

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 16, 1971  
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love,  
Councilmen Friedman, Handcox

Absent: Councilman Lebermann

The invocation was delivered by REVEREND JOE R. COCHRAN, JR., Westminster Presbyterian Church.

## APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of December 9, 1971. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilmen Friedman,  
Handcox, Mayor Butler

Noes: None

Absent: Councilman Lebermann

## RELEASE OF EASEMENTS

Councilman Nichols moved that the Council adopt resolutions authorizing the release of the following easements:

Public utilities easement out of Lot 1, SEFCIK  
SUBDIVISION, SECTION 2.

A portion of a public utilities easement in Block  
1, PARKER HEIGHTS, SECTION 3.

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

Ayes: Councilman Nichols, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Lebermann

## CONTRACTS AWARDED

Mayor-Pro-Tem Love moved the Council adopt a resolution awarding the following contract:

LARSON-PUGH, INC.

- For construction of a reinforced concrete 9' x 4' single box culvert in Norseman Terrace, Quail Creek, Phase II, Section 4, Contract No. 71-Cc-130 - \$6,189.00. (40 working days for completion; Engineer's estimate - \$5,500.00; Capital Improvement Program.)

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

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

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

JACK A. MILLER, INC.

- For construction of a reinforced concrete 10' x 4' single box culvert in Colony Creek Drive, Quail Creek, Phase II, Section 4, Contract No. 71-Cc-129 - \$8,207.75. (40 working days for completion; Engineer's estimate - \$6,200.00; Capital Improvement Program)

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

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

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

INTERNATIONAL BUSINESS  
MACHINES, CORP.

- Data Cards - \$15,353.90

DUPLEX PRODUCTS, INC.

- Data Forms - \$4,235.60

DATA SYSTEM SUPPLY

- Data Labels - \$600.00

DUPLEX PRODUCTS, INC.

- Data Stock Paper - \$21,809.65

Material for use by Data Processing units within the City complex:  
(December 17, 1971 - December 16, 1972; Estimated Total requirements - \$41,999.15)

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilman Friedman

Noes: None

Absent: Councilman Lebermann

Not in Council Room when Roll was called: Councilman Handcox

Mayor-Pro-Tem Love moved the Council adopt a resolution awarding the following contract:

**AUSTIN PIPE AND SUPPLY**

- Traffic Sign posts - 500 to be delivered January 1, 1972 and 500 to be delivered June 1, 1972 - \$6,210.00.

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

Ayes: Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilman Friedman, Mayor Butler

Noes: None

Absent: Councilman Lebermann

Present but not voting: Councilman Handcox, as he was out of the room during discussion

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

**CANYON CONSTRUCTION**

- For renovations to 4th, 5th, and 6th floors of Brackenridge Hospital - \$103,301.00. (Completion date is August 1, 1972; Architect's estimate was \$125,000; Capital Improvement Program)

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

Ayes: Councilman Nichols, Mayor-Pro-Tem Love, Councilman Friedman, Mayor Butler, Councilman Dryden, Councilman Handcox

Noes: None

Absent: Councilman Lebermann

The Director of Electric Utilities reported Mecon was an Austin based firm composed of a partnership operating for about four years. Councilman Nichols asked why the bid date was changed from November 16th to 23rd. Later in the meeting, Mr. R. L. Hancock reported in regard to the change of bid opening date on Hamilton Substation foundation work in that the advertisement for bids was published on November 7th and anticipated to be advertised on November 14th. The bid opening date as scheduled conflicted with the State Statute requiring a 14 day delay between advertising and bid opening; consequently, it was rescheduled on the 23rd.

Councilman Nichols moved the Council adopt a resolution awarding the contract to Mecon Company for the electric ductline and concrete foundations at Hamilton Substation as follows:

**MECON COMPANY**

- Electric Ductline and Concrete Foundation at Hamilton Substation - \$63,745.89. (120 calendar days for completion; Engineer's estimate - \$103,050.00; Capital Improvement Program)

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor-Pro-Tem Love

Noes: None

Absent: Councilman Lebermann

Not in Council Room when Roll was called: Councilman Friedman

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor-Pro-Tem Love

Noes: None

Absent: Councilman Lebermann

Not in Council Room When Roll was called: Councilman Friedman

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

FEDERAL PACIFIC CO.

- Four (4) each 18/24/30 MVA, 138 KV Unit  
Substations - \$4k4,760.00 (Capital  
Improvements Program)

The City Manager stated the payment would be made in 1973. It is necessary to award a contract so that manufacturing could start on these particular types of substation units, and it will be in the 1972-1973 C.I.P. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilman Friedman

Noes: None

Absent: Councilman Lebermann

Councilman Lebermann entered the Council chamber at this time.

The Council had before it consideration of awarding contracts as follows:

ALLIS-CHALMERS

- 3 each 500 KVA, 208/120 Volt - \$6,987.00  
3 each 500 KVA, 480/277 Volt - \$6,687.00  
1 each 750 KVA, 208/120 Volt - \$3,260.00

GRAYBAR ELECTRIC CO.

- 1 each 1000 KVA, 480/266 Volt - \$3,698.00

The City Manager had a report on figures of the total low bid on the first seven units, 3 each 500 KVA, 208/120 Volt, 3 each 500 KVA, 480/277 Volt, and 1 each 750 KVA, 208/120 Volt. He asked the Director of Purchasing, Mr. Solon Bennett, to give the figures of the low bidder, those of the Walter Tips Company, and the difference.

After discussion, the Council was informed by Mr. Bennett that the low bidder was Allis-Chalmers, in Abilene at \$16,934; the second low bidder was Walter Tips at \$17,725, with a difference of \$791.00.

It was brought out that GRAYBAR ELECTRIC CO., on 1 each 1000 KVA was not involved.

Councilman Dryden moved the council award the contract to Walter Tips Company. The motion, seconded by Councilman Nichols, received the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Mayor Butler  
Noes: Mayor-Pro-Tem Love, Councilmen Friedman, Handcox

After further discussion, the Council then reconsidered its vote. Councilman Dryden moved that the Council adopt a resolution to award the contract as follows:

|                      |  |
|----------------------|--|
| WALTER TIPS CO.      | - For 3 each 500 KVA, 208/120 Volt - \$7,164 |
|                      | 3 each 500 KVA, 480/277 Volt - \$6,846       |
| GRAYBAR ELECTRIC CO. | - For 1 each 750 KVA, 208/120 Volt - \$3,375 |
|                      | 1 each 1000 KVA, 480/277 Volt - \$3,698      |

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

Ayes: Councilmen Nichols, Lebermann, Mayor Butler, Councilman Dryden  
Noes: Mayor-Pro-Tem Love, Councilmen Friedman, Handcox

Councilman Handcox discussed bidding policy. Mayor-Pro-Tem Love asked that the Director of Purchasing continue to bring the lowest and best bids to the Council.

