

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 18, 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, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Absent: None

The Invocation was returned by REVEREND CARTER KING, Covenant Presbyterian Church.

APPROVAL OF MINUTES DELAYED

Councilman Nichols moved the Council delay the matter of approving the Minutes of the Regular Meeting of November 11, 1971, until November 23, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PROCLAMATIONS

Mayor Butler read a proclamation designating November 28 - December 4 as "VOTERS' REGISTRATION WEEK" as requested by the National Association for the Advancement of Colored People.

Councilman Dryden read a Resolution, in behalf of the City of Austin, commending and supporting the Loghorn Football Team, and especially setting aside for recognition and celebration the 25th day of November, as "BEAT THE AGGIES DAY" in College Station and Austin.

Mayor Pro Tem Love announced the Austin Chapter of Theta Sigma Phi is sponsoring the 23rd Annual "Writers' Round Up" on Friday, "WRITERS' DAY", November 19th, and asked that the following statement be read:

"As proclaimed by Governor Preston Smith, Friday, November 19th, will be "WRITERS' DAY" in Texas. The Highlight of this day will be the 23rd annual Texas Writers' Roundup. This annual affair honors Texas Authors of outstanding books published during the past year. It culminates months of reading and judging and organizing on the part of many Austinites. It is sponsored by the Austin Professional Organization for Women in Journalism and Communications. This year fifteen authors have been selected by our judges and twelve of them will be able to come to Austin to acknowledge this honor Friday night. The Texas State Historical Association will also be honored for their publication of the "French Legation in Texas". Dr. Nancy Nichols Barker will receive recognition for her translation of this work. The Writers' Round Up is open to the Public and is an event of great interest to all of those in Texas who are interested in Texas writing. Proceeds from the Round Up tickets support scholarships for Women in Communication at the University of Texas.

SPECIAL RECOGNITION

Mayor Butler and the Council greeted and welcomed the Senior Government Class of Reagan High School; the Sophomore State and Local Government Class from Huston-Tillotson College; also recognized was the Class from the Austin Presbyterian Theological Seminary.

Recognized by the Council was Mr. Dave Shanks, visiting.

✓ FIRE FIGHTERS 62ND RECRUIT CLASS

The 62nd Recruit Class of the Austin Fire Department was present before the Council as part of their overall training program. The class consists of eleven men. Mayor Butler and the Council recognized and praised this class.

RECOGNITION OF RETIRING BOARD AND COMMISSION MEMBERS

Mayor Butler announced there was a number of retiring members of Boards and Commissions who had been replaced by this Council's appointees. Certificates recognizing and honoring these citizens for their services had been prepared for presentation. The Council agreed to set this presentation for 11:30 A.M., December 9th.

INVITATION FROM B'NAL B'RITH

Mr. Michael B. Kentor, representing B'Nal B'Rith, invited the Council to join with them in their 7th annual Appreciation Program, at 7:30 P.M., Community Hall in Highland Mall to honor the outstanding Policeman and Fireman of the Year. Mayor Butler will be participating in the program.

ANNEXATION HEARING SET

Councilman Dryden moved the Council adopt a resolution setting a public hearing at 2:00 P.M., December 9, 1971, to consider annexing the following: (requested by owner)

1.33 acres of unplatted land out of the William Cannon League.

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

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

Noes: None

Not in Council Room when Roll was called: Mayor Butler

EASEMENT RELEASED

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

Public utilities easement out of Runnymede.

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

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

Noes: None

Not in Council Room when Roll was called: Mayor Butler

CONTRACTS AWARDED

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

JIM DULANEY MACHINERY

-

Two each Self Propelled Street Sweepers -
\$30,962.00

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

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

EXIDE POWER SYSTEM - Two each Substation Battery and Charger - \$6,624.00.

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

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilmen Lebermann and Handcox

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

GRAYBAR ELECTRIC CO. - 50,000 Lbs. Bare Conductor Wire - \$12,670.00.

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

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilmen Lebermann and Handcox

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

I.B.M. CORPORATION - Utility Bill Forms for use by Data Processing in preparing customer utility bills - \$9,855.00.

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

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilmen Lebermann and Handcox

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

H. B. ZACHRY COMPANY - Bid Unit No. 4 for Contract 420-Site Improvement and Structures; 421 - Power Piping; 422 - Power Wiring, Holly St. Power Station Unit No. 4 - \$6,174,000.00. Engineer's estimate and the aggregate sum of CIP Projects 1019, 1017, and 1018 was \$7,300,000.00; Capital Improvement Program.

