

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 20, 1972  
10:00 A. M.

Council Chamber, City Hall

Mayor Butler called the meeting to order, noting that he had received a communication from Councilman Lebermann that he would arrive later.

Roll Call:

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

The Invocation was delivered by REVEREND JOHN C. TOWERY, Congregational Church.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of January 13, 1972, which was held at Reagan High School in an evening session. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Lebermann entered the Council Chamber at this time.

PAY RAISES

Councilman Nichols moved the Council vote that the City Attorney be instructed to submit to and request from the proper authorities the right to make pay raises to City employees retroactive to October 1st, and that the pay raise shall be for those who were then and are now employed, and that these should be paid to the City employees in a separate check. The motion, seconded by Councilman Friedman, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM HEARING  
February 10, 1972, 11:00 A. M.

Mayor Pro-tem Love moved the Council set a public hearing at 11:00 A. M., February 10, 1972, on the Capital Improvement Program. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

APPOINTMENTS TO THE AUSTIN HOUSING AUTHORITY BOARD

Councilman Nichols moved the following people be appointed to the Austin Housing Authority Board:

Mr. Joe K. Wells, Chairman

Mr. Raydell Galloway

Mr. Clark Rector

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

JUNIOR ACHIEVEMENT RECOGNITION

Councilman Handcox introduced Mr. Jack Holliday, Executive Director of Junior Achievement of Austin. The Council had issued a Proclamation proclaiming "Junior Achievement Week" January 23--29, to honor this fine group. Mr. Holliday introduced the representatives. Mayor Butler announced that the Proclamation would be presented to this group by Councilman Handcox.

EASEMENTS RELEASED

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

A portion of a public utilities easement out of Lot 8,  
Block H, BATTLE BEND SPRINGS.

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman

Noes: None

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

Ten (10) public utilities easements out of AQUA MONTE,  
SECTION TWO.

CITY OF AUSTIN, TEXAS

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

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

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

An electric easement out of Lot B, TAYLOR GLASS  
SUBDIVISION

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

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

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

Public utilities easements out of Lots 2 and 3,  
PORTER SUBDIVISION.

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

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

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

Ten (10) public utilities easements out of Block  
D, WESTOVER VILLA.

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

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

ANNEXATION HEARING SET

Mayor Pro-tem Love moved the Council adopt a resolution setting a public hearing at 2:00 P. M., February 2, 1972, to consider annexing the following:

20.28 acres of land out of the James Rogers Survey-  
Proposed MESA PARK, SECTION FOUR. (requested by  
owner's representative)

28.63 acres of land out of the Santiago Del Valle  
Grant - proposed PEPPERTREE PARK, SECTION 2 and a  
portion of Teri Road. (requested by owner's  
representative)

January 20, 1972

CITY OF AUSTIN, TEXAS

19.00 acres of land out of the William Cannon League - proposed FLOURNOYS SWEETBRIAR SECTION X. (requested by property owner)

11.32 acres of land out of the Theodore Bissel League - a portion of the C. T. BAKER SUBDIVISION. (Tract one requested by owner; Tracts two and three initiated by City)

55.30 acres out of the George W. Davis and John Applegait Surveys as follows:

- 42.97 acres of land out of the George W. Davis Survey - proposed QUAIL CREEK WEST, PHASE II, SECTION 7 and unplatted land out of John Applegait Survey. (requested by owners' representatives)
- 12.33 acres of unplatted land out of George W. Davis Sruvey. (Initiated by City)

32.60 acres of unplatted land including a portion of old U. S. Highway 183 out of the James M. Mitchell Survey and the James P. Wallace Surve- No. 18. (initiated by City)

21.7 acres of land out of the Theo Bissell League (Councilman Nichols asked that the 21.7 acres out of the Theo Bissell League be included in this group.)

