

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 28, 1971  
10:00 A.M.

Council Chamber, 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 delivered by REVEREND ED KLOPPE, Travis State School  
(United Church of Christ).

## COUNCIL'S DRUG PROGRAM ENDORSED

Mr. Joe Nanus of the University Hills Optimist Club, read a resolution endorsing the Council's Drug Program. Mayor Butler, on behalf of the Council, expressed gratitude for this gesture.

## APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of October 21, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## ANNEXATION HEARING SET

Councilman Dryden moved the Council adopt a resolution setting a public hearing at 2:00 P.M., November 18, 1971, to consider annexing the following:

- a. 13.42 acres of land out of the John Applegait Survey - WINDSOR HIGHLANDS.
- b. Island surrounded by City to be brought in separately.

## CONTRACTS AWARDED

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

LARSON-PUGH, INC.

- For construction of a reinforced concrete multiple box culvert in Blarwood Drive, Cherry Creek Phase II, Section IV, Contract No. 71-Cc-124 - \$8,306.00. (40 working days for completion; Engineer's estimate \$9,500.00; Capital Improvement Program)

The motion, seconded by Councilman Dryden, 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:

AUSTIN ENGINEERING  
COMPANY

- For the installation of electric ductlines and concrete foundations at Burleson Substation - \$23,095.70. (60 calendar days for completion; Engineer's estimate: \$23,060.00; Capital Improvement Program)

The motion, seconded by Councilman 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 contracts:

TRAVIS MATERIALS

- 70% of total contract for twelve (12) months supply of Ready Mix Concrete - \$105,350.00.

AUSTIN READY MIX

- 30% of total contract for twelve (12) months supply of Ready Mix Concrete - \$48,275.00.

The City Manager reported this was bid on the basis of 70% (Dollars) to the low bidder; and 30% (Dollars) to the next low bidder so that there would be two sources of supply. This works better for the City; also for the companies, and is the most efficient and economical way to bid.

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

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

Noes: None

## SALE OF HOUSES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of houses as follows:

August Heyer	603 Driskill	\$ 85.00
Southwest Rathgeber	1801 Clifford	\$262.26
Southwest Rathgeber	1107 (D) (Lott Ave.	\$189.99

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

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

Noes: None

Not in Council Room when roll was called: Councilman Lebermann

RECONSIDERATION OF SALE OF URBAN RENEWAL HOUSES  
PARCELS 19-2 AND 28-2

After reconsideration of rejecting sales of Urban Renewal Properties (Parcel 19-2- Richard Andrewartha for \$1,277.00; and Parcel 28-2- Mrs. Helen Glasco Lee for \$460.00) on which prior owners had bid, and had made plans to move the houses to other sites, Councilman moved the Council vote to place this item on the Agenda for November 4th for approval. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Present, but not voting: Councilman Lebermann

## SALE OF PROPERTIES

Councilman Nichols moved the Council adopt a resolution accepting negative bids on properties to be demolished as follows:

## SOUTHWEST RATHGEBER

- Decker Lake property consisting of:  
Two box dwellings on piers and two  
box & sheet metal barns; one concrete  
block dwelling with sheet metal garage  
and storage room; remains of frame dwell-  
ing and barn; remains of fram dwelling  
and outbuilding; box dwelling and open  
shed; box dwelling on pier; remains of  
concrete block dairy barn on concrete slab

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

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

Noes: None

## SUBSTANDARD STRUCTURES

Councilman Nichols moved the Council accept the recommendation of the Building Standards Commission and direct the Law Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

3309 E. 12th Street	- Mrs. Willie Mae Risher
5104 Lott Avenue	- Mrs. Estell Willard
2013 E. 10th Street	- Mrs. Edna Arnold and Mr. Buddie Miller
1309 Concho	- Mr. John W. Crawford
3606 E. 12th Street	- Mr. M. N. Garcia

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 Love moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway - Phase 4 - as follows:

#2 Happy Hollow	(Partial Acquisition)
Giles Cecil Bryant	

3202 Funston Street	(Partial Acquisition)
Daisy Holoway, 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

## ENGINEERING TESTING SERVICES

Councilman Nichols moved the Council select Engineering Testing Services for construction of the following:

Frank Bryant & Associates	- Proposed Phase III Expansion of Albert R. Davis Water Treatment Plant - Capital Improvement Program. (Estimated cost - \$8,000)
Trinity Engineering	- Proposed Walnut Creek Wastewater Treatment Plant - Capital Improvement Program. (Estimated cost - \$10,000)

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

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

Noes: None

#### SUPPLEMENTAL LEASE WITH HUMANE SOCIETY

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to execute a supplemental lease and operating agreement with the Austin-Travis County Humane Society. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

#### MODEL CITIES PROPOSALS

Councilman Love moved the Council adopt a resolution authorizing the following agreement:

1. Between the City of Austin and the State Department of Public Welfare to purchase services from the Austin-Travis County Health Department for the operation of the Nutrition Education Project #12100. (Social Security Act, Title IV-A matching funds in the amount of \$61,408 will be secured through the State Department of Public Welfare. Total cost of project: \$8,076; Model Cities Share: \$26,668.)