Discussion on insurance for the start-up period was held, noting the liability covered only mechanical break-down contingency damage, which is covered by the manufacturer's warranty. For a \$75,000 policy, there would be a \$37,000 premium, and this was not recommended.

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

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

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

HORTICULTURE, INC.	-	For Town Lake Walk and Bike Way, and associated improvements - \$204,292.42. (Capital Improvement Program)
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The City Manager discussed the funds for this work, tying them in with the adoption of the C.I.P. program for \$24-\$27,000 difference.

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

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

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

THE WHALE	-	Police Uniform Clothing - \$35,340.95
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Council discussion covered the awarding of contract to this Company now, whereas, the last time bids were taken, the recommendation was not to award the contract to the low bidder. The Director of Purchasing reviewed the two sets of bids, stating the prior bid was a \$250 difference between the two; this time, the Whale is low bidder by \$750. Mayor Butler stated he did not have a copy of the bid specifications.

After discussion, the motion, seconded by Councilman Handcox, carried by the following vote:

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

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

JAY SMITH - Purchase of fifty-seven(57) each Police Sedans - \$203,718.00.

After discussion with the Fleet Administrator on warranties, specifications for full sized specialized cars, the motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Noes: None
Present, but not voting: Mayor Butler disqualifying himself.

Councilman Handcox moved the Council delay awarding the following contract one week on this particular project and to set 11:00 A.M., November 23rd, 1971, as the time for the public hearing:

AUSTIN ENGINEERING CO. - For channel improvements at Boggy Creek, from the ease line of Giles Place, Section 1 westerly to H&TC Railroad Trestle, Contract No. 71-Db-126 - \$15,120.00. (30 working days to complete; Engineer's estimate was \$13,625.00; Capital Improvement Program)

Mr. Pat O'Day, 1721 Giles Street, discussed work to be done under the Austin Engineering Contract, stating there was a group deeply interested in the creek running along the rear of their properties, and its NOT being channelized. They definitely opposed losing their trees by this work. He said these property owners did not have an opportunity to express their opposition to the improvement, urged by other property owners. After a lengthy discussion with Mr. O'Day, the motion, seconded by Councilman Dryden, carried by the following vote:

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

The Administrative Aide, Mr. Space, was asked to get records of those people appearing on September 30th, and this group expressing concern this morning.

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

HARLEY DAVIDSON - Six (6) each Harley Davison Three Wheel Motorcycles for Police Department.

The City Manager recommended the purchase of six motorcycles; but added the information in that if 12 were purchased, the manufacturer would give further discount; however, the other bidders did not have that opportunity. The City could use the additional six. He pointed out the low bidder is the Harley-Davidson Company in Milwaukee - not the local distributor. Mr. Bustin James represented the Austin Motorcycle Co., Inc., who had been in business in Austin for 50 years. He pointed out the factory does not cover a warranty on labor - just parts. The local firm takes care of both. He mentioned the local firm also puts a radar connection on the machines; however, the specifications did not include that connection. It was pointed out warranties were included in the contract.

After a lengthy discussion with Mr. James, the motion, seconded by Councilman Dryden, carried by the following vote:

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

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

LEIF JOHNSON FORD - For fifty-four (\$5) each Administrative Sedans.

After discussion, the motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Noes: None
Present, but not voting: Mayor Butler disqualified himself)

CONTRACT - BILL TABOR

Councilman Nichols moved the Council adopt a resolution approving amendment of contract with BILL TABOR CONSTRUCTION COMPANY for 24-inch Water Main - Interstate Highway 35, from Ben White Boulevard to Bluff Springs Road - \$9,934.10. The motion, seconded by Councilman Dryden, carried by the following vote:

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

TERMINATION OF CONTRACT

Mayor Pro Tem Love moved the Council adopt a resolution terminating contract with EDDIE SLACK for abandoned automobile pick up and storage and authorizing the City Manager to otherwise provide for pick up and storage of abandoned automobiles. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

INSTALLATION OF PARKING METERS

Councilman Nichols moved the Council adopt a resolution authorizing installation of 60 minute Parking Meters on East 7th Street, 700 block, north and south sides. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

