

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 22, 1971
7:00 P.M.

Oak Springs Library

The meeting was called to order by Mayor Pro-tem Love, who announced that Mayor Butler was out of the City on business.

Roll call:

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

The Invocation was delivered by Reverend Thomas A. Whitcomb, Trinity United Church.

APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meeting of July 15, 1971. The motion, seconded by Councilman Handcox, carried by the following vote:

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

CONTRACTS AWARDED

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

TECHLINE, INCORPORATED - For wire, 795 MCM all aluminum
Electric Department Spec. EI-10.

For use on the following projects:

1. New 12½ KV Circuit Hamilton Substation, south to Loop 360, south on 360 to FM 2222 - 63,000 pounds.
2. Reconductor, Webberville Road from Bluestein Boulevard to Decker Lane - 20,600 pounds.

3. Reconductor, Decker Lane from the Railroad to Highway 290 and Decker Lane Road, from Decker Lane to Bluestein, and Bluestein to Springdale.
4. Reconductor under 69 KV line, Clark substation to Kingsbury substation - 12,100 pounds.
5. Reconductor under 69 KV line south from Kingsbury to the River - 16,600 pounds
6. New 12 KV line in the rear of Tracor, and north to Webberville Road - 14,800 pounds.
7. & 8. 12 KV line on Loop 360 on south Lamar north, and Reconductor Highway 183 from Hamilton substation north - 20,000 pounds.
(two items combined)

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

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

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

B & T EXCAVATING,
 INCORPORATED

- For the installation of approximately 1,468 linear feet of 8-inch concrete sewer main, and 145 linear feet of 8-inch ductile iron sewer main and appurtenances along Nancy Drive from Stassney Lane to north of Sahara Drive - \$20,065.50. (40 working days; City's estimate \$18,091.50; Capital Improvement Program)

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

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

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

B & T EXCAVATING,
 INCORPORATED

- For the installation of approximately 807 linear feet of 8-inch concrete sewer main along Cooper Drive and North Lamar Boulevard - \$9,378.00. (25 working days; City's estimate \$8,290.05; Capital Improvement Program)

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

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

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

THOMAS BROTHERS
 CONSTRUCTION COMPANY

- For the construction of the Model Cities Service Center restroom facilities located at 1601 East 6th Street - \$9,496.00 (Completion date - October 1, 1971; City's estimate \$14,500; 100% Model Cities funds)

Councilman Lebermann asked about the background of the Model Cities Office having been moved to its present location. The City Manager explained the lease could not be renewed except by the City Council. To expedite the program, and get it underway, it was better to move the headquarters closer to the City Hall; and since it has done exceedingly well.

Regarding Model Cities, Councilman Nichols brought up the question of the School District, in its expansion, stating it will use its own funds. The City Manager reported the School Board had just written him that it was their intent to purchase 35 units in the Model Neighborhood for school construction, and to request that the City assume responsibility of relocation of these people who are displaced. The contract provides that Model Cities relocate anyone displaced by governmental action. Mr. Andrews said this matter had developed only in the last day or so, and he would get a report to the Council. Councilman Nichols suggested if there were any eminent domain proceedings, that the School Board be responsible for their own cases.

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

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

SUBSTANDARD STRUCTURES

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

911 Lydia	- George Phillips
902 E. 1st St. (front)	- H. P. Becker & A. L. Moyer
915 Olive St. (front & rear)	- Carrie A. Moseley

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

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

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:

17 Margranita Crescent (Partial Taking)

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the Mo-Pac Expressway, Phase 4 as follows:

2618 Jefferson (rear) (Partial Taking)

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

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

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

604 E. 13th Street. (rear)

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

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

PARKING METER ZONE

Councilman Nichols moved the Council adopt a resolution establishing a sixty minute parking meter zone on the south side of the 500 block of West 5th Street. The motion, seconded by Councilman Dryden, carried by the following vote:

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

MASS TRANSPORTATION STUDY

Councilman Handcox moved the Council adopt a resolution authorizing the City Manager to execute a contract with the Urban Mass Transportation Administration for the proposed mass transportation technical study project. The City Manager, Mr. Andrews, reported this is necessary to qualify for certain government grants at a 2/3 Federal to 1/3 City cost. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ANNEXATION HEARING SET

Councilman Handcox moved the Council adopt a resolution setting a public hearing at 2:00 P.M., August 12, 1971, to consider annexing the following:

10.55 acres of land out of the William Cannon League - proposed Flournoy's Sweetbriar Section IX. (requested by owner)

34.51 acres of land out of the John Applegait and George W. Davis Survey - proposed Quail Creek, Phase III, Section I and Quail Creek, Phase IV, Section 1.

