

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 30, 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 VICAR CRAIG JOHNSON, First English Lutheran Church.

The Minutes of the Regular Meeting of September 23, 1971, to be on the October 7, 1971, Agenda.

PROCLAMATION

October P.T.A.

Mayor Butler read a proclamation designating the month of October 1971 as P.T.A. Month, urging all citizens to join in the recognition of the worthwhile service of the P.T.A. The Mayor presented the Proclamation to Mrs. Gordon Dickey and Mrs. Holland.

River City Bass Club

Councilman Handcox read a Proclamation of appreciation of the River City Bass Club for the fine job of cleaning Town Lake; and then presented the original Proclamation signed by the Mayor and Council Members to Mr. Steve Shelton.

Commendation of Maestro Maurice Peress

Councilman Lebermann had initiated a change of name of Congress Avenue to "MAESTRO MAURICE PERESS AVENUE", honoring Mr. Peress for his great record as a conductor, having conducted "the Mass" at the opening of the John F. Kennedy Fine Arts Center, and for recognition received in leading magazines and in the press over the nation. The Proclamation was to be presented to Mr. Peress at 1:45 P.M., September 30th, at which time the Mayor and Council would be present.

Fire Prevention Week

Fire Chief Kirkham and Fire Marshal Leland Priest received the proclamation as read and presented by Mayor Butler, declaring the week of October 3rd - 9th, Fire Prevention Week, and urging all citizens to practice fire safety every day of the year.

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 2:00 P.M., October 14, 1971, to consider annexing the following:

18.00 acres of land for a portion of proposed PECAN GROVE.

28.00 acres of land, unplatted and a portion of street known as Jain Lane.

(The above two were partially requested by owner's representative and partially by Planning Department recommendation)

25.3 acres of land, more or less, out of the Thomas Eldridge Survey and the J. C. Tannehill League. (requested by owner's representative)

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

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

Noes: None

EASEMENTS RELEASED

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

A portion of a drainage easement out of Lot 17, Block D, HERMAN BROWN ADDITION, NO. 2, SECTION 5.

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 authorizing the release of the following easement:

Public utilities easements out of Lots 15, 16, 17, 18, and 19, Block S, ALLANDALE ESTATES, SECTION THREE.

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 authorizing the release of the following easement:

Sanitary sewer easements recorded in Volume 488 at pages 370, 371 and 373 and Volume 451 at Pages 93 and 94 of the Deed Records of Travis County, Texas. (Between 12th and 15th Streets; and West Avenue and Shoal Creek Boulevard)

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

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

AGREEMENT WITH AUSTIN PATHOLOGY ASSOCIATION BRACKENRIDGE HOSPITAL

Mr. Bill Brown, Administrator, Brackenridge Hospital, reviewed the change in the contract with the Pathology Group so that it would coincide with the City's fiscal year of October 1. The growth of the department was such as to adjust the contract down 3%, from the current 25% to 22% of gross private charges to the pathologists, so the hospital would have a greater income from the laboratory department. Councilman Dryden moved the Council adopt a resolution approving the contract with the Austin Pathology Associates as indicated. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Dr. DeSilva, head of the Pathology Department, was introduced.

COST DIFFERENCE

The Council had before it the authorization of payment to BEN GRIFFIN ENTERPRISES, INCORPORATED for the cost difference of 12"/8" Sewer Main in Industrial Terrace, Section 4 - \$1,871.73.

Councilman Nichols inquired about the bidding and the inclusion of the 12" line over an 8". The Assistant Director of Water and Waste Water explained a bid would be asked for in the same location for an 8" line, and a 12" line. The City Manager stated there was an advantage, as the City could check 8" lines on other sites, and the Staff has a good idea of the cost of 8" pipes in place. A good check can be made to see that these are not out of line.

