his zoning application, stating he would like to re-apply at a later date. The Director of Planning explained if the withdrawal were granted, Mr. Webb could re-apply at any time; but due to the restrictions on the property precluding anything but residential use, there would be serious questions that he would re-apply because of the deed restrictions. Councilman Price moved to grant the request to withdraw the following zoning application:

GEORGE A. WEBB	1201 Ridgemont Drive	From "A" Residence
		To "O" Office
		NOT RECOMMENDED by
		the Planning Commission

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

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Pursuant to published notice thereof the following zoning applications were publicly heard:

JACK ANDREWARTHA	Tract 1	From "A" Residence
By Oscar W. Holmes	Rear of 1126-1316 Barton Hills Drive	To "B" Residence
		RECOMMENDED by the
		Planning Commission
	Tract 2	From "LR" Local Retail
	1240-1316 Barton Hills Dr.	To "B" Residence
	2600-2612 Trailside Dr.	RECOMMENDED by the
		Planning Commission

JACK ANDREWARTHA
(continued)

Tract 3
1126-1228 Barton Hills Dr.

From "B" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission

Councilman Janes moved that the recommendation of the Planning Commission be upheld. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "B" Residence for Tracts 1 and 2 and to "LR" Local Retail for Tract 3, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHRIS PETROPOULOS
By Steve Price

2416-2418 South Lamar
Boulevard

From "C" Commercial
2nd H&A
To "C-2" Commercial
2nd H&A
RECOMMENDED by the
Planning Commission

The Director of Planning pointed out right-of-way should be acquired on Lamar Boulevard in conformity with the Master Plan; however, dedication of right-of-way on the present 80' width was not required in this case since the zoning change would not intensify the use. He wanted to inform the Council that there will be a need for right-of-way. Mayor LaRue asked if a building line had been established, and the Planning Director stated the property owner had been well informed on this.

Councilman Johnson moved that "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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HURSHEL REESE
By Richard Baker

3200-3234 East 19th St.
1900-1918 Tillery
1901-1907 Airport Blvd.

From "GR" General Retail
6th H&A
To "C" Commercial
6th H&A
RECOMMENDED by the
Planning Commission

The Planning Director stated there was an agreement on widening Tillery and all was in order. He read a statement that the applicant said there would be at least a

5' solid fence along the north 120' of Tillery Street, and it was a part of the recommendation of the Planning Commission. Councilman Price moved to grant the change as recommended by the Planning Commission, subject to the fence along the north line of the property adjacent to the residential area. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 6th Height and Area subject to the fence being erected along the north line of the property adjacent to the residential area, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN W. BRADFIELD
By Robert D. Jones

2217 West Lake Drive

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission
for that portion
located below the
504.9 elevation and
that the remainder
be deleted.

COUNCILMAN JOHNSON inquired if this would have an 84' width that would front on West Lake Drive. The Planning Director stated the 504.9 line falls to the west of West Lake Drive, so there would be a corner on the west side of West Lake Drive that would be incorporated in the rezoning. He stated as exactly to what the City limit line is, on this particular case, they were going on the assumption that the limitation should be at the 504.9. Councilman Janes moved that the zoning be granted on that portion of the tract that is within the City limits. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Johnson noted that the motion removed the reference to the 504.9.

The Mayor announced that the change had been granted to "C" Commercial on that portion of the tract that is within the City limits and the City Attorney was instructed to draw the necessary ordinance to cover.

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BILL MILBURN
By W. E. Ledford

2300-2316 So. Interr.
Highway
1333-1334 West Oltorf St.

From "GR" General Retail
1st H&A
To "C" Commercial
5th H&A

BILL MILBURN
(continued)

NOT RECOMMENDED by the
Planning Commission.
Recommended "GR" General
Retail 5th H&A

The Planning Director stated right-of-way had been offered on Oltorf Street, and the recommended amendment by the Planning Commission was agreeable. MR. W. E. LEDFORD, Shell Oil Company, stated this "GR" General Retail 5th H&A was acceptable after the explanation of the Planning Director. Councilman Price moved to accept the recommendation of the Planning Commission and grant "GR" General Retail 5th Height and Area. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 5th Height and Area as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

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L. D. TURNER 6400-6706 Ed Bluestein
By W. W. Patterson Boulevard

From Interim "A" Resi-
dence 1st H&A
To "GR" General Retail
1st H&A
NOT RECOMMENDED by the
Planning Commission
Recommended "GR" General
Retail for southeast
corner; "BB" Residence
for area adjoining; "B"
Residence on northern
portion; certain to
certain provisions.

The Planning Director stated the applicant had agreed to the location of the street through the property. This ultimately could involve the adjacent property owner; however, this matter has been resolved to the point where the property in question can be developed adequately, with street access whether or not the future street to the south is developed. Mr. W. W. Patterson stated the recommendation of the Planning Commission was satisfactory. Councilman Janes moved to grant "GR" General Retail for the southeast corner; "BB" Residence for the area adjoining; "B" Residence on the northern portion, subject to the provisions discussed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 1st Height and Area for the southeast corner; "BB" Residence 1st Height and Area for the area adjoining and "B" Residence 1st Height and Area on the northern portion, subject to the provisions discussed, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM E. NICHELS 712 Henderson Street

From "B" Residence
2nd H&A
To "C" Commercial
2nd H&A
RECOMMENDED by the
Planning Commission
with provision Henderson
St. is made adequate.

The Planning Director stated the right-of-way had been offered. He pointed out piece meal extension of the zoning in this area. The area between Shoal Creek and Lamar Boulevard is under going substantial changes toward commercial. There are still residences, but the zoning changes are being requested individually. Councilman Gage moved to uphold the recommendation of the Planning Commission and grant the change subject to the provision that Henderson Street is made adequate. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area subject to the provision that Henderson Street is made adequate, and the City Attorney was instructed to draw the necessary ordinance to cover.

LAWRENCE A. HUNT 2607 Buell Avenue

From Interim "A" Residence 1st H&A
To "C" Commercial
1st H&A
RECOMMENDED by the
Planning Commission
provided Buell Ave.
is made adequate.

The Planning Director stated right-of-way for Buell Avenue had been offered. Councilman Janes noted the non-conforming uses in the area pointing out this area had been annexed after these uses were in effect. Councilman Janes moved to grant the zoning (right of way offered). The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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HOWARD E. BRUNSON	680-698 Pleasant Valley Road 2614-2716 Gonzales St.	From "A" Residence To "C" Commerical RECOMMENDED by the Planning Commission subject to extension of Pleasant Valley Road as it effects subject tract.
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The Planning Director stated besides the extension of Pleasant Valley Road as it effects the subject tract, part of the applicant's request involves a vacation of Gonzales Street, one half reverting to Mr. Brunson, and the other half to the City. Mr. Brunson wants to purchase this remnant whereby he would have frontage on 7th Street. The Planning Director said this had no bearing on the zoning, but he pointed this request out to the Council, as a matter of information. MRS. WILLIAM ZAMARRIPA expressed interest in what was going to be constructed on Gonzales. It was types of stores that are across the street. Mrs. Zamarripa feared the sale of beer and other intoxicants in the area. The Planning Director stated it was not the developer's intent to have taverns, but to provide stores for the neighborhood. Councilman Price moved to accept the recommendation of the Planning Commission and grant the request. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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MRS. BEN T. ROACH	1900-1906 Redwood Ave. Rear of 1908-1910 Redwood Avenue 3510-3520 East 19th St.	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission.
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The Director of Planning reported the right-of-way problems had been cleared. Councilman Price moved to grant the zoning as recommended. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

June 5, 1969

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

RICHARD CRISS,
TRUSTEE
By H. W. Curington

5508-5722 Manchaca Rd.
(as amended)

From "A" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission as
amended subject to
extension of Stassney
Lane through the tract

The Director of Planning reported the area had been reduced from 27 acres to 14 or 15 acres closer to Manchaca Road, and the street extension has been made. No opposition appeared. The Planning Director stated the areas both to the north and south were developing into individual homes, and essentially no notices were sent to those, as they were not on the tax rolls under individual ownership by the home owner. The Council had expressed concern over this matter, as people moving in would be locating adjacent to a commercial area. However, the zoning is sound and is a reasonable location. Councilman Johnson stated the "GR" General Retail zoning in that area now is limited to 376' on that side of the street. The Planning Director stated the distance shown is 720' from Leewood Drive. He showed the area which would be developed as residential. Councilman Johnson stated the recommendation was to zone the entire tract, and that Stassney Lane would go all the way across. If the zoning is changed they will not put in the individual lots and cul de sac on that particular tract. Councilman Johnson stated this seemed to be a situation that caused a great deal of concern in northwest Austin in light of residential homes in the area under development, and the Council should move cautiously in changing the zoning without notifying the people. The Planning Director stated there were homes built and under construction, and he explained the legal procedure in notifying those whose names were on the officially adopted tax roll adopted in October. They try to update the tax rolls as a courtest to the purchasers. The subdivision shows this area as an alternate--it could become commercial or with homes or duplexes. The subdivider's information to the Planning Department was accurate, but there could be an inference from the fact that he was required to show also the alternative of being able to subdivide the property in the event the zoning was not established. Councilman Price moved to grant the zoning. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

H. D. HUTSON

613 Wood Street

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

No opposition appeared, and there was no right-of-way problem. Councilman Gage moved to grant the zoning. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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HOWARD K. SHACKLEFORD
By Milton A. Morse, Jr.

5406 Jeff Davis

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

MR. MILTON MORSE, representing MR. HOWARD K. SHACKLEFORD, referred to a statement about this being "spot" zoning. He had two tracts listed for sale as apartment house sites, and this would remove the "spot" zoning.

Opposition was expressed by MR. FOREST J. GLASSCOCK, 5408 Jeff Davis. He believed the property had been sold prior to the application making it null and void. There are drainage and traffic problems; the drainage is a health menace; they object to a possibility of undesirable transients' coming in, and he requested that the application be denied.