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

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

CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a reselution awarding a contract as follows:

- |   |  |
|---|--|
| TERRY EDWARDS CONSTRUCTION COMPANY<br>(Austin, Texas) | - For 1971 Model Cities Sidewalk Program, Phase II (Recycle Funds), Contract No. 71-Xm-131 - \$72,772.43. (90 working days for completion; Engineer's estimate- \$76,383.00; Capital Improvements Program) |
|---|--|

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

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

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

- |   |  |
|---|--|
| TERRY EDWARDS CONSTRUCTION COMPANY<br>(Austin, Texas) | - For 1971 Model Cities Street Paving Program - Phase III, Contract No. 71-Pm-121 - \$116,941.38. (80 working days for comple- |
|---|--|

TERRY EDWARDS - CONT'D.

tion; Engineer's estimate - \$128,100.00;  
Capital Improvement Program)

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

TEXAS CRUSHED STONE  
COMPANY  
(Austin, Texas)

- Twelve (12) month Supply Agreement for  
Flexible Base - \$60,250.00

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

TEXAS CRUSHED STONE  
COMPANY  
(Austin, Texas)

- Twelve (12) month Supply Agreement for  
approximately 2,000 tons of Grade 3 Crush-  
ed Aggregate - \$5,800.00.

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

WHITE'S MINES, INC.  
(San Antonio, Texas)

- Twelve (12) month Supply Agreement for  
Grade 3 Aggregate and Grade 5 Aggregate -  
\$69,420.00.

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

VULCAN SIGN & STAMPING,  
INC.  
(Foley, Alabama)

- 4800 Traffic Sign Blanks of various sizes  
for installation of new and replacement  
of traffic signs - \$8,312.25.

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

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

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

ECONOLITE  
(Ft. Worth, Texas)

- Twelve (12) month estimated Supply Agreement to furnish Traffic Signal Equipment:
- From 300 Signal Heads; 3 Pre-Timed 3 Dial Master Traffic Signal Controller & Cabinet; 30 Pre-Timed 3 Dial Secondary Traffic Signal Controller and Cabinet; and 1 Pre-Timed 3 Dial Secondary Traffic Signal Controller with Railroad Preemptors \$48,486.86.

AUTOMATIC SIGNAL DIV.  
(Ft. Worth, Texas)

- 5 Traffic Signal Controller & Cabinet, 2 Phase; 2 Traffic Signal Controller & Cabinet, 3 Phase - \$15,200.00

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

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

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

MAINTENANCE ENGINEERING  
(Houston, Texas)

- Six (6) months Supply Agreement for Anthracite Filter Material - \$12,372.00.

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

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

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

LANFORD EQUIPMENT CO.  
(Austin, Texas)

- Annual estimated requirement of Anhydrous Ammonia for use by Water Treatment Division during the period of January 25, 1972 through January 24, 1973 - \$6,545.00.

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

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

Councilman Nichols moved the Council adopt a resolution awarding a contract as follows:

SOUTHERN STATES, INC.  
(Hampton, Georgia)

- Four (4) High Voltage Air Switches with one Motor Operator - \$11,216.00. (Capital Improvement Program; City's estimate was \$14,000.)

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

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

#### LICENSE AGREEMENTS

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the City Manager to enter into license agreements as follows:

MISSOURI PACIFIC RAILROAD COMPANY to install an 8 inch cast iron sewer pipe beneath the railroad tracks at a point 165.4 feet south of mile post 169 near McNeil, north of Austin - \$100.00 Standard License Fee.

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

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

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the City Manager to enter into license agreements as follows:

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY to install a 12-inch cast iron gravity flow sanitary sewer line near mile post U-948 in Austin - \$120.00 Standard License Fee.

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

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

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the City Manager to enter into license agreements as follows:

SOUTHERN PACIFIC TRANSPORTATION COMPANY to install a 48-inch water pipeline to cross under Railroad's Llano Branch main track at Engineers Station 143 + 15 (Mile post 4.14), with the limits of Cherrywood Road in Austin - \$10.00 Standard License Fee.