Councilman Nichols moved the Council adopt a resolution authorizing the payment to BEN GRIFFIN ENTERPRISES, INCORPORATED for the cost difference of 12"/8" sewer main in Industrial Terrace, Section 4, \$1,871.73. The motion, seconded by Councilman Handcox, carried by the following vote:

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

CONTRACT AWARDED

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

CAPITOL PIPE AND STEEL

- For Bid Items I, II, III, IV, V, and VI of Contract 412, Steam and Feedwater Pipe for Holly Street Power Station, Unit No. 4 - \$116,655.00. (Engineer's estimate was \$125,000.00; 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 Love moved the Council adopt a resolution awarding the following contract:

CAPITOL PIPE AND STEEL

- For Bid Items No. I, II, and III of Contract 413, Steam and Feedwater Fittings, Holly Street Unit No. 4 - \$53,535.18. (Engineer's Estimate was \$65,000.00; 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 Love moved the Council adopt a resolution awarding the following contract:

WYATT DIVISION, U.S. INDUSTRIES, INC.

- For Bid Items No. I, II and III alternate of Contract 414, Miscellaneous Tanks, Holly Street Unit No. 4 - \$102,920.00. (Engineer's estimate was \$121,500.00; 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 Handcox moved the Council adopt a resolution awarding the following contract:

RADIATION, INC.

- For Supervisory Control Equipment to be installed in the Electric Utility Energy Control Center - \$147,281.00. (Capital Improvement Program)

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

Ayes: Councilmen Dryden, Nichols, Love, Handcox
Noes: Councilman Friedman
Not in Council Room when Roll was called: Councilman Lebermann
Present, but not Voting: Mayor Butler, as he did not hear all of the discussion.

Councilman Friedman asked had other bidders been successful, would their equipment work with the existing equipment being used now. Mr. R. L. Hancock, Director of Electric Utilities, stated it could be interfaced, but it is complicated and technical. He explained that although the equipment could function with present equipment, there is a significant difference, and there is trouble in getting technicians and skills for this type of equipment. There are spare parts, training and experience in handling the present equipment; and for the slight difference in costs, in the long run, the operating costs would be less. This bid will take care of the needs through 1974. Between now and 1974, there may be changes that would be advantageous to go to the other equipment. Specifications were written to include the Solid State equipment for that reason.

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

W. H. HENKEN INDUSTRIES
Houston, Texas

- For X-ray Film - \$75,871.50.

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

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

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

GENERAL ELECTRIC

- Five (5) year lease for X-ray Diagnostic Center - \$1,976.88 for Part A, \$1,089.84 for Part B.

Councilman Nichols inquired about the late bid. It was stated the bids were due September 10th. This one bid was received on the 13th, and is being returned unopened.

Mr. Brown, Administrator, Brackenridge Hospital, discussed the leasing program for the Radiological Department. The equipment being obsolete is incapable of being moved into Phase 1A of the hospital construction. At present \$341,000 of equipment is under lease; and with these two items, the lease costs will be \$468,000 for x-ray equipment. High maintenance in 1958 was one reason for leasing, which now includes full maintenance.

Mayor Butler was most concerned about the leasing program, stating a lessor paid 52% in taxes, against the City's exemption; the lessor paid a higher rate of interest than what the City would pay, and he asked how could the City lease equipment cheaper than its owning it. He emphasized that people leased for tax advantages, or for lack of capital. Mr. Brown stated all equipment was on lease-purchase after two years. At the end of 1973, it will be possible to purchase \$468,000 pieces of equipment for \$220,000, under the lease-purchase arrangements. The next phase of construction would be discussed with the Council about October 7th. Mayor Butler still was not satisfied that a solvent municipal government should lease equipment.

Councilman Dryden stated the greatest feature for the City in Radiology is the maintenance, and it would be better to purchase; however, a maintenance contract costs 10% per year. Mr. Brown pointed out the Hospital receives the costs of Medicare or Medicaid patients, which in effect is 25% of the lease. Blue Cross picks up its direct costs.

Mayor Butler asked that this overall program be looked into.

Councilman Dryden concurred that it would be better to purchase equipment when money was available, and he would like to consider this as soon as possible. He reported that the X-Ray Department did a tremendous job, and was a good money producing asset to the City; however, he was in agreement with the Mayor on these leases.

