

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 5, 1970

9:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Absent: None

The Invocation was given by REVEREND SAMUEL BAXTER, Church of the Good Shepherd, Episcopal.

CRIME PREVENTION WEEK

Mayor LaRue read and presented a proclamation to members of the Exchange Clubs of Austin designating the week of February 8 to 14, 1970, as "Crime Prevention Week" in Austin.

ANNEXATION ORDINANCE - FINAL PASSAGE

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 1.13 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J.C. TANNEHILL LEAGUE; 11.96 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 8.25 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J.C. TANNEHILL LEAGUE; 1.38 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Atkison 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.

ZONING ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 455 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 36, BLOCK D OF NORTHGATE ADDITION, LOCALLY KNOWN AS 908 STOBAUGH, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL 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 first time and Councilman Gage 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, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: Councilman Janes

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

CITY OF AUSTIN, TEXAS

Mayor LaRue introduced the following ordinance:

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

LOT A, GETHSEMANE LUTHERAN CHURCH SUBDIVISION, LOCALLY KNOWN AS 100-200 WEST ANDERSON LANE, 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 first time and Councilman Price moved that the rule be suspended and the ordinance 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 Price moved that the rule be suspended and the ordinance 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 Price 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.

VACATION OF STREET

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF CHALMERS AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR TELEPHONE AND ELECTRIC PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Atkison, 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 Gage moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Atkison, 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 Gage moved that the ordinance be finally passed. 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 ordinance had been finally passed.

ANNEXATION ORDINANCES - 2ND READING

Mayor LaRue brought up the following ordinance for its second 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 23.81 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 second time and Councilman Price moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Atkison, carried by the following vote:

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

Mayor LaRue brought up the following ordinance for its second 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 0.66 OF ONE ACRE OF LAND, SAME BEING LOTS 2 AND 3, ALBIN JOHNSON SUBDIVISION, A SUBDIVISION OF A PORTION OF THE J.C. TANNEHILL LEAGUE 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 second time and Councilman Price moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Atkison, carried by the following vote:

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

ANNEXATION HEARING SET

Councilman Johnson moved the Council set a public hearing for 9:30 A.M., February 14, 1970, to consider annexing the following:

9.833 acres of land out of the John Applegait Survey & proposed NORTHCAPE, SECTION FOUR.

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

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

RELEASE OF EASEMENTS

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 purposes in, upon and across a part of Lot 5, Block B, Burnet Terrace Resubdivision, a subdivision in the City of Austin, Travis County, Texas, of record in Book 38 at Page 41 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 Deputy 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 utilities easement, to-wit:

Being all of the south five (5.00) feet of Lot 5, Block B, Burnet Terrace Resubdivision, a subdivision in the City of Austin, Travis County, Texas, of record in Book 38 at Page 41 of the Plat Records of Travis County, Texas

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 purposes in ~~1964~~ upon and across a part of Lot 8, Block B, Colorado Hills Estates, a subdivision in the City of Austin, Travis County, Texas, of record in Book 45 at Page 25 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 Deputy 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 utilities easement, to-wit:

Two (2) strips of land, each of the said two (2) strips of land being out of and a part of Lot 8, Block B, Colorado Hills Estates, a subdivision in the City of Austin, Travis County, Texas, of record in Book 45 at Page 25 of the Plat Records of Travis County, Texas; the strip of land hereinafter described as Number One being seven and one-half (7.50) feet in width and the strip of land hereinafter described as Number Two being two and one-half (2.50) feet in width; each of the said two (2) strips of land being more particularly described as follows:

NUMBER ONE, BEING all of the north seven and one-half (7.50) feet of said Lot 8, Block B, Colorado Hills Estates.

NUMBER TWO, BEING all of the north two and one-half (2.50) feet of the south seven and one-half (7.50) feet of said Lot 8, Block B, Colorado Hills Estates.

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

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

Noes: None

The City Attorney, Mr. Glenn Cortez, stated that the following item could be handled by letter. No formal action was required by the Council.