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

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

## SALE OF HOUSES

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

A. Heyer	2416 Hidalgo	\$100.00
Texas Wrecking	5202 Delores	\$281.00
Texas Wrecking	44 Lynn	\$281.00
Texas Wrecking	2001 Manor Rd.	\$281.00
Southwest Rathgeber	1810 Holly	\$189.00
Texas Wrecking	918 Olive	\$281.00
Texas Wrecking	2007 E. 9th St.	\$281.00
Texas Wrecking	1911 W. 7th St.	\$391.00

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

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

## SUBSTANDARD STRUCTURES

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

1301 East 3rd Street	- Mrs. Marlee Baker Joseph
1704 Cedar Avenue	- Mrs. Lucille Woodward, Trustee

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

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

## CONTRACT AWARDED

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a contract with the Texas Agricultural Extension Service for the services of an ornamental horticulturist as advisor to the Department of Parks and Recreation and the general public - \$3,500.00. (Approved item in Special Services section of the budget.) The motion, seconded by Councilman Friedman, carried by the following vote:

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

## UTILITY JOINT USE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a Standard Utility Agreement and Utility Joint Use Agreement with the State of Texas Highway Department. The motion, seconded by Mayor Pro-tem Love, carried by the following vote:



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

## ACQUISITION OF LAND

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway as follows:

4520 Highland Terrace - (Partial Acquisition)  
Marjorie Louise Whiteker

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

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

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the acquisition of certain land for MoPac Expressway as follows:

5015 Highland Court - (Partial Acquisition)  
Myrtle M. Boyle

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

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

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway as follows:

2410 Hartford Road - (Average of Appraisals)  
George L. Sellers, et ux

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

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

## 30 DAY LEASE CONTRACTS

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to enter into certain 30 day lease contracts with the International Business Machines Corp. to supply, under these contracts, certain equipment which is to be budgeted during the 1972-73 fiscal year. (Data processing equipment at Brackenridge as discussed 1-13-71.) The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## FIXED TERM PLAN CONTRACTS

Mayor Pro-tem Love moved the Council adopt a resolution authorizing the City Manager to enter into certain Fixed Term Plan and/or 30 day lease contracts with International Business Machines Corp. to supply, under the contracts, certain equipment. (Inside City Hall) The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Not in Council Room when the Roll was called: Councilman Handcox

## HUD "LEGACY OF PARKS" FUNDS

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to apply for HUD "Legacy of Parks" funds in the amount of \$311,000 for improvements to City parks and facilities. City's match of an equal amount will come from the Capital Improvements Program. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

## SANITARY SEWER CONNECTION - POSTPONED

The Council postponed the item authorizing a sanitary sewer connection to existing City of Austin sewer facilities outside the city limit upon payment of \$120.00 connection fee.

## SOUTHERN PACIFIC TRANSPORTATION COMPANY AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into an agreement with the Southern Pacific Transportation Company to provide railroad protection at the following locations:

Canadian Street	-	Flashers and Gates
Chicon Street	-	Flashers and Gates
Comal Street	-	Flashers and Gates

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

## PUBLIC HEARING SET

Mayor Pro-tem Love moved the Council set a public hearing on January 27, 1972 at 11:00 A. M., to consider an amendment to the Austin Development Plan:

Approximately 18 acres out of the W. H. Sander  
League Survey #54 in Travis County owned by  
Texas Urethanes Company located in northeast

Austin on U. S. 290 East approximately 2,000 feet west of Decker Lane - from Suburban Residential to Planned Development Area, requested by Mr. Bill Davis.

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

Ayes: Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilman Lebermann

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

#### BOATDOCKS AND BOATSLIP

Mayor Butler asked for a report on the request of the Council to have the Navigation Board to review the activities on the lake concerning boatdocks, lighting, and general activities.

Mr. Dick Jordan, Building Official, reported on the Navigation meeting held last week, in that the Board wants to make a physical examination of the lake by boat, and complete an extensive study of boatdocks and other items concerning the lake in general. Councilman Friedman asked if the Board were following the pattern indicated by the Council on boatdocks, as in one case, it had rejected a 50' dock. Mr. Jordan reported this particular dock would have created a hazard.

Councilman Lebermann understood that all requests for boatdocks were being held in abeyance until the report from the Board came back to the Council. Mayor Butler expressed concern as to the quality of the structure, types of workmanship and material, stating it was incumbent on the Council to protect the appearance, integrity as well as the safety. Mr. Jordan anticipated rigid recommendations by the Board from a safety standpoint, an inspection requirement. Mayor Butler suggested that building restrictions be set on the lake, and stressed this was something to which the Council should address itself. He stressed the standards and quality, studying standards, quality and the distances extending into the lake.