DAVIS LANE RESERVOIR

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the acquisition of a tract of land approximately 500 feet south of Davis Lane between Manchaca Road and Brodie Lane for proposed Davis Lane Reservoir. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

ACQUISITION OF LAND

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the Brackenridge Hospital Expansion project:

604 East 13th Street - Average of Appraisals
Juanita Gonzales, et al

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

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

Noes: None

EMINENT DOMAIN

Mayor Pro Tem Love moved the Council adopt a resolution authorizing Eminent Domain proceedings for acquisition of Barton Electric Substation Site and necessary duct line easement at the following location:

Edwin Foster Property adjacent to Loop 360 - Partial Taking

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

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

LOWERING OF LAKE AUSTIN

The Council took no action on the item of consideration of the lowering of Lake Austin, pending a Navigation Board meeting and report next Tuesday, November 23.

STOREFRONT OFFICE LEASE POLICE-COMMUNITY RELATIONS PROGRAM

There was no action taken on the item of authorizing a lease for a building located at 1621 Rosewood Avenue for use as a storefront office of the Police-Community Relations Program - six months with an option to renew for an additional six months - \$65.00 monthly. It was deferred until December 9th, 1971.

REVISED MINIMUM STANDARDS FOR COMMUNITY SERVICE WORKERS

The City Manager explained they were unable to employ personnel from Model Cities area that met the minimum qualifications. The fact that people could not be hired that would progress to policemen, led HUD to believe that the program was not working; and in effect, they withheld any further funds. Model Neighborhood Commission and the Police Department have come in with their recommendation that certain revisions be made, so as to reduce the standards for these people to give them a different title from the Police Aides, since they would not meet the same standards. It is hoped that these people will gain experience, and will be able to take the test for police aide, and in time be able to take the police examination.

Mr. Ojeda, Executive Director of Model Cities, outlined the procedure the Commission had followed. He also reviewed the letter whereby \$38,000 dollars had been held up. Mayor Pro Tem Love asked if the lowering of the qualifications were approved, would the income per employee be the same. It was stated the Community Service workers would receive less than a Police Aide, plus the \$50 raise. Councilman Friedman pointed out regardless of what they are being called, they are doing a police aide's work, under a different job classification and different pay scale. He favored calling them police aides, giving them the uniform of a police aide, and giving them whatever they need to be a police aide, and work with them through that realm. The Council discussed the various tests that were required. Councilman Friedman was ready to start revising the standards for policemen.

The City Manager stated with revised standards, it was believed that out of the 44 who took the tests, that five could be employed, under these new standards. Councilmen were deeply interested in the tests required. Mrs. Judy Fowler, member of the Commission, discussed the height and weight requirements; and said environmental background enters into the tests. She felt that the standards were not being lowered, but an avenue opening up for a group of young men who want to do police work. She believed she was speaking for the Commission. Councilman Handcox also noted the greatest handicap in testing would be the environmental background.

CAPTAIN MOORE, Austin Police Department, gave a breakdown on the testing. Councilman Dryden and Handcox asked for more time for further study by the Council.

After more discussion, Mayor Butler asked that this be checked with the Civil Service Commission. The Council deferred action on this Community Service Workers Plan until December 9th.

HEARING - FRANCHISE APPLICATION - DELAYED

Regarding the 11:00 P.M. hearing on application of City Ambulance, Doyle Carter, owner, for Ambulance and Transfer Vehicle Franchise, Mr. Jon Coffee stated in view of the Council's intention to take bids for ambulance franchise next month, he requested that the Council defer a public hearing or redonsider the matter at the time the standards are in and the bids about to be awarded. Mayor Pro Tem Love moved the Council grant Mr. Coffee's request. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

ANNEXATION HEARING

At 2:00 P.M., Mayor Butler opened the hearing to consider certain areas for annexation.

Mr. John Selman, representing Mr. Carl B. Morris, Mr. Dick Rathgeber, and others in the southeast portion of the City of Austin, pointed out the three tracts they were asking for annexation - the 2.72 acres, proposed SOUTH CREEK, SECTION 3; 83.92 acres, proposed SOUTH CREEK, SECTION II; and 35.05 acres, proposed INDIAN HILLS, SECTIONS 1 AND 2. They were in agreement with the plan submitted.