Portion of public utilities easement out of Lot 39, Block B, Truman Heights

CONSTRUCTION OF BOAT DOCK AND RETAINING WALL

Councilman Price moved the Council approve the request of Marion Fowler for permission to construct a wooden dock and build a retaining wall of masonry along the shore line under the dock at Ski Shores. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Noes: None

CONSTRUCTION OF BOAT DOCK

Councilman Atkison moved the Council approve the request of Jack L. Bierce, Jr. for permission to construct and maintain a boat dock on Lake Austin on property known as Lots 99 and 359, Apache Shores. The motion, seconded by Councilman Gage, carried by the following vote:

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

Noes: None

ZONING HEARINGS

Mayor LaRue opened the zoning hearings scheduled for 9:30 A.M. Pursuant to published notice thereof, the following zoning applications were publicly heard:

SAM E. DUNNAM
By James Turner
C14-69-316

1606 West Avenue
801-805 West 17th St.

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

CITY OF AUSTIN, TEXAS

Councilman Johnson moved the Council grant the change from "A" Residence to "O" Office, as recommended by the Planning Commission. Councilman Price seconded the motion.

Mr. Eddie Joseph, who lived at 1700 San Gabriel, opposed the change on grounds that it would adversely affect the residential area. Mr. Erwin Ahlgrimm, who lived at 804 West 17th Street, also opposed the change. After some discussion among the Council, Councilman Johnson withdrew his motion to grant and Councilman Price withdrew his second. Councilman Atkison then moved the Council deny the zoning change. The motion, seconded by Councilman Price, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

DENMAN MOODY, JR.
By James Turner
C14-69-318

807 West 17th Street

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

The subject property was adjacent to the tract that had just been denied a zoning change. Mr. James Turner, representing both property owners, requested that the zoning changes on both pieces of property be amended to "B" Residence 1st Height and Area, instead of the "O" Office originally requested. Councilman Janes then moved the Council reconsider the action taken on the previous item (C14-70-316). Councilman Janes was told that the motion would have to come from one of the Council members of the prevailing side of the vote. Councilman Atkison stated that he had made the motion and was satisfied with the vote. Mr. Eddie Joseph again opposed the change. Councilman Atkison moved the Council deny the zoning change. The motion, seconded by Councilman Price, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

C.G. & L. PROPERTIES
By Ben Michael Levy
C14-69-323

609-611 Industrial
Boulevard

From Interim "A"
Residence
1st Height and Area
To "D" Industrial
1st Height and Area
RECOMMENDED by the
Planning Commission

Councilman Johnson moved the Council grant "D" Industrial, 1st Height and Area, as recommended by the Planning Commission. 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 "D" Industrial, 1st Height and Area, and instructed the City Attorney to draw the necessary ordinance to cover.

SAM E. DUNNAM
By William Terry Bray
C14-69-324

Rear of 7620-7710
Burnet Road

From "GR" General Retail
1st Height and Area
To "GR" General Retail
3rd Height and Area
RECOMMENDED by the
Planning Commission

Mr. Leon Lurie, Mr. Max Earl, Dr. Peter Werner, Mr. Ed Stanfield spoke against granting the change if it meant opening Silverway Drive to Foothills Drive. The opponents felt that opening up the street would increase traffic through a residential neighborhood. They were willing to accept the zoning change if Silverway would remain unchanged. Mr. Bob Herron, representing the applicant, and Mr. Forest Pearson, representing North Austin State Bank, spoke for the zoning change.

After a lengthy discussion, Councilman Janes moved the Council grant "GR" General Retail, 3rd Height and Area, as recommended by the Planning Commission, except that at this point not require that Silverway be opened into Foothills. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Present But Not Voting: Councilman Gage

The Mayor announced that the change had been granted to "GR" General Retail, 3rd height and area, and instructed the City Attorney to draw the necessary ordinance to cover.

BILL BOATRIGHT
& B.J. WOODY
By E.H. Smartt
C14-69-325

4004-4012 Avenue C

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

Councilman Price moved the Council grant "B" Residence as recommended by the Planning Commission. 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, and instructed the City Attorney to draw the necessary ordinance to cover.

LAMBERT PROPERTIES,
INC.
By John Selman
C14-69-334

8109-8139 Shoal Creek
Boulevard
3142-3223 Steck Avenue

From Interim "A"
Residential,
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the
Planning Commission

Councilman Gage moved the Council grant "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission. 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, and instructed the City Attorney to draw the necessary ordinance to cover.

M.H. CROCKETT, JR.
C14-69-338

2801-2805 San Jacinto
Boulevard
2800-2904 Duval Street

From "C" Commercial
2nd Height and Area
To "C-2" Commercial,
2nd Height and Area
RECOMMENDED by the
Planning Commission

Councilman Gage moved the Council grant "C-2" Commercial, 2nd Height and Area, as recommended by the Planning Commission. 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-2" Commercial, 2nd Height and Area, and instructed the City Attorney to draw the necessary ordinance to cover.