MRS. MABLE MORELAND, 5405 Jeff Davis, objected as there already was an apartment house next to her. There is a noise, stagnant water, and a bad drainage situation. Mrs. Forest Glascock objected to an apartment next door. (5408 Jeff Davis) In answer to Councilman MacCorkle's inquiry, Mr. Morse stated there was a 14 unit apartment house at 5402 Jeff Davis; across the street, 33,000 square feet had been zoned "B" Residence, and is being developed for 30 units and north of that there is another apartment site. Councilman MacCorkle noted, however, there was only one apartment house in existence now. It was stated the 30 unit apartment was under construction. The maximum number of units permitted under the requested zoning would be between 11 and 12 apartments after the right-of-way was dedicated. Councilman Price asked if the 50' street was going to be widened in the area where all of these apartments are being built to carry the traffic. The Planning Director reported it would not be widened in the near future; however, it was being staged for widening after most of the apartments are constructed. Normally right-of-way is not required from the individual home owners until they sell. Councilman Gage moved to accept the recommendation of the Planning Commission. The motion

seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilman Atkison
Absent: Councilman Janes (at this time)

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

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J. LESLIE FOX	1506-1510 Anderson Lane	From "O" Office
By Clay Netherland	7900-7902 Burrell Drive	To "GR" General Retail
		RECOMMENDED by the
		Planning Commission

MRS. MARVIN SCHULZ, 7904 Burrell, inquired about "GR" General Retail zoning. The Planning Director listed the uses under this classification. Mrs. Schultz had just improved her property. Various people inquired of her about this vacant property stating they want to build an ice cream parlor, duplex, apartment house or rest home. She had just put up her own privacy fence.

Discussion covered the applicant's access to both Anderson Lane and Burrell Drive. Mrs. Schulz anticipated an auto parts operation next door, and traffic in front of her house. Councilman Johnson asked about a repair shop there. The Planning Director stated a repair garage could be permitted; most of these auto part stores have day time hours; very few are open at night, and they are essentially a retail operation. Mayor LaRue noted this lot could be sold, and the items enumerated by the Planning Director could be permitted. Councilman Price moved to grant the request as amended. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Janes (at this time)

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

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JOHN COFFEE	1109-1113 Post Oak St.	From "A" Residence
By Tim Ryan	Rear of 700-908 Dawson Rd.	To "BB" Residence
	Rear of 910-1100 S. 5th St.	RECOMMENDED by the
		Planning Commission
		subject to special
		permit approval

No opposition appeared. The recommendation was satisfactory to the applicant. Councilman MacCorkle moved to accept the recommendation of the Planning Commission. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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MRS. FRANK W. RIFE	2204 Goodrich Ave.	From "A" Residence
By R. L. Armstrong	2205-2207 Bluebonnet Ln.	To "B" Residence
		RECOMMENDED by the
		Planning Commission
		provided Goodrich Ave.
		is made adequate

Councilman Price moved to grant the zoning subject to Goodrich Ave. being made adequate. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

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

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MRS. W. T. CASWELL	400-406 Chicon Street	From "B" Residence
By Tinsley S. Penick	1800-1810 E. 4th Street	2nd H&A
		To "C" Commercial
		2nd H&A
		Recommended provided
		the streets are made
		adequate

MR. TINSLEY PENICK represented Mrs. Caswell stating this property had been commercial since 1929; and on both sides of the street there are commercial properties. Mrs. Caswell did not want to give 10' on 4th Street or 5' on Chicon until there was a widening situation. Then she would be willing to provide the widening. The Mayor explained where a great amount of traffic was to be generated by a change in zoning, there has been dedication of additional property to make the street adequate to handle the additional traffic. Mr. Penick said they were willing to dedicate when all the others provide the property also. He said the other commercial owners would be paid for the right-of-way. It was explained the present commercial properties were non-conforming uses, the use existing before annexation. Councilman Gage moved to follow the recommendation of the Planning Commission and grant the change subject to the right of way. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, MacCorkle, Price, Mayor LaRue
 Noes: None
 Present but not voting: Councilman Janes (one of his employees had an interest in the property)

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area subject to the right of way recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN D. BYRAM	Tract 1	From "A" Residence
By Robert C. Sneed	101-105 East Wonsley Dr.	To "B" Residence
	Tract 2	RECOMMENDED by the
	107-201 East Wonsley Dr.	Planning Commission
	Rear of 203-205 East Wonsley Dr.	
	Tract 3	
	207-209 East Wonsley Dr.	
	Rear of 301-303 East Wonsley Dr.	

The Planning Director reported an agreement with a very complicated right of way issue and an extension of Georgian Drive to Highway 183. No opposition appeared. Councilman Price moved to grant the zoning as recommended. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
 Noes: None

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

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J. D. CULP	1144 1/2-1146 Gunter St.	From "A" Residence
By Steve Price	Rear of 1146-1148 Gunter Street	To "C" Commercial & "B" Residence
		(as amended)
		RECOMMENDED as amended
		"B" Residence for property fronting on Gunter for depth of 170', "C" Commercial for remainder of tract, by Planning Commission

The recommendation of the Planning Commission was acceptable to the applicant. No opposition appeared. Right of way had been offered. Councilman Price moved to grant the request as recommended by the Planning Commission. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
 Noes: None

The Mayor announced that the change had been granted to "B" Residence for the property fronting on Gunter for depth of 170' and "C" Commercial for remainder of tract as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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BRADFIELD-CUMMINS
INCORPORATED
By Thomas B. Watts

7210 Chimney Corners
3911-3919 Firestone Dr.

From Interim "A" Residence 1st H&A
To "GR" General Retail 1st H&A
RECOMMENDED by the
Planning Commission

The Director of Planning reported no right of way or easement problems. This is a strip inadvertently not annexed in the original plan. No opposition appeared. Councilman Gage moved to grant the zoning as recommended. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 1st Height and Area as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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UNIVERSITY VILLAGE
By Richard Baker

707-715 W. 23rd St.
2219-2223 Pearl St.

From "C" Commercial 4th H&A
To "C-2" Commercial 4th H&A
RECOMMENDED by the
Planning Commission

The Planning Director reported no right of way problems. In answer to Councilman Jane's inquiry, he stated the issue involved around the building plan, and it could involve a tavern type of use within that building. Mr. Richard Baker, representing the applicant, stated they were asking "C-2" Commercial for the whole street. The larger part of the tract is already leased and the "C-2" Commercial would give more flexibility to the responsible leasees. Councilman Atkison moved to uphold the recommendation of the Planning Commission and grant the zoning. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 4th Height and Area as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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From "B" Residence
2nd H&A
To "C" Commercial
4th H&A
RECOMMENDED by the
Planning Commission pro-
vided W. 25th St is
made adequate

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

[illegible]

MRS. JEAN DUGGER, living within 50' of this property, and representing owners within 100', questioned the widening of the street, and asked if the applicants could proceed immediately with their construction, once they agreed to widen the street. It was explained the street ultimately will be widened; but all along, right of way is being required, and uses are made that generate more traffic. She said the pleasant character of their neighborhood is being prematurely destroyed in return for a piddling easement on two 50' lots. This street also accomodates many hikers and bicycles. If this zoning is granted, it will be an encroachment upon those living there as well as the residents of Austin. She asked that this change be denied until further study.

MRS. EMMONS, 1006 W 31st Street, and owner of 1004, stated this is an old residential area with homes 30-35 years old. The application has an error she wanted corrected concerning the house numbers, which they carry as 1009 and 1011. There are two 50' lots, 150' deep, listed as 15,000 square feet. The next request asks for "O" Office for 22,700 square feet. It was agreed the area was 15,000 square feet. She outlined a few of the abuses of the property at 31st and Lamar for five years, and the residents feared a similar experience with this property. She was asking that the property be left as it is until the time the Master Plan is finalized. Mrs. Gray has title to the property, and asked her to speak in her behalf. If right of way were taken, their property would be jeopardized. They have traffic difficulties on this 30' street. She was asked by those in the neighborhood to represent them in strong opposition to this change of zoning; and to request they be left alone.

MR. TROUTMAN stated Messrs. Gober, Nelson and Wayne Talley are owners of this property which is subject to contract of sale to two physicians who want to put an office there. This is a changing area; all are aware of the Hospital development north of 34th. The area has been designated as medium density. The house numbers are misnumbered on the houses, and they should be 1007 and 1009, the correct number.

MAYOR LaRUE ascertained that all requirements had been met. MR. WALTER FOXWORTH, Planning Department, stated the right of way had been offered. Opposition was still expressed by Mrs. Emmons, that "O" Office zoning would permit apartments. Mr. Troutman stated it was the intent now that this would be developed in Office uses. Councilman Johnson stated the apartment development would be limited by the off street parking spaces he would need. Mr. Foxworth listed the uses in "O" Office District. The Mayor stated they were so far along in their planning that there is a good indication that an office is going to be built there. After discussion, Councilman Janes moved to accept the recommendation of the Planning Commission and grant the zoning. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Mayor LaRue
Noes: Councilmen Atkison, Gage, Price

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

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SUMMERSET WEST Tract 1
DEVELOPMENT COMPANY Rear of 816-1126 Stassney
By Richard Baker Lane

From Interim "A" Residence
1st H&A
To "B" Residence
1st H&A
NOT RECOMMENDED by the
Planning Commission
Recommended "BB" Residence 1st H&A

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SUMMERSET WEST DEVELOPMENT COMPANY (continued)	Tract 2 Rear of 1116-1200 Stassney Lane	From Interim "A" Residence 1st H&A To "BB" Residence 1st H&A RECOMMENDED by the Planning Commission
	Tract 3 Rear of 1128-1616 Stassney Lane 5301-5419 Vinson Drive 5300-5418 Vinson Drive	From Interim "A" Resi- dence 1st H&A To "B" Residence 1st H&A NOT RECOMMENDED by the Planning Commission Recommended "BB" Resi- dence 1st H&A
	Tract 4 800-1346 Stassney Lane 5421-5439 Vinson Drive	From Interim "A" Resi- dence 1st H&A To "GR" General Retail 1st H&A NOT RECOMMENDED by the Planning Commission Recommended "B" Resi- dence 1st H&A for west 500' and "GR" General Retail 1st H&A for remainder of tract Subject to Stassney Lane being made adequate and provision for extension of Emerald Forest Drive

MR. RICHARD BAKER, representing the applicants, stated they had applied for "GR" General Retail all the way over to the County Road. The recommendation of the Planning Commission was that the "GR" General Retail be stopped 500' east of the County Road. They concurred in this and would accept the recommendation. Mrs. Tyson who was here earlier wanted the zoning extended on to the County Road. In behalf of the developers and owners of this property they filed for the zoning to be extended to the Road and would not object to its being extended, however, it was of no serious concern to them. If the Council does extend the "GR" General Retail down to the County Road that is agreeable. Mrs. Tyson's position was there would be no basis to stop the retail zoning in the middle of that block. Mr. Baker pointed the area out on a large map. As a matter of zoning, it seems the railroad tract would be the logical place to stop the zoning, but they were not making an issue and would accept the "GR" General Retail which they had applied for in the first instance as either the County Road or Railroad being more logical. This "GR" General Retail zoning would be next to Mrs. Tyson, although this tract was not advertised. MR. FOXWORTH, Planning Department, said it was the Planning Commission recommendation to grant "B" Residence on the west 500' of that Tract 4. Since Mrs. Tyson had discussed the uses existing, most of which are commercial, he would not think the Planning Department would have any objection to extend the "GR" General Retail.