Councilman Nichols moved the Council adopt a resolution approving the following boatdock:

W. C. Hayes - part of Lots 64 and 65, Block A, Rivercrest Addition, Section 2.

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

Ayes: Mayor Butler, Councilman Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

Councilman Nichols moved the Council adopt a resolution approving the following boatdock:

Fred Barkley, Jr. - Aqua Monte Subdivision (Book 23, Page 28, plat records of Travis County, Texas)

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

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

Councilman Nichols moved the Council adopt a resolution approving the following boatslip:

Hugh F. Kuehne, Jr. - 3617 Westlake Drive on Lot "D"  
Wilkerson Sparks Survey, Travis County, Texas.

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

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

#### RENEWAL OF BOILER & MACHINERY INSURANCE

Mayor Butler stated this insurance is required by law to protect the bonded indebtedness of the City. Only the "deductible" is negotiable. The Mayor asked the City Attorney to give an opinion on the Council's bidding on these types of items in the future. As far as commissions being negotiable, one agency might be willing to write this at a lesser commission than another, at a savings to the City. The City Attorney stated he would submit a report.

#### PLANS AND SPECIFICATIONS FOR REMEDIAL WORK ON CONCRETE SPILLWAY AT DECKER DAM

Councilman Dryden recalled the discussion on the matter of repairs to the concrete spillway at Decker Dam on October 29th, followed by correspondence with Brown & Root. Mr. Webber, Brown & Root, in reply, said it had been anticipated that this movement would take place at the time the dam was built. Councilman Dryden asked that representatives of Brown & Root meet with the Council and discuss this matter, and he still requested such meeting, before spending \$4,800 on a project for which the City had already paid a million dollars. It was stated the representatives would be pleased to appear before the Council and answer questions.

Councilman Nichols asked the City Manager to furnish information as to how many millions of dollars the City had paid Brown & Root in the last 15 years.

Councilman Dryden had reviewed materials that Mr. Ruess, National Services, Inc., who had made an on-site inspection with representatives of Brown & Root, had furnished, and it appeared that some of this work might be done by City forces. He inquired if this were the case. Mr. Hancock reported that City forces are familiar with epoxies, but not familiar with structures of this type. He stated the problem involved engineering expertise, soils information, preparation of plans and specifications, and submittal to and approval of the Water Rights Commission. Part of what they were purchasing was guidance and expertise, either from Brown & Root or some other consultant.

Mayor Pro-tem Love stated when the Council was seeking services of engineers, architects, etc., the City Manager had submitted at least three names of companies who could do the job, and he suggested that this matter be handled in the same manner. After discussion, Mayor Butler said this matter would be on the Agenda next week for a selection from two or three engineering firms.

## LEAGUE OF AMERICAN WHEELMEN

Mr. Keith Kingbay, representing League of American Wheelmen, spoke on bicycling, safety, and education, stressing bicyclers' following the traffic laws. Mayor Butler welcomed Mr. Kingbay to the City and to the Council Chambers.

## MASS TRANSIT REPORT

Mayor Butler made an announcement on the mass transit application, stating a call had been placed to Mass Transit Office in Washington, D. C. Basically he said the discussion resolved down to several items to be acted upon this morning. (1) Assurance that the Council is to absorb or assimilate the shuttle bus system into the transportation system; (2) Manner in which the bus system is to be operated -- whether it will be under a management contract or a private sector company. It was recommended by the Washington Office that the private sector company be used. Due to a labor negotiation requirement, it would delay labor negotiation six months at least if this route were not taken.

Councilman Nichols moved the Council vote to have the City absorb the shuttle bus system as soon as practical and possible, and that the new bus system would be operated under a Management Contract which will protect the union contract and the existing bus company employees. Councilman Dryden seconded the motion, which carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Friedman, Handcox

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

## ZONING HEARING

The Council had before it the zoning case scheduled for this time for public hearing as follows:

DAVID B. BARROW, SR.  
By Jeryl D. Hart  
C14-71-238

Tract 1  
7835-7919 Mesa Dr.

From Interim "A" Residence District First Height and Area Tract 1: To "BB" Residence District First Height and Area RECOMMENDED restricted to 12 units per acre

Tract 2  
7921-8009 Mesa Dr.