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

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

Noes: None

Councilman Love moved the Council adopt a resolution authorizing the following agreement:

2. Between the Model Cities Department and the Austin-Travis County Health Department for the operation of a Nutrition Education Project #12100. (Total cost: \$88,076; Model Cities Share: \$26,668; Social Security Act, Title IV-A match from the State Department of Public Welfare: \$61,408.)

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

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

Noes: None

## ANNEXATION ORDINANCE - FINAL PASSAGE

Mayor Butler introduced the following ordinance for its third and final reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.78 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 33.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT; AND 6.25 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read for the third time, and Councilman Dryden moved that the Council finally pass the ordinance. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Present, but not voting: Councilman Nichols

Not in Council Room when Roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

## ANNEXATION ORDINANCES - 1ST &amp; 2ND READINGS

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 18.00 ACRES OF LAND OUT OF THE J. C. TANNEHILL LEAGUE; 28.00 ACRES OF LAND CONSISTING OF THREE TRACTS OUT OF THE J. C. TANNEHILL LEAGUE; 23.63 ACRES OF LAND OUT OF THE THOMAS ELDRIDGE SURVEY AND THE J. C. TANNEHILL LEAGUE; AND 6 ACRES OF LAND OUT OF THE THOMAS ELDRIDGE SURVEY, THE J. A. G. BROOK SURVEY AND THE J. C. TANNEHILL LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read for the first time, and Councilman Friedman moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: None

Present, but not voting: Councilman Nichols

Not in Council Room when Roll was called: Councilman Handcox

The ordinance was read for the second time, and Councilman Friedman moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: None

Present, but not voting: Councilman Nichols

Not in Council Room when Roll was called: Councilman Handcox

ORDINANCES VACATING STREETS AND ALLEYS  
IN URBAN RENEWAL PLAN FOR GLEN OAKS PROJECT

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THOSE CERTAIN PORTIONS OF CONWAY STREET, KUHLMAN STREET, CONWAY STREET ALLEY AND KUHLMAN STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

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 30, L. M. BRADLEY SUBDIVISION, LOCALLY KNOWN AS 1801-1811 FORD STREET; 1800-1906 GOODRICH AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" 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.  
(C. W. Basquette - C14-71-177)

Councilman 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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO  
ENTER INTO A CERTAIN REFUND CONTRACT WITH CARRINGTON'S  
UNIVERSITY HILLS c/o LUMBERMAN'S INVESTMENT CORPORA-  
TION; 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, Friedman, Handcox,  
Mayor Butler  
Noes: None

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 WALTER CARRINGTON,  
PRESIDENT OF UNIVERSITY HOMESITES, INC.; 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, Friedman, Handcox,  
Mayor Butler  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### Refund Contract Policy Set 2:00 November 23rd

In answer to Mayor Butler, the City Manager reported that representatives from the City attended bid openings, and followed through to completion. The amount stated is the audited figure.

Councilman Friedman referred to the report from the City Manager on the rebate contract, and asked that a public hearing to discuss this be scheduled. He would have a proposal for a 50% cutback the first year with the elimination of the three percent interest; 25% cutback the second; and then a scale down to zero. The Council agreed to set the hearing on November 23, 1971, at 2:00 P.M.



The City Manager mentioned the Council request for extensions of water and sewer mains outside the City; that presently, the refund contracts deal with the extensions only inside the City limits, and he asked if the Council wanted to hear both at the same time. Mayor Butler said the one under consideration is the current policy.

#### WALTER CARRINGTON - CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH WALTER CARRINGTON, PRESIDENT OF UNIVERSITY HOMESITES, INC.; 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, Friedman, Handcox,  
Mayor Butler

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### AMENDING FIRE DEPARTMENT BUDGET

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I ADOPTING THE 1971-72 BUDGET FOR THE CITY OF AUSTIN BY APPROPRIATING, OUT OF UNAPPROPRIATED GENERAL FUNDS, A SUM TO BE EXPENDED BY THE FIRE DEPARTMENT, ACCOUNT NO. 00722010; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro-Tem Love stated \$78,000 was for personnel -- 12 men for three shifts. The City Manager stated this Budget was submitted by Chief Kirkham for the remaining ten months. The people need to be trained and would be on the payroll as soon as they began training. This amount will be appropriated from the ending balance. There is one piece of equipment, a pumper, with which to begin. Councilman Dryden noted this appropriation is necessary due to the Council's retaining the Hyde Park Station, and this was brought out in the consideration of the 43rd and Speedway Station. He noted a good insurance rate due to the Fire Department; and for the benefit of the overall rate and the citizens, this will be a help.

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, Love, Lebermann, Friedman, Handcox, Mayor Butler

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### PRESENTATION OF PLAQUE BY HISTORICAL COMMITTEE

Councilman moved the Council approve the request of the Travis County Historical Committee to place an Official Texas Historical Marker in Oakwood Cemetery. The motion, seconded by Councilman Friedman, Carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Mayor Butler accepted the plaque with appreciation and congratulated the Group for its interest and service.