Councilman Nichols wanted assurance the 13.42 acre tract was being annexed. The Director of Planning stated it was up for consideration at this time, but not in this particular grouping. Mr. Jess Holloway expressed approval of the annexing of his properties. After all interested parties were given an opportunity to be heard, Councilman Dryden moved the Council close the hearing, and direct the administration to institute annexation proceedings to annex the following:

2.72 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK, SECTION 3. (requested by owners)

83.92 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK, SECTION II and unplatted land. (initiated by City)

35.05 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTIONS 1 AND 2. (requested by owners)

13.42 acres of land out of the John Applegait Survey - WINDSOR HIGHLANDS. (requested by owners)

43.00 acres, more or less, out of John Applegait Survey - unplatted land. (initiated by the City)

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

In answer to Mayor Pro Tem Love, the Director of Planning, Mr. Lillie, reported there were no problems concerning these annexations. He pointed out a large gap of land between Bluff Springs Road and the City, that should be studied for annexation. Also there is a large number of preliminary plans that are being filed, for P.U.D. development, Missouri Pacific Industrial Park and other plans that are in the Department for processing for subdivision or site plan review. He stated the City would be requesting annexation on these subdivisions and perhaps areas beyond what these subdivisions cover.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH PEYTON GIN, INCORPORATED; AND DECLARING AN EMERGENCY. (For water and sewer mains in Quail Creek West, Section 4 - \$31,574.92)

Councilman Nichols wanted assurance as the annual payments were made on these contracts, that payments were not being made to individuals who owe the City money. Although the City cannot pay any citizen indebted to the City, Mayor Butler noted in one instance here, it was not clear as to the officers of Payton Gin, Inc. 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 Nichols, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH M. H. FLOURNOY; 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 Nichols, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

POLICY OF MAKING PAYMENTS TO ANY INDEBTOR TO CITY

Discussion was held on holding funds should a payee be indebted to the City in any way. Councilman Nichols also wanted consideration to be given to franchise holders, or people doing business with the City, where they attempt to pay taxes on one vehicle and not on the rest of them.

Councilman Nichols moved the Council vote that the City Attorney come back to the Council with the properly worded ordinance or resolution requiring that before any City funds are expended, certain searches of the records be made to be sure that anyone who received City money is not in arrears in any way in taxes or in any other obligations to the City of Austin.

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

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

Noes: None

Present, but not voting: Councilman Lebermann, as he was absent during the discussion.

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:

A 1.1 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1504-1516 BRANDT DRIVE; 1525-1547 U.S. HIGHWAY 71, FROM INTERIM "A" RESIDENCE 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. (Kirk E. Williamson -- C14-71-058)

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, Love, Lebermann, Handcox, Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

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 45, SUNSET VIEW SUBDIVISION, SECTION 1, LOCALLY KNOWN AS 7901 TISDALE DRIVE; 1304-1306 ANDERSON LANE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL 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. (Re: A. Fullerton -- C14-71-189)

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, Love, Lebermann, Handcox, Mayor Butler
Noes: None
Not in Council Room when Roll was called: Councilman Friedman

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:
TRACT 1, LONE STAR SUBDIVISION, LOCALLY KNOWN AS 130-220 EAST ST. ELMO ROAD, 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. (Austin National Bank, Trustee of Lone Star Paper Company Employees Pension Trust -- C14-70-001, portion of area study)

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, Love, Lebermann, Handcox, Mayor Butler
Noes: None
Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 711007-A, ENACTED BY THE CITY COUNCIL ON OCTOBER 7, 1971, IN ORDER TO CORRECT THE USE AND HEIGHT AND AREA DESIGNATION THAT EXISTED PRIOR TO THE PASSAGE OF SAID ORDINANCE; 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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ZONING WITHDRAWN

Councilman Nichols moved the Council grant the request to withdraw Zoning Case No. C14-71-240, Robert Davis by Eden Preston - 500 West 13th Street and 1300-1304 San Antonio - scheduled to be heard before the Council on December 9th. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ITEMS TO BE HELD IN
EXECUTIVE SESSION

Mayor Butler distributed information to the Council concerning the settlement of five condemnation cases, stating as Executive Session would be called when a Quorum was present.

As to the appointment of a nominating and election committee for employee members of the Retirement System Board, the Council favored taking this matter up in Executive Session.