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

APPOINTMENT OF ASSOCIATE JUDGE

Mayor Butler announced the appointment of the new Associate Judge of the Municipal Court and introduced MR. ALLAN HILL. The Mayor stated the City was complimented by the large number of highly qualified people who applied. Judge Hill thanked the Council, expressing his desire to to serve the people.

Councilman Friedman moved the Council formally appoint MR. ALLAN HILL as Associate Corporation Court Judge. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

The Council recognized the Presiding Judge of the Corporation Court, Judge Ronald Earle.

Councilman Lebermann moved the Council appoint JON COFFEE as Relief Judge. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

BID REJECTED

Councilman Dryden moved the Council adopt a resolution to reject bids and re-write specifications, and rebid on the following:

JOSEPH'S MEN SHOP

- Police Uniform Clothing - October 1, 1971
through September 30, 1972 - \$36,702.30.

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

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

Noes: None

DOBBS HOUSES

Councilman Nichols moved the Council adopt a resolution approving the assignment and sub-lease agreement between Dobbs Houses, Inc. and Dobbs Houses of Texas, Inc. regarding the sale of mixed alcoholic beverages, beer and wine at the Austin Municipal Airport and authorizing the City Manager to execute all necessary papers to effect such approval in accordance with the lease agreement between the City of Austin and Dobbs Houses, Inc. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Nichols, Love, Handcox, Mayor Butler

Noes: Councilmen Friedman, Dryden, and Lebermann

It was noted by Councilman Friedman that this was a ten year contract.

APPROVAL OF SETBACK FOR DOUGHNUT SHOP

Councilman Nichols moved the Council approve 20 foot setback from Anderson Lane on Lot 45, Sunset View, Section 1, for a proposed commercial building (Doughnut Shop) - Mr. Walter J. Kneten, Prospective purchaser. (Thoroughfare Policy requires a 25 foot building setback from the proposed right-of-way line of a thoroughfare street.) The motion, seconded by Councilman Love, 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 Mo-Pac Expressway, Phase 4 as follows:

2000 Woodmont

(Partial Acquisition)

Richard G. Arellano

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 authorizing the acquisition of certain land for the Mo-Pac Expressway, Phase 4 as follows:

2416 Hartford Road

(Partial Acquisition)

Joseph L. Cockrell, et ux

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 authorizing the acquisition of certain land for the Mo-Pac Expressway, Phase 4 as follows:

2424 Hartford Road

(Partial Acquisition)

Luis R. Surratt, et ux

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 authorizing the acquisition of certain land for the MoPac Expressway, Phase 4 as follows:

2606 Jefferson (Partial Acquisition)
M. Ray Clark, et ux

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 authorizing the acquisition of certain land for the MoPac Expressway, Phase 4 as follows:

2508 Jefferson (Partial Acquisition)
J. B. McFarland, et ux

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

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

SPECIAL PERMIT APPEAL - HEARING SET

Councilman Love moved the Council set a hearing on the Appeal of the decision of the Planning Commission granting a Special Permit to Jerry N. Wallace for the construction of a 252 Unit Apartment Project at 1025-1203 Rutland Drive, CP14-71-48, filed for North Austin Civic Association by Richard P. Slaughter, President; and by James R. Sloan, Attorney for ten individuals and other Petitioners. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Dryden

READY MIX CONCRETE

The Council had before it a bid for Ready Mix Concrete.

The City Manager, Mr. Andrews, asked to reject these bids on the ready mix concrete, as he believed a pre-bidding conference could be held and get additional bidders. Councilman Nichols called for discussion on the number of yards of concrete, and if there were a discount per year on quantity. The Purchasing Agent stated they indicated the quantities and asked for a net price, the discount usually being listed in the net price. Mr. Bennett reported on the pre-bid conference, and selecting split bids - 70% and 30% - in order to have two suppliers available. He discussed going on a "net price" as the State and other buyers are doing. As to bids, identical bids are referred to the Attorney General. The Mayor recommended that Mr. Bennett check in to this.