#### AGREEMENT WITH URBAN RENEWAL

Councilman Handcox moved the Council adopt a resolution authorizing an agreement with the Urban Renewal Agency in connection with Brackenridge Urban Renewal Agency in connection with Brackenridge Urban Renewal Project, Area No. Tex. A-11-1, the City of Austin to relocate the electric ductline in East 10th Street Alley between Trinity Street and Neches Street - cost to be reimbursed by the Urban Renewal Agency. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler,  
Councilman Nichols  
Noes: None  
Not in Council Room when Roll was called: Councilmen Lebermann, Dryden

#### LEASE AGREEMENT

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to execute a lease agreement with the Federal Aviation Administration for a site containing 0.155 acre located between Runways 16L and 16R, north of Taxiway D, for the purpose of relocating the FAA VORTAC. All expenses will be defrayed by the FAA. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### SALE OF HOUSES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of houses and accepting negative bids on houses to be demolished as follows:

|                     |                        |          |
|---------------------|------------------------|----------|
| Southwest Rathgeber | 1168 Waller Street     | \$272.28 |
| Southwest Rathgeber | 2404 E. 8th St. (Rear) | \$188.88 |

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilman Lebermann, Friedman

Noes: None

#### OPERATION OF MUSEUM

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into contract with Laguna Gloria Art Museum for the operation of the museum. This is approved item in Special Service section of the budget. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox

Noes: None

#### AREA HEALTH PLANNING

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a contract with Capitol Area Comprehensive Health Planning Commission, Inc., for Area Health Planning. This is approved item in Special Service section of budget. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler

Noes: None

#### SUBSTANDARD STRUCTURES

The Council had under consideration the recommendation from the Building Standards Commission that the Law Department take proper legal disposition of certain substandard structures which had not been repaired or demolished within the required time.

Councilman Friedman expressed concern about the structure at 4704 Gonzales, as the photograph showed the house to be in fairly good condition. The Building Official read the list of items necessary to bring the house up to standards -- plumbing; waterproofing; foundations need repairing; hole in the wall of the bedroom; floor in the bathroom rotten; roof delapidated; front porch rotten; etc. Although a number of these items could be repaired, the owner showed no interest in making an attempt to do so. The structure was tagged on May 3, 1971.

Councilman Nichols moved the Council vote to uphold the recommendations from the Building Standards Commission that the Law Department make proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

|                    |   |                               |
|--------------------|---|-------------------------------|
| 5516 Jeff Davis    | - | Mr. David Ward                |
| 5212 Wasson Road   | - | Mrs. Emelie Yerger            |
| 4704 Gonzales      | - | Mr. William Lee Robinson, Jr. |
| 2421 E. 7th St.    |   |                               |
| (Front Unit)       | - | Mr. Melvin Allen              |
| 5730 Manor Road    |   |                               |
| (Front Unit)       | - | Mr. H. M. Hardy               |
| 5730 Manor Road    |   |                               |
| (Rear Unit)        | - | Mr. H. M. Hardy               |
| 1100 Atkinson Road | - | Mr. Moses Flenoy              |
| 7514 Carver Avenue | - | Mr. A. J. Johnson             |
| 1006 W. 19th St.   | - | Mr. J. T. Bowman Estate       |
| 1500 Deloney       | - | Mr. Estantí Slado Robeleado   |

The motion, seconded by Mayor-Pro-Tem Love, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox  
 Noes: None

Councilman Friedman added to his affirmative vote that he would hope the Legal Department would contact Mr. Robinson.

#### PUBLIC HEARING SET

Councilman Nichols moved the Council set a public hearing date to consider the proposed Mobile Home Ordinance as January 20, 1972, at 2:00 P.M. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### SALE OF STRUCTURE

Councilman Lebermann moved the Council approve the sale of a structure in the Urban Renewal Area - Glen Oaks, Tex R-70 as follows:

|                  |                 |                   |            |
|------------------|-----------------|-------------------|------------|
| Parcel No. R-108 | Lot 8, Keystone | Eugene W. Johnson | \$9,350.00 |
|                  | Addition        |                   |            |

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

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Lebermann  
 Noes: None  
 Not in Council Room when Roll was called: Mayor-Pro-Tem Love

#### MODEL CITIES PROPOSALS

Councilman Lebermann moved the Council adopt a resolution authorizing the amendment of the Model Cities first year plan recycling supplemental funds in the amount of \$309,419.00. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Friedman

Noes: None

Not in Council Room when Roll was called: Mayor-Pro-Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing agreement between the Model Cities Department and the Austin Parks and Recreation Department to undertake construction projects at Metz and Zaragosa Parks under Recreation Facilities Improvements #11700. Total estimated cost: \$228,442; Model Cities share: \$114,221; Bureau of Outdoor Recreation: \$114,221. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox

Noes: None

Not in Council Room when Roll was called: Mayor-Pro-Tem Love

#### RECONSIDERATION OF ZONING

FRANCIS E. BENOIT  
and HERNDON C.  
BAILEY, JR.  
C14-70-001

401-403 E. St. Elmo Rd.  
4501-4509 Lucksinger Ln.  
4517-4533 Lucksinger Ln.

From Interim "A"  
Residence District  
First Height and Area  
to "D" Industrial  
Area First Height and  
Area

Mayor Butler opened the hearing scheduled for 11:00 A. M. to reconsider a zoning request on St. Elmo Road/Lucksinger Lane.

