

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 14, 1971
10:00 A.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Absent: Councilman Love

The Invocation was delivered by RABBI LOUIS FIRESTEIN, Temple Beth Israel.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of October 7, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PROCLAMATIONS

Mayor Butler read a proclamation designating Monday, October 25, "ALL VETERANS' DAY" and presented the Proclamation to LIEUTENANT COLONEL WALTER J. DINGLER. Colonel Dingler introduced other officers of the Veterans of Foreign Wars and Auxiliaries.

Life Insurance Week

A proclamation designating October 18 - 22 as "LIFE INSURANCE EDUCATION WEEK" was read by Mayor Butler, and presented to Messrs. Richard Frederic and Clint Reeves. Citizens were urged to learn more about their life insurance and what it can do for them.

Poppy Days

Mayor Butler read the proclamation, setting the week of October 20 - 27 as "POPPY DAYS", and encouraged all citizens in Austin to support this worthy cause. Mrs. Corrine Angelastro received the Proclamation.

Little Miss Terri Noton presented each Councilman and the Mayor with a poppy. Mr. Bob Noton invited the Council to attend the ceremonies, and invited each to the breakfast on October 25th, from 6:00 A.M. to 9:00 A.M. at Post #83, 602 West 7th Street.

Texas Longhorn Week

Mayor Butler, noting Councilman Dryden had his Texas Longhorn uniform on today, announced he is going to represent City Council tonight in presenting the Proclamation designating the week of October 11 - 16 as "TEXAS LONGHORN WEEK" and present his proclamation to Coach Darrell Royal at Memorial Stadium.

ANNOUNCEMENT OF APPOINTMENTS

Mayor Butler announced that the Council had gone into an Executive Session last evening, at which session it named and filled five vacant positions in the Planning Commission as follows. They will take office at the next Planning Commission meeting, the appointees being:

	Term Extending to
MR. ROYCE FAULKNER	June 1, 1973
MR. BUFORD STEWART	June 1, 1973
MR. C. W. HETHERLY	June 1, 1973
MR. DAVID BARROW, JR.	June 1, 1973
MRS. JEAN MATHER	June 1, 1973

He announced these newly appointed members would take office at the next Planning Commission.

Six appointments also were made to the Human Opportunities Corporation. Three others had been named, but the Council had not contacted them as yet. Those who have accepted are as follows:

MRS. MARJORIE LEE
COMMISSIONER DAVID SAMUELSON
COMMISSIONER RICHARD MOYA
MRS. J. M. HOLLOWAY
MRS. JOHNNIE RICE
MR. DICK NICHOLS (who had previously been designated by the Council to serve as the Council's representative on the HOC Commission.)

The appointments announced this morning would fill eleven vacancies on the Boards.

RE-APPOINTMENT - MR. JAMES CLAY

Councilman Dryden moved the Council vote to confirm the re-appointment of Mr. James Clay as a member of the Civil Service Commission for a term through May 6, 1974. The motion, seconded by Councilman Nichols, carried by the following vote:

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

PARADE PERMIT - CROCKETT HIGH SCHOOL

Councilman Friedman moved the Council vote to approve the request to change the time of the Parade Permit previously granted Crockett High School from 10:00 A.M. to 1:30 P.M. on October 23, 1971. The motion, seconded by Councilman Nichols, carried by the following vote:

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

STREET NAME CHANGE

Councilman Nichols moved the Council adopt a resolution authorizing a street name change from Westgate Circle to WINDSWEPT COVE, from West Gate Boulevard westerly to the end of the street. The motion, seconded by Dryden, carried by the following vote:

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

EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

A 5.00' public utilities easement out of Lot 3, Block D, NORTH LAMAR PARK, SECTION THREE.

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

A portion of a 7.5' public utilities easement out of Lot 1, Block J, SCENIC BROOK WEST, SECTION ONE.

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

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

CONTRACTS AWARDED

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

CAPITOL CITY UTILITIES - For the installation of approximately 2800 linear feet of 6-inch water main and appurtenances; and approximately 1,070 linear feet of 8-inch sewer main and appurtenances - Glen Oaks Project Texas R-70, Water and Sewer Mains for Urban Renewal - \$46,865.50. (60 working days for completion; City's estimate - \$63,890.00; Capital Improvement Program)

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

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

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

SCHMIDT CONSTRUCTION COMPANY - For the installation of approximately 392 linear feet of 12-inch water main and 85 linear feet of 6-inch water main in Rundberg Lane at North Lamar westerly - \$5,657.00. (30 working days for completion; City's estimate - \$5,473.10; Capital Improvement Program)

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

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

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

UNITED CONTRACTING
COMPANY

- For the installation of approximately 13,284 linear feet of 48-inch water mains, 1201 linear feet of 24-inch water main, and 18 linear feet of 16-inch water mains and appurtenances -- Helm Street 48-inch water main - \$823,486.25. (220 working days for completion; City's estimate - \$948,583.00; Capital Improvement Program)

Councilman Nichols noted that the bid was almost \$100,000.00 lower than the estimate.