#### PRESENTATION REGARDING PLAYGROUNDS IN EAST AUSTIN

Mr. Michael Sidoric, Director, "CHILD" Project (Campus Help Involving Land Development) presented slides showing areas of debris and rubbish, with children at play particularly in the San Saba - East 8th Street area. He asked Council to consider the following:

1. Appointment of a committee to review current policies concerning the use of City land for playground areas, and requested Council's clarification as to whether or not an organized group such as "CHILD" may develop or aid in the development of a playground area on land owned by the City.
2. Should City owned land not be available, "CHILD" is prepared to aid area citizens in establishing playground areas on privately owned land. He asked for help in trash removal from the area. He pointed out there were several lots which the First New Lincoln Baptist Church wants to purchase.

Mayor Pro-Tem Love announced that the Council and City Manager had visited with the Housing and Urban Development, and learned about available funds specifically for neighborhood parks in depressed or deprived areas.

The City Manager reported HUD was working with the City to provide funds for open space for parks, and in the labor area to clear the park sites for development. The Council must have a plan to follow throughout the City. The program looks encouraging from the Federal level.

The Council agreed that the removal of the debris should be done immediately. Mr. Sidoric was asked to contact the Director of Parks and Recreation and to return to the Council with any suggestion he might have.

REQUEST TO COMPLETE EAST 51ST STREET  
BETWEEN OLD MANOR ROAD AND NEW MANOR ROAD

Mr. Frank Barron explained the Old Manor Road and the New Manor Road from a "V", and East 51st Street dead-ends on either side. This section was to have been improved ten years ago. Should improvement take place, there are two tracts one on either side that would be developed, bringing in sufficient taxes to defray the expense to complete the small section of East 51st Street. The City Manager suggested that Mr. Barron and he meet with the Public Works Director and find out what the problem is. Mr. Barron stated the 700 lineal foot street was yet to be acquired, and the entire dedication would come from one land owner who lives in Houston. Mayor Pro-Tem Love reported quite an inconvenience resulted in the detour of the street. Mr. Barron asked that this matter be looked into, as it had been delayed for some time, and Mayor Pro-Tem Love agreed.

WITHDRAWAL OF ZONING CASES

Councilman Nichols moved the Council grant the request of Mr. Richard Baker to withdraw Zoning File No. C14-71-239, scheduled for hearing by the Council on November 4th.

AMERICAN BANK	500-518 Colorado	From "C-2" Commercial,
By Richard Baker	201-221 W. 6th St.	Fifth Height and Area
C14-71-239	501-519 Lavaca	To "C" Commercial,
	200-220 W. 5th St.	Fourth Height and Area

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Love

Councilman Nichols moved the Council grant the request and allow Mr. John Selman to withdraw the following zoning cases, also scheduled to be heard on November 4th:

A. W. VOGELPOHL	4823 Riverside Dr.	From "A" Residence
By Robert Sneed		To "B" Residence
C14-71-244		
JOHN JONES	4601 Manor Road	From Interim "A" Residence
By John Selman	2700-2710, 2709-2711	First Height and Area
C14-71-248	Lovell Drive;	and "A" Residence,
	4601, 4608 Chartwell	First Height and Area
	Drive	To "BB" Residence,
		First Height and Area

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

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

Noes: None

The Council was interested in requiring that when citizens request withdrawal of their zoning, they be responsible for the expense for mailing notices to the property owners. Also discussed was the determination of the tax status before a zoning matter comes to the Council. Mayor Butler stated when the application is made, proof that the taxes are paid should be shown, or else the application would not be processed. Councilman Nichols moved that the applicants, when they withdrew a zoning request, bear the cost of notifying the parties. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Mayor Butler stated the person could be billed for the amount of postage and handling.

AMENDMENT TO ZONING ORDINANCE RE: SALE  
OF ALCOHOLIC BEVERAGES IN APARTMENTS WITHDRAWN AT THIS TIME

Upon the recommendation of the Director of Planning and the City Manager, Councilman Nichols moved the Council withdraw the public hearing on the amendment to the zoning ordinance permitting the sale of alcoholic beverages in apartment houses and apartment dwelling groups, scheduled for 7:30 P.M., November 11th. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

At this time, the date for hearing was not set.

ONE YEAR LICENSE PERIOD

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 5 OF THE AUSTIN CITY CODE OF 1967 BY DELETING FROM EACH THE WORDS "CHIEF OF POLICE" AND SUBSTITUTING THEREFOR THE WORDS "CITY MANAGER OR HIS DESIGNATE"; DELETING THE WORDS "EMPLOYEES OF THE POLICE DEPARTMENT" AND SUBSTITUTING THEREFOR THE WORDS "EMPLOYEES OF THE CITY OF AUSTIN, AS DESIGNATED BY THE CITY MANAGER"; BY CHANGING THE EXPIRATION DATE OF DOG LICENSES FROM A DATE CERTAIN TO ONE YEAR FROM DATE OF ISSUANCE; BY DELETING THE REQUIREMENTS THAT DOG TAGS BE MADE OF METAL; BY DELETING IN ONE SECTION THE WORDS "CHIEF OF POLICE" AND "CHIEF OF POLICE, OR ANY OFFICER DESIGNATED BY HIM" FOR THE WORDS "CITY MANAGER OR HIS DESIGNATE"; DECLARING AN EMERGENCY; AND SUSPENDING THE REQUIREMENT OF READING ON THREE SEPARATE DAYS.

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 Love, carried by the following vote:

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

Noes: None

Present, but not voting: Councilman Handcox

The Mayor announced that the Ordinance had been finally passed.