Councilman Nichols moved the Council accept the City Manager's recommendation, and reject bids on Ready Mix Concrete. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

OPTION TO PURCHASE PROPERTY

Councilman Friedman moved the Council adopt an option to purchase the Northwest Park Property. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

FIRE STATION LOCATION

Mayor Butler announced the receipt of a letter asking that discussion on this matter be moved up for two weeks. The Council set 11:00 A.M., October 14th, for hearing the status of the Fire Station on Speedway and 43rd Street.

Councilman Friedman stressed that the new Fire Station not be opened until after the hearing.

BOGGY CREEK

Mr. John Lax spoke in behalf of Mrs. Grant, Mrs. John Schrieber, and himself and wife, property owners on Giles Street. They are concerned about their properties on Boggy Creek, in that there is great danger of flooding in the creek if left in its present condition. (1719, 1921 & 1723 Giles) An easement had been signed so that Boggy Creek could be improved by the City. His group wanted the plan to continue. One problem was the objection of some on removing the trees.

Councilman Nichols asked about the dumping of foreign materials in the creek at 1715 Giles, and asked that this be checked out.

The City Manager stated he would make a report on the status of the project; and if the Council desires to, he would move ahead. Councilman Nichols stated consideration should be given to these people as to channelizing. The City Manager was to report back to the Council.

Later in the meeting, the City Manager reported that a property owner upstream had built some 15' to 20' into the easement to the rock wall. The Legal Department will take action to remove this. There are seven large old willow trees which should be removed. Boggy Creek should be opened up where it can be maintained properly by the abutting owners. Councilman Nichols moved the Council instruct the City Manager to proceed with cleaning up of the creek in that area. The motion, seconded by Councilman Love, carried by the following vote:

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

DISCUSSION ON COUNCIL'S DRUG PLAN

Councilman Friedman had indicated he would request the Council's consideration to delete from the Austin City Council Drug Plan that portion calling for \$500.00 reward for information leading to the arrest and conviction of a drug pusher. He believed that the effectiveness of the program would be greatly enhanced without the bounty system. Councilman Friedman moved that this Council delete from their plan any mention of the reward system; let the Police utilize the reward system that they have been using in the past so far as paying for information, and go forth with the other six points including the rehabilitation and education program.

Mayor Butler called for a second; and then announced that the motion died for lack of a second.

John Nippon, Viet Nam Veterans, objected not to the bounty program per se, but to the punitive approach to the drug problem instead of a rehabilitation program. Shirley Sasse spoke for the Austin Plan and read a letter from Dr. Ferrero, MH-MR, addressed to Councilman Dryden. Councilman Dryden responded. Miss Sasse introduced Reverend Douglas Sanders, Director of the United Campus Ministry. Reverend Sanders was in support of Councilman Friedman's position, and spoke against the bounty. Father Joe Znotas, St. Julia Church described some problems of the drug addict. Others spoke in concurrence with Councilman Friedman's motion.

Mayor Butler asked that the people give the Council Plan a chance; if it does not work, it can be changed -- it is a starting point.

Councilman Handcox had seen the report of the MH-MR on their program and the availability of additional spaces for any phase of the program thus far. If the program were not working, he would want to scrap it, but he believed the program should have an opportunity.

Councilman Friedman restated his motion that this Council delete point 1 of its plan, not to the detriment of the plan but to the success of the plan and that the bounty system be removed from its statement last week. Mayor Butler announced the motion failed for lack of a second.

Mrs. Leon Donn speaking on the Drug Plan, said in order to pay the \$500.00 bounty, the Council would have to juggle the budget. Mayor Butler stated if funds were available, this would be a proper expenditure; if not, they would take it upon themselves on a volunteer basis to raise the money. Mrs. Donn suggested not going after the pusher, but the supplier, and suggested that any money voluntarily raised could be put in an education program in the school.

The Council recessed until 1:45 P.M.

The Council resumed its business at 2:00 P.M.

Reverend John Barkley, former Minister of Central Christian Church, spoke on the drug problem. He said there seemed to be trend at the morning session expressed by a number of people from the audience that the treatment of addicts should not be punitive. To this he disagreed. He believed everything should be done to get rid of this scourge.

