

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 24, 1970
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, Johnson, Price, Mayor LaRue
Absent: Councilman MacCorkle

Invocation was delivered by REVEREND DOUGLAS SANDERS, Campus Minister for United Christian Life.

ZONING ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: SIX TRACTS OF LAND, LOCALLY KNOWN AS 1309-1335 PARKER LANE; 1813-1919 EAST RIVERSIDE DRIVE, FROM "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; 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 first time and Councilman Gage moved 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 Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

The ordinance was read the second time and Councilman Gage moved 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 Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

The Mayor announced that the ordinance had been finally passed.

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: LOTS 1-13 (INCLUSIVE), BLOCK A; LOTS 8-12 (INCLUSIVE) AND LOT 15, BLOCK B, OF CONGRESS PARK, LOCALLY KNOWN AS 310-500 EAST POWELL LANE, FROM "A" RESIDENCE DISTRICT TO "BB" 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 first time and Councilman Janes moved 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 Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

The ordinance was read the second time and Councilman Janes moved 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 Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council room at roll call: Councilman Atkison

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER
TO ENTER INTO A CERTAIN REFUND CONTRACT WITH
HARRIS MEMORIAL BAPTIST CHURCH, INCORPORATED;
AND DECLARING AN EMERGENCY. (Water and sewer
mains in St. Edwards Heights - \$11,930.28)

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 Gage, carried by the following vote:

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

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 Gage, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

APECIAL PERMIT APPEALS - HEARING SET

Councilmen Price moved the Council set a public hearing on December 10, 1970, at 9:30 A.M. to consider appeals from decisions of the Planning Commission granting special permits to the following:

Jagger & Associates for 97 Unit Apartment Development
at 1201-1227 Algarita Avenue - Appeal filed by James
Shoven.

Greg Gannaway for the building of a 104 Unit Apartment

at the rear of 2701-2801 Rae Dell - Appeal filed by
T. J. Gibson.

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

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

EASEMENTS RELEASED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Emerald Forest, Section Two, same being out of and a part of Lot 16, Block G, of said Emerald Forest, Section Two, a subdivision in the City of Austin, Travis County, Texas, of record in Book 47 at Page 56 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 utility easement, to-wit:

A strip of land two and one-half (2.50) feet in width, same being out of and a part of Lot 16, Block G, Emerald Forest, Section Two, a subdivision in the City of Austin, Travis County, Texas, of record in Book 47 at Page 56 of the Plat Records of Travis County, Texas; the centerline of said strip of land two and one-half (2.50) feet in width being more particularly described as follows:

BEGINNING at the intersection of the east line of said Lot 16, Block G, same being the west of Aberdeen Drive, with a line 6.25 feet south of and parallel to the north line of said Lot 16, and from which point of beginning the northeast corner of said Lot 16 bears N 05° 09' W 6.25 feet;

THENCE, with said line 6.25 feet south of and parallel to the north line of Lot 16, S 86° 59' W 88.72 feet to the point of termination.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle
Not in Council Room when roll was called: Councilman Gage

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for sanitary sewer purposes by instrument dated June 23, 1954, of record in Volume 1473 at Page 448 of the Deed Records of Travis County, Texas, said easement being out of and a part of Lots 3 and 4, Block A, Herman Brown Addition No. 2, Section I, a subdivision in the City of Austin, Travis County, Texas of record in Book 8 at Page 176 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 sanitary sewer easement, to-wit:

A strip of land twenty (20.00) feet in width same being out of and a part of Lots 3 and 4, Block A, in the Herman Brown Addition No. 2, Section I, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Herman Brown Addition No. 2, Section I, of record in Book 8 at Page 176 of the Plat Records of Travis County, Texas; the herein described strip of land twenty (20.00) feet in width being a portion of that certain sanitary sewer easement described in an instrument dated June 23, 1954, of record in Volume 1473 at Page 448 of the Deed Records of Travis County, Texas; the centerline of said strip of land twenty (20.00) feet in width being more particularly described as follows:

BEGINNING at a point in the centerline of the fourth course of the easement described in the aforementioned easement of record in Volume 1473 at Page 448 of the Deed Records of Travis County, Texas, and from which point of beginning the angle point between the 3rd and 4th courses of said easement bears N 43° 14' W 29.00 feet;

THENCE, S 43° 14' E 65.25 feet to a point;

THENCE, N 24° 46' E 73.95 feet to point of termination.