TRANSPORTATION ENTERPRISES, INC. -  
SHUTTLE BUS ROUTE CHANGE

Mr. Scott Keller, Transportation Enterprises, relayed the request for a shuttle bus route change. Mr. Bob Binder, representing the Student Body of the University of Texas, asked for a shuttle bus route to serve the East Austin University community - east of the Interregional - as these students are less able to afford a higher rate for transportation, and they pay the \$5.00 fee and get no service at all. The Shuttle Bus Committee has endorsed this route, and adopted a resolution that no other routes would be requested until the Transportation survey is complete.

Mr. John Galloway pointed out the need for this shuttle service in this area, as approximately 1,100 minority people are employed by the University of Texas at Austin in low skilled categories. He asked the Council to approve the recommendation of the Shuttle Bus Committee by allowing Transportation Enterprises to amend its services to include the University Community in East Austin.

Mr. Joe Pinnelli pointed on the map to the density areas, south of Rosewood and between Rosewood and Manor Road, with the heaviest on Manor Road.

The Traffic and Transportation Director said the basic shuttle bus systems cover three areas outside of the University of Texas campus - Brackenridge Apartments and the Intramural Field, as being an integral part of the University; Riverside Drive was added because of the unusual heavy densities of University students. Mr. Ternus had stated that the shuttle bus route had an impact on the transit system. He pointed out six main routes of Austin Transit would be in the same general area in which the new system will be competing or operating. Faculty and staff of the University do not pay for shuttle service; only the students pay for this service. There are large numbers of students in North and Northeast Austin - and South Austin that need this service which is not being provided currently. He had requested that these routes not be submitted until after the Transit Study is complete, so that all students of the University would have the same opportunity for new service. He requested again that these routes not be approved until the results are in from the study, and then an equitable system that would not compete any more than possible could be provided.

Councilman Nichols moved that the request for this particular service be granted,

Councilman Friedman discussed the Austin Transit position financially if it were making a profit or taking a loss. It was explained the Company at this time would be making a profit but not providing the

service that the citizens need. Mr. Ternus stated the Austin Transit Company would be hurt more from this area than any other, as these people are heaviest transit users. Councilman Handcox stated it is incumbent on the Council to do something about this request before the study is completed.

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

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

Noes: None

ORDINANCE TO EXTEND HOURS FOR THE SALE  
OF ALCOHOLIC BEVERAGES

It being 2:00 P.M. Mayor Butler opened the public hearing by introducing the following ordinance:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; AND DECLARING AN EMERGENCY.

Proponents

Mr. Roy Minton, Lawyer, representing Austin Phonograph Company explained the 1969 statute and emphasized the need for longer hours since the liquor-by-the-drink law went into effect, in order for the operators to pay the bill for having an operation of that kind. Austin is the only city over 150,000 which does not have the privilege of selling alcohol beverages up to 2:00 A.M. and this cripples the attempts to bring conventions into the City. The passage of the ordinance would raise the gross Austin produce.

Mr. Tuck Chapin, Lawyer from San Antonio, representing Deep eddy Cabaret and Texas Alcoholic Beverage Retail Association is favoring the passage of the ordinance. In San Antonio there had been no increase in crime or DWI cases. He added operators would benefit as well as their employees, and the City would benefit from the sales tax. He pointed out the unfairness to keep these business men from operating because of a technicality of a few thousand people.

Mr. Don Dean, Mr. John Carter, and others were interested in bringing top talent to the community, and the extension of the curfew would make this a strong possibility. Both Mr. Dean and Mr. Carter preferred the extension all through the week including the week ends.

Opponents

Mr. Addison Scholl opposed the extension of hours contending it was the facilities and rooms that brought conventions to Austin--not the open sale of liquor. Also, the after-hours places, although they do not sell liquor have problems which would be shifted to those who were allowed to sell liquor until 2:00 A.M. He asked the Council to be as consistent with those selling alcoholic beverages as to those pushing drugs.

Mr. Paul Stanley, owner of a night club, brought up a point in that in an hour and a half to two hours, they could not support the price of named talent. More important, though, night after night, he had noticed everyone in the club would leave at one time--200 people drinking to hit the streets. This pattern could be city wide. He believed the extension of hours would correct this by staggering the exodus of people from midnight to 2:00 A.M.

Councilman Nichols asked the opinion of the Police Department. The City Manager reported the Police Department felt that the extension of hours would increase additional problems to them. In that additional time would be additional enforcement hours in places where the alcoholic beverages are served, and those men could be better utilized for other crime protection.

Councilman Handcox asked if the City, almost at the 300,000 mark, would have to wait ten years for the census count. The City Attorney explained the Act referred to the last preceding Federal Census -- not when the City reached the 300,000 mark.

#### Motion

Mayor Pro-Tem Love moved that the City Council enable the liquor consumption law to be extended to the State maximum. Councilman Handcox seconded the motion.

In discussion with Councilman Handcox, the City Attorney pointed out this would be passing an ordinance to authorize the applicability of the same laws that are now applicable to counties over 300,000 in population.

Councilman Lebermann expressed opposition to this extension over a seven day period; but he would not want to be unfair to the industry. He then offered a substitute motion to permit the 2:00 A.M. extension on Friday and Saturday, closing the taverns and night clubs at midnight the other five days a week.