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

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

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

THOMPSON-HAYWARD
CHEMICAL COMPANY

- Ferrous Sulfate (Copperas) - Contract
Period: 12 months - \$9,908.40

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

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

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

ED PAGE

- For the installation of electric conduit and concrete foundations for street lighting on 7th Street from Guadalupe Street to IH 35 - \$46,306.70. (130 calendar days for completion; Capital Improvement Program)

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

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

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

PRIESTER-MELL CO. - Three Phase pad mounted Distribution transformer:
2 Ea. 150KVA, 208/120 Volt @ \$1,170.00 - \$2,340.00
3 Ea. 300KVA, 208/120 Volt @ \$1,860.00 - \$5,580.00
Total \$7,920.00

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

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

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

RTE CORPORATION - Three Phase pad mounted Distribution transformer:
2 Ea. 500KVA, 208/120 Volt @ \$2,330.00 - \$4,660.00
4 Ea. 750KVA, 208/120 Volt @ \$3,350.00 - \$13,400.00
Total \$18,060.00

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

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

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

TECHLINE, INC. - Three Phase pad mounted Distribution transformer:
1 Ea. 750KVA, 480/277 Volt @ \$3,268.00

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

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

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

WALTER TIPS CO. - Three Phase Pad mounted Distribution transformer:
1 Ea. 1000 KVA, 480/277 Volt @ \$3,783.00

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

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

- Chemicals to be used in the boilers of the Electric Power Production Division; Contract period is for 12 months:

McKESSON CHEMICAL
COMPANY

- Baume Sulphuric Acid - \$8,030.00

McKESSON CHEMICAL
COMPANY

- Liquid Caustic Soda (Sodium Oxide) - \$17,400.00.

THOMPSON-HAYWARD
COMPANY

- Hydrazine Solution - \$7,579.20

The City Manager stated one of these appears not be the low bid, although it actually is, due to the fact that the higher bid of \$17,400 does not have the water and the \$17,200 does have. Councilman Nichols stated it was satisfactory but he suggested that it reflect in the minutes that they are being given to the low bid and for what reason they are considered the low bid.

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

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

BRO-DART, INC.

- One each Mobile Library Book Trailer - \$10,990.00.

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

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

MODUS OPERANDI
UNLIMITED

- 65 each Model C4B Coaster Sirens and 3 each Interceptor Model P-20 Combination Siren, Public Address and Radio Amplifier - \$8,788.00.

The City Manager explained, by recent legislation, that emergency vehicles be equipped with sirens and red lights. Mr. Rogers, Fleet Administrator, explained to Councilman Friedman that this was a specially manufactured item. It was not stock and it could be supplied more quickly.

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

SALE OF SURPLUS ELECTRICAL ITEMS

Councilman Lebermann moved the Council adopt a resolution awarding the sale of Surplus Electrical Items as follows:

TRANSFORMER REPAIR SERVICE - \$3,575.55 total, net, "as is" where located.

GREENVILLE TRANSFORMER COMPANY - \$6,850.15 total, net, "as is" where located.

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

HEARING SET - ALCOHOLIC BEVERAGES

Councilman Friedman moved the Council set a public hearing to amend Chapter 45 of the Austin City Code (Zoning Ordinance) pertaining to the sale of alcoholic beverages in apartment houses (containing more than 51 units) and apartment dwelling groups, for November 11, 1971 at 11:00 A.M. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro-Tem Love

Not in Council Room when Roll was called: Mayor Butler

WATER QUALITY FUNDS

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to apply for water quality enhancement funds. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The City Manager stated this was a requirement for requesting Federal and/or State funds for interceptor, sewer mains, and so forth.

Councilman Friedman here noted that his name was being misspelled and he would like to have it corrected -- JEFFREY -- to be spread across the Minutes and carried out.

EMINENT DOMAIN PROCEEDINGS

Councilman Nichols moved the Council adopt eleven (11) separate resolutions authorizing eminent domain proceedings for right-of-way for MoPac Boulevard on the following property:

2414 Hartford Road	3200 Funston
2418 Hartford Road	3218 Funston
3004 Funston	2415 Winsted Lane
3006 Funston	2419 Winsted Lane
3104 Funston	2503 Winsted Lane
3106 Funston	

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

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

ACQUISITION OF LAND

The Council had before it acquisition of land for the MoPac Expressway, Phase 4, The question of the values of trees was brought up. In this case, the trees were in a drainage ditch -- not trees that were planted and cultivated. Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac including the natural trees as follows:

2802 Oakmont (Partial Acquisition)
Jesse Manchaca and Standard Mortgage Co.

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

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

DEDICATION OF RIGHT-OF-WAY

Councilman Friedman moved the Council adopt a resolution authorizing the dedication of street right-of-way as follows:

South First Street

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Councilman Friedman moved the Council adopt a resolution authorizing the dedication of street right-of-way as follows:

Berkman Drive and East 51st Street

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

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

Noes: None

Absent: Mayor Pro-Tem Love

Councilman Friedman moved the Council adopt a resolution authorizing the dedication of street right-of-way as follows:

Tillery Street

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

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

Noes: None

Absent: Mayor Pro-Tem Love

AGREEMENT WITH
SOUTHERN PACIFIC TRANSPORTATION COMPANY

Councilman Nichols moved the Council adopt a resolution authorizing an agreement with SOUTHERN PACIFIC TRANSPORTATION COMPANY to interconnect the City's traffic signals with the railroad circuits - Denson Drive at Airport Boulevard. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro-Tem Love

After discussion as to financial responsibilities, there was no exchange of funds.