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

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

EASEMENT RELEASED

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

A sanitary sewer easement out of lot 7, "partition of part of Mrs. O. M. Roberts Estates".

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

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

ZONING ORDINANCES

Mayor Pro-tem Love 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:

(1) LOTS 27 AND 28, BLOCK "2", LAKEVIEW ADDITION, LOCALLY KNOWN AS 408-410 WEST 37TH STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

(2) LOT 11, BLOCK 2, LAKEVIEW ADDITION, LOCALLY KNOWN AS 403 WEST 38TH STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT;

(3) LOT 6, BLOCK 2, BROADACRES ADDITION, LOCALLY KNOWN AS 5617 ADAMS AVENUE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

STREET AND ALLEY VACATION

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THOSE CERTAIN PORTIONS OF BRASS STREET AND GONZALES STREET ALLEY 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.

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

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

RENAMING OF CONGRESS AVENUE

Councilman Friedman moved the Council grant the request of the Austin Aqua Festival Committee to rename Congress Avenue "ED McMAHON AVENUE" on August 6, 1971, and to prepare the appropriate street sign. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ACQUISITION OF LAND

Councilman Dryden moved the Council adopt a resolution authorizing the acquisition of certain land for the Peyton Gin Road right of way as follows:

1200 Peyton Gin Road (Partial Taking)

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

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

Taxes on Remnants of Property

Councilman Handcox wanted information as to taxes on the back side of properties along the line of acquisition of right of way, as it had been brought to his attention that the taxes are excessive.

REFUND CONTRACTS

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JOHN McPHAUL AND ESTATE OF TOM MOSES ATTAL c/o AUSTIN NATIONAL BANK; AND DECLARING AN EMERGENCY.

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

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DUFUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH AUSTIN CORPORATION; AND DECLARING AN EMERGENCY.

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

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman Lebermann inquired about cash refunds on the refund contract. The City Manager stated there is a policy by practice where small amounts are incurred, the City negotiates with the owner and pays him direct, rather than doing the bookkeeping for a number of years. Mr. Andrews stated that Councilman Nichols had requested a position picture on what is to occur, and the need to run sewers into the undeveloped territory. This study will be an overall picture to the Council.

CODE AMENDMENT - FLAMMABLE LIQUIDS

The Building Official, Mr. Dick Jordan, explained the status of the law since the Legislature had passed S. B. 112, which did permit the cities to pass ordinances prior to August 1st, covering safer handling of discharging gasoline from a tank on private properties. The six larger Texas cities have already passed amendments to their codes.

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 38 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO SECTION 38-229 (1), PROHIBITING THE RETAIL SALE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS FROM MOBILE DISPENSING UNITS; AND DECLARING AN EMERGENCY.

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

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman Nichols stated T.E.I. used to refuel their buses by the Congress Avenue Bridge. The Building Official stated that the present Code prohibits this type of operation. He stated the City's Ordinance was an effective one; however, this particular new law is hazardous, and that is why it is necessary to make this amendment.

ERECTION OF FENCE IN A PORTION OF CITY RIGHT OF WAY

Mr. Jerry A. Hunt appeared, outlining his plans to place a decorative construction less than 3' tall around the periphery of his front lawn -- it will not be a fence, but a decoration, 5'8" from the curb. The Assistant City Attorney stated with an indemnification clause, a license agreement to encroach upon the right of way could be issued. At such time the City might need the full right of way, Mr. Hunt would remove the construction at his expense. Mr. Hunt filed letters from property owners in the area expressing their approval of this decorative approach. Mr. Jimmie Connolly had written direct to the Council asking that this plan be approved. Mr. Hunt was directed to meet with the Director of Public Works and get a plot plan so that it could be determined how much of the structure will be in the sidewalk area. Councilman Nichols wanted to assure Mr. Hunt that when he meets the conditions, the permit will be granted. The Assistant City Attorney, Mr. Dippel, said when the conditions have been met, there will be a Resolution for Council adoption.

Councilman Nichols moved the Council vote that when the conditions have been met, and the Resolution is brought in, the Council would act favorably on this request. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CITY CHARTER COMMITTEE APPEARANCE

Dr. Philip White appeared regarding the Charter Study Committee, and introduced Mrs. Edith Buss, who would make the presentation. Mrs. Buss read a statement, announcing there were more than 10,000 signatures on their petition calling for six Councilmen elected by districts by the voters in each district, and a Mayor at large. Feeling they had an obligation to all who signed the petition, Mrs. Buss, Co-Chairman, stated they wanted to push for an election at the earliest possible time. She stated Citizens for Equal Representation urged the Council to announce the Committee members at the next Council session and set a deadline of early September for it to turn in its recommendations.