Mayor Butler ruled that the motion lost for lack of a second.

Mayor Pro-Tem Love's motion to enable the liquor consumption law to be extended to the State maximum, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor, in casting his vote, stated since Austin is so close to the statutory requirement, and is the only city that has not legislated on this matter, he voted in favor of the Ordinance.

The Mayor then announced the Ordinance had passed through its first reading only.

## DISCUSSION OF EXTENSION OF SEWER LINES

Mr. Robert Sneed represented Mr. Buford Stewart regarding sewage disposal stating in view of the many facets of this growing problem, the Federal Government and State are looking to the municipalities to perform the extraterritorial areas outside of the cities. Mr. Sneed showed the line on a map and gave a general description of the area. He said the Water Quality Board would not approve a package plant within the area or proximity of the City.

If the 8" sewer line could be laid along the line (as shown on the map) just to serve Mr. Stewart's tract, the cost would be \$83,000. If the line were engineered to take care of the ultimate expansion, it would cost about \$211,000. Then the Federal Government would pay 55% of the cost of that line. The State would loan 25% to the City, leaving 20% for the City to pay.

The City could not handle the effluent for the whole community without some kind of charge for those people who are not paying taxes. Mr. Sneed referred to sewer lines outside the City -- I.B.M., Little Walnut Creek System, and Texas Instruments. The trend now is not a temporary solution, but to build ahead of the development. He asked the Council that where the City does not elect at this time to extend a line, that any of the property owners may come in and ask to install it under these conditions:

1. That the area is a rapidly developing area.
2. That the property owners involved pay to the City the 20% in cash when the contract is let, or make fiscal arrangements similar to those in a subdivision.
3. That there be no refund of that 20% to the individual, and the normal type of refund arrangement would be used by the City to repay the State government.
4. If the property (tied in to the sewer system) is not annexed to the City, that a monthly charge for the cost of sewage disposal based on some reasonable utility charge be made. When the property is annexed, the rate would be the same as any other user within the City.

Mr. Sneed stated this type of proposal meets the general objectives of the Federal Act and procedures; the basic concept of the Water Quality Board. The City, now paying 100%, could reduce the cost of the extensions of these sewer lines by 75%. Mr. Stewart is ready to subdivide the land and the Austin School District is planning a Junior High School on this property.

The City Manager discussed the costs and estimates as made by the City, including the approach mains. Mr. Sneed stated each property owner would pay for the approach main. Councilman Nichols believed the State would have to participate before Federal grants are made.

Mayor Butler explained this policy would be of long standing and would be a model or pilot.

In connection with Federal aid, Councilman Nichols inquired if an effort had been made to reclaim money from the Federal Government on that line in Williamson Creek, installed within the last two



years. The City Manager stated applications had to be made prior to the project rather than after completion. He would check to see if an application had been made before the line was built. Councilman Nichols asked that this be checked to see if some of the money could be reclaimed.

#### RELEASE OF OPTION

Councilman Nichols moved the Council authorize the release of an option to purchase certain land for East Riverside Drive and South Lakeshore Boulevard right of way granted by Hixon Development Company. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### HEARING ON APPLICATION OF CAPITAL AMBULANCE SERVICE, DALE OWENS, for AMBULANCE AND VEHICLE FRANCHISE

It being 2:30 P.M., Mayor Butler opened the hearing on the application of Capital Ambulance Service by Dale Owens for Ambulance and Vehicle Franchise.

Mr. Dale Owens introduced Mr. Ben Knight, President, Pillow Elementary School P.T.A., stated they were instituting a plan to give themselves medical aid in the north part of the City -- bounded by Anderson Lane, Burnet Road, Balcones, and Hwy 183. As for ambulance service, it takes over a half an hour for one to arrive. Mr. Knight explained the self-help program sponsored by the State.

Mr. Owens said he had filed for an ambulance franchise because the City needs more ambulance service, and a choice in the service. His proposal would not stop the Austin Ambulance Service--his service would be a transfer service from home to hospital and vice versa, with no city subsidy. He submitted his proposed rates. His office would be a 6702 North Lamar, and the ambulance would be stationed across the street in a garage. As to emergency service, he would provide it upon call of any citizen. Mayor Butler inquired as to his transfer service should the patient not have the \$30.00 fee. Other than referring them to the other Service, he would transfer the patient. In their Budget, they anticipated receiving payment for not more than 80-85% of the calls. His service would be directed to private type--not public. He was not proposing to operate an emergency service for the City.

Councilman Nichols asked if the Council should establish a set of standards for all ambulance services operating in the City, would he bid on this service. Mr. Owens stated he would.

Mayor Butler asked his opinion on the Council's inviting a group to come up with some standards that would be applicable to all applicants. He would not be opposed to that.

### Opposition

Mr. Milton Matthews said he was in a business providing patient care for the betterment of the patients in the City; made a complaint, that when he called for transfer service, he could not get the individual transferred until payment was provided. (The business is a Nursing Home.)

Mr. Conwell Smith, one of the owners of Austin Ambulance Service, stated the criteria for granting of a franchise is proving convenience and necessity. He pointed out three items -- (1) There is a limited service in Austin; (2) Mr. Owens never mentioned how many people he would pick up. Anyone he picks up would be a patient of Austin Ambulance Service; (3) Mr. Owens did not prove any public convenience and necessity -- only a desire to be in the business.