BOAT DOCK AND/OR WALKWAY

Councilman Friedman moved the Council adopt a resolution authorizing Mr. Marion Fowler permission to build a boatdock and/or walkway on that part of Lake Austin known as Greenshores. The motion, seconded by Councilman Nichols, carried by the following vote:

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

SALE OF HOUSES

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

Tom Blomquist 2701 Canterbury St. \$737.00

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

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

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

Cullen & Cox 401 Rio Vista \$624.00

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

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

APPLICATION TO ECONOMIC DEVELOPMENT ADMINISTRATION

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to make application to the Economic Development Administration of the U. S. Department of Commerce for \$600,000 under the Public Works Impact Program. The motion, seconded by Councilman Handcox, carried by the following vote:

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

MODEL CITIES PROPOSALS

Councilman Nichols moved the Council adopt a resolution, authorizing an agreement between the Austin Model Cities Department and the Texas Industrial Commission for Technical Assistance in the field of Economic and Business Development. Total Cost: \$4,300.00. (100% Model Cities Funds). The motion, seconded by Councilman Friedman, carried by the following vote:

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

PHARMACEUTICAL SERVICES - MODEL CITIES

The City Manager reported having met with Messrs. Mendez and Tovar and placed this business on a professional basis, setting a firm price at \$1700.00 per month for each, and asking them to list the services they would render at this price. The Council would then determine as to who would offer better services, based upon the presented facts.

Councilman Nichols suggested dividing the services between both pharmacists. Mr. Homer Reed, Executive Administrator, stated that they are being asked to provide services from 7:00 A.M. through 11:00 P.M. resulting in their incurring certain expenses which ultimately will be at the City's cost. The recommendation was to select one pharmacist as the less expensive way to provide for this service.

Mr. Prud'homme, attorney and management consultant of Mr. Mendez, stated his company is under direct contract with the Small Business Administration to help minority entrepreneurs. They are giving technical assistance to Mr. Mendez. Mr. Tovar has a Small Business Administration Loan and can receive free assistance, but stated that their services were not needed and therefore they are not informed of his fiscal condition. A request for proposal was let through the Model Cities Department and was received by both pharmacists. The bid submitted by Mr. Mendez was \$1,000.00 lower from that of Mr. Tovar and it was also noted by Mr. Prud'homme that Mr. Tovar was a member of the Model Cities Commission and as such could not enter into a contract. It was pointed out that Mr. Tovar's resignation from the Model Cities Commission had been received by the Council and granted. Mr. Prud'homme cited the "need basis" to develop people who have need; that the going rate was between \$ 2.50 and \$3.00, but that the bid submitted by Mr. Mendez calls for \$1.25 only per prescription. He asked that both pharmacists be evaluated.

Councilman Friedman's theory was that more was to be taken into consideration than just the amount of money. As to need, there is a need for the individual as well as for the Model Cities Community.

Mr. Tovar stated he did need financial help several months ago, but had not heard from the Small Business Administration. He explained that this proposal not only calls for dispensing medication and free delivery of all pharmaceuticals, but that he also operates a professional pharmacy and renders professional services to the citizens in the area; that his proposal is low since the average amount paid by the State is approximately \$2.00 per prescription. He offered a family medication record profile and explained it has a drive-up window. Mr.

Tovar also offered a 24 hour emergency service program, seven (7) days a week, since he is concerned about the people in the area so that they will receive first class health care.

Councilman Firedman moved the Council adopt a resolution authorizing that the proposal and grant be given to "Central Pharmacy" (Mr. Tovar) in conformance with the recommendation made by Dr. Sessums and concurred by Mr. Ojeda. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CONSIDERATION OF ENGINEERING SERVICE FOR DISMANTLE INSPECTION OF TURBO-GENERATING UNITS

Councilman Nichols moved the Council vote to authorize the engineering service for Disassemble Inspection of Turbo-Generating Units. (Westinghouse Electric Corporation on a unit (hourly) basis. The motion, seconded by Councilman Friedman, carried by the following vote:

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

CONSIDERATION OF CONSULTING ENGINEERS FOR CORRECTIVE MEASURE AT DECKER DAM

MR. R. L. HANCOCK stated the present contract had been terminated at the Decker Dam. Brown and Root, consulting Engineers, did the engineering work on site selection, the dam site and construction of the dam as well as the power plant. Realizing the area was heavy in clays, the Engineers took special care to provide for movements in these clays in the initial phases of the spillways and wingwalls. There has been relevant movement between the slabs and the spillways and relevant movements on the walls of the chutes as a result of the movements in the clays. This engineering service is to correct that movement, the contract being \$4,800.00.

As to contingencies built in for contract overages as noted by Councilman Lebermann, Mr. Hancock reported that plans and specifications must be cleared and approved by the State Water Rights Commission. It was believed that the plan submitted would be acceptable, but there is a possibility that the Commission might require additional work to be done. The consulting firm left itself way out in the event that extensive changes may be required, all of which would need Council approval.