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

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

Noes: None

Absent: Councilman MacCorkle

Not in Council Room when roll was called: Councilman Gage

CITY OF AUSTIN, TEXAS
SALE OF HOUSES

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 16, 1970, for the sale of four (4) City-owned houses to be moved; and,

WHEREAS, the bid of R. B. Carlow in the sum of \$177.79 for the house located at 2107 Lake Austin Blvd.; the bid of Alta B. Hoyl in the sum of \$1,056.76 for the house located at 2106 Winsted Lane; and the bids of Frank Viktorin in the sum of \$101.00 for the house located at 2805 South Lamar and in the sum of \$91.00 for the house located at 2101 Lake Austin Blvd., were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official 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 bids of R. B. Carlow, Alta B. Hoyl and Frank Viktorin be, and the same are hereby, accepted and that L. H. Andrews, 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 Johnson, carried by the following vote:

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

Noes: None

Absent: Councilman MacCorkle

Not in Council Room when roll was called: Councilman Gage

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 16, 1970, for the sale of four (4) City-owned houses to be removed from the premises by demolition; and,

WHEREAS, Cullen and Cox has bid in the sum of \$249.00 to remove the house located at 1108 Essex, in the sum of \$699.00 to remove the house located at 2005 West 7th Street, and in the sum of \$374.00 to remove the house located at 2401, 2403, 12403-1/21 East 19th Street; and Lois H. Sutherland has bid in the sum of \$223.00 to remove the house located at 2002 West 10th Street; such sums being the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official 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 Cullen and Cox and Lois H. Sutherland be, and the same are hereby, accepted, and that L. H. Andrews, City Manager of the City of Austin be, and he is hereby, authorized to execute contracts for the payment of said sums on behalf of the City with said named parties.

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

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

Noes: None

Absent: Councilman MacCorkle

LEASE OF PROPERTY AT 1512-1514 HOLLY
FIELD OFFICE - EAST AUSTIN NEIGHBORHOOD IMPROVEMENT PROJECT

The Building Official reported this structure would be used for a field office for the Code Project in East Austin. The location is centrally located and funds are included in the budget. The City is responsible for only one third of the expenditures. He stated the rental would be \$175.00 per month as of January 1, 1971, and the owners will renovate the structures in the meantime.

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 City Manager be, and he is hereby authorized and directed to enter into a certain lease agreement with Harold F. Moynahan and Ben J. Smykal, for the rental of the following described property:

The West 20 feet of a 70x45 foot building situated on the South 92 feet and East 58.5 feet of Lot 5, Block 4, Outlot 34 and 46, Division "O" of Welch Subdivision in the City of Austin, also known as 1512-1514 Holly Street;

and in accordance with the terms and provisions of that certain lease agreement exhibited to the City Council; and,

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

That the City Clerk is hereby directed to file a copy of said lease agreement in the permanent records of her office without recordation in the Minutes of the City Council.

(Site Office for East Austin Neighborhood Improvement Project - \$175.00 per month beginning January 1, 1971.)

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

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

Noes: None

Absent: Councilman MacCorkle

LICENSE AGREEMENT FOR USE OF
MORNINGSIDE AVENUE FOR CONSTRUCTION AND
MAINTENANCE OF A PAVED PARKING AREA AND DRIVEWAYS

The City Attorney, MR. DON BUTLER, explained Morningside Avenue was a dedicated street but has never been opened on the ground; and at this time, the opening is not foreseen in the near future. The City can give one a license to use the street subject to termination provisions. The licensee agreed to a \$366.00 annual payment (1% of the estimated value of the property). They would have this agreement for one year to assure them a return for the outlay of money and they ask for an additional four years, at the firm price. The City can cancel the agreement after 90 days' previous notice, and the licensees recognize this as a public street. Proper indemnification for the City will be provided. The street can be used only for parking purposes; improvement of

the street will be approved by the City; no structures will be placed on the area; and no consignment can be made without the consent of the Council. After discussion, Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