Tract 2: to "B" First Height and Area RECOMMENDED

Tract 3  
7834-7838 Mesa Dr.

Tract 3: to "B" Residence District First Height and Area NOT Recommended RECOMMENDED "BB" Residence District First Height and Area restricted to 12 units per acre

Tract 4  
4101-2131 Spicewood

Tract 4: To "GR" General Retail District First

DAVID B. BARROW, SR. (CONT'D)

Springs Road  
7940-3044 Mesa Dr.

NOT Recommended  
RECOMMENDED "LR" Local  
Retail District First  
Height and Area with 64'  
buffer of "B" Residence  
District First and Area  
on the west of Tract 4.

Tract 5  
8011-8045 Mesa Dr.  
4021-4059 Spicewood  
Springs Road

Tract 5: To "GR" General  
Retail District First  
Height and Area NOT Recom-  
mended RECOMMENDED "LR"  
Local Retail District  
First Height and Area  
with a 64' buffer of "B"  
Residence District First  
Height and Area on the  
east of Tract 5 excluding  
the fire station tract.

This recommendation is  
subject to a privacy fence  
between "BB" and "A" zon-  
ing.

Mr. Richard Lillie, Director of Planning, reviewed the status of the applica-  
tion for change of zoning, stating it had been postponed for two weeks. During  
that time, the applicant and neighborhood had gotten together.

He reported that Mr. Barrow had withdrawn from the application the following  
tracts:

Tract 1 - 7835-7919 Mesa Drive  
Tract 2 - 7921-8009 Mesa Drive  
Tract 3 - 7834-7938 Mesa Drive

On Tracts 4 and 5, the recommendation was to deny "GR" zoning and grant "LR"  
with a 64' buffer. Mr. Barrow has agreed with the "LR" designation, and pursuant  
to withdrawing the apartment zoning request, he has requested that the buffers  
be deleted from the Planning Commission's recommendation.

All parties were in agreement.

Councilman Nichols moved the Council vote that the zoning be granted with the  
contingencies as set forth and accepted by Mr. Salmanson's group. The motion,  
seconded by Councilman Lebermann, carried by the following vote:

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

Mayor Butler expressed appreciation to the group's resolving the matter with-  
in itself. Mr. Barrow stated this concession was made in order to avoid difficul-  
ty and to please the people.

Mayor Butler explained that Tracts 1, 2, and 3 - apartment zonings - had been  
withdrawn; and the zoning "LR" on Tracts 4 and 5; the 64' buffer was waived.

## CITY OF AUSTIN, TEXAS

## ZONING ORDINANCES

B. T. WEBB, ET AL  
C14-68-064

1601-1603 Kinney Ave.

From "A" Residence  
District to "B"  
Residence District

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 1, WENDLANDT'S SUBDIVISION, LOCALLY KNOWN AS 1601-1603 KINNEY AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the ordinance had been finally passed.

JOHN F. HARVEY &  
JACK R. CROSBY  
C14-70-208

8601-8617 Putnam Dr.  
1929-1929 Peyton Gin Rd.

From "A" Residence  
District to "B"  
Residence District

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 2.55 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8601-8617 PUTNAM DRIVE; 1929-1939 PEYTON GIN ROAD, 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.

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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the ordinance had been finally passed.

FRANK SIFUENTEZ  
C14-71-253

903 Montopolis Dr.

From "A" Residence  
District to "B"  
Residence District

W. H. COLLINS & JIMMY D. PACE C14-71-255	2201 San Antonio Street	From "B" Residence District Second Height And Area to "O" Office District Second Height and Area
LERROY BEDNAR C14-71-284	4109 Marathon Blvd.	From "A" Residence District to "O" Office District
IRVING DOCHEN C14-71-288	4105 Bellvue Ave.	From "A" Residence Dis- trict to "O" Office District
ROBERT C. JORDAN C14-71-289	4109 Bellvue Ave.	From "A" Residence District to "O" Office District