SIGN ORDINANCE REPORT

The City Manager stated he had just filed this report on a Sign Ordinance with the Council, not anticipating action at this time. In discussion, Councilman Nichols inquired if this ordinance took into consideration provisions of similar ordinances mentioned in effect in Pueblo and other Cities. Councilman Friedman stated the Planning Department should have a part in it; also the Building Official and others. Councilman Nichols wanted to send this proposed ordinance to the Planning Department, Environmental Resource Management, City Attorney, and Building Official.

STREET VACATION

Mayor Butler introduced the following ordinance for its third reading:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF PARKDALE DRIVE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY, WATER, ELECTRIC AND TELEPHONE DOWN-GUY PURPOSES.

Mayor Pro Tem Love moved the Council pass the ordinance through its third reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Love, Friedman, Handcox

Noes: Councilmen Nichols, Lebermann, and Mayor Butler

The Mayor announced that the ordinance had been finally passed.

ITEMS POSTPONED

Councilman Nichols moved the Council postpone action on the following items until November 23, 1971, at 11:30 A.M.:

(1) Lumbermen's Investment Corporation, by Richard Baker, to be heard on their request for construction of the sanitary sewer treatment plant to land south and west of Decker Lake.

(2) Mr. Robert Sneed to appear regarding sewer extension in the Williamson Creek area.

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

VACATION OF CERTAIN STREETS & ALLEYS
IN THE BRACKENRIDGE URBAN RENEWAL AREA

Mr. Leon Lurie, Executive Director of the Urban Renewal Agency, reviewed the action of a prior Council in 1966-69, in approving the Urban Renewal Plan where these streets and alleys would be vacated; and since then Federal funds had been applied for and received, and the project has been proceeding ever since. In proceeding with the activities, it was found there were objections from the Southwestern Telephone Company service, and the Federal Municipal Credit Union. The area is now ready for redevelopment, with the exception of these two vacating requests. He asked to amend the plan, to the extent that the alley presently in existence be left in existence - immediately behind the Von Boeckmann-Jones tract - to maintain the flow of the garbage trucks, and fire protection in the area. He recommended that the alley be left open in the area between the frontage road on I.H. 35, and Sabine; and that Sabine Street be left open from the south right-of-way line of the alley intersecting with Sabine Street up to 12th. This would

allow for normal movement of service vehicles. In addition, the Council has under consideration the vacation of Sabine Street south of 11th Street, approved by the Planning Commission. This includes an alley adjacent to another redevelopment parcel of the Urban Renewal Agency, and the owners between 10th and 11th Streets are in agreement. He believed this solution would be the best, and the Agency would pave the alley.

This plan of vacating these areas was set out for a major redevelopment parcel's being created. Councilman Dryden did not approve of vacating streets or alleys for resale.

Opposition to vacating Sabine, was expressed by Mr. Jack Cook, Credit Union, as he had never been able to determine the necessity of closing this street. If this is carried out, two major facilities will be hurt - the Credit Union and the Southwestern Bell Telephone Station. The Credit Union had spent sums of money to have their parking lot cut down to street grade, so there would be access. In September, there were 3,084 transactions. The Credit Union concurred in the closing of the alley but not the street. Councilman Dryden questioned the benefits of the City's giving up part of the street.

Councilman Dryden moved that Sabine Street not be closed. Councilman Handcox seconded the motion. (This motion never received a vote)

Mr. Lurie Pointed out Sabine Street would terminate anyway at the point where the substation is installed.

Mr. Neal M. Hastings also expressed opposition to the street vacation, as 25% of their customers are serviced from this service station. By closing Sabine, the productivity would be hindered.

The Mayor stated the Council had consistently refused to close a street when abutting property owners disagreed.

Mr. Lurie pointed out a problem for the Agency at this time as they are operating under a recorded Urban Renewal Plan. The Council at any time can change that plan, and those requirements covered advertisements for public hearings in the future, so that the Plan could be changed and kept current. The Council could deny the request, and the hearing held to change the plan to conform to the Council action.

Mayor Pro Tem Love moved the Council deny the request of vacating a portion of SABINE STREET from the north property line of East 10th Street to the south property line of East 11th Street, from the north property line of East 11th Street to the north property line of East 11th Street Alley. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that Sabine Street would remain open.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THOSE CERTAIN PORTIONS OF EAST 10TH STREET ALLEY AND EAST 11TH STREET ALLEY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilman Nichols
Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF EAST 11TH STREET ALLEY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilman Nichols
Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

BRACKENRIDGE HOSPITAL - PHASE 1-B

Dr. J. J. Seabrook, Chairman, Brackenridge Hospital Board, stood by to answer any questions at this time, having previously made a presentation on the Hospital. Mr. William K. Brown stated the recommendation of the Board at its presentation to the Mayor and Council on October 7th was to continue Phase 1B now, estimated at 10,500,000. The question was how to continue when the amount on hand is \$5,900,000, and the rest to be submitted at a bond issue.