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 enter into a certain license agreement with Roberta V. Brown and Violetta V. Weber, for the use of certain street right-of-way, to be used for parking purposes; and in accordance with the terms and provisions of that certain license agreement as exhibited to the City Council; and,

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

That the City Clerk is hereby directed to file a copy of said license agreement in the permanent records of her office without recordation in the Minutes of the City Council.

(For partial use of Morningside Avenue for construction and maintenance of a paved parking area and driveways.)

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

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

Noes: None

Absent: Councilman MacCorkle

SALE OF OBSOLETE STREET LIGHT STANDARDS

The City Manager, Mr. Andrews, asked for authority to sell the obsolete street light standards to first-come, first-serve. The City would load them on the purchaser's truck starting Saturday, November 28, and set an initial price of \$20.00. Councilman Gage moved the Council authorize the sale of the obsolete street light standards. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Noes: None

Absent: Councilman MacCorkle

SEWER PACKAGE PLANT

COUNCILMAN GAGE stated there was discussion about a package plant to be moved from Texas Instrument's site. He asked where the plant might be moved, and how much it would cost to relocate it.

PEP RALLY AT REAGAN GYM

The Council noted a communication from the Reagan Booster Club, inviting the Council to a pep rally Friday, 4:00 P.M. at the Reagan Gym, prior to their leaving for Corpus Christi.

APPLICATION FOR A GRANT

Councilman Gage moved the Council authorize the signing of an Application for a Grant under Title I, Library Services and Construction Act, of approximately \$62,000, plus or minus. The motion, seconded by Councilman Johnson, carried by the following vote:

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

CONTRACTS AWARDED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 10, 1970, for the installation of 1,580 feet of 12-inch cast iron water main, 7,725 feet of 8 inch water pipe, 2,980 feet of 6-inch water main and 11,867 feet of 8-inch sanitary sewer main to serve Pleasant Hill Addition; and,

WHEREAS, the bid of Schmidt Construction Company in the sum of \$215,695.20 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of 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 \$215,695.20 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.

(Capital Improvement Program - estimated cost - \$237,367.25 - 160 working days to complete.)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 17, 1970 for the installation of approximately 890 linear feet of 12-inch, 79 feet of 10-inch and 40 feet of 8-inch sanitary sewer line and appurtenances to prepare for the construction of the Mo-Pac Boulevard; and,

WHEREAS, the bid of Griffin Construction Company in the sum of \$19,480.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of 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 Griffin Construction Company in the sum of \$19,480.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of 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 Griffin Construction Company in the sum of \$19,480.00 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 Griffin Construction Company.

(Capital Improvement Program - estimated cost-\$22,560.00 - to be completed prior to January 20, 1971.)

The motion, seconded by Councilman Gage, carried by the following vote:
Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the city of Austin on November 10, 1970 for the installation of electric street light ductline and concrete foundations on First Street from Guadalupe Street to I. H. 35; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$39,146.60 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Electric Distribution 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 Austin Engineering Company in the sum of \$39,146.60 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 Austin Engineering Company.

(Capital Improvement Program - estimated cost-\$36,073.00 - 100 calendar days to complete.)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

Councilman Johnson asked if consideration had been given to scheduling this work at night when there is not a lot of traffic.

ILLUMINATION AGREEMENT

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

A RESOLUTION AUTHORIZING THE CITY OF AUSTIN TO ASSUME THE OPERATION AND MAINTENANCE OF A HIGHWAY ILLUMINATION PROJECT ON INTERSTATE HIGHWAY 35 FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS OF THE CITY OF AUSTIN, TEXAS, BASED ON STATE OF TEXAS HIGHWAY COMMISSION MINUTE ORDER NO. 61624.