The Director of Planning, Mr. Dick Lillie, reported there was an item on the agenda several weeks ago for passage of a zoning ordinance covering Lucksinger Lane and St. Elmo Road. Two property owners appeared before the Council concerned about the use permitted by the "D" Industrial zoning, and requested a two week's delay. A meeting was held in his office with Mr. Benoit and Mr. Herndon Bailey, applicant and owners, and with the property owners. He read a letter from the applicants stating they intend to build a mobile home park. The intention is there will be an open space between the mobile home units and the fence of 20'. The property owners present appeared to be satisfied. Betty Hargraves, Sheridan and Greenwood Hills, was not affected by the fence, and did not oppose the area of the mobile home park, as the owners had made their agreement about the fence and the 20'. Generally, Mrs. Hargraves wanted a certain strip to be used as "B" Residence District. It appeared this was a roll-back zoning request, and Councilman Nichols asked that she get the owner to make application for the zoning she is requesting. The owner would have to file the application. This property is not a part of that under consideration. Andrew Winchester asked that there be more restricted zoning than industrial, hoping for some kind of protection. This was an area study and "D" Industrial zoning was granted and an ordinance is passed when the individual is ready to develop and has met the criteria. Mr. Lillie stated when this property owner files for the change of zoning, they would notify Mr. Winchester.

Mayor Butler introduced the following ordinance:

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



LOTS 1-6, BENOIT-BAILEY ADDITION, LOCALLY KNOWN AS 401-403 EAST ST. ELMO ROAD; 4501-4509 LUCKSINGER LANE; AND 4517-4533 LUCKSINGER LANE, FROM INTERIM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS ; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Leberman, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### HEARING - PAVING ASSESSMENTS

At 10:30 A. M., Mayor Butler opened the hearing on paving assessments to be levied on Peyton Gin Road from Research Boulevard to North Lamar Boulevard covering 18 blocks.

Mr- Robert Beckham reported there were 27 assessments outstanding on Peyton Gin Road, an 18 block contract. Thirty-nine people had paid on a voluntary basis, and two have paid on the assessment since they had been levied. There are three areas that are different from the normal. Two properties have deed restrictions, but in addition a restriction in that they cannot have access to Peyton Gin Road.

Mr. Beckham explained the type of road that is being installed. This road was a country road 20' wide with bar ditches on each side. The paving will be 44' wide with curb and gutter. The road runs from North Lamar Boulevard over to 183, for about a mile. There is considerable drainage being done in connection with the fill. This drainage improvement would have a good effect on all properties. A contract has been let for \$48,000 to install necessary drainage in advance of paving. Some properties assessed back up to the road; some have side frontage; and some front on the road.

This project was initiated by the City, and a Capital Improvement Program for the development of that area.

Mr. Robert Carr, Attorney, said his clients lived on the south edge of Peyton Gin Road. He discussed a drainage situation. His clients have quit claim deeds giving ingress and egress rights to the City on and off Peyton Gin Road. The City Manager stated the road could be widened, but the property owners could not bring a driveway across from their lots on to a four-lane highway. Mr. Carr said most of the people took advantage of the voluntary paving at a greatly reduced price.

Councilman Nichols said the road could be widened and the assessment eliminated. He said if there were some property owners, who according to the appraisers should not be assessed, their money should be returned to them.

The City Manager, Mr. Andrews, recommended to the Council that subject to receiving a right of access requirement, prepared by our Legal Department, that would guarantee that no access would be brought into this four-lane highway on

either side or back, that the assessments on that total street be eliminated where this occurs. There would be no driveways, and the property owners would give the City the quit claim deeds to that.

Mayor-Pro-Tem Love was concerned about those who were not clients of Mr. Carr or those who were not aware of the hearing.

Mr. Carr stated most of this property is residential but there are some in Section 2 that are commercial, and they would want a greater traffic. They have ingress and egress off Peyton Gin. Councilman Nichols stated they were considering residential only and excluding the commercial properties.

Councilman Dryden moved the Council vote subject to obtaining the quit claim deeds of the access rights, there will be no assessment against those residential property owners who give the rights, and counting on getting this from all of the people, the length and breadth who are residential owners, then the money would be returned where there had been voluntary payment. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Lebermann

Noes: None

The City Attorney then stated he understood that if this cannot be affected, then the public hearing would have to resume. Mr. Carr noted the City Attorney was speaking of 100% compliance -- or nothing at all.

#### PAVING POLICY

Councilman Dryden stated he would like to be more familiar with the City's policy on these paving assessments, and principally the fact that the citizens have to pay their money six months or more before they get their pavement. He felt the paving should be done and then the property owner pay his amount.

Mayor Butler opened the hearing scheduled at 10:30 A.M. in connection with paving assessments to be levied on Banister Lane, Barton Skyway, Middle Fiskville Road, Clayton Lane, East 55th Street, and Martin Avenue covering 14 blocks - Contract 71-Pa-103.

The Assistant City Attorney, Mr. Charles Dippel, stated one remaining property is in litigation as to title, and the record owners have no objection to the assessment. They had signed a petition requesting the assessment for paving, but they wanted to resolve the litigation in their favor before they incurred the cost. No one appeared to be heard.

The Mayor introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VITURE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY

BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES: DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler

Noes: None

Not in Council Room when Roll was called: Mayor-Pro-Tem Love, Councilman Dryden

The Mayor announced the ordinance had been finally passed.

Mayor Butler opened the hearing scheduled pertaining to paving assessments to be levied on Montopolis Drive, covering 8 1/2 blocks.

Mr. Grant Kelley was concerned about the amount due, as he had given a set back, and it was stated that money would apply on the paving. The Assistant City Attorney, Mr. Charles Dippel stated it is not unusual when the City obtains additional right of way for paving, the amount taken is appraised, and netted off on a voluntary program on whatever amount would be paid on the voluntary program. It was explained by Mr. Beckham that they buy the additional right of way, and in turn give the check to be applied on the paving.

Mayor Butler introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING

FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

The Mayor announced the ordinance had been finally passed.

The meeting was adjourned until 2:00 P. M.

At 2:00 P. M., Mayor Butler called the meeting to order.

#### REPORT OF AMBULANCE COMMITTEE

At 2:00 P. M., Mayor Butler called upon Mr. James Clay, Chairman of the Ambulance Committee, to present its report. Mr. Clay gave a resume of the report, stating the Committee met Tuesday, December 14th, with all but one member present. The Committee recommendation was that Austin Ambulance Service's proposal be accepted at a figure of \$26.00 per patient call delivered to Brackenridge Hospital; that an escalation provision be included for "wage and hour" increases; a six months' cancellation if both parties agree; or 90 days should either party wish (a minimum of nine months.) The Committee recommended that the City consider providing emergency medical service, including necessary trained personnel. The last recommendation was that the Committee be discharged, since its work had been completed.