Mayor Butler and the Council members were deeply concerned about the responsibilities of Brown & Root Engineers, dating back to the primary contract, noting that in less than ten years they have to be called back for corrective work for which they expect to be paid. Mr. Hancock stated the City purchased

expertise from professional engineers who did provide for the additional movement and made allowance for the soil condition. There was more movement than anticipated. Councilman Friedman felt that Brown & Root may be incorrect in the estimate and did not mean that the City should pay for the corrective work. Councilman Nichols inquired about a repetition of this condition, resulting in greater damages, but Mr. Hancock replied that not only Brown & Root, but the Water Rights Commission and the Soils experts as well felt confident that all of the relative motion that is going to take place due to the changes in moisture content of soils has taken place. As a precaution, however, there will be monument work and periodic elevation checking to ascertain that this is true. Mr. Hancock further stated that it was felt since Brown & Root were familiar with the previous contract and the pertinent background information, they were more eminently qualified to handle the situation than any other engineering firm.

Due to the urgency and the possibility of further damages, Councilman Dryden moved the Council vote to deny the naming of engineers at this time with the instruction to the City Manager to pursue this matter on a non-fee basis. The motion, seconded by Councilman Friedman, carried by the following vote:

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

PUBLIC HEARING ON FIRE STATION AT 43rd and SPEEDWAY

Mrs. Walter Richter together with a large group of citizens appeared in the interest of retaining the operation of the Fire Station at 43rd and Speedway. Mayor Butler made an announcement to the crowd, complimenting them for the amount of sincere work they had performed.

Councilman Nichols moved the Council vote to continue the operation of this Fire Station with instructions to the City Manager to man it, if necessary, for its operation. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

INDUSTRIAL WASTE ORDINANCE HEARING

Mayor Butler opened the hearing on the proposed Industrial Waste Ordinance.

Broups represented at this hearing were I.B.M., Texas Instruments, Tracor and the Austin Environmental Council. Others interested were Glastron Boats, Riviana Foods, Inc., Texas Restaurant Association, Reichhold Chemicals, Inc., Columbia Scientific Research, Nalle Plastics, Texas Association of Petroleum Retailers and Texas Laundry & Dry Cleaning. Mayor Butler suggested that the Independent Garage Dealers and the Service Stations be added.

Mr. Richard Whorral, Plant Service Manager of I.B.M. expressed complete support of the Ordinance, the only concern being the difference between the standards of the City proposals and those of the Texas Water Quality Control Board. He proposed that the Ordinance be brought into line with the Board. He claimed that I.B.M. was treating the water and discharging it back at a higher quality. The City Manager asked that he supply specifics on this, in writing. Mr. Whorral's further recommendation was that the Director of Water and Waste Water be designated as the City Agency responsible for water pollution control activities, rather than the City County Health Unit.

Dr. Herbert Belknap, Texas Instruments, was in agreement with the Ordinance proposed, stating the Austin plant would have no difficulty in meeting the requirements. He listed sections in the proposed Ordinance that would be restrictive - to wit: Sections 42-31a; 42-31e; Item 3, 42-31-3 g; he recommended that Section 10 be deleted and further discussed the chemicals and metals. To impose the Texas Water Quality Control Board limitations on discharges to the City plant would have a tendency to restrict industrial expansion for Texas Instruments.

Mr. W. J. Peppel, Jefferson Chemicals, agreed with Dr. Belknap that the requirements are unquestionably restrictive but that his plant was able to comply in all respects. Mr. Peppel expressed a willingness to meet with the group again in order to further discuss and work on this Ordinance.

Mr. Don Berman, of Tracor, did not anticipate any problem to comply with this Ordinance. Speaking also on behalf of the Sierra Club, he reported a large group had been working with the Water Quality Control Board. They also met with the City staff to propose essential changes as to enforcement, prevention of pollution and criteria for industries and they were ready for the Ordinance to be passed today. Mr. Berman added that the administration of this Ordinance should either be under the Water and Waste Water Department or under the new Environmental Resource Office, rather than under the Health Department.

Mr. Clarence Hanson, representing Mr. Russell Fish of the Environmental Council, endorsed the enactment of a proposed Industrial Waste Ordinance to be under the Office of Environmental Resource Management. His suggestion was rather than relying upon vague definitions of polluted water that tests and measurements be included along with those already listed in the proposed Ordinance. Their recommendation was that the discharges into the rivers of metal be kept at a minimum and that allowing every existing grease trap to continue dumping effluents into the creeks causes violence to any effort of making Austin a "better place to live".

In answer to Mayor Butler's inquiry concerning grease traps, Mr. Hanson noted the Ordinance affected only new businesses, but the existing filling stations remain in the status quo. These stations should switch over and conform within a year or 18 months.

Mayor Butler announced it was the consensus of the Council and the City Manager that all interested parties and persons have another meeting and return with a new proposed Ordinance embodying all suggestions.

The City Manager pointed out that the National Environmental Control requires an Ordinance of this type that meets their standards to be adopted, and that the City is concerned about sixteen million dollars of Federal funds. Discussion was held on the possibility of meeting again during the next two weeks.

to work on this Ordinance and the City Manager suggested that recommendations should be submitted, in writing, to the City Manager's Office, prior to the date of next meeting so that further consideration may be given to such recommendations.

ZONING HEARING PORTPONED FROM OCTOBER 7, 1971

FRED GRANT
C14-71-202

1503 Trinity Street

From "B" Residence,
2nd Height and Area
To "GR" General Retail,
2nd Height and Area
NOT RECOMMENDED
DENIED

Mayor Butler noted that no one appeared on behalf of the applicant and also that no one appeared in opposition.