REQUEST FOR TRAFFIC SIGNALS

Mrs. Dorothy Malone, 1506 New York Avenue, spoke about traffic in East Austin, stating there was a need for traffic signals, particularly on East 12th street between East Avenue and Chicon, at 19th and Comal, 12th and San Bernard, or 12th and Comal. The Council asked that she leave her address and telephone number so that she could be notified of the findings.

DAY CARE CENTER

Mrs. Audrey Gremer said when her neighbor, Mrs. Ruby Wright, was told she had a permit for a day care center last Thursday, she immediately purchased a dish washer, spent \$220 for cots, and made necessary arrangements for opening as soon as possible as the lease on her present location expires July 31. Now she understands she cannot open as her permit is being questioned due to the fact the Council had been misinformed. Thirty working mothers are disturbed, wondering what they will do about their children. Mayor Pro-tem Love stated the Council was sympathetic with the points taken. It had voted to reopen the hearing on this matter next Thursday, July 29th at 2:00 P.M. Mr. Charles Dippel, Assistant City Attorney, said the status quo had not changed since last Thursday. Certain conditions had ~~to~~ be met and the special permit has not been released. Mrs. Gremer stated Mrs. Wright has been trying to conform with every regulation and has been cleared through all City Departments as well as the State Welfare Department, which will not issue a license until City approval has been granted. Mayor Pro-tem Love again stated the Council would have a re-hearing and it would be better that both sides participate so there would be no misunderstandings.

ANNEXATION ORDINANCE

Mayor Pro-tem Love 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 99.9 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE 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 the third time, and Councilman Nichols moved that the ordinance be finally passed. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor Pro-tem announced that the ordinance had been finally passed.

DISCUSSION ON POLICE POLICIES

The second Vice-President of the N. A. A. C. P., James Shear, stated Mr. Perez had asked the Council to investigate police brutality on the East Side; but he had not heard of the outcome of this investigation. Mr. Shear asked the Council to give them their rights and protection. He also complained about brutality when an arrest was being made, and said even the Human Relations Commission is not effective.

Councilman Handcox asked Mr. Perez to go by the City Manager's Office and review the reports of the incidents in which he was concerned, stating Mr. Andrews had a full report he wanted to give Mr. Perez on the particular case. Councilman Handcox had already discussed the case on which Mr. Shear had complained with the City Manager. At this time information is being gathered on that particular case.

Councilman Friedman brought out positive points now under way referring to Mr. Barrientos' interest in securing and studying certain information on which to make certain recommendations.

Councilman Lebermann stated the Council had informally discussed the investigation, and they were aware of some of their limitations. Discussion had been held in the vein that some of these cases may be involved in the District Court.

Mr. Horsefeldt made a brief statement that the Chief of Police ask his officers to take more care with the handling of human beings.

Mrs. Bertha Means, member of the Parks and Recreation Board, asked the Council to drive over some of the unpaved streets; that when it approves various contracts to consider what is being done in east Austin. She pointed out a commercial enterprise had just built its warehouse near a lovely neighborhood of nice homes on East 19th Street. She noted cultural types of activities were placed in west Austin. Mrs. Means reported there was no running water in Lincoln Gardens, and some of the houses were not connected with sanitary facilities.

In connection with this area, Councilman Nichols inquired about the paving of the Transportation Enterprises, Inc., lot. The Building Official reported the lot had been paved, and other improvements had been made, specifically to the re-lighting. This property is zoned commercially, and the owners are in compliance with the Code.

Mr. Alfred Rodriguez stated a dangerous pattern is developing when emergency vehicles are on a call, as they speed past the park without their blinking lights or sirens, not only the children are endangered but traffic likewise. The patrolmen run red lights without the siren. The City Manager explained excessive speed was not condoned, but these patrolmen are responding to an emergency.

Mr. Guerra reported riding with a policeman while he was driving over 100 miles per hour. The City Manager stated he would warn the police on the driving patterns.

APPRECIATION EXPRESSED FOR OAK SPRINGS LIBRARY
AND PEOPLE IN ATTENDANCE

Mayor Pro-tem Love announced this was the first venture into the field and the Council plans to do this often. He expressed pleasure in the number of citizens who attended the Council Session at Oak Springs Library. Councilman Nichols wanted to establish now the neighborhood in which the Council will meet on the next fourth Thursday. No action was taken at this time, as it was thought the Mayor should be present when this determination were made. After discussion, Council-

man Friedman moved the Council postpone making a decision of the next meeting date and place until July 29th. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ADJOURNMENT

The Council adjourned at 9:00 P.M.

APPROVED

Roy Butler
Mayor

ATTEST:

Elaine Novak
City Clerk