Mayor-Pro-Tem Love moved the Council accept the Committee's recommendation in full. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor-Pro-Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols  
Noes: None

Mayor Butler discussed the Committee's recommendation about disbanding as a Committee, and the urgency of the appointment of an interim Committee for long-term and permanent ambulance arrangements. The Council, abiding by the Committee's recommendation, discharged the Committee with thanks and appreciation for the work it had achieved. Mayor Butler urged the Council to be giving this a lot of thought before the next meeting, when it would appoint a new committee.

The Mayor, as a matter of record, asked that papers, results of studies, notes, and information be passed on to the new Committee.

At this time he submitted his proposal which he did not present at the study meeting the day before:

He was not asking the Council nor the Committee to recommend his plan, but he was asking only that they give this consideration along with various other alternatives they might have. Basically, his plan provided that the Police Department be considered in the operation of the ambulance service; that the units would be regular qualifying ambulances similar to what is presently in use, only possibly upgraded if the Committee saw fit. These units would be cruising at all times, and the periods they were not actually answering an accident call or an ambulance call, they could be another "set of eyes and ears" in the law enforcement sense. Many times during cruising they might be a block or two away from an accident, since they are on the road already. He pointed out there were many other advantages under this arrangement; and probably some equal disadvantages, but he would like for the Committee to consider this possibility.

Councilman Nichols read into the Minutes a portion of the December 9th meeting having to do with ambulance service, which would clarify the position in the last meeting: "Councilman Nichols moved that the bids be rejected, and the City Manager be instructed to negotiate with the present ambulance franchise holder on a temporary basis -- a minimum of six months, or until such time as the Council could determine what the City is going to do. The motion was seconded by Councilman Lebermann." Mayor Butler said that referred to the point brought up about whether this was an offer or a counter offer.

#### HEARING ON AMBULANCE FRANCHISE APPLICATIONS

##### Mr. Dale Owens - Capital Ambulance

At the designated time, Mayor Butler opened the hearing on an Ambulance Franchise Application, Mr. Dale Owens, applicant. Mr. Owens stated he was not prepared for this hearing today, and asked for a postponement until a future time. He was advised that he could ask for a continuance of the hearing, subject to Mr. Owens' asking to have the hearing reset, without jeopardizing his application.

Mayor-Pro-Tem Love moved the Council grant a continuance of the hearing, subject to Mr. Owens' asking to have the hearing reset. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

##### Mr. Doyle Carter - City Ambulance

Mr. Jon Coffee, representing Mr. Doyle Carter in his hearing on an Ambulance Franchise Application, stated there were people present to testify to public need and convenience; however, he would lay the matter on the table, postpone the hearing of the applicant, agree to a continuance, or ask for a continuance.

Mayor-Pro-Tem Love moved the Council continue this hearing on the same basis as voted on the Owens request, and that it would not be reset until Mr. Coffee requested. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

#### HEARING ON AIRLINE CAB COMPANY FRANCHISE

Mayor Butler opened the hearing on the Airline Cab Company Franchise as scheduled.

The City Attorney, for the record, stated this is a hearing on a cancellation of the franchise finally approved September 20, 1951, to Lawrence Reyes, and J. Pete Reyes, doing business as Airline Taxi. The alleged grounds for such termination are that Mr. Pete Reyes is an employee of the City of Austin, prohibited from doing business with the City by Article 12, Section 2 of the City Charter. In addition, Airline Taxi has failed to provide 24-hour service to the public as required by Section 34.61 of the Code of the City of Austin, and that during the preceeding fiscal year, the Airline Taxi did not receive a gross income of \$5,000 as required by the terms of Section 34.64 of the Austin City Code.

Mr. Joe Ternus, Director of Traffic and Transportation, submitted a report to the Council, which stipulates that the gross receipts for Airline Taxicab Company are less than \$5,000; and they have failed to provide continuous 24-hour service, and Mr. Pete Reyes, Jr., is currently a City employee. No communications from Mr. Reyes had been received by any Council member or Mr. Ternus. Mr. Ternus went into depths as to the information gathered on each of the three charges. Many attempts had been made to contact Mr. Reyes for service.

Mr. Pete Reyes, Jr., reviewed the history of Airline Taxi, and stated it was no secret since 1951 when the franchise was given to Airline Taxi that they did not provide 24 hours' service, as it would not be feasible with one cab to invest \$6,000-\$8,000 for a base station, two-way radios, etc., and to try to provide the City of Austin all the service with one cab. He said there are other companies that have no 24-hour service in Austin. Mr. Ternus had advised him if he did not apply for a permit and put a two-way radio and tower, etc., his franchise would be cancelled. They had tried, but were unable to find anyone who wanted to invest money in the company. As to his franchise, he did not know of the Charter provision involving City employees. Airline Taxi is a partnership, and his uncle is the founder. He was willing for his name to be removed from the franchise, and he would just help his uncle on the side. He referred to a special section in the Code, 34.59, Article c, "This subsection shall not apply to the renewal of any taxicab company franchise granted prior to and in operation on January 1, 1970, for the operation of less than 10 taxicabs." There is only one company operating less than 10, which is Airline. He reviewed Section 34-68a, calling attention to the "grandfather clauses." Mayor-Pro-Tem Love brought up a complaint from Mrs. Hawkins of Deluxe Cab Company, and Mrs. Basey, secretary to Mr. Jesse J. Bartlee, representative of an insurance company. Mr. Ternus assumed Mrs. Basey was calling on business rather than calling for a cab. The matter was included in the report to show there was no service available at that time. Councilman Dryden was interested in a report on Randolph Hawkins when he did not make the calls.

Mr. Reyes wanted very badly for his uncle to keep the franchise, and stated he would delete his name from the franchise. The City Attorney called attention to the Charter provision that no officer or employee of the City shall have a financial interest, direct or indirect, in a franchise.

Mayor-Pro-Tem Love moved the Council renew its franchise agreement for City of Austin with Airline Taxi Company, subject to the conditions of the City Charter as they discussed, particularly applying to Mr. Pete Reyes' divesting himself of financial or corporate structure within Airline Taxi Company. The motion, seconded by Councilman Dryden, carried with the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Lebermann, Mayor Butler

Noes: None

Mayor Butler asked Mr. Reyes to get with Mr. Ternus and the City Attorney's Office to see if he could get those problems resolved.