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

That the City Manager be, and he is hereby authorized to execute an agreement for the construction, maintenance and operation of a street illumination system on Interstate Highway 35 from the North city limits to the South city limits of the City of Austin, Texas, and in accordance with the terms and provisions of that certain agreement exhibited to the City Council; and,

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

That the City Clerk is hereby directed to file a copy of said agreement in the permanent records of her office without recordation in the Minutes of the City Council.

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

Ayes: Councilmen Atkison, Gage, Jahes, Johnson, Price, Mayor LaRue

Noes: None

Absent: Councilman MacCorkle

PETITION TO RE-OPEN HEARING ON
RICHARD CRISS ZONING FILE - C14-69-112

MR. MAURICE ANGLY, representing Mr. Pat Roach, Dick Horne, and approximately 20 homeowners adjacent to the 5508-5722 Manchaca Road tract under zoning application filed by Richard Criss, Trustee, heard and granted by the Council on June 5, 1969; and distributed exhibits to the Council. His group was asking for a re-hearing, or that the Council reconsider its action, as notices were sent to those property owners of record on October 1, while those actually owning the property were not notified; and as developers had misrepresented the facts concerning the use of this land. Mr. Angly pointed out areas designated as residential, shown on maps and brochures. The layout of the streets and the advertisements indicated this area would be residential development. Mr. Angly discussed this point at length, and asked that this case be reheard.

MR. CLYDE ROACH stated he purchased his home in December 20, 1969, and did not receive notice. He was told the land was to be built in homes.

MR. ROBERT SNEED stated Mr. Angly's request was to re-open a zoning case which was concluded after a unanimous recommendation by the Planning Commission and a unanimous vote by the Council, following proper and legal notice and hearings. He commended the Planning Department in going beyond the 200' statutory requirement, and sending notices within 300', plus giving legal notice through publication. He asserted Mr. Angly was asking to rollback the zoning which has already been granted. Mr. Sneed compared zoning identical with this situation across the street from this location. The delays involved in this zoning under

consideration were due to requirements made in connection with the zoning, subject to extension of Stassney Lane through the tract.

MR. W. T. WILLIAMS, Austex Development Company, reviewed the case through its various hearings stating it received a favorable recommendation from the Zoning Committee, unanimously recommended by the Planning Commission, and the zoning granted by the Council by unanimous vote. He explained the requirements by the Planning Department were that the developers indicate a plan to show feasibility of developing the land residentially in the event it was not zoned commercial. The preliminary plan filed with the Commission had across the face of it "possible commercial or apartment development". It showed in dotted lines the cul-de-sac and streets. He displayed the preliminary plan indicating the commercial area and possible commercial and apartments above Stassney Lane. The Council unanimously granted the change, "subject to providing for the westerly extension of Stassney Lane through the tract". He began complying with the condition. He reviewed the various steps taken through the committees, changes in engineering and plans to meet requirements of the arterial committee; appeal to the Council from the requirements for a divided roadway, but no relief resulted. He outlined the amount of extra endeavors in shifting the street alignment, location of sewer lines, letting a contract of \$24,260 for the street paving, and drawing right of way deed. The Zoning Committee wanted the dedication by plat rather than by deed. About eight months later, the plat was approved. He stated that with all the effort that had been made and money spent trying to meet conditions, it would be unfair to re-open this zoning case. The street has been constructed at a considerable expense; right of way dedicated, and commitment made for sidewalks on both sides of the street, and much time and trouble have been experienced in the dedication of Stassney Lane through the property. Only three families owned property adjacent to this site at the time of the hearing before the Planning Commission, and only one is still an owner there.

MR. ROBERT SNEED described and located a proposed shielding fence and a 50' setback of any building, or a 100' setback from the line for any building in excess of a two story structure, or more than one story commercial building. He said there was no misrepresentation by maps as had been implied. He asked the Council to recognize procedures which it follows, that it takes time to complete the requirements of good planning, approval of subdivisions, dedication of streets and other conditions before the Ordinance is passed. He asked that the petition for rollback be denied.