Mr. Jon Coffee represented City Ambulance Service, stating there should be another ambulance service. Councilman Nichols asked if it would be satisfactory to establish standards by which ambulance service would perform. Mr. Coffee answered affirmatively. Mr. Coffee agreed that there had been no burden of proof as to necessity and convenience. He asked the Council to delay any decision with respect to a second franchise until such time as the pending application has had an opportunity to be considered. The City Attorney stated if City Ambulance would waive the 15-day requirement, both applications could be heard on the same day.

Councilman Nichols stated he either wanted full responsibility of selecting an ambulance service, or have that removed by certain ground rules under which to operate. He would like to see the Council determine what the qualifications are and what it would require of an ambulance service. Mayor Butler stated this matter would need to be delayed for two weeks, and the Council agreed to name a citizens group to propose some standards to be made a part of the franchise application.

Mr. Roy Martin, representing Mr. Chester Kitchens, filed petitions of about 500 names complaining about both ambulances, and requesting the following: cancel the franchise of the Austin Ambulance Service, and stop paying the subsidy; place the performance of the emergency transfers in the Fire Department; and contract with the Commissioners Court of Travis County that the City, acting through the Fire Department, would fulfill the need for emergency transfer of all persons in Travis County. These people feel that this is a public function which the City should perform.

Mr. Conwell Smith reminded the Council that his contract expires in 60 days, and suggested that this all be brought together in one package under a decision from the Council. They would be most cooperative in answering Councilman Nichols' question, and the tighter the specifications and the more teeth, the better they would like it.

Councilman Nichols asked Mr. Owens if he were willing to delay this until the Council could get some specifications so that it could get some specifications so that it could determine what it requires to be in the ambulance business.

## Motion

Councilman Handcox moved that decision on this matter be delayed until November 11, 1971. Mayor Pro tem Love offered an amendment to the motion that a committee of ten citizens be named immediately to report back to this Council within a reasonable time (one week).

The motion, seconded by Councilman Lebermann, to delay vote on this today for two weeks; to appoint today a ten member citizens' committee including representatives of the three applicants to study and establish and recommend to the Council standards to be met by any and all franchise applicants for ambulance services, this committee to report to the City Council one week from today, carried by the following vote:

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

## SALE OF REVENUE BONDS - \$6,500,000

Mayor Butler announced at 10:30, bids would be opened on Electric, Light and Power, Waterworks and Sewer System Bonds, in the amounts of \$3,000,000 and \$3,500,000 respectively. He ascertained that the bids had been assembled, that there were no bids in the mail room, City Clerk's Office, Financial Director's Office and that no one in the Council Chambers had a sealed bid to submit. The Mayor then announced it was exactly 10:30 CDT, the time for receiving the bids was closed, and the bids would be opened and tabulated.

Bids were received as follows:

NAME OF BIDDER	EFFECTIVE INTEREST RATE
1. LEHMAN BROTHERS, INC., KUHN, LOEB & CO., FIRST SOUTHWEST COMPANY, SHIELDS & COMPANY, STONE & WEBSTER SECURITIES CORPORATION, HORNBLOWER & WEEKS-HEMPHILL, NOYES AND ASSOC.	4.620786%
2. JOHN NUVEEN & CO. INC., DILLON, READ MUNICIPALS, INC.	4.62208%
3. SALOMON BROTHER, WEEDEN & CO. INC.	4.62991%
4. PHELPS, FENN & CO. & ASSOC.	4.64769%
5. HALSEY, STUART & CO., INC. SMITH, BARNEY & CO., INC. & ASSOC.	4.6673%

Later in the meeting, after tabulating and verifying the bids, Mr. Barker introduced the Bond Attorney, Mr. Claud Boothman, and Mr. Curtis Adrian, First Southwest Company, Fiscal Advisor. Mr. Barker announced that the bid of Lehman Brothers, Inc., and others in the syndicate, had been verified both by hand and by computer.

Councilman Nichols moved the Council approve the low bid as follows:

LEHMAN BROTHERS, INC., KUHN, LOEB	Gross Interest cost	Effective
& CO., FIRST SOUTHWEST COMPANY,	\$4,054.740	Interest Rate
SHIELDS & COMPANY, STONE & WEBSTER		4.620786%
SECURITIES CORPORATION, HORNBLOWER		
& WEEKS-HEMPHILL, NOYES AND ASSOC.		

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

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

Noes: None

MINUTES PERTAINING TO PASSAGE AND ADOPTION OF  
ORDINANCE AUTHORIZING ISSUANCE OF \$6,500,000  
"CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND  
POWER, WATERWORKS AND SEWER SYSTEM REVENUE  
BONDS, SERIES NO. 23," DATED OCTOBER 1, 1971

THE STATE OF TEXAS

COUNTY OF TRAVIS

CITY OF AUSTIN

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ON THIS, the 28th day of October, 1971, the City Council of the City of Austin, Texas, convened in regular session at the regular meeting place thereof in the City Hall, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

ROY BUTLER

MAYOR

DAN LOVE

MAYOR PRO TEM

DR. S. H. "BUD" DRYDEN

)

DICK NICHOLS

)

LOWELL H. LEBERMAN

)

COUNCILMEN

JEFFREY M. FRIEDMAN

)