#### APPROPRIATION OF FUNDS

Mayor Butler introduced the following ordinance:

#### AN ORDINANCE APPROPRIATING FUNDS FOR CAPITAL IMPROVEMENT PROGRAM CONTRACT NO. 4053; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately which would appropriate from the unappropriated revenue bond and/or utility current funds for Capital Improvement Program Contract 4053, installation of 24 inch water main in Braker Lane from North Lamar Boulevard to Bluff Bend Drive, in the amount of \$256,000.00. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor-Pro-Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

HOWARD BRUNSON  
ET AL  
C14-71-259

5716 Manor Road

From "GR" General Retail District to "C-2" Commercial District

R. D. SEIDERS  
C.4-71-262

1600-1706 E. 51st Street  
5100-5116 Berkman Drive

From "A" Residence District To "LR" Local Retail District - Tract 1, "BB" Residence District - Tract 2

HOMER S. JOHNSON  
C14-71-267

505 Campbell St.

From B" Residence District Second Height and Area To "C" Commercial District Second Height and Area

JOE H. DAYWOOD  
C14-71-268

505 Swanee Drive

From "BB" Residence District to "B" Residence District

NORTHGATE  
BOULEVARD, INC.

9025-9101 Northgate Boulevard

From "B" Residence District To "GR" General Retail

C14-71-275

1800-1840 Colony  
Creek Drive(deleting the most  
easterly 100' of the  
property)CAROLYN WEBB  
C14-71-2801300-1302 Anderson  
Lane  
7901-7903 Gault St.From "A" Residence Dis-  
trict to "GR" General  
Retail District

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: (1) A 1,200 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5716 MANOR ROAD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND, (2) TRACT 1: THE SOUTH 203.365 FEET AVERAGE OF LOTS 18 AND 19, RIDGETOP GARDENS SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND, TRACT 2: THE NORTH 215.2 FEET OF LOTS 18 AND 19, PLUS ALL OF LOTS 16 AND 17, ALL OUT OF RIDGETOP GARDENS SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT, LOCALLY KNOWN AS 1600-1706 EAST 51st STREET; 5100-5116 BERKMAN DRIVE; AND, (3) THE SOUTH 57 AND 1/2 FEET OF LOTS 1 AND 2, BLOCK 1, R. NILES GRAHAM SUBDIVISION, NO. 1, LOCALLY KNOWN AS 505 CAMPBELL STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND, (4) LOT 20, BLOCK 6, SILVERTON HEIGHTS, SECTION 1, LOCALLY KNOWN AS 505 SWANEE DRIVE, FROM "BB" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND, (5) LOT 2 LESS THE MOST EASTERLY 100 FEET, NORTHGATE TERRACE, SECTION 1, LOCALLY KNOWN AS 9025-9101 NORTHGATE BOULEVARD; 1800-1840 COLONY CREEK DRIVE, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND, (6) LOT 3 LESS THE SOUTH 10 FEET, SUNSET VIEW, SECTION 1, LOCALLY KNOWN AS 1300-1302 ANDERSON LANE; 7901-7903 GAULT STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor-Pro-Tem Love, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love

Noes: None

The Mayor announced that the ordinance had been finally passed.

ODAS JUNG  
C14-71-271

2603-2609 Manor Road

From "C" Commercial  
District Fifth Height  
and Area to "C-2" Com-  
mercial District Fifth  
Height and Area

Mayor Butler introduced the following ordinance:



AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 77, AND THE EAST 25 FEET OF LOT 76, ISHERWOOD HEIGHTS SUBDIVISION, LOCALLY KNOWN AS 2603-2609 MANOR ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS, COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor-Pro-Tem Love, carried by the following vote:

Ayes: Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilman Lebermann  
Noes: None  
Present but not voting: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

HAROLD BRUMLY  
C14-71-211

1106 E. 32nd St.

From "A" Residence  
District to "B" Residence  
District

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 82, AVALON "D", OUTLOT 28, DIVISION "C", CITY OF AUSTIN, LOCALLY KNOWN AS 1106 EAST 32nd STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

AMENDMENT - ELECTRIC ORDINANCE & A  
UNIFORM BUILDING CODE, Volume I

Councilman Nichols moved the Council postpone action on the amendment to the Electrical Ordinance, and adoption of the 1970 Uniform Building Code, Volume I, with proposed amendments, until December 21, 1971. The motion, seconded by Mayor-Pro-Tem Love, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love, Councilmen Lebermann, Friedman, Handcox  
Noes: None

## DISCUSSION - CIVIC CENTER

Mr. Don Abel named other speakers: Messrs George Nalle, Jr.; Johnny Jones; and Joe Crow. Other merchants and Business people in the 16-block area were present.

Mr. Abel, President of Abel Stationers, 416 Congress Avenue, pointed to himself as one of the almost 100 business locations that would be bulldozed or demolished if plans presented by the Civic Center Committee were adopted by the taxpayers of Austin in a bond election. He did not believe the taxpayers would displace that many businesses employing about a thousand people for a Civic Convention Center. Their group had formed an Association, the "Austin Taxpayers Civic Convention Center Association" to fight a move if it comes to a vote. Their aim was not to fight a convention center, but this recommended location.

He listed reasons why this area should not be considered: That 40% of the heart of downtown section would be demolished -- 16 square blocks of taxpaying operating businesses to be taken off the tax rolls, to be replaced with non-taxpaying City-owned buildings. Other cities select strictly slum or non-productive areas when they build this kind of facility. He pointed out this area was not a "depressed" area as far as businesses are concerned, and this 16 block area is a going, operating, thriving business area compared to the area north of this section, which is mostly government owned. Adjacent to this 16 block area, are three multi-story office facilities, planned by the three banks. The University is constructing a large building, to bring 2,000 or more new office workers down town. One has to think of downtown now as a shopping center. If the City takes the area over under Urban Renewal, there would be no private enterprise building. He distributed literature having to do with the Pittsburg, Pa., center and site. Large cities in Texas followed the same policy and did not destroy 40% of the heart of their downtown. He emphasized that there would be rejuvenation, remodeling, redecorating, and new buildings in the 16 block area by taxpaying free enterprise. He called attention to the millions of dollars that the merchants would have to invest to rebuild and relocate.

Mr. Abel spoke to the vote of the Civic Center Committee, stating the commendation was not unanimous, and there should be a minority report, so the citizens could hear both sides of the Committee membership. Under present estimates and plannings, he did not believe the people would vote for this bond issue. He wanted a winning election this time. The timing is important, as the convention center is necessary now. Mr. Abel's recommendation was the Auditorium site, which he discussed briefly.