MR. BAKER assumed the reason the "GR" General Retail was to extend only to the middle of their tract was the whole tract was under one ownership; and a third party could not take the position they adjoined a "GR" General Retail tract, and extend the zoning along the railroad. The developers on the other side of the County Road might be affected also.

MRS. TYSON, owner of two acres on Vinson Drive, said there is a schematic where Emerald Forest Drive is to be moved over to the railroad, eliminating Vinson Drive, and apartments developed over to the railroad, and a future slum area will result in a short while. This is zoned "BB" Residential. The "B" Residential zoning means 40 people to the acre, plus children. This 18 acre tract behind her would house 1,000 people in that little area. "BB" Residence will run around 5 or 600. Mrs. Tyson described the area, pointing out various additions with new homes. The applicants want to move Emerald Forest Drive farther west and try to eliminate Vinson. If Vinson is closed there would be no road from Kings Highway to Emerald Forest. She would like to see the "GR" General Retail zoning continued to the road; not just for her good, but for the good of the whole tract of land. There will be many people in the area. Crockett High and Cunningham Elementary Schools are in the vicinity. This zoning will just have to be "GR" General Retail or "C" Commercial.

MR. BAKER said they applied for "B" Residence, and it was reduced to "BB" Residence by the Planning Commission, and they concur in the recommendation. This land lies in the creek drainage and has some unusual characteristics. It is logical development for multiple family rather than single family. All of this was considered by the Zoning Committee. In relation to the zoning application, no request had been made to close Vinson Drive. This would be a separate matter to come before the Council. He stated this was a part of an overall Master Plan developed by Bryant Currington. Mrs. Tyson asked again that "GR" General Retail be considered for Tract 4. It had been taken into the City, but her property was not included in the annexation.

COUNCILMAN ATKISON moved that the Planning Department recommendation be accepted except that all of Tract 4 be zoned "GR" General Retail 1st Height and Area. Councilman Price seconded the motion.

In discussion to the motion, Councilman Atkison stated the west 500' of Tract 4 was not to be granted, and he was saying that all of Tract 4 be zoned "GR" General Retail 1st Height and Area all the way to the County Road. The Director of Planning explained why the west 500' was deleted. The question arose in relation of the subdivision Oasis Village, on the south side of Stassney Lane. The Planning Commission was particularly concerned about the existing homes in that area with commercial across from them. The staff is very much opposed to the entire strip of "GR" General Retail, as undesirable zoning. The Commission's position was a certain portion should be "GR" General Retail except in the Vicinity of Oasis Village. He stated they could see the relationship of commercial to Emerald Forest Drive

and Emerald Lane, with 300-400' on either side as being a sound commercial location at a crossing of two major arterial streets. The extended strip zoning along Stassney--14 acres rezoned this morning on Stassney and Manchaca Road--20 acres proposed at the corner of South 1st and Stassney Lane--and a few other developers have a combined total of about 20 more acres on South 1st and Stassney Lane. There will be four times as much commercial as there are people. Councilman Johnson stated if the tract were granted "GR" General Retail all the way through, then Mrs. Tyson's tract would be a logical extension; also the next property owner; the Maufrais Tract is already in an existing use, the tract across the railroad would be a logical extension, and there is the same thing again where there is a commercial establishment across the street from the High School. The Planning Director stated there would be commercial across from the high school on Manchaca Road and Stassney Lane. Mayor LaRue noted the staff recommendation was the same as the Planning Commission.

Roll call on Councilman Atkison's motion that the Planning Department recommendation be accepted except that all of Tract 4 be zoned "GR" General Retail 1st Height and Area, failed to carry by the following vote:

Ayes: Councilmen Gage, Atkison, Price
 Noes: Councilmen Janes, Johnson, MacCorkle, Mayor LaRue

Councilman Janes moved to accept the recommendation of the Planning Commission. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Mayor LaRue
 Noes: Councilmen Atkison, Gage, Price

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area for the west 500' and "GR" General Retail 1st Height and Area for the remainder of the tract as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

UNIVERSITY VILLAGE	2414 Rio Grande Street	From "B" Residence
By Richard Baker	Rear of 2416 Rio Grande St.	2nd H&A
		To "C" Commercial
		4th H&A
		RECOMMENDED by the
		Planning Commission
		provided street is
		made adequate

The Director of Planning reported the street dedication had been agreed to. No opposition appeared. Councilman Price moved to grant the zoning as recommended by the Planning Commission. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
 Mayor LaRue
 Noes: None

traffic into the "A" Residential Area. The Planning Director said he would agree 100%. There should be a connection which would allow those in Colorado Hills Estates Area to have access to the elementary school. It would be worked out where there would not be the through street, but interconnection of streets, and he believed a satisfactory pattern could be designed. Mr. Curtis stated this would be agreeable to them and asked that the zoning be subject to this being worked out with the Planning Department and the applicant, with Mr. Curtis' group participating.

MR. EUGENE NELSON was interested in there being no through artery. MR. RONNIE CARTLEDGE, 1802 Woodland, noted additional traffic would be thrown on his street. At Councilman Janes' suggestion, the Planning Director pointed out the plans for this street layout. MR. S. HOWARD CULP, 1907 Crooked Lane, was more concerned that they were wide-open to apartments within 100' of their back line. This area has been recorded since 1968 as Residential. In 1968 there was quite a bit of discussion, and the plans were for individual homes or low density development--not apartments. MR. JOE DOLSON, Developer, stated this zoning was made before the Master Plan had been changed, and that nothing south of Woodland would be anything but residential. On that basis they developed this subdivision. To be surrounded by multiple zone development would jeopardize their investment, the people's position in their equity, and they do not want San Pedro choked with multi-family traffic. He suggested that they cul de sac these streets. Mayor LaRue stated the Attorney for the opposition was going to participate in the rearranging of the streets. He asked the Planning Director if all other requirements had been met. Mr. Osborne stated all had been agreed to by the applicant; but they would be working out a specific plan to be agreed upon by all parties. Councilman Janes inquired if there would be problems in the street location. The Planning Director believed there would be none, or they could be worked out. The other property will have to be subdivided anyway and the basic street pattern will have to be laid out.

Councilman Janes moved to grant the change to "B" Residence 1st Height and Area for Tract 1, "GR" General Retail 1st Height and Area for Tract 2 and Tract 3, "B" Residence 1st Height and Area for Tract 4, and "BB" Residence 1st Height and Area for Tract 5, subject to the terms and conditions discussed here. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area for Tract, "GR" General Retail 1st Height and Area for Tract 2 and Tract 3, "B" Residence 1st Height and Area for Tract 4, and "BB" Residence 1st Height and Area for Tract 5, subject to the terms and conditions discussed, and the City Attorney was instructed to draw the necessary ordinance to cover.

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LUMBERMEN'S INVESTMENT
CORPORATION
By Richard Baker

Tract 1
907-909 Cardiff Drive

From Interim "A"
Residence 1st
Height & Area
To "B" Residence 1st
Height & Area

Tract 2
4801-5255 Vinson Drive

From Interim "A"
Residence 1st
Height & Area
To "B" Residence 1st
Height & Area

NOT Recommended by the
Planning Commission

MR. RICHARD BAKER representing the applicant, stated their only objection to the recommendation presented by the staff and approved by the Commission was that they are confronted with a tract of ground which has topography problems. The tract immediately adjoining it on the other side of the creek was included in this application, which the Council has just approved as "BB" Residence. This tract lies between a 90' street, a railroad track and a creek, all three of which are natural and logical buffers. It is difficult to create a desirable single family residential area in an area where there is a 90' thoroughfare and a railroad track. It appears for homes to be constructed therein, for the maintenance and property development due to the topography problem, that "B" Residence, the lowest multi-family residential classification, would be more desirable than "A" Residential backing up to a railroad track and fronting on a 90' thoroughfare. There is a gravel road, and a low water crossing over Williamson Creek. These are reasons they are trying to get this tract zoned "B" Residence as it will work out more satisfactorily.

The Planning Director stated the Staff and Commission were concerned about the existing single family areas adjacent and the density of uses that could be created. Vinson Drive eventually will be an arterial to Ben White Boulevard and it will be a lengthy and expensive process. Now, traffic will have to feed back to the east to South 1st Street through the single family areas. It will be five years or more that streets leading through the existing single family area will have to be depended upon. He stated this is not an easy piece of property to subdivide in the customary way. In working with the developers, they are getting around 12 units to the acre as opposed to 21 units per acre permitted under "BB" Residence. Councilman Johnson stated this tract of ground is at the rear of the tract covered under Case 130, in the 5000-5200 Blocks of South 1st Street, with a large tract in the middle. Mr. Baker showed the area on the map and stated this had all been done on a semi Master Plan basis within the developer's organization. They are trying to get "BB" Residence along the 90' thoroughfare and take the swamp area, build it up for "LR" Local Retail. He pointed out a 100' power line easement. They were trying to buffer one tract from the other. His main argument concerned Tract II.