BERL L. HANDCOX

)

and with the following absent: None

constituting a quorum; at which time the following among other business was transacted:

The Mayor presented for the City Council's consideration an ordinance authorizing the issuance of \$6,500,000 "CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES NO. 23," dated October 1, 1971, the caption of said ordinance being as follows:

"AN ORDINANCE by the City Council of the City of Austin, Texas, authorizing the issuance of \$6,500,000 'CITY OF AUSTIN, TEXAS ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES NO. 23,' dated October 1, 1971, of which the sum of \$3,000,000 is for the purpose of extending and improving the City's Electric Light and Power System, and the sum of \$3,500,000 is for the purpose of extending and improving the City's Sewer System (being the fourth parcel or installment of a total voted authorization of \$26,000,000 for Electric Light and Power System purposes, and the first parcel or installment of a total voted authorization of \$27,000,000 for Sewer System purposes), as authorized by the General Laws of the State of Texas, particularly Article 1111 et seq., V.A.T.C.S.; prescribing the form of the bonds and the form of the interest coupons; pledging the net revenues of the City's combined Electric Light and Power, Waterworks and Sewer System to the payment of the principal of and interest on said bonds; enacting provisions incident and relating to the subject and purpose of this ordinance; and declaring an emergency.

The ordinance was read and Councilman Lebermann moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, that such ordinance be finally passed and adopted at this meeting, and that, for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health, and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Councilman Nichols and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Nichols, Lebermann, Friedman and Handcox.

NOES: None.

The ordinance was read the second time and Councilman Lebermann moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Councilman Nichols and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Nichols, Lebermann, Friedman and Handcox.

NOES: None.

The ordinance was read the third time and Councilman Lebermann moved that the ordinance be finally passed as an emergency measure. The motion was seconded by Councilman Nichols and carried by the following vote:

AYES: Mayor Butler and Councilmen Love, Dryden, Nichols, Lebermann, Friedman and Handcox.

NOES: None.

The Mayor then announced that the ordinance had been finally passed and adopted.

MINUTES APPROVED, this the 28th day of October, 1971.

ATTEST:

/s/ Roy Butler  
Mayor, City of Austin, Texas

/s/ Elsie Woosley  
City Clerk, City of Austin, Texas

(City Seal)

Mayor Butler complimented Messrs. Adrian and Barker who accompanied the Council to New York to present the facts on Austin and its bonds, and announced they did an exceptionally good job.

Mr. Curtis Adrian stated in view of the market conditions, Austin did receive excellent bids this day noting the bids were very close. The interest costs to the City, of the three top bids show a difference of only \$1,800. He added the Dow Jones Average this week is 5.01, and Austin bonds sold at \$.62, 39 basis points under Dow Jones. Each basis point is worth \$6,241, or the total difference in interests cost between this sale and the Dow Jones Averages is \$243,400. He congratulated the City on its sale; as Austin for many years has sold its bonds well in the market pointing to the AA and AAA rating as most helpful in the sale of these bonds.

#### ZONING ORDINANCE - 2ND READING

Mayor Butler introduced the following ordinance for its second reading:

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

A 1,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7138 U.S. HIGHWAY 290, FROM SIXTH HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

The ordinance was read for the second time, and Councilman Love moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

## PERMISSION TO SELL CHRISTMAS TREES

Councilman Nichols moved the Council approve the request of the Southwest Austin Optimist Club to use the northwest corner of Barton Springs Road and Bouldin Avenue for the sale of Christmas Trees. The motion, seconded by Councilman Dryden, carried by the following vote:

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

HEARING ON AMENDMENTS TO ARTICLE 5, CHAPTER 34  
OF THE CODE - AMBULANCE SERVICE

Mayor Butler opened the hearing scheduled for 2:00 P.M. by introducing the following ordinance for its second reading:

AN ORDINANCE AMENDING SECTIONS 34-92, 34-101, AND 34-107, OF THE CODE OF THE CITY OF AUSTIN, 1967; PROHIBITING ANY MORTUARY OR FUNERAL HOME FROM HAVING ANY FINANCIAL INTEREST IN ANY AMBULANCE FRANCHISE OPERATION; PROVIDING THAT ANY CHANGE IN THE OWNERSHIP OF ANY AMBULANCE OPERATION SHALL BE REPORTED TO THE CHIEF OF POLICE AND THE CITY COUNCIL; AND DECLARING AN EMERGENCY.

Mr. Tom Davis, Attorney, appeared representing Cook-Walden, Hylltin-Manor, Weed Corley, and Wilke-Clay Funeral Homes in support of the amendment to the Code. They did not believe any franchise for an ambulance service should be used by any Funeral Home to gain unfair competition or advantages over a competitor. This condition has not existed; does not exist, nor do they have any reason to anticipate that it will. However, the amendment would keep it from occurring. The timing of the request was in no way related to those who are applying for franchises at this time.

Councilman Dryden wanted the opinion of the other Funeral Homes operating in Austin: King Tears Mortuary, Fuller-Mercer-Sheffield Funeral Service, Inc., Phillips and Upshaw, Mission, and Angel before voting on this measure.