Councilman Nichols moved the Council vote to deny this request for zoning change in accordance with the recommendation of the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

MASTER PLAN REPORT

The Master Plan Report, originally scheduled for hearing, was deleted at this time, to be heard at a later date.

CLEAN-UP OF TOWN LAKE

Mr. Claude Hargraves appeared before Council, requesting permission to promote and conduct the "Bring Your Rake and Clean the Lake Day" on Saturday, October 23, 1971. The section to be cleaned is adjacent to the City Park along S. Lakeshore Drive. Mr. Ken Bateman, Program Manager KHFI FM and KTAP AM Radio stated the stations would give public service announcements, encouraging volunteers to be at the Lake on that Saturday morning, as to what to bring and what to do. Upon Councilman Nichols' inquiry concerning the City's liability, the City Attorney explained that since this was a volunteer group there is no liability on the City's part. It was also agreed that the Recreation Department will provide for hauling the debris. Mayor Butler and Councilman Nichols commended the gentlemen and the organization for their interest in this project.

Councilman Nichols moved the Council vote to grant the request of Mr. Hargraves. The motion, seconded by Councilman Dryden, carried by the following vote:

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

APPEAL ON SPECIAL PERMIT

At 2:00 P.M., Mayor Butler opened the hearing on the appeal of North Austin Civic Association by Mr. Richard P. Slaughter, President, and by Mr. James R. Sloan, Attorney for ten individuals and other petitioners.

Mayor Butler announced that he would abstain from casting his vote since he, together with a group of people, at one time had an interest in this land in question. The land was sold and he no longer holds an interest. Mayor Butler also pointed out that since Mayor Pro-Tem Love was not present at this meeting, it would leave only five Council members to vote on this matter.

Mr. Robert Watts, representing opponents, emphasized that the development of multi dwelling units would be detrimental to the area and asked the Council to reverse the decision of the Planning Commission and Zoning Commission so that both departments may take another look at the area. With the assistance of a slide presentation, he described the area which consists of single family dwellings, reaning from \$30,000.00 to \$40,000.00. He explained that recently the Planning Commission zoned the adjacent area "GR" and "LR", contrary to the Planning Staff's recommendation that the area should not be encroached by "Commercial" zoning and that "A" residential should be retained in keeping with the general plan of the core development. Mr. Watts went on to state that when these homes were purchased, it was with the understanding that the area would remain residential.

Attorney W. Garwood, representing Mr. Wallace stated the zoning of the tracts in question have been "BB" Residence since October, 1969, and explained the reason for Mr. Wallace requesting a Special Permit. The tract was annexed and zoned "BB" Residence in 1969. He pointed out the 150' strip of land between a Nash Phillips Copus Subdivision and Rundberg Lane; the "BB" Residence zoning family residential area to the south; 70 additional off-street parking spaces provided; and the School Board's approval of the project.

The Planning Director, Mr. Lillie reviewed the area and the application for zoning. A review of the entire area was taken by the staff which resulted in a residential core on the inside and commercial development uses on the outside of the area. The Staff recommended denial for the zoning case by Mr. Wallace in 1969, but the apartment zoning would be acceptable, although not to extend this far in from Lamar. The Staff, however, was overruled by the Commission and the Council's decision was to uphold the recommendations of the Planning Commission and the total area was zoned, limiting the apartment zoning to 20 units per acre. Mr. Lillie also reviewed the 1971 "General Retail" zoning change which the Planning Commission felt the only way such change could be supported was that the developer would agree to certain restrictive covenants such as set-back, fencing, signs and landscaping and consequently, the zoning was granted subject to the restrictive covenants. Mr. Lillie then corrected statements made by Mr. Robert Watts pertaining to land uses, traffic and school problems, closing his presentation by stating the true issue at this time is whether or not a Special Permit should be granted; that this Special Permit was filed and heard by the Zoning Commission and Planning Commission and approved subject to departmental requirements with an additional seventy (70) feet off-street parking spaces; that all requirements have been met.

Mr. Woodrow Sledge, School District, confirmed the approval of this project by the School District, assuring the Council that ample provisions are available to take care of all elementary school children in the proposed complex, but there may be difficulty providing for Junior High School facilities at this time.

Councilman Friedman expressed himself as believing these people had a right to question this type of zoning; that before any action should be taken, the Planning Commission needs to take another look to that extent. He recommended returning this case to the Commission for re-evaluation and determination as to whether or not the 1969 zoning was proper and let the Council have the benefit of this decision.

Councilman Friedman's motion to turn this back to the Planning Commission for further study before voting on the Special Permit, failed to receive a second.

Councilman Friedman then moved that the recommendation of the Planning Commission be overturned and that the Special Permit be denied. The motion died for lack of a second.