MAYOR LaRUE asked the Planning Director to comment on Mr. Baker's request to delete Tract 1. The Planning Director stated the Staff and Commission would be in opposition to the "BB" Residence zoning. The same problems would be occurring on a continued basis, having the apartment-form on a reduced basis. This would be a doubling of the density in putting in apartments. Many of these

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The Mayor announced that the change had been granted to "C" Commercial 4th Height and Area as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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OLGA T. SCHNIEDER
By Richard Baker

Tract 1
Rear of 2371-2601 Burleson
Road

From Interim "A" Resi-
dence 1st H&A
To "B" Residence 1st H&A

Tract 2
2371-2511 Burleson Road

From Interim "A" Resi-
dence 1st H&A
To "GR" General Retail
1st H&A

Tract 3
2400-2508 Burleson Road

From Interim "A" Resi-
dence 1st H&A
To "GR" General Retail
1st H&A

Tract 4
2513-2601 Burleson Road

From Interim "A" Resi-
dence 1st H&A
To "B" Residence 1st H&A

Tract 5
2510-2602 Burleson Road
2603-2643 Metcalfe Road

From Interim "A" Resi-
dence 1st H&A
To "BB" Residence 1st H&A

RECOMMENDED by the
Planning Commission sub-
ject to Metcalfe and
Burleson being made ade-
quate and provisions for
extension of San Pedro
and Oltorf Streets

MR. RICHARD BAKER represented the applicant stating, the applicant had submitted a letter to meet all the requirements set by the Department and Planning Commission which recommended the change. He stated this was a logical extension of zoning in accordance with the recent change in the Master Plan. Mr. Curtis, representing Colorado Hills, had no objection to the zoning--"GR" General Retail or "B" Residence, but objected to the Planning Department requirement that San Pedro Street be extended through the Schnieder property connecting with San Pedro which exists, or will exist, through Colorado Hills Estate property, thus directing traffic from a higher density use through a townhouse, single family residences, then through "B" Residence, "BB" Residence, and "LR" Local Retail. His clients were willing for Hildebrand Street being pulled to the northeast leaving their east part of the property, extending it into other land designated as higher multi-family residential character in the Master Plan. It could be worked out satisfactorily in Colorado Hills, that had not been subdivided, by rerouting the street to the north and east as directed by the Planning Department when the property is subdivided to make a proper arterial connection through the area. MR. CURTIS asked the Planning Director not to direct this extra

houses are under construction and about to be sold and these apartments would not be visible on the ground until after people had purchased them. This is on the west side of Emerald Forest Drive. Councilman Janes stated if Tract I were deleted there would be a buffer zone of at least one tier of lots. The Planning Director stated with 21 units per acre, there would be several hundred apartments that could be built on the remaining tract between the railroad and Emerald Forest Drive. Traffic would feed out South 1st Street and proceed north. The streets will be entirely residential type streets, minor residential, or minor collector streets. Mayor LaRue suggested that the Council look at this on the ground. The general idea seems logical with the railroad on one side, a buffer zone on Tract I, and an item pending next to this for "BB" Residence and "GR" General Retail, across Williamson Creek.

MR. BAKER said their concern was not to develop 21 units per acre, but 15 or 16. His clients would be susceptible to such an agreement. Ten duplexes could be constructed in the present zone.

Councilman Johnson moved that "BB" Residence 1st Height and Area be approved on Tract 2, and delete Tract 1 from this proposal. The motion was seconded by Councilman Atkison. Councilman Janes offered an amendment which would require a maximum of 16 units per acre.

The Planning Director stated 26 acres would produce 312 units. Discussion followed on the number of units.

COUNCILMAN JANES stated he would like to take a look at the area and suggested possibly a sufficiently firm plan might be developed with a week.

MR. BAKER stated they did not have any plans. They were trying to do this from the standpoint that this is the best utilization of the land before they sell any homes. They had asked for annexation even though they would be better off by not annexing early.

Councilman Johnson moved the Council approve "B" Residence 1st Height and Area for Tract 2, delete Tract 1 from this proposal; and require a maximum of 16 units per acre. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: Councilman MacCorkle

The Mayor announced that the change had been granted to "BB" 1st Height and Area for Tract 2 with a maximum of 16 units per acre, and the City Attorney was instructed to draw the necessary ordinance to cover.

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RAYMOND R. SANDS 2109 Ivy Trail
 2128 Ben White Boulevard

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

MR. RAYMOND R. SANDS, owner of the property at 2109 Ivy Trail, had purchased a three foot strip of excess property left over from Ben White Boulevard,

and therefore had an opening onto the Boulevard. He had three points he wanted to make:

- (1) He was asking only for "O" Office, and that he be permitted to remove the curb and gain entrance into the property from Ben White Boulevard. He planned to completely remodel the building. He has no intention of entering the property from Ivy Trail and will not affect the traffic there nor endanger the children playing in the area;
- (2) Considerable changes have been effected along Manchaca Road which has become commercial down to Jerry Joslin School. On Ben White Boulevard there has been increases in commercial properties and traffic. He listed the large stores just across the street that have come into existence since he purchased the property;
- (3) In a short period the whole area will become commercial. He was asking only for office space. Others who have property along there are jumping the curb and crossing over the city property, which the city had prohibited him and from zoning it "LR" Local Retail. He withdrew that application. Another lot has a trailer housing facing Ben White Boulevard, and he too, was asking for frontage on Ben White Boulevard.

Mr. Sands, in answer to Councilman Price's inquiry, stated he would not have traffic coming off of Ivy Trail. He intended to close the car port and the drive from Ivy Trail; and he would like to go out to the City's line to build a solid fence along the property line, with no entrance from Ivy Trail. Councilman Gage asked if the owners of the property between Ben White Boulevard and Ivy Trail had signed a petition requesting the zoning change. Mr. Sands said about a year ago he had obtained signatures from everyone whose back property faced Ben White Boulevard, except two agreeing it would be all right for him to have that zoned. He reviewed his first case, stating he had no entrance off of Ben White because of a three foot strip between his land and the Boulevard. Later he purchased this strip, and hoped that he would be permitted to have the office building. Councilman MacCorkle noted this to be spot zoning, where there were only residences. Mr. Sands said it would be spot zoning, but it ultimately would become commercial. Mr. Sands described the uses in the area--services stations, quick wash, and others. He said his opposition was coming from people across the street. Property there is zoned commercial on Manchaca down to Fort View Road, and "O" Office is farther down.

Opposition was expressed by MR. ALFRED FUEGE, 2102 Ivy Trail, noting there was a petition on file signed by 24 residents on Fort View Road and Ivy Trail, all of whom received notices on this change in zoning.

Mr. Sands had two lots on the west and eight on the other side. Councilman Janes asked Mr. Osborne if there were a zoning request for that tier of lots facing on Ben White Boulevard, should he recommend a zoning change? Mr. Osborne stated they would if proper screening and protection were provided for the houses across the street.

At this point Councilman Janes had to leave the Council Meeting. From the testimony he had heard so far, he said he would have to concur with the Planning Commission.

Mr. Fuege stated arguments made about commercial and office zoning concerned property two or three blocks away from this site. The Commercial zoning on Manchaca Road was laid out when the subdivision was put in. The paved street was 30' wide. He said, turning this house around facing the other street, zoning it commercial, would constitute spot zoning. People living in this subdivision have lots of time, effort and money invested in their property, and it is a nice residential district.

- (1) Ivy Trail cannot handle the traffic it has on it now.
- (2) 23 school age children live on that block and most of them play in the street.
- (3) Mr. Sands had listed the commercial activities on Manchaca Road.

They will have garbage cans out there all the time. If this type of development continues, Ivy Trail will simply become an alley.

The Planning Director stated there was some possibility of this proposal being worked out. However, the staff after looking at the property on the ground, was in opposition to the individual application--not the overall intent which would require more than Mr. Sands' individual application. He noted Mr. Sands' property and other property between Ivy Trail and Ben White Boulevard were in serious situation. Ben White Boulevard has created a situation that it is less than satisfactory for single family development along a major street, but zoning on a piece meal development of the area would seriously affect the property to the north.

MR. FUEGE stated there were deed restrictions on most of the property against commercial. Mr. Sands might sell the property and they would not know what the next person would do with the property. With construction costs and interests, the people cannot replace their homes. Mr. Sands stated the deed restriction expired in ten years, and asked that his land be put to its highest and best use. He reiterated his statement that he would turn the house around to face Ben White Boulevard, remodel it and place a fence along whatever line the City would permit him and whatever the neighbors would agree to.

The Director of Planning suggested deferring the matter for further consideration, as there might be a way of working this out. There is a 25' setback restriction off of Ivy Trail. The protection would involve keeping that 25' strip "A" Residence and the remainder of the tract fronting on Ben White Boulevard would be "O" Office with screening. A fence along Ivy Trail would be undesirable. He said he might work out something agreeable to the property owners and the Council, if the Council so desired. The property between Ben White Boulevard and Ivy Trail is in a rough situation. Mr. Sands asked that this not be deferred but for the Council to vote on it either way. Finally, after discussion, Councilman Gage moved that the Council hear this case at 2:30 this afternoon. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, MacCorkle, Price, Mayor LaRue

Noes: Councilman Johnson

Absent: Councilman Janes

Later in the meeting, the Council brought this zoning case up again. After further discussion, Councilman Janes moved to uphold the recommendation of the Planning Commission and deny the zoning. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Mayor LaRue

Noes: Councilmen Atkison, Gage, Price

The Mayor announced that the change had been DENIED.