Later in the meeting, Mr. Tom Davis reported contacting the owners or managers of Fuller-Mercer-Sheffield Funeral Home, King Tears funeral home, and the Phillips-Upshaw Funeral Home, and they are in unanimous agreement. At this time Mission and Angel Funeral Homes could not be contacted.

Councilman Nichols moved that the amendments E.2 a. & b. be approved:

- (a) Requiring report of any transfer of ownership in Ambulance Service
- (b) Prohibition against simultaneous interest in Funeral Home and Ambulance Service.

Mayor Butler ruled that the motion lost for lack of a second.

Mayor Pro-Tem Love then moved that the Council accept the recommendations of E.2 a. and b. subject to the approval of the ninth Funeral Home Service. Councilman Dryden seconded the motion.

#### Substitute Motion

Councilman Friedman moved that this matter be postponed for two weeks from today. (November 11th) Councilman Handcox seconded the motion. Later, Councilman Friedman withdrew his motion.

After a report was received, Mayor Pro-Tem Love noted that every effort had been made to contact the ninth Funeral Home owner, Mr. Villasenor, but unsuccessfully so. The ordinance was read for the second time, and Councilman Love moved that the ordinance be pass to its third reading. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The ordinance was read for the third time, and Councilman Love moved that it be finally passed. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Councilman Dryden stating he had understood Mr. Davis to say one week's delay would make no difference, and he would vote "no".

The Mayor announced that the ordinance had been finally passed.

#### STREETS VACATED

Mayor Butler introduced the following ordinance:

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

Councilman Dryden 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 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

The Mayor announced that the ordinance had been finally passed.



West 10th Street

Mayor Butler brought up the request to vacate a portion of West 10th Street from Baylor Street westerly 100'. The Director of Public Works, Mr. Reuben Rountree, explained the negative recommendation was based on the 40' steep grade from Baylor Street west; an offset in the alignment of the street, and property owners' being deprived of having access to their property. The City Manager saw no reason for vacating the street at this time.

Councilman Handcox moved the Council vote to uphold the negative recommendation of the Planning Commission and not vacate the street. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

East 41st Street

The Council had before it the vacating of East 41st Street from Avenue H to the Avenue H Alley. (Not recommended)

Reverend Rolf Normann, Director of Altenheim, which has a contract to purchase the property across the street so that it would have both sides of East 41st Street, explained that they want to increase the home to a 60 bed institution. It is financially impossible to operate a small home and render the service that would be desirable.

Mr. Alexander, Planning Department, gave the reasons this request was not recommended, as people came up testifying that there were trees, etc., growing in the alley and it would be almost impossible for the residents to enter their garages, which face the alley. It is necessary to use the street to get to their garage. Strong opposition was voiced by Miss Natalie Ekstrom, representing her mother at 4012 Duval. She pointed out the Street had been in service prior to 1912. They were in favor of Altenheim, but they did not want this paved street closed. Councilman Nichols stated he could not see closing a street like 41st Street just for parking although he had sympathy with the institution. Councilman Dryden moved the Council vote that the Street be retained as is and not be closed. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Parkdale Drive

Mr. Jack Ritter, represented 110 property owners and petitioners; also Mr. Mead and Mr. Burton who live on each side of Parkdale south of Ashdale. He referred to Council action on November 30, 1967, upholding the recommendation of the Planning Commission, which included the closing of these streets, and gave a review of research on this application. The recommendation stressed the prevention of commercial traffic from flowing into the residential area. As of today, no ordinance has been passed vacating these streets. Neither was the drainage ever

corrected. The Public Works Department will not vacate the street until they have a petition with all the signatures of the abutting property owners. The only signatures that are missing are those of the commercial developers who agreed on November 14, 1967, to close the street or fence it off.

Mr. Phil Mockford represented the proponents for keeping the street open. He said the recommendation voted on by the Planning Commission was to change the zoning on 7927 Stillwood Lane and 7927 Parkdale, and he could find nothing about closing the street or drainage. He pointed out a considerable change in development during the last four years. Mr. Mockford discussed the access and exits.

The Council heard this matter in minute detail, and all present who wanted to be heard were heard, both pro and con. After discussion, Councilman Nichols moved that the Parkdale Drive (from Ashdale Drive southerly to end of street) remain open. The motion, seconded by Councilman Friedman, resulted in the following tie vote:

Ayes: Councilmen Nichols, Friedman, and Mayor Butler  
Noes: Councilmen Dryden, Love, and Handcox  
Absent: Councilman Lebermann  
Mayor Butler ruled that the motion failed to carry.

Councilman Friedman moved the Council vote to bring this back for a vote on next Thursday, at 11:00 A.M. (November 4, 1971). The motion, seconded by Councilman Love, carried by the following vote:

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

#### RECONVEYANCE OF CERTAIN LAND ON EAST RIVERSIDE DRIVE

The City Manager stated the letter from Mr. Neeley was self explanatory. The City Manager explained the transaction, and it would be worked out on a square foot basis as determined by the engineers. Councilman Nichols moved the Council authorize the reconveyance of certain land on East Riverside Drive, as recommended by the City Manager. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### ADJOURNMENT

The Council adjourned at 6:50 P.M., on Councilman Friedman's motion. The motion, seconded by Councilman Dryden, carried by the following vote:

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

APPROVED:

*Ray Butler*  
Mayor

ATTEST:

*Elin Woolley*  
City Clerk