COLORADO HILLS
ESTATES
By Jack K. Dempsey
C14-69-308

Rear of 1805-1909
Crooked Lane
Rear of 1809-1811
Briar Hill Drive

From Interim "A"
Residential,
1st Height and Area
To "BB" Residence,
1st Height and Area
RECOMMENDED by the
Planning Commission,
subject to resubdivision
of Colorado Hills Estates
showing termination of
Briar Hill & Cedar Ridge
Drives, a cul-de-sac
with 60' of r-o-w &
extension of Burton
Drive as it affects the
subject tract

Councilman Gage moved the Council grant "BB" Residence, 1st Height and Area, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Price, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

AUSTIN NORTHWEST
DEVELOPMENT CO.
By James E. Crozier
C14-69-317

Tract 10
7900-7952 Shoal Creek Blvd.
3100-3318 Anderson Lane

From Interim "A"
Residential,
1st Height and Area
To "GR" General Retail
1st Height and Area
Recommend to postpone

Tract 11
7952-8110 Shoal Creek Blvd.

From Interim "A"
Residential,
1st Height and Area
To "O" Office,
1st Height and Area
RECOMMENDED by the
Planning Commission

Tract 12
8110-8140 Shoal Creek Blvd.
3225-3321 Steck Avenue

From Interim "A"
Residential
1st Height and Area
To "GR" General Retail
1st Height and Area

RECOMMENDED by the
Planning Commission
subject to 10' of
right of way for Steck
Avenue from the portion
of Tract 12 presently
zoned "A" Residence

Councilman Gage moved the Council grant "O" Office, 1st Height and Area for Tract 11, as recommended by the Planning Commission and "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission, subject to conditions. 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 "O" Office, 1st Height and Area, for Tract 11 and to "GR" General Retail, 1st Height and Area, subject to conditions, for Tract 12, and instructed the City Attorney to draw the necessary ordinance to cover.

Councilman Johnson moved the Council postpone action until March 5, 1970, on Tract 10, as recommended by the Planning Commission. 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 zoning change on Tract 10 had been POSTPONED.

RICHARD HOOPER
C14-69-319

9000-9120 F.M. Road 1325
2500 Highway 183 North

From Interim "A"
Residential
1st Height and Area
To "DL" Light Industrial
6th Height and Area
RECOMMENDED by the
Planning Commission
subject to approval of
a short form subdivision

Councilman Gage moved the Council grant "DL" Light Industrial, 6th Height and Area, as recommended by the Planning Commission, subject to conditions. 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 "DL" Light Industrial subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

CITY OF AUSTIN, TEXAS

L.J. GANNON
By Jim Palmer
C14-69-322

611-707 Beaver Street

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission
subject to 5' of
right of way for
Beaver Street

Councilman Janes moved the Council grant "C" Commercial, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Price, carried by the following vote:

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

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

KAY GURLEY &
JAMES H. WELLS
By William Montandon
C14-69-326

Tract 1
2625-2701 Buell Avenue
Tract 2
2701-2709 Buell Avenue

From Interim "A"
Residential
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the
Planning Commission
subject to 2' of right
of way for Buell Avenue
and proper screening for
adjacent residence

Councilman Gage moved the Council grant "C" Commercial, 1st Height and Area as recommended by the Planning Commission, subject to conditions. 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, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

DR. GEORGIA LEGETT
C14-69-331

2803-2807 Swisher
Street

From "A" Residence
1st Height and Area
To "O" Office,
2nd Height and Area
RECOMMENDED by the
Planning Commission
subject to 5' of
right of way for
Swisher Street

Councilman Price moved the Council grant "O" Office, 2nd Height and Area, as recommended by the Planning Commission, subject to conditions. 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 "O" Office, 2nd Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

MRS. C.K. JAMISON
By John B. Selman
C14-69-333

7107 Guadalupe Street

From "A" Residence,
To "B" Residence
RECOMMENDED by the
Planning Commission
subject to a restrictive
covenant limiting the
development to 10
apartment units

Mr. Dick Lillie, Planning Department Director, stated that the staff had recommended "BB" Residence zoning because two lots south of the subject property had been zoned "BB" Residence. The Planning Commission's recommendation allowed two units above the maximum for "BB" Residence.

Councilman Price moved the Council grant "BB" Residence, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Gage, failed to carry by the following vote:

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

The Mayor announced that the change had been DENIED.