Mr. George Nalle, Nalle Plastics, had been in this area in business for 25 years, and they had operations in Japan and in Europe. He had just completed a brand new 40,000 square foot addition to their plant. He referred to Minutes of the Council on April 11, 1968, quoting Councilman LaRue, Dick Nichols, (who expressed himself that the area to the west of the Interregional should not be a part of the Model Cities Plan) and others. He read a letter from Mr. Dick Jordan, stating Model Neighborhood (among other things) is designed to encourage businesses in the area for new jobs and opportunities -- the aim is to stimulate, not stifle private development. With those assurances he went ahead and constructed his new building.

Mr. Johnny Jones, representing their Association, The Austin Taxpayers Civic Convention Center Association, expressed their concern for the 16 blocks in question. To the business men in the area, this is their livelihood. He listed the new construction during the last five years -- Southern Union Gas Company;

Abel Stationers; Greyhound Bus Station; Austin National Bank; and George Nalle. There are other good buildings in the area, and it would not be good to remove 16 blocks from the tax rolls to replace it with non-taxable properties. The group questioned the qualifications under Urban Renewal; and even then Urban Renewal might be abolished. With fear of this plan, they could not invest money on their properties, and their employees' morale is affected. They requested that the Council rule out the recommendation of the Civic Center Committee; but if this is not done, they requested immediate submission of this recommendation to the voters in order to get it resolved, and that those most affected would know what to expect and to make plans.

Mayor-Pro-Tem Love was concerned as to the number of members of the Association and how many are property owners.

Mr. Joe Crow, a dissenting member of the Civic Center Committee, was vitally interested in a Civic Center, and had hoped the Committee would come up with a proposition that would get the voters' approval; instead, they came up with one which is highly controversial and doomed to defeat. He said the Committee had admitted going beyond their charge. He suggested that the Council bring this to a quick decision, as those businesses are under a cloud now, and then get on to a Convention Center which would be realized. He had asked for a minority report. Mr. Crow emphasized the need for a Civic Center, but he stated this project now would defeat such. His suggestion for referral to the citizens would be to submit the locations along with the bond issue, so the voters would know what they were going to pay for. At present, he would concur with Mr. Abel in the Coliseum site; however, there might be better sites. Ownership would appeal to the voters, and this site would yield the quickest construction. It would be advantageous to have all facilities in the same area, and Mr. Nalle agreed. The Association recommended that one of the things to be done would be to spend \$1,000,000 on the present auditorium.

Mr. Harry Nolan discussed the amount to be voted on, the amount of interest over a 30 year period to be paid, plus the loss of half a million dollars in taxes over the 16 blocks. He was not in favor of using this 16 block area and losing 1,000 jobs, which the City would have to add to its payroll.

Mr. Bill Hart, Chairman of the Civic Center Committee, and representing the majority of the Committee, stated no one was behind the report in any way, and there are no personal or selfish motives. There were 17 members on the Committee, 13 supporting the report, and four not in support. The charge to the committee was for a convention center, and it was noted early that a convention center was a misnomer and they were talking about a civic center. He questioned the 16 block area as being the heart of downtown. This area had an average tax collection in 1970 of \$9,000, and apparently is not being used to the best and highest advantage. He spoke in favor of the recommendation, in the belief the renewal and rejuvenation of the area would attract additional businesses, buildings, and spread downtown from Shoal Creek to Waller Creek. Downtown Unlimited is giving its support, as are the banks. Mr. Hart believed if they came back to the voters with the same proposition essentially, it would be defeated again. The benefits of the 16 block area would make it easier to sell this Civic Center at that site than to sell it across the River or any place else in the City.

Mayor Butler noting the previous speakers had related to taking property off the tax rolls, and he recalled in Mr. Hart's presentation, it was his view that by taking these 16 blocks off the tax rolls as such, the assessed values of the surrounding area, when the project is complete, would be higher rather than lower. Mr. Hart reiterated that when the area is redone, new businesses and major hotels

would be attracted; and in three to five years, the taxes taken away from that area would be doubled. Mr. Crow did not agree, and asked that qualified professionals be brought in on this matter. Mr. Abel stated private enterprise would take place in this area now - but not if it is City property.. Mr. Abel emphasized again the need of a convention center now, and not from four to ten years in the future. Construction could begin right away if the plans on the 70 acre tract were ready. The City-owned land is there waiting.

Mr. John Carpenter, in the theater business, recommended that all theaters and amusement centers be located in one area. He offered his former experience and knowledge to architects or anyone to get the building going immediately.

Mr. Barnes, Architect and member of the Committee, supported the recommendation of the Committee, stating the construction of the Civic Center would bring rejuvenation, new hotels and other developments.

Mayor Butler thanked the gentlemen representing both sides, and stated the Council had not set a public hearing as yet. The report from the Civic Center Committee was presented, and at this time Council has heard some opposition. He stated the Council would set a public hearing and make a final disposition at least as far as the Council is concerned. The Mayor felt this matter would need to go on a referendum in the spring, and perhaps a meeting in January would give plenty of time for discussing this. Councilman Dryden emphasized he had not committed himself to anyone. However, he was for a convention center. Mayor Butler told the group that the Council did go to Washington to get financing for the 16 block area. They were interested in getting financing for this as well as for buses, ambulances, street lights, etc. He thank the groups for their interest.

#### REQUEST FOR PERMANENT LIBRARY BUILDING IN SOUTH AUSTIN

Mr. Ted Nuse, representing the South Austin Civic Club, complimented the Council and administration for the things that they had done for South Austin. Their request was that the Council dedicate a two acre tract of land on Manchaca Road near Stassney Lane, as a regional library building to be constructed at the earliest opportunity and to be about 15,000 square feet in size with a seating capacity for a public meeting facility of about 150 seats, similar to the Oak Springs Library. They urged dedication for this particular use at this particular site. He cited statistics as to the population in South Austin and in the school districts. Councilman Nichols was of the opinion this site had been set aside for a library but he wanted to check. Mr. Nuse referred to a statement made by Councilman Nichols at a Civic Club meeting: "Mr. Nichols also suggested that the Civic Club put a little pressure on the City Council to continue plans to build a library on a two acre City-owned piece of property on Manchaca Road." At this meeting, Mr. Nuse had asked various questions about various projects. To date they had not received an answer.

As to the Library, the City Manager stated the Library Master Plan is ready to go the Library Board; and as soon as they review it, the Council would receive recommendations, and can amend it, change it, or adopt it.

Mr. Andrews reported if Mr. Davidson had promised to answer the various questions, he was sure he is still working on them.