Councilman Nichols moved the Council vote to deny the appeal and to uphold the recommendation of the Planning Commission, thereby granting a Special Permit to Mr. Wallace. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Handcox
Noes: Councilman Friedman
Absent: Mayor Pro-Tem Love
Present, but not voting: Mayor Butler

GAS SETTLEMENT

The Council had before it an Ordinance regarding a Gas Rate Settlement. Councilman Nichols wanted to be assured that this is a one-time, one-shot operation; that the City's right to approve the wholesalers' gas rate to the Gas Company will be retained. The amendment pertaining to the Company's not applying to the Council for any increase in the natural gas rates for a period of three years was discussed. Councilman Dryden stated the Council was on firm ground on which it had agreed upon a month or so ago with the Gas Company. Further discussion followed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING THAT THE CITY WILL NOT APPEAL AN ORDER OF THE RAILROAD COMMISSION OF TEXAS; PROVIDING THAT SOUTHERN UNION GAS COMPANY WILL NOT APPLY TO THE CITY FOR AN INCREASE IN NATURAL GAS RATES FOR A SPECIFIED PERIOD, EXCEPT THAT NATURAL GAS RATE ADJUSTMENTS SHALL BE AUTOMATICALLY MADE BY SOUTHERN UNION GAS COMPANY IN THE EVENT OF INCREASES OR DECREASES IN ITS WHOLESALE COST OF GAS DURING SUCH PERIOD; PROVIDING THAT THIS ORDINANCE SHALL NOT AFFECT THE EXISTING FRANCHISE OF SOUTHERN UNION GAS COMPANY AND IS CUMULATIVE OF ALL OTHER ORDINANCES NOT IN CONFLICT HERewith; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE ATTESTATION AND FILING OF THIS ORDINANCE; AND PROVIDING THAT THE EFFECTIVE DATE SHALL BE FROM AND

AFTER THE PASSAGE HEREOF.

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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION HEARING

It being 2:00 P.M., Mayor Butler opened the annexation hearing scheduled for this time. No one appeared to be heard. Councilman Dryden moved the Council close the hearing and direct the administration to institute annexation proceedings on the following:

18.00 acres of land, out of and a part of the J. D. Tannehill League - proposed PECAN GROVE. (requested by owner's representative.)

28.00 acres of land, more or less, out of the J. C. Tannehill League - unplatted land and a portion of Jain Lane: (initiated by City)

Tract 1 containing 2 acres
Tract 2 containing 20 acres
Tract 3 containing 6 acres

23.63 acres of land out of the Thomas Eldridge Survey and the J. C. Tannehill League - unplatted land. (requested by owner's representative)

6 acres of land, more or less, out of the Thomas Eldridge Survey, J. A. G. Brook Survey and the J. C. Tannehill League - unplatted land and a portion of Springdale Road. (initiated by City)

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

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

SPEED LIMITS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 12-42 OF THE CODE OF THE CITY OF AUSTIN, 1967, AS AMENDED, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SECTION, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMITS UPON CERTAIN STREETS AND HIGHWAYS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAY" (VERNON'S ANN. CIV. ST., ART. 6701d), REPEALING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE, AND DECLARING AN EMERGENCY. (establishing 30 mile per hour temporary speed limits for construction and maintenance at the following locations: On North Lamar Boulevard (Loop 275) from 900' north of West Powell Lane to 200' south of Morrow Street; and, On U. S. 183 (Anderson Lane - Research Boulevard) from 300' east of Northcrest Blvd. to 300' north of Anderson Square.)

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

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH R & J INVESTMENT COMPANY; AND DECLARING AN EMERGENCY. (For water and sewer mains in Manor Estates - \$12,881.72)

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

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

Councilman Friedman again asked the City Manager for a report as to the status of refund contracts compared to other Texas cities, and how much the City owes or will be owing within the next few years, so that the Council could take a look at this program.

The Mayor announced that the ordinance had been finally passed.

CIVIL DEFENSE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I ADOPTING THE 1971-72 BUDGET FOR THE CITY OF AUSTIN BY INCREASING REVENUE ESTIMATES FOR CIVIL DEFENSE; APPROPRIATING A SUM TO BE EXPENDED BY THE FIRE DEPARTMENT - CIVIL DEFENSE, ACCOUNT NO. 00722080; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

LOT CLEARANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 13-5 AND 13-6 OF THE AUSTIN CITY CODE OF 1967 MAKING IT UNLAWFUL FOR THE OWNER OF ANY LOT OR PARCEL OF PROPERTY TO ALLOW SAID PROPERTY TO BECOME UNSANITARY; PROVIDING FOR PERFORMANCE OF THE CLEARING OF THE LOT BY THE CITY IF THE OWNER FAILS TO DO SO; 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

CITIZEN'S BOARD OF NATURAL RESOURCES
AND ENVIRONMENTAL QUALITY

Councilman Lebermann requested that the Ordinance amending Chapter 45 of the Austin City Code of 1967 to create a Citizens' Board of Natural Resources and Environmental Quality be held over until October 21, 1971.

ZONING ORDINANCES

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 16, MISSION HILLS, SECTION 3, LOCALLY KNOWN AS 2412 VENTURA DRIVE, FROM INTERIM "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. (Randolph A. Haynes, Jr. -- C14-69-229)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) LOTS 8A AND 8B, RESUBDIVISION OF LOTS 1-4 AND 6-8 AND LOTS 9A AND 9B, RESUBDIVISION OF LOT 9, LESS THE NORTH FIFTEEN FEET OF LOTS 9A AND 9B AND LESS THE WEST FIVE FEET OF LOTS 8A, 8B, AND 9A, BLOCK B, MEADOWLAWN ADDITION, LOCALLY KNOWN AS 7813-7819 HARDY DRIVE; 1907-1911 ANDERSON LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
- (2) A 5.2 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1115A-1137A GARDNER ROAD, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT; AND,
- (3) A 1,400 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2716 GUADALUPE, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (4) LOT 5, BLOCK B, NORTH PLAINS SUBDIVISION, LOCALLY KNOWN AS 2208 ANDERSON LANE; 7901-7903 BROCKMAN STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
- (5) TRACT A: A 3 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1001-1031 STASSNEY LANE; 5601-5623 EMERALD FOREST DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT B: A 1.5 ACRE TRACT OF LAND, LOCALLY KNOWN AS 5620-5712 EMERALD FOREST DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; AND,