LUMBERMEN'S INVEST-
MENT CORPORATION
By Richard Baker

5004-5210 South First
Street

From Interim "A" Residence
1st Height & Area
To "LR" Local Retail
1st Height & Area
RECOMMENDED by Planning
Commission as follows:
"LR" Local Retail for por-
tion from Williamson Creek
on the southern portion of
the tract to approximately
200' north of proposed
Emerald Wood Drive; "BB"
Residence for portion of
the tract to the north;
"A" Residence for portion
south of Williamson Creek;
subject to provision for
extension of Emerald Wood
Drive

MR. RICHARD BAKER, representing Lumbermen's Investment Corporation, stated they would accept the "BB" Residence recommended by the Planning Commission. Their application is from Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area and "B" Residence 1st Height and Area. He called attention to the desire of the City that developers file their zoning applications prior to the time the property in the immediate area they own is developed. It gives the Departments and the Council an opportunity to consider zoning where there has not been large development in the area and a tract of ground left vacant. This has been done by Lumbermen's Investment Corporation, and they have annexed a large tract only for the purpose for consideration of zoning, prior to subdividing and developing particular properties in question. It avoids undue burdens with those living next door. Applications for Lumbermen's are coincidental, and are basically on the same tract of ground, although this one on South 1st Street does not adjoin the other property on Stassney. A Master Plan for the tract had to be worked out. He pointed out the area on a map on South 1st Street lying between the bend in Williamson Creek. There are terrain problems, holes, bogs, and the area can be filled in and properly developed into a multi-famil- housing. This development would not affect the adjoining Fairview Subdivision immediately across South 1st Street. He pointed to a flood plain owned by the Developer of the Community of Fairview. It could not be developed single family. The first tier of lots in the Community of

Fairview are on a high bluff protected by a row of trees in the back, and a 30' water line running in the rear of the land. The land in question is well screened and separated from any residential area. South 1st Street is to be a major arterial, but now has some low water crossings which will have to be resolved by the City soon. The two tracts zoned "LR" Local Retail will be at the intersection of a 60' street Emerald Wood Drive, which would be extended from a residential area to South 1st Street. The "LR" local Retail recommendations proposed by the Planning Commission are accepted as logical and desirable for "LR" uses, as protection will be provided by the creek on three sides. The other property will be subdivided and utilized for single family residences and duplex development. They had requested "LR" Local Retail for the whole tract, but had no objection to the change recommended by the Planning Commission to a high density residential use. They would argue with the "BB" Residence because of the terrain problems, it is not certain how much land utilization they will have. "B" Residence 1st Height and Area would be a logical density for that tract of ground, as it is buffered by South 1st Street, by the area across the street on South 1st on which there is no development and cannot be any single family development, and buffered on the other side by the creek and the rest home, and is in no position to create a hazard or result in traffic venturing through a residential area. They preferred this tract to be zoned "B" Residential, which is logical for this particular tract next to their "LR" Local Retail, and their single family and duplex development. If the Council does not see fit to zone it, they would accept the "BB" Residence classification recommended.

MAYOR LaRUE stated other than the "BB" Residence recommendation, Mr. Baker would accept the recommendation of the Planning Commission. Mr. Baker affirmed this.

MR. ALEXANDER W. PORTER, resident of the Community of Fairview, representing himself and about 200 families of the Community, reported a petition with over 200 signatures was filed for the record. Mayor LaRue said the petition would be a part of the Minutes. Following is the petition:

"STATE OF TEXAS

COUNTY OF TRAVIS

"We, the undersigned residents and interested parties of the Community of Fairview, Austin, Texas, affix our signatures hereto to express our opposition to the changing of the zoning from:

"a. Interim "A" Residence, Interim 1st Height and Area

to:

"GR" General Retail, 1st Height and area of the following described area:

"A 12.3 acre tract of the Isaac Decker and William Cannon Leagues located at 5004 - 5210 South First Street, a more detailed description of which is filed with the Planning Department, City of Austin.

"We further request that this petition be conveyed to Zoning Committee of the City Planning Commission, City of Austin, Texas, on Monday, May 5, 1969, to express our opposition to the aforementioned proposed change.

"In witness whereof, we have hereunto affixed our signatures."

The 200 individuals who had been notified oppose the application. Opposition relates to the "LR" Local Retail and "BB" Residence just as strong as it was to the "GR" for the whole area, as there will be a traffic increase, and because of a proposal made to them by the developer of Fairview through his agents at the time of purchase by brochure, word of mouth, and by a model plat, that a park was proposed in the area adjacent to the proposed change. Councilman Janes inquired if the developer did represent in writing that he was going to dedicate that as a park subject to the City's acceptance, if that could be enforced. Mr. Porter said they had slides that this area would be a recreation area. Since they had this representation and since they are now negotiating with the developer of FAIRVIEW he said the Council would do a disservice to the people of Fairview to grant these zoning changes. The developer is even speaking of developing the area as residential, although the topography is well suited for a park. The best land use of the subject property is residential. He asked that the Council deny the proposed change.

MRS. R. WILES said they and others purchased their homes under the assumption the land was to be a park. Creekline Drive, a horseshoe type of street is used as a by-pass for South First, especially after rains when the creeks are swollen. Children play in the streets; and with this "GR" General Retail zoning wide open, much traffic could be thrown on South 1st Street which cannot bear increased traffic. MRS. VAN ROBERTS and MRS. JOSEPH M. SCHMIDT also expressed opposition, and emphasized the traffic problem. They preferred their sites in buying their homes as the area was quiet, and on the promises it would be strictly residential and that a recreation area was to be built on the west side of the creek from them.

MAYOR LaRUE asked that the City Manager look into the possibility of a traffic system for help in the area. Councilman Janes asked for a report in the drainage plans. The Planning Director stated the plan was to relocate First Street and construct one bridge; otherwise three bridges will be needed. Funds are not available at this time. Mrs. Schmidt noted the need of cleaning a lot of debris breeding mosquitoes, with grass and weeds from the creek.

JAMES R. WILES, Fairview area, believed Creekline would be a secondary street if "LR" were proposed in this area. He pointed out the schools in the area, stating children walk down South 1st Street with no sidewalks, and cross the low water bridge. If the "LR" is granted, traffic would be increased and endanger the children.

MR. RICHARD BAKER noted the opposition partly concerned the zoning; but the majority was a criticism of the developer over which owners of the subject property have no control. No shopping center is intended, but the two lots as "LR" would be service facilities for the immediate area. The "LR" and "BB" for which they are asking will not generate the traffic these people are indicating. Surveys made of this property show this area not usable for single family dwelling--the terrain, and location on an 80' street.

The proposed utilization would not create a significant increase in traffic to justify a problem in this area. The area can not and will not be developed single family residence in the future and the Planning Department and Commission recognized that in its unanimous recommendation. As to the creek's being a "dump", they recognize the problem and they are going to try to get the creek cleaned up. It will not be cleaned until it is developed. Mr. Baker pointed on the map the property and proposed developments. In relation to the park, there is a four or five acre park area in a flood plane

on an 80' street. It would not be a good park utilization for small children. They have nothing to do with the park, but they are trying to utilize their land. They could have withheld the annexation of this property for several years. It was annexed solely for the purpose of getting it before the Council as opposed to leaving the tract out and then coming in after the subdivision was developed and zoning this property "LR" and "BB". Discussion was held generally by studies of the map of the area on the board. He showed the area starting to be developed, Emerald Park, Section I and Section II as single family residence. Their land is a part of the Master Plan zoning that has been applied for this area. The opponents live on the bluff which is 40' above the creek.

COUNCILMAN GAGE suggested that the Council look at this whole site.

COUNCILMAN JOHNSON suggested that if this man withdrew his application and put in all single family dwelling units, all of those people would use South 1st Street, and the traffic would be increased. After discussion, the Council decided to go look at the property on the ground and postponed decision until it could make an onsite inspection of the area.

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MOREY, STERZING and 2220 Leon Street
WALKER, INC
By Sam R. Perry

From "A" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "B" Residence
1st Height & Area

MR. SAM PERRY represented the applicant, stating the request is to zone the property "B" Residence 2nd Height and Area for apartments. The area was becoming well developed with apartments. Leon Apartments are across the street. He stated high density usage is necessary and a fact of life in this University Area. He said that "B" Residence 2nd Height and Area would be in conformance to what had already been done in the area. Mayor LaRue noted on the sketch before the Council there were two tracts of land pending zoning, Items 4 and 5. It was stated these were pending for right of way. At this time there was no one to speak in opposition. Mr. Perry stated the "B" Residence 1st Height and Area is proper and they would accept it, but they believed "B" Residence 2nd Height and Area was appropriate. Councilman Janes noted the two pending tracts were pending "B" Residence 2nd Height and Area. It was stated the original request was for "B" Residence 2nd Height and Area and the Commission had recommended "B" Residence 1st Height and Area and the application is pending as applied for "B" Residence 2nd Height and Area if right of way is provided. Councilman Gage suggested that clarification be submitted on these pending cases as to the zoning to be granted. The hearing was postponed for clarification.

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FIRE CHIEF KIRKHAM was present, lauding Mr. Sternberg for his efficient work.

REPORT ON LAW REPORT AND CRIMINAL JUSTICE PLAN

MAYOR LaRUE said the Council had an opportunity to pursue this report which had been adopted by the Regional Planning Commission, and he expected it would become a part of the program of the City. The Planning Director reported this plan had been adopted unanimously by the Regional Planning Commission, recognizing it did have implications for each of the individual units of local governments--county, city, and other communities within Travis County. This will be brought back to the Council shortly in connection with the Criminal Justice Council of the State Report. He said the acceptance of the report did not commit the Council to carry out the recommendations as this is the first Phase of the plan. In answer to Councilman MacCorkle's question, the Planning Director stated this was prepared by the Austin Travis County Organization for Regional Planning. These were the preliminary reports subject to change. Proper signatures and cover letters would be forthcoming. Councilman Janes moved the receipt of the Report. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

ZONING ORDINANCES

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:
LOT 6, BLOCK 1, BANISTER ACRES, LOCALLY KNOWN AS 4316-4318 GILLIS STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:
A 20,868 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3612-3624 SOUTH CONGRESS AVENUE AND 100-110 PICKLE ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT;

WENDLANDT ESTATE
By W. R. Coleman
and Associates

3100-3102 Warren St. From "A" to "BB"
3101-3103 Warren St. (as amended)
3304-3308 Maywood Ave. Recommended as
3308-3309 Maywood Ave. Amended subject to
3305-3407 Pecos Conditions.