At this point, the Council studied many alternatives - mainly to build what the \$5,900,000 will, and submit the remaining amount to the people; or to wait until total funds were available. Dr. Seabrook, Councilman Dryden, and Councilman Lebermann were responsive to proceeding with the funds on hand and then

submitting the matter to the people. Councilman Nichols stated if it were possible to proceed with the \$5,900,000 and complete certain areas in toto, to make this shell space logical and functional, it would be advisable. Discussion was held on meeting with the doctors, architects, administration, and nursing.

It was brought out that there was not too much optimism in getting Federal money, however, there may be available \$1,000,000 for emergency rooms, if Congress appropriates such funds. Another possibility pointed out by Councilman Dryden was M.H.M.R. money. The more delay the more cost to the taxpayers. Councilman Lebermann's question was "are we waiting wisely, or just waiting?". Mr. Landes, Architect, recommended doing the plans on the entire \$10,500,000 at this point. It would be Phase 1B total design. He pointed out 1% per month would be lost on building escalation.

Councilman Lebermann asked for a written report from Mr. Brown. Mayor Butler asked that Mr. Brown come back with a recommendation as to whether or not it would be wise if we are this close, to put it to the voters in the next three or four months, and get it all at one time. Dr. Seabrook suggested that the Council and City Manager spend some time at the Hospital with the doctors and architects. Mr. Jack Goodman, architect, spoke. Mayor Butler and Mayor Pro Tem Love discussed with the architects their fees.

Councilman Dryden stated since the City was in the Hospital business, and he favored proceeding on the basis of \$5,900,000 with \$4,700,000 for construction, that the Council should be knowledgeable about the conditions at the Hospital that should sell the citizens of Austin on the dollars needed.

Councilman Dryden moved that the Architectural Firm be authorized to go ahead and complete the planning for Phase 1B of Brackenridge Hospital with the idea in mind that there is a total of \$5,900,000 at present, and keeping in mind that the total construction cost presently available is \$4,700,000.

The motion, seconded by Councilman Nichols with the understanding it is clear that what is being authorized is \$4,700,000 construction with a potential \$5,900,000 actual expenditure, carried by the following vote:

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

Noes: None

Mayor Butler stated there was no implied or expressed consent on the Council's part for guarantee to go any further. Mayor Pro Tem Love asked if the fee of approximately \$150,000 was being committed at this point.

CASWELL TENNIS COURTS

Mr. Stephen Simon appeared before the Council to discuss the Caswell Tennis Center, referring to a policy that was unfair and undemocratic. Under the present annual policy, only those individuals purchasing a \$70.00 per year membership have the privilege of reserving a Court. Through this policy, the City has, in essence, closed Caswell Tennis Center to all but approximately 150 or less fee paying persons. Other tax paying players are limited to more or less undesirable times for play. The exclusive privilege should be abolished so that all citizens could

have equal opportunity to enjoy Caswell Tennis Center. The Recreation Director, Mr. Sheffield, explained the policy that the annual fee did give the privilege of reserving courts, and he discussed the policy. A person could reserve only one and one-half hours. Mr. Sheffield had not received any complaints like this; he said, however, that tennis is becoming more popular. All other courts are free to the public. Caswell is a Tennis Center, with a tennis pro and manager, playing facilities of different standards, locker rooms, etc., all of which call for a fee. This has been the policy ever since Caswell was in operation, about 1948. Mr. Woodrow Sledge gave a history of this Center's becoming a City Facility. He pointed out the University Students were crowding out the Austin citizens.

Mrs. Judy Fowler stated she was unaware of her being allowed to use the locker room, showers, etc., and she was unaware of the \$70.00 annual fee. She supported Mr. Simon in his request. It was explained to Mrs. Fowler if she had signed up for a court, no member could step in and take it from her for 1 1/2 hours.