TRACT C: A 1 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1033-1049 STASSNEY LANE; 5600-5618 EMERALD FOREST DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

(6) TRACT 1: LOT 2 AND THE WEST THIRTY FEET OF LOT 3, C. R. SCALES SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: THE EAST THIRTY FEET OF LOT 3, C. R. SCALES SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

LOCALLY KNOWN AS 2209-2301 PASADENA DRIVE;

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. (Mrs. Justin H. Beddow -- C14-71-210, Cal Marshall -- C14-71-214, Thelma Weiss -- C14-71-216, Dr. Harlan Burns -- C14-71-212,

Don Becker -- C14-71-220, C. R. Scales -- C14-71-224)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

A 3.66 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1300-1314 EAST LIVE OAK; 2134-2440 SOUTH INTERSTATE HIGHWAY 35, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIFTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (B. W. Reinke -- C14-71-205)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING
THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN
CITY CODE OF 1967 AS FOLLOWS:
A 2.45 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR
OF 1908-2104 ANDERSON LANE, FROM "O" OFFICE DISTRICT
TO "GR" GENERAL RETAIL 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. (Anderson
Lane Joint Venture -- C14-71-194)

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING
THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN
CITY CODE OF 1967 AS FOLLOWS:
LOT 3 AND THE WEST TWELVE FEET OF LOT 4, BLOCK B,
OUTLOT 42, DIVISION B, RECTOR SUBDIVISION, LOCALLY
KNOWN AS 1007 EAST 16TH STREET, FROM "A" RESIDENCE
DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PRO-
PERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;
SUSPENDING THE RULE REQUIRING THE READING OF ORDI-
NANCES ON THREE SEPARATE DAYS; AND DECLARING AN
EMERGENCY. (Charles Anderson -- C14-71-206)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ZONING FAILED TO CARRY

Mayor Butler introduced an ordinance covering the following zoning change:

HUMBLE OIL & REFINING CO. C14-71-209	9401 N. IH 35	From 6th Height and Area To 2nd Height and Area
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Councilman Nichols moved the Council pass the ordinance through its first reading. The motion, seconded by Councilman Handcox, failed to carry by the following vote:

Ayes: Councilmen Nichols, Lebermann, Handcox
Noes: Councilmen Dryden and Friedman
Absent: Mayor Pro-Tem Love
Present, but not voting: Mayor Butler

The Mayor announced that the ordinance had failed to received the necessary votes to carry.

ZONING POSTPONED

The ordinance for the following zoning was not considered at this meeting pending a report:

HUMBLE OIL & REFINING CO. C14-71-207	7138 U.S. Highway 290	From 6th Height and Area To 2nd Height and Area
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HEARING ON AMBULANCE FRANCHISE AND AMENDMENT TO THE CODE REGULATING AMBULANCES

Mayor Butler announced that there had been a request from an attorney representing some parties interested in amending the Code to prohibit anyone having any financial interest in a funeral home from also having any financial interest in an ambulance company operating under a franchise with the city, and that the Ambulance Ordinance be amended to require any change in ownership of ambulance operated to be reported to the City.

Councilman Nichols moved the Council set the hearing on this request (amendment to the Code) for 2:00 P.M., October 28, 1971; and that the public hearing on the application for an ambulance franchise (Mr. Dale Owens) be set for 2:30 P.M., October 28, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

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

COUNCILMAN FRIEDMAN

Councilman Friedman noted the incorrect spelling of his name on different occasions. The correct spelling being:

JEFFREY M. FRIEDMAN

PERSONAL GROOMING

Councilman Friedman spoke with regard to the present grooming policy for members of the Police Department and the Fire Department, stating that he received many complaints and also an anonymous letter, objecting to the strict policy. He discussed this matter with Chief Phifer of the Police Department who felt that since police officers and also firemen were required to wear gas masks or breathing apparatuses of some type occasionally, the longer hair style would influence the effectiveness of this equipment, in the event the grooming policy should be changed or amended. Councilman Friedman expressed hope that arrangements may be worked out with the City Manager to somewhat alleviate the strict grooming code, since a more current and fashionable hair styling would be well accepted by members of both forces. Further discussion followed and Councilman Dryden felt that the subject matter was not Council's jurisdiction.

Mayor Butler suggested that this matter be further discussed between the City Manager and the Chief of Police.

COMMUNITY DAY CARE CENTER REPORT

The City Manager reported that he and the City Attorney met with the people involved in the Community Day Care Center, Mrs. Barbara Kazen, Mr. Strickland, H.O.C. and Mr. Jackson and worked out provisions whereby a non-profit corporation would lease the Lydia Street Fire Station from the City. He had furnished Council Members with a Memorandum of the agreement that he thought had been reached with all parties concerned.

➤ Mayor Butler stated the Council members had tentatively agreed on this lease, but Mr. Larry Jackson has decided he did not want to enter into the contract agreement.