MR. ROBERT L. SMITHERS, represented himself and MR. W. R. COLEMAN, describing the property as being bound on the north by commercial property; on the south by 22 existing duplexes. Their application was to permit their building approximately 100 low-density, high quality apartments. The application has been reviewed by the Staff, Zoning Committee and the Planning Commission, all recommending approval of the zoning. Realizing one of the known desires of the residents to prevent the increase of traffic on Pecos, the applicants had designed the project so that residents of the proposed area would enter and leave on West 35th Street. One entrance on Pecos and one on Maywood would carry about 25% of the traffic each. Under the present zoning regulations, this property could have between 90 and 100 duplexes. The people in the area would definitely be benefitted by a high quality, well designed apartment project, than by 90-100 duplexes. If it is necessary to go the duplex route, it would not be in their plan to use an access on 35th Street. The access would be on Pecos or a feeder street through to Pecos. The plan is for the highest quality of multi-family units, 1500 square feet or more. Rentals will begin at \$350.00. He requested the Council to accept the unanimous vote of the Planning Commission in its recommendation.

MAR. HARDY HOLLERS, associated with MR. JACK RITTER, JR., represented the opponents. He had a petition of 129 signatures of residents in the area opposing this application. He read the names on the petition. He pointed out from Bonnie Road to 35th, except the Community Center at Windsor Road and Exposition, all of this area is "A" Residential. An exception is Tarrytown, which was not in the City Limits at the time of its development. He noted commercial uses at Pecos, 35th and Balcones Trail. Residents in this area are aroused about coming into this area with commercial. Former applications on this tract had been denied or withdrawn. The main problem the residents have is Pecos Street, which is overloaded with traffic. Pecos was never created as a main artery, but a meandering residential street. He pointed out the dip in the street. The people have their homes in this area. An apartment development brings in transients. He asked that this application be sent back to the Planning Commission for a thorough investigation as to the projected engineering on Pecos Street. Proper consideration has not been given to the street and the traffic hazards involved. Now it is a dangerous situation; and to throw further traffic on it will create an added hazard. He asked that this be referred back to the Planning Commission and that it make a complete report as to what they plan to do from an engineering viewpoint with reference to Pecos Street. He also referred to the proponents' statement that they were entitled to a certain number of duplexes under "A"; but to say they are going to throw all the traffic on Pecos, sounds like a mandate that the Council grant this or they will create further hazards on Pecos rather than routing part of it on 35th Street.

MR. ROBERT ANDERSON, 3409 Timberland Circle, was shocked at the threat, he reported he had notified the Council back in April about the safety problem, and Councilman Gage had initiated an investigation.

He described the traffic problems in this area, stating the Camp Mabry traffic is coming over to 24th and up Pecos. In this area is the No. 1 drag strip. His concern was not a 24 hour period traffic count, but one during the specific hours from 7:30 to 8:30, when the little ones are walking to school without sidewalks. Most of the 11 collisions occurred in a 100 yard span. This is one of the most dangerous pockets not just for the adults, but for the school children. He urged the Council to turn down this application.

MISS ALICE FERRICK, 3310 Scenic Drive (Pecos) said they had been coming before the Councils since 1930, when the then property owners wanted to put in hobby horse stables. That was refused. Later, a filing station was proposed. Yearly they have to come before the Council. She had considered if this zoning went through that her family would move to Round Rock and put their acreage here in apartments too. The present duplexes cannot accommodate the cars, which park on this present duplexes cannot accommodate the cars, which park on this Wendlandt tract. The duplexes are built within 15' of each other.

FRANK JONES, home owner next to this proposed development, said a parking lot would be right next to his bedroom window. They had improved their property tremendously. He pleaded with the Council to keep apartments out of the beautiful residential area.

DR. F. T. JANNUZI, Department of Economics, University of Texas, 2801 Pecos, reiterated the comments of previous speakers, particularly about the drag-strip area of Pecos. He pointed out the Casis School District, and 5, 6, and 7 year old children crossing these streets, and that there were no sidewalks.

MR. JACK RITTER, JR., 3802 Pecos, stressed the traffic problem, describing the situation on Pecos-- no light at 35th and Pecos, cars lined up, not sufficient visibility for careful driving--a gully of 18' of water with one inch of rain. He hoped the access on 35th Street could be worked out.

MR. J. D. FINLEY, 3200 W. 35th Street, northwest corner of Balcones and 35th, opposed the zoning as people had fine homes in this residential area and expect stability and constancy in zoning, and relied upon it when they made their original investment.

MR. W. R. COLEMAN, representing himself as applicant, explained they did not intend any threat and why they could not have access to 35th Street if they had to have duplexes, as the necessary easement would be needed for a lot. She showed a plot plan, and the lay-out they had planned through a special permit. They had agreed to widen Pecos 10'; to limit the units to 105 which is about the same density as duplex development. No structure would be placed within 20' to the east of the south property line. They would not jam up the area as duplex development. No structure would be placed with 20' to the east of the south property line. They would plan a cluster type of development and more green area. They will put a 6' privacy fence along the east and south property line; and access to 35th would be provided, with a 50' easement on 35th Street, and no development would exceed two stories in height. They would put sidewalks in if there were a requirement. This is to be a fine unit because it is a tremendous area; and with the trees there, they can utilize the natural beauty and make a much more beautiful development than a duplex development. Mr. Coleman, at Councilman Gage's request, explained why he could not use 35th Street as an access if he developed the area in duplexes. He said it was not a threat but a technicality.

MR ANDERSON feared that after the zoning were granted, Mr. Coleman could renegotiate with his contractors, and put in 240 units instead of 105, or ask for rezoning. Councilman Janes stated it would take additional Council action. If the plan were developed as presented it would be highly unlikely that they could come back and economically redevelop it. Mr. Anderson stated one side was speaking on economic values, while another side was speaking about safety values. D. R. T. Jannuzi, still concerned with traffic on the street and the School, asked if there had been traffic studies in relation to the schools and the enrollment potential at Casis. The Planning Director reported on a study made, that there was a declining school population in the Casis School District; and he would estimate there would be very few pupils from this project in the Casis area. Mrs. R. G. Umstattd reported an increase in Casis.

Mayor LaRue noted the Staff's recommendation in 1968 was that the property would best be utilized in one large parcel rather than as now platted into separate plots. The Planning Director recalled the Planning Commission recommended the zoning by a split vote in 1968, but it was denied by the Council. Regarding resubdividing 1968, but it was denied by the Council. Regarding resubdividing for duplexes for two family units, he stated there would be a strong staff recommendation for a connection with 35th Street, and he believed the Planning Commission would be very concerned in making this connection. It would not be satisfactory to have 80 units (40 duplexes) on this tract to feed traffic on Pecos. This property could be developed in low density multi-family or town-house type. It would be suitable and desirable in the area where there are limitations. The recommendation to the Planning Commission was the site plan was satisfactory in that it accomplished subdividing and development of duplexes; or subdivide and develop on a town-house basis under the "A" residential lots. The final alternative would be the zoning change which could become a rental type of unit or possibly a condominium type. The existing very limited commercial at the corner gave weight to the potential for a modest form of rezoning with stringent conditions. He discussed the status of Pecos--adequate overall, with several limitations; intersection of 35th Street; low quality of paving; the narrowing of the street from 50' to 40' of paving, and the awkward corner. Mayor LaRue asked about Commission consideration on the recent development south of this property in the duplex area. The Planning Director said this had a bearing on their recommendation. Here they felt there was an opportunity to provide further open area; farther separation from individual homes by having the apartment type of development in a town-house form as opposed to the duplex development.

Mayor LaRue asked if all the requirements had been satisfied --right of way. The Planning Director stated it was. Mayor LaRue asked if the willingness to grant "BB" 1st H&A as amended, subjected to the conditions as indicated, was acceptable to the applicant. It was stated they were.

Mr. Jack Ritter asked about the access on 35th Street, all the way, under the present layout. Mr. Coleman showed the plans, and the Planned islands, stating the Fire Department had objected to those plans. Mr. Ritter was interested in moving additional traffic off of Pecos. The Planning Director estimated about 600 cars a day generated from this development; and 200-300 cars going on to Pecos. The traffic projection on 35th indicated the widening of Balcones.

COUNCILMAN JANES noted there were only two or three people present at the Commission meeting. The Planning Director reported 60 notices to property owners within 300' were mailed. He had carefully checked the list and notices were sent beyond specific legal requirement. He checked out particularly two cases, where notices were not received, and those people lived 600' and 700' from the property. Councilman Janes asked about the parking lot within 10' of Mr. Anderson's bedroom and noted a great deal of concern was with the traffic Department. The Planning Director stated the Traffic Engineer felt that Pecos Street was adequate to handle the increased traffic load. There are these points that do need to be improved--the slight realignment at Reed Park, paving and improving the intersection at 32nd Street.

COUNCILMAN MacCORKLE said he did not think under the present rules and ordinances that it was possible to have a first class residential area. There should be an amendment assuring protection to these residential areas. He hated to bring the residences up again on another zoning proposition, but out of fairness to everybody, he would move that this be returned to the Planning Commission (as Mr. Osborne has recommended) for a more detailed study and see if this could not be worked out to the benefit of everybody. Councilman Atkison seconded the motion.

In discussion to the motion, Mayor LaRue stated the problem had been pointed out by the developer the area just south of this--that it was not the feeling or belief of the people drawing up the ordinance in 1954 that an entire area could be developed with duplexes. This is something not contemplated at the time. It has happened, and they are forces to recognize the fact that they no longer have the control over Residential "A" that Councilman MacCorkle just pointed out. This must be restudied in light of the development of the area just south of this.

Discussion was held on Wade Avenue--its dedication with a portion abandoned. Warren Street is still dedicated but not opened.

COUNCILMAN JANES stated this tract had been studied carefully for the past two years, and he did not think an additional study would be particularly productive. The area is going to develop one way or another. He believed an orderly development as proposed here would be much better than the haphazard development that occurred just south of the tract.