TRANSFER-APPROPRIATION OF FUNDS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 700924-E TO APPROPRIATE UNAPPROPRIATED FUNDS FOR VARIOUS ESSENTIAL PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The City Manager reported to the Council on transfers and adjustments to complete the 1970-71 fiscal year. He listed the items and the Account numbers from which the transfers were made.

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.

PAVING ASSESSMENT IN SOUTH AUSTIN

MR. JOHN SCANLAN, Attorney representing Citizens in the Code Enforcement Area in a law suit, explained the filing of the suit within a stated time. In review, he reported the City had entered into a contract with the Department of Housing and Urban Development whereby the Department would pay two thirds of paving costs and the assessments to the property owners should not exceed one-third. If the citizens are assessed in excess of the one-third, by the amount HUD's payment is diminished. In this case the assessment to the residents exceeded one-third of the cost, and they are not only being assessed in violation of the agreement between the City of Austin and HUD but in excess of the amount the Statutes prescribe. Even though the matter is in litigation, Mr. Scanlan was trying to reach an amicable settlement in resolving this matter.

Mr. Scanlan made reference to a park that South Austin residents were promised, but the park merely is a vacant lot with two bar-be-que pits and high grass and weeds with no type of recreational facilities. He asked the Council to take another look at this. The City Attorney assured Mr. Scanlan that every effort would be made on the City's behalf to settle these matters amicably.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 16, BLOCK "F", CHERRYLAWN SUBDIVISION, SECTION 6, LOCALLY KNOWN AS 6200-6212 SPRINGDALE ROAD, FROM INTERIM "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.

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,
Noes: None
Present, but not Voting: Mayor Butler

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 5-A: A 17,121 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1303-1401 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
AND

TRACT 5-B: A 21,487 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1209-1301 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
AND

TRACT 5-C: A 212,633 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1205-1401 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND

TRACT 5-D: A 20,951 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1205-1209 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND

TRACT 5-E: A 24,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1209-1401 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND

TRACT 10-A: A 29,719 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1201-1205 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
AND

TRACT 10-B: A 95,787 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1105-1205 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND

TRACT 10-C: A 32,013 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1105-1203 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Austex Development Co., Ltd. -- C14-71-166)

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

Noes: None

Present, but not Voting: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

TRACT 1: A 12.22 ACRE TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIFTH HEIGHT AND AREA DISTRICT;

TRACT 2: A 0.28 ACRE TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIFTH HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 101-331 BEN WHITE BOULEVARD; 4100-4126 SOUTH CONGRESS AVENUE; AND 114-314 RADAM LANE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Present, but not Voting: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

STREET VACATIONS

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN CUL-DE-SAC ON SHOAL CREEK BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING ANY AND ALL EASEMENTS IN THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (On Shoalcreek Boulevard out of Block S of Allandale Estates, Section Three)

Councilman Nichols moved the Council waive the requirement of 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, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

HEARING SET FOR EXTENDING TIME
FOR THE SALE OF ALCOHOLIC BEVERAGES

MR. BOB CLIFTON appeared requesting the enactment of an ordinance to allow later hours for the sale of alcoholic beverages, referring to a letter he submitted to the Council. He is the owner of a lounge or bar and asked approval of his request to extend the sale two hours on weekdays and one hour on Saturdays. Councilman Dryden expressed opposition to an Ordinance to this effect, and wanted to go on record as such, as he felt the consumption of alcoholic beverages in the City already presented a problem. The City Manager reported that if later hours were granted, it would necessitate an extension of shift duties in the Police schedules. Mayor Butler, realizing this issue concerns many citizens, suggested that it have further consideration. Mayor Pro-Tem registered opposition to delay, since the State Legislature had enacted the law. Councilman Nichols moved the Council set a public hearing on the matter to notify the public in advance, at 2:00 P.M., October 28, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PARADE PERMITS

Councilman Nichols moved the Council grant the request of the Crockett High School Student Council, by Nancy Brown, for a parade permit on October 23, 1971 - 10:00 A.M. to 11:00 A.M. - from 5601 Manchaca Road to the corner of Manchaca Road and Cimmarron Trail. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Councilman Nichols moved the Council approve the application from Mr. Jose Pena for a parade permit on October 14, 1971, from 8:30 P.M. to 9:15 P.M. - University of Texas Torchlight parade and Pep Rally. The motion, seconded by Councilman Friedman, carried by the following vote:

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

SALE OF CHRISTMAS TREES

Councilman Nichols moved the Council approve the request of the South Austin Optimist Club for the use of City owned property along South Lamar Boulevard immediately south of Lamar Bridge for the sale of Christmas Trees. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

PERMISSION TO NAME ALLEY

Councilman Nichols moved the Council approve the request of Mr. David Graeber to name the alley running east and west between Brazos and Waller Creek and between East 6th and East 7th Streets. The motion, seconded by Councilman Love, carried by the following vote:

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

Mr. Braeber stated that he would like to see the entire alley from the Driskoll Hotel to the creek named and hopes that someday Waller Creek will have a Hike - n - Bike Trail and possibly a pedestrian walkway leading from the Trail into the center of town, thereby creating a new business location.

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

Mr. Tom Curtis, Attorney for Petitioners, Lakeway Land Company, requested creation of Travis County Municipal Utility District No. 1. The Council, not having received supporting documents for consideration at this time, called a Special Session at 5:00 P.M., Wednesday, October 6th.

DISCUSSION OF DRUG PROBLEM SOLUTION

MESSRS. JOSH BOWERS, CLIFTON BATEMAN, AND LEE KANER spoke in opposition to the \$500.00 reward on conviction of drug pushers, as it would discourage people to talk to any policeman, as they would fear being arrested. Mr. Thomas Porter spoke in favor of marijuana smoking being legalized. Mayor Butler explained this was not the Council's Jurisdiction.

SHUTTLE BUS SERVICE

Mr. Robert Clark spoke in opposition to the termination of a bus stop (pick up) on Riverside Drive, as this is urgently needed for many students. The area affected includes Arena Drive to Interregional; Councilman Dryden suggested the possibility of negotiations with the bus company so that at least one stop should be made along the apartment blocks. Councilman Nichols asked Mr. Clark to confer with the Director of Traffic, Mr. Joe Ternus.

At this time, Councilman Lebermann reported several telephone calls concerning the reduction of our school routes by Austin Transit, and the people are looking into chartering a T.E.I. bus. It was stated this was not possible under their franchise. Mayor Butler also was receiving calls urging that the Council do something, and noting the children are willing to pay their fares. The City Manager was asked to study certain possibilities in conjunction with the school authorities and give a report next week as to certain alternatives so that the Council may take action next week. Mayor Pro-Tem Love recommended that there be something in the form that the Council can take action next week.

Councilman Dryden mentioned there were probably hundreds of nurses working in various nursing homes, who ride the bus, but have no way to ride on the bus on Sundays.

Mayor Pro-Tem Love referring to the three specific routes eliminated within the past few days, stated those routes and the other routes eliminated prior to the start of school should be incorporated in this report.

Mayor Butler asked that the records show that the Council is concerned about this, and it has to come up with some solution.

ROCK FESTIVAL

Councilman Dryden reported there was a presentation to the Council last week as well as a week before, by Mr. Bokie Berger regarding a Rock Festival in Zilker Park. It was withdrawn and presented last week by Mr. Terry Booth for the program to be put on in Zilker Park. He understood that the sponsorship and responsibility for the Festival was to be put on by Mr. Booth. There is some question about the sponsor. He stated there was a letter from Mr. Booth requesting that the City sponsor the Rock Festival scheduled for October 24th. Councilman Dryden stated if Mr. Booth was withdrawing his sponsorship, he would make a motion that the Council's granting permission for this Rock festival originally granted, be withdrawn. 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

Councilman Handcox stated that Mr. Berger and his group be allowed to be placed on the agenda to clarify their position at a later date.