Councilman Lebermann moved the Council vote to delay decision in this matter in favor of the Council's total review of City fees upcoming very shortly; and in addition, for their own aid and assistance, that this particular question be referred to the Parks and Recreation Board. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Nöes: None

APPROVAL OF MODEL CITIES SECOND ACTION YEAR PLAN

Mr. John Trevino, Vice-Chairman of Model Cities, read the statement Mr. Condelas, Chairman, had prepared, stating the Model City Plan was submitted for the Second Action Year. The Plan is a partnership between the Commission, the City, Model City residents, public agencies, and private individuals with joint goals. After a careful review and study, the Commission approved the Plan and recommended it to the City Council for approval. He listed the many activities and improvements accomplished during the first year, and the anticipated programs. In the name of the Model Cities Commission, Mr. Trevino submitted the Plan to the Council for approval so that it could be forwarded to the Department of Housing and Urban Development by December 1st.

Mr. Ojeda, Executive Director of Model Cities, answered questions from Mayor Butler regarding additional projects, explaining Model Cities Funds can be used to match other Federal Funds. He felt everything had been done to maximize these funds. In answer to Councilman Nichols' inquiry about the School Board complaint, Mr. Ojeda reported this matter had been worked out with Dr. Jack Davidson, and funds of \$178,590 are available for the School Program. Priorities of the over-all Model Cities Program reflect the needs of the residents, and he reviewed the various activities and appropriations.

Discussion covered a proposal for the care of the Aged. Mr. Ojeda, Executive Director, Mrs. Jddy Fowler and Mrs. Donner, members of the Model Cities Commission, reviewed the filing of the proposal by Mrs. Campbell, Alpha Kappa

Alpha Sorority, Inc., for the care of the Aged, pointing out the application was incomplete, ambiguous, no budget filed, and other information was not included, The timing became a matter of importance.

The City Manager pointed out a \$13,000 item which would require City Funds -- a project, "Young Drug Abuse Project" to be operated by the Travis County Juvenile Probation Court, with City, County, Model Cities, and Criminal Justice Council participation.

Motion

Councilman Nichols moved that the Second Action Year Plan be approved for Model Cities, and the money which has been set aside for this Elderly Program should be contracted with Alpha Kappa Alpha Sorority, Inc.

In discussion, Mr. Donner asked that the Council put some reservation in until it saw a budget, the organization chart, etc., which was never received from Mrs. Campbell.

The motion, seconded by Councilman Handcox, resulted in the following tie vote:

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

Motion

Mayor Pro Tem Love moved the Council adopt a resolution allowing Mr. Ojeda and the Model Cities Organization to make their application on December 1st for the Model Cities Second Year Action Plan as presented. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Mayor Butler announced the Council had adopted the recommendation of the Model Cities Commission and Staff.

AMENDMENT TO MODEL CITIES FIRST YEAR PLAN

Mayor Pro Tem Love moved the Council adopt a resolution authorizing an amendment to the Model Cities First Year Plan to include the interim Relocation Plan for Palm School. Estimated total cost - \$256,650.00. (All Model Cities funds) Amount to be allocated out of first year budget is \$179,762.00. The motion, seconded by Councilman Handcox, carried by the following vote:

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

AMENDMENT TO WORK PROGRAM

Councilman Nichols moved the Council adopt a resolution authorizing amendment to work program of the Housing Rehabilitation project to include the administration of Emergency Repair Grants. No additional Model Cities funds are needed. The motion, seconded by Councilman Handcox, carried by the following vote:

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

REPORT ON COMMISSIONER VOUDOURIS' OFFER
TO BUILD ROADS IN GARRISON PARK

Councilman Nichols stated Mr. Voudouris was ready to go to work in Garrison Park; and these people had worked long, hard, and diligently and had given their time and effort. Councilman Lebermann brought out there was a certain amount of professional engineering that must be done before proceeding, and the engineering can be done promptly, beginning Monday to engage a firm. The City Manager stated Mr. Voudouris did want some engineering work done on this, and the County Engineer would not have time to do it. He stated the road area could be staked out, if there are no drainage problems. He did not think there would be any delay, and this could be under way in December. Mayor Butler pointed out there was urgent engineering to be done on the playground.

Mayor Pro Tem Love moved the Council vote to accept Commissioner Voudouris' offer with the engineering study and with many thanks. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ADJOURNMENT

The Council adjourned at 7:30 P.M.

APPROVED: _____

Ray Butler
Mayor

ATTEST: _____

Blair Woolley
City Clerk