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: (1) A 2,260.5 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 903 MONTOPOLIS DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND, (2) LOT 19 AND 1/2, AND THE SOUTH 50 FEET OF LOT 19, OUTLOT 35, DIVISION D, LOUIS HORST'S ADDITION, LOCALLY KNOWN AS 2200 SAN ANTONIO STREET FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND, (3) LOTS 23 AND 24, BLOCK 3, LEE'S HILL ADDITION, LOCALLY KNOWN AS 4109 MARATHON BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND, (4) LOTS 21, 22, AND 23, BLOCK 4, LEE'S HILL ADDITION, LOCALLY KNOWN AS 4105 BELLVUE AVENUE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND, (5) LOTS 24, AND 25, BLOCK 4, LEE'S HILL ADDITION, LOCALLY KNOWN AS 4109 BELLVUE 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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love,  
Councilmen Lebermann, Friedman, Handcox  
Noes: None

The Mayor announced that the ordinance had been finally passed.

ODAS JUNG C14-70-001 (portion of area study)	4311-4321 So. Congress	From Interim "A" Residence District First Height and Area To "D" Industrial District First Height and Area
---	------------------------	--



Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS; A 1.71 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4311-4321 SOUTH CONGRESS AVENUE FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox  
Noes: None

The Mayor announced that the ordinance had been finally passed.

JOHN McPHAUL &  
TOM ATTAL  
C14-71-024

9431-9811 Middle  
Fiskville Road

From Interim "A"  
Residence District First  
Height and Area to "C"  
Commercial District  
and "BB" Residence Dis-  
trict First Height and  
Area

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: (1) LOT 19, BLOCK B, AND THE WEST 329.83 FEET OF LOT 25, BLOCK B, NORTHCAP, SECTION 4 REVISED, FROM INTERIM "A" RESIDENCE DISTRICT, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL FIRST HEIGHT AND AREA DISTRICT; AND, (2) LOT 23, BLOCK B, AND THE EAST 265.29 FEET OF LOT 25, BLOCK B, NORTHCAP, SECTION 4 REVISED, FROM INTERIM "A" RESIDENCE, INTERIM FIRST AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 9431-9811 MIDDLE FISKVILLE ROAD; 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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox.  
Noes: None

JOHN McPHAUL  
C14-71-041

Rear of 9700-9808  
Dallum Drive

From Interim "A" Residence First Height and Area to "BB" Residence District First Height and Area

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: LOT 18, BLOCK G, NORTHCAP, SECTION 4, REVISED, LOCALLY KNOWN AS THE REAR OF 9700-9808 DALLUM DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

The Mayor announced that the ordinance had been finally passed.

H.E.B. GROCERY CO.  
C14-71-250

4816-5000 Turner Dr.  
6834-6924 Ed Blue-  
stein Blvd.

From Interim "A" Residence District First Height and Area to "GR" General Retail District First Height and Area

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 4.38 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4816-5000 TURNER DRIVE; 6834-6924 ED BLUESTEIN BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

Not in Council Room when Roll was called; Mayor Butler  
Present but not voting: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

#### REJECTION OF BIDS - INSURANCE

Messrs. Shackelford and Tom Hardy, representing Great Western Life Insurance Company were present.

Councilman Dryden opened the discussion based on the 9% interest charge.

Mr. Tom Hardy, Great Western Life Insurance Company, claimed this company had adhered to the specifications as submitted and was the low bidder. Mr. Barker, Director of Finance, said various health insurance companies were consulted in drawing up the specifications. One question concerned accidental death and disability, if it should be experience-rated or pooled. If they went the experience-rated direction, some companies would be barred from bidding, so this item was left open for the company's determination. Four bids out of 17 invitations were received. Three companies went on a pool basis, while one submitted an experience-rating. On an experience-rated method, the City had saved an average of \$16,000 per year over the previous 10 years. Had a bid been accepted on a pool basis with facts as they were then, the successful bidder would not only have the percentage factor, but the \$16,000 as profit. On checking back with these bidders, it was evident there was not a meeting of the minds. It was then recommended that these bids be rejected. Mr. Hardy's company met the specifications in the original specifications. Mr. Baker explained the views of both companies as to guaranteeing a firm bid beyond the first three years. Mr. Hardy said he understood the interpretation. Mayor Pro-tem Love analyzed the situation in that the original request for specifications, it was upon the receipt of four out of 17 that the Staff came to the conclusion the original specifications were not adequate. Mr. Baker agreed this was a complex area, and they were going back to two of the former bidders and ask them to help in the specifications, Mr. Hardy being one of them. The four companies were Connecticut General, Great Western, Republic Life, and Blue Cross-Blue Shield. The recommendation was that the Council reject these bids, and that new bids be taken on a pool basis.