COUNCILMAN GAGE stated the choice was apartments of duplexes and he did not favor either one. He would hate to refer it to the Planning Commission for another study, and he would like to see it denied at this time.

MAYOR LaRUE stated this had been studied thoroughly through the years, and he felt no useful purpose would be served by sending it back to the Planning Commission.

The Planning Director pointed out there was another option available to the Council, and this is the area could be zoned "AA" which would restrict it to single family development. Councilman Atkison noted the petition signed by 150 people had asked for a 30 day delay, and he thought they were due that much consideration. Councilman Johnson concurred that PECOS STREET was a problem, and there has to be a solution prior to the time the cars are on the street.

He could not understand why Wade Avenue did not go all the way through to 35th Street. He suggested having an option where everyone would not have to use the same street. He suggested solving this zoning today. COUNCILMAN PRICE asked if this property were not zoned, and the developers built duplexes, that the City would have the right to demand a street into 35th Street. The Planning Director affirmed this.

Roll call, on Councilman MacCorkle's motion, that this application be returned to the Planning Commission for a more detailed study and see if this could not be worked out to the benefit of everybody, showed the motion lost by a five to two vote, Councilmen Gage, Janes, Johnson, Price, and Mayor LaRue voting against the motion.

After discussion, Councilman MacCorkle, interested in giving some protection to those good residential areas, made a motion that this area be moved back to "AA" Residence. This motion died for lack of a second.

COUNCILMAN GAGE'S motion to deny the request was withdrawn due to the number of votes to override the Planning Commission. Mayor LaRue stated he had opposed this each time it had come up, and that he would have voted today to grant the request as there has been a change in the area. The duplex development which the zoning laws do not cover as adequately as they should, has crept in, and something must be done in the future to control this. He would have voted today to grant this.

COUNCILMAN JANES said they would be doing the residents a disservice if they do not grant this.

COUNCILMAN JANES' motion to grant the request subject to the conditions died for lack of a second.

COUNCILMAN GAGE'S motion that the request be denied died for lack of a second.

COUNCILMAN JANES'S motion, seconded by Councilman MacCorkle, to grant the request subject to the conditions, failed to carry by five to two vote, Councilman Janes and Mayor LaRue voting for the motion.

Councilman Janes moved the Council vote to continue this matter for one week.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

Mayor LaRue announced the hearing would be continued until next week.

ZONING REFERRED BACK TO PLANNING COMMISSION

The Council publicly heard and referred the following zoning application back to the Planning Commission:

VAN C. KELLY 2913-3105 Govalle Ave. From "A" to "B" RECOMMENDED
 By Tom E. Johnson 3000-3110 Neal St.
 1106 Tillery St.

The Director of Planning reported receipt of a letter concerning right of way and an agreement to request the roll back of the zoning if the property were not used as intended and as asked for in the application. The interest is to use this as a nursing home. There are drainage areas, non-residential uses, and non-conforming uses. He listed the varied uses.

MR. TOM E. JOHNSON represented the applicants. MRS. ARNOLD owns the Nursing Home in the Glen Oaks area and is the equitable owner of this tract. A 25' strip of land is to be dedicated across the south end, 666' long. This is a hardship case, as Mrs. Arnold's property is included in the Glen Oaks Project. She has agreed to all the requests by the Planning Commission concerning this new location, and the Commission had recommended the "B" zoning. MAYOR LaRUE read an endorsement from the Urban Renewal. MR. HUGH HODGES represented the opposition which was concentrated in three areas. The people are Mexican-Americans who do not send their elderly people to nursing homes, and they will have no use for this nursing home in this area. There are physical problems at this location in the Boggy Creek Flood area; the surrounding land is rough, has snakes, rats and mosquitoes, and is not a suitable healthy environment for a nursing home. The Nursing Home will have only a hedge for a fence, which is not sufficient. The people are afraid the present conditions would be carried over to this new home. Mr. Hodges stated the property owners did not receive proper notification. Discussion covered lack of notifying all the property owners. The Council on Councilman Gage's motion, referred this application back to the Planning Commission for reasons stated.

ZONING MEETING DISCUSSION

COUNCILMAN ATKISON moved that the first Tuesday in July be designated for the disposition of zoning hearings and continue on each first Tuesday at 9:00 A.M. until changed by this Council.

Discussion on the motion was held. Mayor LaRue stated the Council had asked for a recommendation from the Planning Commission, and if this motion could be held until they received this information, he believed this can be reduced to a manageable problem. He asked that this be held until the recommendation is received from the Planning Commission. Councilman Atkison stated a separate day would be justifiable not only to the Council, but to the people they are serving. Mayor LaRue believed the procedure could be reduced to a large extent after the information from the Planning Department is received. The Planning Director stated by next Tuesday he could give the Council the basic information that would enter into this situation. He reported for the first Monday and Tuesday nights were scheduled for zoning, and about five hours each night are spent on these hearings. He suggested many of the cases could be categorized and handled in a more rapid fashion. Councilman Gage did not want to designate the final decision to any other body. It was pointed out this could not be done. Councilman Jones stated he would prefer coming up in an occasional emergency that may arise; but those cases are so rare it would not be necessary to set up definitely two meetings in one week. Councilman Atkison, after discussion, withdrew his motion.

LAND ACQUISITIONS

Waller Beach Area

The Assistant City Manager reported a summary of appraisals had been furnished the Council. This purchase was vacant land, west of the Interregional Highway where the land shore is being cleared for the hike and bike and other facilities in connection with the Bureau Outdoor Grant received. On Councilman Janes' motion, Councilman Gage's second, the Council authorized the purchase of 707 Cummings Street at the average appraisal.

Mo-Pac Phase I, right of way

Councilman Johnson discussed the difference in appraisal of this property with that on the Waller Beach Area. It was explained it was in relation to Town Lake. Mayor LaRue recalled the purchase for the Federal High Rise Low Income Housing several years ago was far more, and it did not even go down to the river.

The Council authorized the purchase of the following properties at the average appraisals:

1604 Newfield Lane

Councilman MacCorkle's motion to authorize the purchase of the following:

1504 Newfield Lane

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Noes: None

CONTRACT - CONCRETE PLAY SLABS

Councilman Johnson asked about the expansive concrete. It was stated the Construction Engineer had drawn the specifications. The Council, on Councilman Janes' motion awarded the contract to THOMAS BROTHERS CONSTRUCTION COMPANY for the construction of Concrete Play Slabs for East Woods and Gillis Parks, for \$8,839.00, including Alternate #1.

Councilman Janes moved the adoption of the following;

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 27, 1969, for the construction of concrete Play Slabs for East Woods and Gillis Parks; and,

WHEREAS the bid of Thomas Brothers Construction Company, in the sum of \$8,563.00, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Construction Engineer and by the City Manager; Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Thomas Brothers Construction Company, in the sum of \$8,563.00, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Thomas Brothers Construction Company.

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

Ayes: Councilmen Atkison, Janes, MacCorkle, Mayor LaRue
Noes: Councilmen Gage, Johnson, Price

Councilmen Atkison, Gage, Johnson, and Price asked for an explanation of the expansive concrete. The Recreation Director said he would have this information this afternoon.

SALE OF HOUSES

The Mayor introduced the following:

"DATE: May 27, 1969
TO: S. Reuben Rountree, Jr.
FROM: PUBLIC WORKS

"Authorization of sale of improvements as shown in the tabulation of bids below as Council action is necessary to dispose of City-owned capital assets. Bids were received May 27, 1969.

	1805 Northwood Road	3400 Funston Street	2102 Westover Road	1600 Newfield Lane	1178-E Nickols Avenue
"David A. Starnes		\$1,287.50			
Charlie G. Lunday				\$2,300.00	
Ray Smith, Jr.		685.00			
Moses Kouri	\$1,601.87	<u>\$1,601.87</u>	\$701.87	1,101.87	
J. A. Miller Co.	1,181.00	639.00	639.00	787.00	<u>5.00</u>
Ray Murray	1,250.00				
Victor E. Smith	<u>1,712.00</u>				
Mary Cisneros				1,255.00	
Steve Simmons	650.00			650.00	
Mrs. H. W. Smith			<u>907.00</u>	780.00	
Kenneth Bowley	1,101.00	1,501.00		801.00	

"Amount underlined indicates high bid.

Councilman Johnson moved the Council adopt the following:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 27, 1969, for the sale of City-owned capital assests; and,

WHEREAS, the bid of Victor E. Smith in the sum of \$1,712.00 for the house located at 1805 Northwood Road; the bid of Moses Kouri in the sum of \$1,601.87 for the house located at 3400 Funston Street; the bid of Mrs. H. Warren Smith in the sum of \$907.00 for the house located at 2102 W stover Road; the bid of Charlie G. Lunday in the sum of \$2,300.00 for the house located at 1600 Newfield Lane; and the bid of J. A. Miller Company in the sum of \$5.00 for the house located at 1178-E Nichols Avenue, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the above enumerated bids of Victor E. Smith, Moses Kouri, Mrs. H. Warren Smith, Charlie G. Lunday and J. A. Miller Company be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin be and he is hereby authorized to execute contracts on behalf of the City with said named parties.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

TRANSFER OF FUNDS

Restrooms for Ball Field

The Assistant City Manager reported this was a request for the people, participants and spectators at the Ball Complex--two Little Leagues, One Babe Ruth Field and two soft ball fields. There are 10 to 12 games per evening; about 315 players and coaches and some 300 spectators on the average. These facilities will be used by those people. He explained an alternate involved use of prefab materials in construction in City shops and construction at the site, and therefore the \$6,000 estimate. This will be done primarily by City forces except the plumbing work.

The Mayor introduced the following:

"TO: R. M. Tinstman, City Manager
FROM: Beverly S. Sheffield, Director Parks and Recreation Department
DATE: May 22, 1969

"To support the request for a special appropriation to serve the Zilker Park ball fields the following information is submitted:

- "1. There are two Little League and one Babe Ruth League fields in the area. Also, the City operates two softball fields.
- "2. There are from 10 to 12 games per evening on the above fields which would mean about 315 players and coaches involved. In

addition to this participation, there would probably be another 300 spectators in the area.