Councilman Johnson then moved the Council reconsider the application. The motion, seconded by Councilman Janes, carried by the following vote:

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

Councilman Janes moved the Council grant "BB" Residence with no restrictions. 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 "BB" Residence and instructed the City Attorney to draw the necessary ordinance to cover.

GRIMES ELECTRIC
COMPANY OF AUSTIN
By John B. Selman
C14-69-335

600-622 East Powell
Lane

From Interim "A"
Residential,
1st Height and Area
To "C" Commercial,
1st Height and Area
RECOMMENDED by the
Planning Commission
subject to 15' of right
of way for East Powell
Lane

Councilman Gage moved the Council grant "C" Commercial, 1st Height and Area, as recommended by the Planning Commission, subject to conditions. 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, 1st Height and Area, and instructed the City Attorney to draw the necessary ordinance to cover.

ANNEXATION ORDINANCE - 1ST & 2ND READINGS

Mayor LaRue brought up the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 109.48 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND THE JOHN APPLIGATE 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 Gage 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 Gage 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

CONTRACTS AWARDED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 28, 1970 for the installation of approximately 2,973 feet of 12-inch, 2,913 feet of 6-inch and 514 feet of 2-inch water mains, 1,890 feet of 8-inch and 808 feet of 6-inch sewer pipe in Cannon League Drive from Matthews Lane to Miles Avenue and in Bissel Lane, from Cannon League Drive to I. & G.N. Right of Way; and,

WHEREAS, the bid of Schmidt Construction Company in the sum of \$63,238.45 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Water and Waste Water Department 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 bid of Schmidt Construction Company, in the sum of \$63,238.45 be and the same is hereby accepted and that L.H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Schmidt Construction Company.

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

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

Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 26, 1970 for One (1) substation structure for Kingsbery Substation; and,

WHEREAS, the bid of McGraw Edison Power System Division in the sum of \$121,750.00 was the lowest and best bid therefor and the acceptance of such bid had been recommended by the Purchasing Agent 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 bid of McGraw Edison Power System Division, in the sum of \$121,750.00 be and the same is hereby accepted and that L.H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with McGraw Edison Power System Division.

CITY OF AUSTIN, TEXAS

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

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

Noes: None

CASH SETTLEMENT

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Austin Independent School District has awarded a contract for the installation of certain water mains at a cost of \$2,400.83, and sanitary sewer mains at a cost of \$3,309.50, pursuant to a certain improvement project of the Oasis Village Elementary School, and have requested City participation of two-thirds of the above amount in return for the benefits to be derived to the public by such mains; and,

WHEREAS, said School District has awarded said contract for the installation of a sewer approach main in connection with said project at a cost of \$7,435.79, and have requested City participation of 82% of such costs in return for the benefits to be derived by the public by such approach main; and,

WHEREAS, two-thirds of the aforementioned \$2,400.83 equals \$1,600.55, and two-thirds of the said \$3,309.50 equals \$2,206.33 and 82% of the aforementioned \$7,435.79 equals \$6,097.35, totalling the sum of \$9,904.23, which sum is agreed upon as the cash settlement value of said utility lines; and,

WHEREAS, the City Manager and the Director of Water and Waste Water Department have recommended said cash settlement; Now, Therefore,

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

That Dan H. Davidson, Deputy 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 Austin Independent School District, and to participate with the School District in an amount not to exceed \$9,904.23.

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

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

Noes: None

ACQUISITION OF PROPERTY FOR RIGHT OF WAY

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$1,940.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

Lot No. Three (3) of the Resubdivision of the West 340.3 feet of Lot No. Seven (7) of the Theresa Martin Subdivision, in the City of Austin, Travis County, Texas, according to the Resubdivision Map thereof, of record in Vol. 3, Page 130 of the Travis County Plat Records.

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

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

EMINENT DOMAIN PROCEEDINGS

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Master Plan of the City of Austin, duly adopted by the City Council of the City of Austin on the 8th day of June, 1961, contemplated the development of Missouri-Pacific Boulevard (now Loop 1) as an indispensable component of the Circulation Plan for the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition in fee simple of the hereinafter described property for the development and construction of said Missouri-Pacific Boulevard, together with overpasses, underpasses, access roads, connecting, and interconnecting streets and other public facilities and improvements in connection therewith; and for other public purposes; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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

CITY OF AUSTIN, TEXAS

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owner and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

Being all of Lots 20 and 21, in Block 4, of Sunset Heights Addition of the City of Austin, as recorded in Book 3, Page 86 of the Plat Records of Travis County, Texas.