#### REQUEST REGARDING UNIT PRICING WITHDRAWN

The Council received notice from Mr. Stephen M. Simon, who was scheduled to

appear before the Council to discuss the possibility of instituting unit pricing in the Austin area, requesting that his name be removed from the Council Agenda of Thursday, December 16, 1971. The Council granted his request.

#### ZONING ORDINANCE AMENDMENT - ACTION DEFERRED

The Council deferred action on amending Zoning Ordinance No. 690626-E to change the square footage lot dimensions and field notes until December 21, 1971, for information.

#### COMPLAINT ON CONSTRUCTION/AND BUILDING PERMIT

Mr. Ruel E. Snow appeared before the Council to discuss construction at 1301 South Interregional, pointing out some irregularities in his opinion. The Building Official made a complete report of the matter, outlining the history of the building. The Council listened attentively, but there was no action to be taken.

#### LAW ENFORCEMENT PLANNING STUDY

Mr. William B. Hilgers appeared before the Council asking the Council to give further consideration to a proposal that has been submitted by the Southwest Institute for Planning Sociometrics, called "Law Enforcement Planning Study." He was speaking in behalf of the Southwest Institute for Planning and Sociometrics as their legal counsel. He is a member of the Board of Directors, with a minor stock interest.

Mayor-Pro-Tem Love stated this is the same presentation which was heard at Murchison Junior High School and he recalled that the excellent presentation was fully made and was complete. The Council discussed this matter quite at length with Mr. Hilgers.

Councilman Friedman stated it seems the study would be a very worthwhile study if and when it gets underway.

Councilman Handcox stated the 1% figure that has been indicated available in the Police Budget of \$46,000, is a very small price to pay for the effort. He thought this study is much needed. Councilman Handcox then moved the Council that Dr. Hazzard's proposal for this study be accepted and proceed immediately. The motion, seconded by Councilman Friedman, failed by the following vote:

Ayes: Councilmen Nichols, Friedman, Handcox

Noes: Councilmen Dryden, Lebermann, Mayor-Pro-Tem Love, Mayor Butler

Councilman Handcox asked if the City Manager could provide the Council with some backup data on the studies that were made, what implementations have taken place since receiving such studies, what effort for implementation has been made.

#### CLAIM FOR \$20.00

Mr. Julian Baskin appeared before the Council regarding a \$20.00 claim for damage to garbage containers. The City Attorney stated the Council was not liable and could not make payment.

ELECTRICAL AND WATER SERVICES  
TO HOUSING PROJECT AT 5TH & CUMBERLAND ROAD

Mr. Joe K. Wells, Chairman Housing Authority Board of Commissioners, had requested appearance regarding water and electrical services to the Housing Project at South 5th Street and Cumberland Road. It was reported his request was handled administratively.

ESTABLISHMENT OF A CITIZENS' BOARD  
OF NATURAL RESOURCES & ENVIRONMENTAL QUALITY

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY DESIGNATING SECTIONS 46-1 AND 46-2 AS ARTICLE I OF CHAPTER 46; AMENDING SECTION 46-2; ADDING A NEW ARTICLE II TO SAID CHAPTER 46 PROVIDING FOR THE CREATION OF A CITIZENS' BOARD OF NATURAL RESOURCES AND ENVIRONMENTAL QUALITY; PROVIDING FOR THE COMPOSITION AND APPOINTMENT OF MEMBERS OF SUCH BOARD AND THE FUNCTIONS AND DUTIES OF SUCH BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY.

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

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Not in Council Room when Roll was called: Mayor-Pro-Tem Love

FLOOD MANAGEMENT PROGRAM ORDINANCES

Mr. Dick Lillie, Director of Planning, gave a review of the ordinance and divided the responsibility between the property owners and the City. He gave a full presentation of the provisions in the Ordinance. Councilman Lebermann suggested that Categories No. 4 and No. 1 be scheduled for December 21st, and the other two be scheduled the following week.

CONTRACT FOR SEWER EXTENSION IN WILLIAMSON CREEK AREA

It was pointed out by the City Attorney this has been authorized generally by the Council about two meetings ago. Mr. Sneed gave a resume stating the contract provided for the extension of the sewer line from its present location to the respective properties of Frontier Trails which is Mr. Stewart's corporation; and the properties of Mr. Rathgeber. It is stipulated the cost will be \$280,000 by estimate. Within five days after execution of the contract, Frontier Trails will file a letter of credit of \$32,000, and Mr. Rathgeber will file one of \$24,000 which is 20% of the estimated cost. The City would proceed with design of the system and take bids. Mr. Rathgeber and Frontier Trails will pay the 20%, and that sum will constitute a fund with which they can, at a later date, but not to exceed 12 years, use the funds at the rate of \$80.00 per residential unit. This provision was reviewed and discussed.

Mr. Sneed stated this would not affect the refund contract provision, at the

time property is annexed in the City.

Councilman Nichols moved the Council adopt a resolution approving the contract. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor-Pro-Tem Love

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Councilman Friedman voted "yes" with the understanding that there is a fight with the refund contract.

#### ANNEXATION - CAMERON ROAD

The Director of Planning, Mr. Lillie, made the presentation concerning annexation of 33 acres north of Rundberg Lane, and west of Cameron Road. There is a subdivision called Windsor Hills, Section 3, on file with the Planning Department. The south 15 acres can be served with the sanitary sewer with a deep 14' cut in the ridge line. The subdivider, Nash Phillips-Copus, will be submitting an application for annexation on the 17.15 acres as they are ready to build. The 18-20 acres cannot be served with sewer now except by a lift station. With the south 15 acres eminent and the north 20 acres not to be developed, it was the belief of the Planning Commission, for the City to initiate annexation would not be appropriate at this time on this 33 acres. The south 15 acres will be served by the system; the north half will require a lift station. The cost of lift stations is borne by the subdivider. It was suggested that the area be brought into the City. The City Manager explained if the property were brought in, the owner would say he was in the City limits, paying taxes and he would want sewer services which would require a lift station. Mr. Lillie stated the preliminary subdivision is in preliminary subdivision form and has been approved by the Planning Commission. The first phase will be the 15 acres and they will bring in a final plat and at the same time request annexation.