"3. In this same area PARD operates a picnic unit which is sometimes reserved for as many as 200 people.

The fact that there is no public rest room in this area was brought emphatically to may attention in the early spring by the President of the South Austin Optimist Club which operates the Babe Ruth League and the President of the Little League. In addition, the Austin Softball Association has requested rest room facilities in this area.

"Due to the high cost of construction PARD has developed the plan to construct a semi-prefab rest room. The cost would be cut considerably by using man power from the construction and maintenance division of PARD. There is a definite need for the rest room facilities in this area of Zilker Park, and I recommend its construction at this time.

Councilman MacCorkle, moved the Council authorize the transfer of funds from the Council Contingency fund, of \$6,000 for construction on one restroom to serve the ball field complex in Zilker Park.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

In regard to the construction of the restroom, Councilman Janes stated he was very much opposed to the City's being in the construction business; and hoped the City would consider taking bids even on the alternate type. The Recreation Director described the restrooms as about 10 x 20', stating the Department was going to experiment on this construction. He believed they could take care of this situation, as there were so many requests similar to this one. Mayor LaRue stated each appreciated the initiative shown by the Department, but it might be the general feeling of the Council to contract this work, because of the general shortage of personnel, and that during the critical season in the Parks Department, that it is assumed they are needed particularly at this time. He asked that this be taken into consideration.

TRANSFER OF FUNDS FOR REPAIRS TO MECHANICAL EQUIPMENT IN

Municipal Building

The Assistant City Manager explained the chilling unit went out on Friday a week ago, and FOX AND HEARN were asked to made the necessary repairs and replace the Chilling Machine. It is the recommendation, and under the circumstances, they felt this amount was reasonable.

June 5, 1969

Councilman Price moved the Council authorize the transfer of funds to repair the mechanical equipement.

(RESOLUTION)

WHEREAS on May 23, 1969, the air conditioning system of the Municipal Building suddenly, and after many years of satisfactory service, failed due to normal deterioration of the chiller of said system; and

WHEREAS such failure, in conjunction with the heat of late May caused great discomfort to the employees and visitors to the Municipal Building, which created an emergency calling for immediate remedial steps to be taken, in order that the said chiller and appurtenances thereto could be replaced in order to restore normal working conditions and atmosphere to the environs of the said Municipal Building and to restore the attendant loss of efficiency due to unusual heat within said building; and

WHEREAS in order to restore such air conditioning system quickly in order to meet the emergency above recited, it was necessary that the appropriate City Officials enter into an agreement with an organization capable and competent in the field to immediately and quickly restore such system; namely, Fox & Hearn, Inc., mechanical contractors; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That:

(1) the City Council hereby ratifies and confirms the action of those City Officials who undertook to employ Fox & Hearn, Inc., mechanical contractors, to replace the necessary chiller and appurtenances to the air conditioning system at the Municipal Building which failed unexpectedly, it being further declared herein that said agreement was entered into under emergency conditions justifying said action being taken in the manner in which it was done;

(2) that the sum of \$6,270.00 be transferred from the Contractual Services, Special Services Account, Account No. 00719010 to the Contractual Services, Municipal Building Account, Account No. 00717110.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

CASH SETTLEMENT CHEVY CHASE CENTER

The Mayor introduced the following:

"TO: Director of Finance Norman McK. Barker
DATE: May 23, 1969
FROM: Victor R. Schmidt, Jr. Water and Waste Water Dept.

"CHEVY CHASE CENTER/AUSTIN 08-68-69

"Owner: Joe Russo & Associates - Houston, Texas
Location: U. S. Highway 183 and Interregional Highway 35
Size: 32.835 Acres
Number of Lots: 6
Average Lot Size: None
Type of Subdivision: Commercial
Classification: Urban
Total cost of Utility Improvements for Refund Contract - \$14,369.73

Owner has requested a 1/3 and 2/3 cash settlement of the above amount in lieu of a refund contract, and City participation in 100 feet of 12-inch concrete sanitary sewer that was rerouted due to the construction of an office building over a proposed location for this 12-inch sewer main.

"Cost of Water Mains:	\$5,543.85	
Less 1/3 Owners Cost	- 1,847.95	\$3,695.90
"Cost of Sewer Mains:	8,825.88	
Less 1/3 Owners Cost	- 2,941.96	\$5,883.92
"City participation in 100 feet of 12-inch sewer main rerouted	1,026.00	<u>1,026.00</u>
"Total Cash Settlement and Participation		<u>10,605.82</u>

Councilman Price moved the Council authorize a cash settlement for the following:

(RESOLUTION)

WHEREAS, the owners of Chevy Chase Center/Austin have installed a water line and sanitary sewer line at a cost of \$14,369.73, pursuant to a subdivision plan, called Chevy Chase Center/Austin, and have requested a 1/3 -2/3 cash settlement of the above amount in lieu of a refund contract; and

WHEREAS, said developers have, at the request of the City of Austin, relocated the sanitary sewer line, in which the City of Austin will participate in the amount of \$1,026.00; and,

WHEREAS, 2/3 of the aforementioned \$14,369.73 equalling \$9,579.82, together with the aforementioned \$1,026.00, adds up to the amount of \$10,605.82, which amount is agreed upon as the cash settlement value of said utility lines, in lieu of refund contract; and,

WHEREAS, the Associate City Manager and the Director of Water and Waste Water Department have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

WHEREAS, the Associate City Manager and the Director of Water and Waste Water Department have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Gene Higgins, Associate City Manager, be and he is hereby authorized and directed to execute a cash settlement contract under the terms

of which the City of Austin shall acquire title to the above described mains, from Joe Russo & Associates, and to pay to said Joe Russo & Associates the actual cost thereof not to exceed \$10,605.82.

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

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

WORK SESSION SET FOR JUNE 13

Councilman MacCorkle suggested that the Mayor work it into the Council's schedule that a work session be held within the near future where the Council members can actually begin reviewing subjects that all would like to discuss. Finally, after discussion, the Council set Friday, June 13th, 10:00 A.M. as a work session. Council members to be notified.

REQUEST FOR 30-MINUTE PARKING METERS

Councilman Price read a petition from a group on West 7th Street as follows:

"We, the undersigned hereby request that consideration be given in the change of the parking meters on West 7th Street in the first block off Congress Avenue. The present meters provide two hour parking which enables people employed in this block to use the parking space all day, thereby preventing our customers from having parking space in this block. It is our opinion that the two hour meters should be replaced with 30 minute meters which would eliminate the use of the parking spaces all day for one person."

The petition was referred to Mr. Jim DeBerry, Assistant City Manager to report back next week.

APPOINTMENT OF BOARD OF EQUALIZATION

The Council, in Executive Session, appointed the Board of Equalization; and in open session, announced the reappointment of the following members to the Board of Equalization:

Mr. Wilford Turner
Mr. John Harrison, Sr.
Mr. Ted Meyer

HEARING SET ON PAVING ORDINANCES

The Council had before it ordinances setting hearings at 9:30 A.M., July 3, 1969, in connection with paving assessments to be levied on the following streets:

<u>Street</u>	<u>From</u>	<u>To</u>
(1) Guadalupe St. (Widening)	NPL W. 8th St.	SPL W. 13th St.
(2) Manchaca Road	NGL Matthews La.	Pt. 155' north of NPL Jones Road
(3) Carol Ann Drive	Arnold Drive	WPL Manor Road
Delmar Avenue	EPL Ave. G	WPL N. Inter. Hwy.
Deloney Street	NPL E. 16th Street	SPL E. 19th Street
Duval Street	NPL Blackson Ave.	A point 150' north of NPL Delmar Ave.
Redwood Avenue	NGL E. 12th St.	SGL E. 19th St.
San Marcos Street	NPL E. 1st St.	SPL E. 2nd St.
Singleton Avenue	NPL E. 12th St.	SPL E. 19th St.
Spence Street	EPL East Ave.	WGL Waller St.
Taylor Street	EPL Interstate 35	WGL Waller St.
East 13th Street	WPL Angelina St.	WGL Chicon St.

Councilman Gage moved the Council adopt the following:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTIONS OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF: DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 3RD DAY OF JULY, 1969, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Guadalupe St.-widening)

Councilman Gage moved the ordinance be read the first time and the rule suspended and the ordinance pass to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue
Noes: None

Councilman Gage moved the ordinance be read the second time and the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

Councilman Gage moved the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O' CLOCK A.M. ON THE 3RD DAY OF JULY, 1969, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN: DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Manchaca Road)

Councilman Gage moved the ordinance be read the first time and the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

Councilman Gage moved the ordinance be read the second time and that the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

Councilman Gage moved the ordinance be read the third time and that the rule be suspended and the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINE AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 A.M. O'CLOCK ON THE 3RD DAY OF JULY, 1969, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Carol Ann Drive and sundry other streets.)

Councilman Gage moved the ordinance be read the first time and that the rule be suspended and the ordinance be finally passed, to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, Janes, MacCorkle, Price
Mayor LaRue

Noes: None

Councilman Gage moved the ordinance be read the second time and that the rule be suspended and the ordinance be passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, Janes, MacCorkle, Price
Mayor LaRue

Noes: None

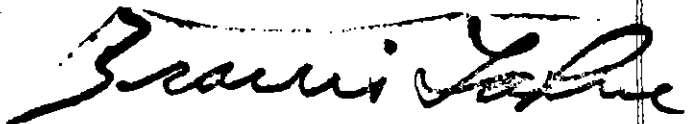
Councilman Gage moved the ordinance be read the third time and that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price
Mayor LaRue

Noes: None

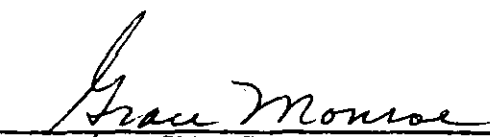
The Mayor announced that the ordinance had been finally passed.

There being no further business, the Council on Councilman Gage's motion, Councilman Janes, second adjourned at 8:45 P.M.



APPROVED

Mayor

ATTEST: 
Asst. City Clerk