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

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

RECESSED MEETING

2:00 P.M.

ZONING HEARINGS

Mayor LaRue opened the zoning hearings scheduled for 2:00 P.M. Pursuant to published notice thereof, the following zoning applications were heard:

HAZEL PHILLIPS By R.R. Sands C14-69-321	2303 Bluebonnet Lane	From "A" Residence To "O" Office NOT Recommended by the Planning Commission
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Mr. Sands, representing the owner, requested that action on the application be deferred. Councilman MacCorkle moved the Council delay action on the application until March 5, 1970. 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 application would be continued on March 5, 1970.

LEE E. BURDITT By David Williams C14-69-327	1406 Cometa Street	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
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Mr. David Williams, representing the owner, presented a petition signed by 27 area property owners, asking that the small grocery store operated by Mr. Burditt at the rear of his home be kept in operation. The Council after some discussion, agreed to look at the property before taking action on the application.

NASH PHILLIPS COPUS
By W.T. Williams
C14-70-329

1800-1824 Peyton Gin
Road

From "BB" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission
RECOMMENDED by the
Planning Commission
"GR" General Retail for
portion south of Colony
Creek Drive
RECOMMENDED by the
Planning Commission
"B" Residence for
portion north of Colony
Creek Drive subject to
extension and develop-
ment by subdivision of
Colony Creek Drive and
Rundberg Lane and dedi-
cation of necessary
right of way for Peyton
Gin Road to bring the
street to 35' from the
center line.

Mr. John Reynolds, representing the owner, asked that the Council grant the zoning request as recommended by the Planning Commission. The following individuals appeared in opposition to the request: Mr. Roger Coyle, who presented a petition signed by 45 area property owners, Mr. John Valetka, who presented a petition signed by 51 members of the Austin Brethren Church located in the 1800 block of Peyton Gin Road, Mr. Richard Hand, Mr. Jack Ayres, Mr. Donald Crockett, Mr. & Mrs. Cary Davids, Mr. Jack Gillette, Mr. Bob Mayer and Mr. Hank Pangburn.

After an extensive discussion, Councilman Janes moved the Council grant "GR" General Retail for the portion south of Colony Creek Drive and "B" Residence for the portion north of Colony Creek Drive, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail for the portion south of Colony Creek Drive and to "B" Residence for the portion north of Colony Creek Drive, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

After the applicant's representative had left, Councilman Janes wished to amend his motion to include a privacy fence along the south side of the subject property of approximately 550' to 600'. No formal action was taken by the Council, but it was agreed that Mr. Lillie or the Planning Department would contact the applicant and tell him that it was the intent of the Council to include the privacy fence, but that it was omitted from the original motion through an oversight.

HAROLD GENE PATTERSON
By Hubert J. Harrison
C14-69-330

Rear of 4002-4038
Spicewood Springs
Road

From Interim "A"
Residential
1st Height and Area
To "LR" Local Retail,
1st Height and Area
RECOMMENDED by the
Planning Commission
with the exception of
the east 150' which is
RECOMMENDED "BB"
Residence subject to
dedication of right of
way (in conjunction with
Austin Public Schools)
for new Steck Avenue.

Mr. Dick Lillie stated that there had been a change in the recommendations for the subject property. For the total five acres it was recommended "LR" Local Retail subject to a 30' building setback line along the east property line in conformance with the 30' easement which exists to the south and subject to 40' right of way for Steck Avenue.

Councilman Price moved the Council grant "LR" Local Retail on the entire tract, as recommended, subject to a 30' building setback line along the east property line in conformance with the 30' easement which exists to the south and subject to 40' of right-of-way for Steck Avenue. 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 "LR" Local Retail, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

EDWARD J. JENNINGS
C14-69-332

3604 Abbate Circle

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

CITY OF AUSTIN, TEXAS

Councilman Janes moved the Council deny the zoning change, 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 DENIED.

ERNEST JOSEPH
By John Selman
C14-69-336

1012-1112 Center Street
Rear of 3306-3618
Garden Villa Lane
3306 Locke Lane

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission
subject to approval of
a special permit for
development of the site
as a mobile home park
and approval of a
subdivision showing
70' of right of way
for Vinson Drive, 10'
right of way for South
Center Street and con-
sideration for extension
of the street from
Garden Oaks Preliminary

Mr. Selman, representing the owners, stated that he had withdrawn the special permit for the subject property and asked that the case be postponed for 60 days.