MARATHON

MESSRS. JOHN LANE and PETER DAVIS requested permission for use of 23rd Street between Guadalupe and San Antonio Streets. October 30th from 2:00 P.M. to 6:00 A.M. for the purpose of a Marathon sponsored by KHFI-FM to a community organization, "The People's Free Clinic", which is an association of doctors, nurses, laymen, pharmacists, laboratory technicians and volunteers involved with medical treatment of needy people. Councilman Nichols commended Messrs. Lane and Davis as well as this group in rendering their services to this worthy cause, and called to their attention that clearance would be needed for the use of the streets, with Mr. Termus and the Fire Department.

Councilman Handcox moved the Council grant the request. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Present, but not Voting: Councilman Love, (for obvious reasons of conflict of interest)

FINAL PASSAGE - ANNEXATION ORDINANCES

Mayor Butler introduced the following ordinance for its 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 10.55 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE AND 34.51 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY AND PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, 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.

Councilman Nichols moved that the ordinance be passed through its final reading. 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 for its 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 20.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPELGATT SURVEY 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.

Councilman Nichols moved that the ordinance be passed through its final reading. 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 ordinances had been finally passed.

RECOMMENDATION FOR AUSTIN POLICE DEPARTMENT
PROPOSED BY MR. GONZALO BARRIENTOS

Mr. Barrientos appeared before the Council noting the Mexican-American population in Austin is about 15%; Mexican-American policemen average 3.5%. He listed recommendations as follows:

That the Austin Police Department change the minimum height requirement from 5'7" to 5'5".

That the Police Department not strictly adhere to its high school diploma requirement, but instead rely more on other indicators - entrance exams, experience, and intelligency of the individual

He concurred with Councilman Nichols if training schools could be provided to administer these tests. He referred to the Police Aid Program under Model Cities, whereby a High School graduate may become a policeman; but since the old test system is still in force, the chances of passing these tests are slim.

Encouragement of these applicants to participate in this program as an "aid"; and when 21 years of age, the applicant could take the full examination.

That an Interview Board consisting of members of the Minority group from the Police ranks and community as well as white members be created so that an all white Interview Board may be avoided.

That the Police Department engage full time services, psychiatrists, and counselors, and that they be made a part of the "Oral Interview Board" and also investigate beatings and shooting incidents.

Human Relations skills should be made a part of the curriculum; Police Officers should be given an opportunity to register for courses courses at the University or at one of the Colleges.

That a performance review be held for any officer who has been involved in two or more beatings or shootings.

Councilman Nichols stated due consideration would be given to each recommendation and he commended Mr. Barrientos on his efforts. Councilman Handcox expressed his opinion as a "job well done".

Mr. John Duey, a third year law student at the University, presented the Council with written recommendations in line with Articles 1222 and 1212 of the Penal Code and suggested revising the policy manual to take these two articles together to better clarify the responsibilities. Mayor Pro-Tem Love commended Mr. Duey and Mr. Barrientos on their efforts in bringing thses recommendations. Mayor Pro-Tem Love asked the City Manager for recommendations in answer to the aforesaid recommendations.

Mr. Arthur Guerra, East Austin resident, commented on his personal relationship with members of the Police Department and expressed his personal desire of becoming a member of the Police force; but under present requirements, this was denied him. His recommendation was to allow graduating cadets to participate in a law enforcement program so that they may make better policemen; also to further better understanding between members of the police force and civilians being questioned by officers and vice versa. Councilman Dryden encouraged cooperation in this field.

Mr. George Guerra also spoke, and Mayor Butler commended him on his points.

The City Manager was asked to bring back a report to the Council on October 21st, and the Police Department submit a separate report on the same date, October 21st.

Mr. Frank Forsfeld spoke concurring with Mr. Barrientos' recommendations.

PUBLIC HEARING ON SCHOOL TRACT

Mayor Butler announced the Council has to set a public hearing on the School tract that the City sold to the school, since it is parkland, allowing them to use it as a school site. Two dates have been suggested by the School Attorney. Councilman Nichols moved the Council set the hearing at 2:00 P.M., October 28th. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

NO ACTION - LICENSING REQUIREMENTS

The Council took no action on licensing requirements for persons painting street numbers on public curbs and streets.

ADJOURNMENT

The Council adjourned at 5:30 P.M.

APPROVED: Ray Butler

Mayor

ATTEST: Elsie Woolley

City Clerk