MR. ANGLY emphasized that his clients had no other relief than the Council's re-opening this case; and no ordinance had been passed. He disagreed that this was a rollback. He stated the engineering studies and street dedication would have been made regardless of the zoning. Discussion followed on amount of construction in the specific area, and the platting of lots.

Councilman Price expressed hope that block zoning would be required and that property be designated for commercial or residential, and zoned that way, not causing injury to property owners who purchased with the idea the area was "A"; and then find it being changed. He urged doing something to protect the residents in Austin. Councilman Gage expressed hesitancy in re-opening the hearing, as there are many zoning cases now pending on recommendations and requirements to be met. Councilman Johnson stated, in sympathy with the petitioners, that he could not overrule a unanimous vote by three different governmental bodies; and since there was quite a bit of discussion about this

zoning, he would say that the property owners' interest had been considered.

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: A 17.5 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE THEODORE BISSEL LEAGUE, LOCALLY KNOWN AS 5508-5722 MANCHACA ROAD, 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, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

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, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

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, Price, Mayor LaRue
Noes: None
Absent: Councilman MacCorkle

The Mayor announced that the ordinance had been finally passed.

LEGAL OPINION REQUEST

Mayor LaRue wanted to make a request of the City Attorney and then follow that up with a statement. He reported questions had been raised about the current status of a member of the Council, and the Chair felt it had no choice but to request a ruling from the City Attorney. Approximately two or three weeks ago an attorney received a call from another attorney who represented an individual who had an interest in the case that was to be heard before the Council. He said if the vote were held and it were a four to three vote, Mr. Atkison on the prevailing side, their client would take the Council to Court the next day. The information had been passed on to him Saturday of that week after the vote had been taken. The threat of litigation is one of the possibilities that the Council faces, and the Chair had no choice but to make this request for an opinion from the City Attorney. The Mayor noted a District Court ruling

on a case similar to this situation, raising the question of dual employment. He stated it being the Chair's responsibility for determining this question, along with the City Attorney, whose responsibility it is to keep the Council legal in all matters, then requested the City Attorney for a legal opinion as to the status of one of the Council members, Mr. Joe Atkison, Jr.

The City Attorney, Mr. Butler, stated an opinion could probably be made by next Thursday, and he said if there were any attorneys that any members of the Council know who would like to present their views, pro or con, and Mr. Atkison's attorney, he would appreciate having their views as soon as possible.

Councilman Johnson wanted the record to reflect that he was not a party in this decision, and did not agree with the Chair's initiative at this point.

Councilman Price wanted to go on record that this was not his thinking whatsoever at this time, and he did not agree with the Chair.

Councilman Janes stated the question had been raised, and this is a good time to get it threshed out and cleared up one way or the other.

EXECUTIVE SESSION

The Council went into Executive Session to take up appointments.

REGULAR SESSION

The Council resumed its business in Regular Session.

APPOINTMENT ON SOLICITATION BOARD

Councilman Johnson moved the Council appoint MR. ROBERT (BOB) FINLEY as a member of the Solicitation Board for the term expiring November 5, 1972. The motion, seconded by Councilman Janes, carried by the following vote:

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

TERM OF CHAIRMAN OF HUMAN RELATIONS COMMISSION CLARIFIED

Councilman Johnson moved that Dr. Barclay's term on the Human Relations Commission be substituted to extend to October 25, 1971. The motion, seconded by Councilman Gage, carried by the following vote:

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

HUMAN RELATIONS COMMISSION TO BE
COMPOSED OF 15 MEMBERS

Mayor LaRue stated that Dr. Barclay, Chairman of Human Relations Commission had indicated they could not operate effectively unless they had a membership of 15, to be assured of enough committee members. Councilman Johnson moved the number of Commissioners on the Human Relations Commission be placed as fifteen (15). The motion, seconded by Councilman Gage, carried by the following vote:

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

ADJOURNMENT

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

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

The Council adjourned at 11:15 A.M.

APPROVED _____

Mayor

ATTEST:

City Clerk