The following individuals opposed the zoning change: Mr. Spencer Tombs, 1008 Taffy Court, who presented a petition signed by 94 area residents, Mr. Noel Lawson, owner of property at 3305 and 3307 Garden Villa Lane and Mr. Leroy Cross, who lived at 3715 Garden Villa Lane and owned property at 3304 Locke Lane.

After discussion among the Council, it was decided to permit the withdrawal of the application pending the official consideration of the upcoming mobile home zoning ordinance. Councilman Janes moved the Council grant the request for withdrawal of the application. 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 application had been withdrawn.

Mr. Selman, in his letter requesting the withdrawal, stated that the application could not be refiled for six months.

GEORGE R. NEWMILLER
By Melvin L. Engelhardt
C14-69-337

3004 Enfield Road

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

Councilman Gage moved the Council deny the zoning change, 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 DENIED.

IRA MOORE
C14-69-320

2525-2533 Durwood Street

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

Councilman Johnson moved the Council grant "B" Residence as recommended by 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 "B" Residence and instructed the City Attorney to draw the necessary ordinance to cover.

EMINENT DOMAIN PROCEEDINGS

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the extension, widening, and improvement of South Sixth Street as part of the Meadowbrook Neighborhood Improvement Program; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the widening, extension and improvement of such street; and,

CITY OF AUSTIN, TEXAS

WHEREAS, the City of Austin has negotiated with the owner of said land for the purchase thereof at the fair cash market value and has been unable to agree with him; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to cause a suit in eminent domain to be filed against the owners and lienholders of the following described tract of land to acquire fee simple title for said purposes:

Lots 6 and 7, Block D, Capital Heights, plus one-half of the adjacent vacant alley, said subdivision being of record in the Plat Records of Travis County, Texas.

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

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

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the construction, extension, widening, and improvement of South Seventh Street as part of the Meadowbrook Neighborhood Improvement Program; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening, extension and improvement of such street; and,

WHEREAS, the City of Austin has negotiated with the owner of said land for the purchase thereof at the fair cash market value and has been unable to agree with him; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to cause a suit in eminent domain to be filed against the owners and lienholders of the following described tract of land to acquire fee simple title for said purposes:

Lot 13 and the West 25 feet of Lot 14, Block F, Capital Heights, said subdivision being of record in the Plat Records of Travis County, Texas.

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

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

SOUTH AUSTIN LIONS CLUB

By letter, the South Austin Lions Club had requested to use the Ben Howell Memorial Trail between the streets of East Live Oak and East Monroe for an arts and crafts show on April 12 and 19, 1970. The item was not on the Agenda for February 5, 1970, and could not be acted upon. The Mayor stated that if the Club had been contacted and complied, the item could be placed on next week's Agenda.

PATHOLOGISTS' CONTRACT - BRACKENRIDGE HOSPITAL

Mr. Andrews, the City Manager, stated that the contract with the pathologists had expired, and though not urgent, some action should be taken toward a new contract. The Council agreed to place the item on the Agenda for next week.

CAPITAL IMPROVEMENTS PROGRAM

The Council agreed to meet at 9:00 A.M., Monday, February 9, 1970, to discuss the bond money needed to fund the Capital Improvements Program's new projects.

COMPLAINTS ON TRAFFIC SITUATION

Councilman Johnson requested that the Council and staff work out better methods of anticipating future traffic problems and get ahead of the problems, rather than stay behind them.

ZONING CHANGES - NOTIFICATION BY SIGNS ON PROPERTY

Councilman Johnson proposed that signs be posted on any property where a zoning change was being requested. That sign would state the date and place of the zoning hearing.

BOND RATINGS

Mayor LaRue stated that Mr. Curtis Adrian, bond advisor from First Southwest Corporation, felt that the Planning Commission's suggestion that the bond issue be increased from 19 to 23 million dollars would not adversely affect Austin's bond rating.

MODEL CITIES

Mayor LaRue stated that the City had received a letter from G.A. Park, Assistant Regional Administrator of Model Cities, indicating that the target figure for a block grant to Austin would be \$3,454,000. The City Manager stated that an application for Model Cities funding would be submitted to HUD this week. The City had already spent \$119,000 for planning, 80 per cent of which would be re-funded automatically, as well as much of the remaining 20 per cent as could be shown to be administrative costs. Money from the block grant could also be used as Austin's share of the 20 per cent matching funds required by the Federal government.

ADJOURNMENT

Councilman Price moved the Council adjourn. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

APPROVED: _____
Mayor

ATTEST: _____
City Clerk