#### ZONINGS SET FOR PUBLIC HEARING FEBRUARY 3, 1972

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on February 3, 1972:

|  |                        |   |
|--|------------------------|---|
| B. M. HICKMAN<br>By D. W. Morris<br>C14-71-264 | 2608-2610 Wheless Lane | From "A" Residence District First Height and Area to "B" Residence District First Height and Area |
| GLEN E. LEWIS, INC.<br>C14-71-294              | 3406 Red River Street  | From "A" Residence District First Height and Area to "O" Office District First Height and Area    |
| DOYLE CHAPMAN<br>C14-71-295                    | 5624 Woodrow Avenue    | From "A" Residence District First Height and Area to "O" Office District First Height and Area    |

|   |   |   |
|---|---|---|
| NIEVES FLORES, JR.<br>C14-71-296  | 1810 Riverview St.  | From "A" Residence District First Height and Area to "LR" Local Retail First Height and Area  |
| A. E. MAUL<br>By Donald Cartwright<br>C14-71-297                          | 6708 Manchaca Rd.   | From "A" Residence District First Height and Area to "GR" General Retail District First Height and Area                               |
| W. W. KNAPE<br>C14-71-298   | 1000-1006 East 52nd St.<br>5201-5203 Harmon<br>1009-1015 E. 53rd St.                | From "A" Residence District First Height and Area to "C" Commercial District Fifth Height and Area                                    |
| GEORGE SCHUSTER III, M. D.<br>By S. B. Schuster<br>C14-71-299             | 2302 Leon Street  | From "A" Residence District First Height and Area to "B" Residence District Second Height and Area                                    |
| SIMON OKON<br>By Kenneth D. Carr<br>C14-71-300                            | 1906 Guadalupe St.  | From "C" Commercial District Third Height and Area to "C-2" Commercial District Third Height and Area                                 |
| B. F. McCOY<br>By Don Ferguson<br>C14-71-301                              | 706-720 Cooper Dr.<br>713-725 West Rundberg Lane<br>9201-9331 North Lamar Boulevard | From Interim "A" Residence District First Height and Area to "C" Commercial District First Height and Area and Second Height and Area |
| RALPH VERTREES<br>By H. Glenn Cortez<br>C14-71-302                        | 2301 and 2303 Polaris   | From "A" Residence District First Height and to "C-2" Commercial District First Height and Area                                       |
| WILLIAM MARK DAY<br>By Richard Baker<br>C14-71-303                        | 5601-5617 Airport Blvd.   | From "C" Commercial District First Height and Area to "C-2" Commercial District First Height and Area                                 |
| JEHOVAH'S WITNESSES,<br>ALLANDALE UNIT<br>By Jack Ledbetter<br>C14-71-304 | 5611 Clay Avenue  | From "A" Residence District First Height and Area to "O" Office District First Height and Area  |
| CITY OF AUSTIN<br>C14-71-305  | 1022-1046 Reinli St.<br>1015-1047 Clayton Ave.<br>5800-5920 Sheridan Ln.            | From "A" Residence District First Height and Area and "C" Commercial  |



CITY OF AUSTIN  
C14-71-305 (Cont'd)

District Second Height  
and Area to "B" Residence  
District Second Height  
and Area

NON-COMMISSIONED  
OFFICERS LIFE  
INSURANCE COMPANY  
By Myers Parsons  
C14-71-306

3803 Duval Street  
3805 Duval Street  
506 and 508 East  
38th St.

From "A" Residence Dis-  
trict First Height and  
Area to "O" Office Dis-  
trict First Height and  
Area

KENNETH COLLINSWORTH  
By Fairy Davenport  
C14-71-307

2804 South First St.

From "A" Residence Dis-  
trict First Height and  
Area to "GR" General  
Retail First Height and  
Area

R. H. SNIDER, M. D.  
By Bob Mann  
C14-71-308

1300 W. Ben White  
Boulevard

From "A" Residence Dis-  
trict First Height and  
Area To "GR" General Re-  
tail First Height and  
Area and "B" Residence  
District First Height and  
Area

JOHN FELTER  
By Hoyle Osborne  
C14-71-309

1805-1811 South IH 35

From "A" Residence Dis-  
trict First Height and  
Area to "GR" General Re-  
tail Fifth Height and  
Area

THE SALVATION ARMY,  
MAJOR CHAMBLESS  
By Harold Legge  
C14-71-310

2700-2712 South 5th St.

From "A" Residence Dis-  
trict First Height and  
Area to "O" Office Dis-  
trict First Height and  
Area

JOE CROW  
C14-71-311

810-943 East Rundberg  
Lane  
9117-9321 IH 35 N.

From Interim "A" Residence  
District First Height and  
Area to "GR" General Re-  
tail Fifth Height and Area

AUSTIN BAKING COMPANY  
By John Selman  
C14-71-312

5800 Airport Blvd.

From "C" Commercial Dis-  
trict First Height and  
Area to "C" Commercial  
District Second Height and  
Area

FAIRVIEW BAPTIST CHURCH  
By Karl Lockhart, Jr.  
C14-71-313

5600-5612 South 1st  
Street

From Interim "A" Residence  
District First Height and  
Area to "LR" Local Retail  
District First Height and  
Area

MANFRED KERELKE  
By Paul Jones  
C14-71-314

1301-1305 Newning

From "A" Residence Dis-  
trict First Height and  
Area to "B" Residence Dis-  
trict Second Height and Area

M. H. CROCKETT, JR.  
C14-71-315

Rear of 1041-1133 N.  
Interregional Hwy.

From "A" Residence Dis-  
trict First Height and  
Area to "C" Commercial  
District Sixth Height and  
Area

C. L. REEVES  
By Hale & Assoc.  
Brian Schuller  
C14-71-316

Tract 1  
2201-2207 Woodland Ave.  
1801-1815 Burton Drive

Tract 2  
2009-2115 Woodland Ave.  
1800-1814 Burton Drive

Tract 3  
2008-2114 Woodland Ave.  
1714-1732 Burton Drive

Tract 4  
2200-2206 Woodland Ave.  
1733-1743 Burton Drive

From Tract 1& 2 "B"  
Residence District First  
Height and Area  
From Tract 3& 4 "O" Office  
District First Height and  
Area To "GR" General Re-  
tail First Height and  
Area

J. D. CONNOLLY  
C14-71-317

7101-7125 Ed Bluestein  
Boulevard

From Interim "A" Residence  
District First Height and  
Area to "GR" General Re-  
tail First Height and  
Area

#### ADJOURNMENT

The Council adjourned at 7:40 P. M.

APPROVED

*Ray Butler*  
Mayor

ATTEST:

*Elaine Woolley*  
City Clerk