Mrs. Garcia was available to work for the Day Care Center; that both she and Mr. Jackson had offered their services. She asked the Council to negotiate this lease. The Campus Advisor of Community United Fund suggested that the Council agree to the arrangements by which a group of citizens would be named by the Human Relations Commission who would act as a non-profit organization to handle the actual leasing of the facilities of C.U.F.; and that Provision 3 (restricting the people involved and limiting the meetings not to extend beyond 9:00 P.M.) be deleted. He wanted to get the personalities out.

In answer to Councilman Dryden, Mr. Jackson stated his objection to Item 1 which was that Dr. Barclay was no longer interested in the matter and was withdrawing from being any part of the lease contract. His objection to Item 3 had to do with closing the Center at 9:00 P.M. and he did not want to give up his rights. Mayor Butler explained the issue was leasing the Station at \$1.00 per year from the City and there was no issue on rights.

As to receiving H.O.C. funds, Mr. Jackson reported no such funds were received by them except a reimbursement on their bill board service, "Welcome to East Austin" bill board which was posted on E. 19th Street.

Councilman Handcox expressed that his concern was the caring for the children and that something had been worked out whereby they would be provided with a building. Now, he noted that this was not to Mr. Jackson's liking. Mr. Jackson responded that he was not working in the Day Care Center; that the only time he was there was when they were using these facilities for information purposes. It was the consensus of those who contributed or worked in the Center that a compromise based upon the things he had agreed to previously was not to their liking.

Mr. T. L. Wyatt, private citizen, explained that the other members of the C.U.F. were not in agreement with Items 1 and 3. Other Centers were not restricted to a 9:00 P.M. curfew as activities parallel to the operation of this Center were often held later. He stated Mr. Jackson already had a non-profit organization set up by State Charter and there was no point in going through a "dummy" corporation. They are asking for a direct lease with Community United Fund. Mr. Wyatt did not know of any citizen who would take on this responsibility, strictly on a voluntary basis without being compensated. He hated to see this project dropped because of a personality conflict with Mr. Jackson.

Councilman Friedman explained the route to be taken by a lease and a sub-lease with Mr. Jackson and the Community United Fund having as much control as they would have had, had they been leasing directly with Mr. Jackson. He stated the lease had no provision prohibiting a sign on the wall or discussions with the children. The lease provided only for a Day Care Center for a year. Mrs. Barbara Kazen, Attorney for C.U.F. stated the tone of the meeting was that there would be restrictions. She opposed to all restrictions.

Mr. Barrientos likewise concurred in the deleting of Item 3, and was supporting Mr. Jackson in this effort and asked that the City grant this lease on the Fire Station.

Mayor Butler stated that this building was not being taken away from Mr. Jackson. He is asking the City to lease it. The City owns the building and is custodian of the property.

Councilman Nichols stated before he acted on this he wanted for Mr. Wyatt, the Legal Department and the City Manager to be in accord. Mr. Jackson agreed and now, today, he disagreed. Councilman Nichols was willing to go along on some sort of basis, but he wanted the basis worked out prior to this being O.K.'d.

After hearing all who desired to be heard and after discussion between the Council, Councilman Handcox moved the Council vote that the City Attorney be instructed to enter into a lease agreement for the Lydia Street Fire Station as is to a non-profit corporation, namely, Mr. Tommy Wyatt leasing the Lydia Street Fire Station as is and deleting Paragraph 3 (the 9:00 P.M. Item). The motion, seconded by Councilman Friedman, carried by the following vote:

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

MR. CARROLL C. SANDERS TO DISCUSS A
POLICE MATTER

Mr. Carroll C. Sanders discussed a police matter relating to the apprehension of his two daughters after 10:00 P.M. The offense report was before the Council members.

The Council heard many allegations and told Mr. Sanders they would get a report on this matter.

HUMAN OPPORTUNITIES CORPORATION

Mayor Butler stated Mr. Franneé was here. Mr. Franneé said he understood the Council was going to make some additional appointments to the H.O.C. Board; that the Council had made six appointments with three more to be made. He reported that H.O.C. had voted to reduce the number of appointments by the City from nine to six and the three additional appointments would be made by the Council Commissioners. He asked if there were any questions he was available. Mayor Butler announced the view of the Council in that H.O.C. did not have the right to take three appointments away from the Council.

The City Attorney, Mr. Don Butler, stated the Governmental Entity is entitled to appoint one third of these people and the Council has been appointing them. The City is the primary designating authority for this Community Action Program, and as such, this should give the City some rights. If the City were the designating body, it could remove that designation. Mayor Butler asked Mr. Franneé to pass this information on that the Council is not satisfied that three appointees are being removed from this Council's province and that the Council would like for these three members to be re-installed. If the appointees are not acceptable, the Council would have to do whatever it deemed under the circumstances. Mr. Franneé named the Board members who were present. He stated fifty percent of the members present constituted a quorum and at this particular meeting there were twelve present.

Mayor Butler stated he would suggest that the Council get a reply as to whether or not these members are going to be accepted and seated in good order. Mr. Don Butler, City Attorney, stated he would get the facts and provisions in writing. Councilman Nichols suggested talking to Washington offices.

ADJOURNMENT

The Council adjourned at 6:45 P.M.

APPROVED: Ray Butler

Mayor

ATTEST: Elaine Woolley

City Clerk