Councilman Dryden moved the Council adopt a resolution rejecting the bids. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

The City Manager said the Council would have a written recommendation. Mr. Barker, Director of Finance, stated the recommendation was to reject the bids; and the authorization to take new bids on a pool basis or experience-rated basis, the recommendation being on a pool basis.

#### MAINTENANCE AGREEMENT

The City Manager, Mr. Andrews, had furnished the Council with copies of the proposed contract between the State Highway Department, the School District, and the City of Austin. Mr. Don Butler, City Attorney, described the access road running under Mo-Pac through the School District site and back to West 1st Street referring to a sketch on the board. He pointed out the right of way which the City would acquire at the School's expense for anything the City did not own.

It was agreed that the City would dedicate the public street and maintain it. No mention is made in the contract concerning that part of the road which runs through the School site. Included also was the joint use of recreational property and an easement would be given for a roadway into that area, but the Schools would be responsible for that maintenance. The State Highway Department proposes that the entire strip become a City street, with City maintenance plus relocation of utilities by the City. The recommendation of the City Attorney would be that the School District, the State, or someone other than the City of Austin reimburse the City for any right of way out of the area; and that the School District agree to the maintenance of certain areas, up to the interchange. The City should receive fair market value for the right of way. The Council agreed.

Councilman Dryden moved that the Council proceed along these lines as discussed. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Mr. Don Butler, City Attorney, stated this should be in the proposed contract for all parties concerned.

#### PRESENTATION OF THE AUDIT

Mayor Butler asked if there were anything in the report that the Auditors would like to call to the Council's attention at this time. Mr. Tankersley - Peat, Marwick, Mitchell & Company - stated they had made a number of recommendations. Members of the Council had not had the opportunity to review the Audit at this time.

#### CHANGE ORDERS

Councilman Nichols moved the Council adopt a resolution authorizing a change order for additional work to be performed by the Horticulture, Inc. in connection with "PROPOSED OBSERVATION POINT ADDITION" to the "Walk and Bikeway and Associated Improvements - Town Lake Development, Phase I" - \$6,512.18. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

#### Change Order - Deleted

The Council deleted the following change order for additional work to be performed by Jack A. Miller, Inc. to increase the height of wing walls and head walls in connection with the construction of a reinforced concrete box culvert to cross Cedar Bend Drive at Wells Branch of Big Walnut Creek - \$6,599.75. Capital Improvement Program. (Original contract awarded July 15, 1971 in the amount of \$24,441.54.)

#### CONTRACT

Councilman Nichols moved the Council adopted a resolution authorizing the City Manager to enter into a contract with Mr. Dick Rathgeber for sewer installation in southeast Austin, and select Hunter and Associates, Consulting Engineers, to draw plans and specifications for Onion Creek Interceptor. (C.I.P. Project-5063) The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### ANNEXATION HEARING

The Mayor opened the public hearing scheduled at 2:00 P. M. No one appeared to be heard.

Councilman Nichols moved the public hearing be closed and the administration be directed to institute annexation proceedings to annex the following:

3.04 acres of land out of the James P. Wallace Survey-  
proposed WESTOVER HILLS, SECTION THREE, PHASE SIX.  
(requested by owner's representative)

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

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox  
Noes: None  
Not in Council Room when Roll was called: Mayor Butler  
Present but not voting: Councilman Dryden

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

Councilman Nichols moved the Council introduce and read the first and second times an ordinance annexing the following as requested by the owners:

13.61 acres of land out of the Theodore Bissel League -  
THE VILLAGE, SECTION FOUR, and a portion of First  
Resubdivision of Lots 11-14 of Block A, THE VILLAGE,  
SECTION TWO.

6.11 acres of land out of the John Applegait Survey -  
WINDSOR HILLS, SECTION FIVE.

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

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

#### PAVING - MONTOPOLIS DRIVE

Mayor Butler introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF MONTOPOLIS DRIVE, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HERE BELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION COMPANY, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

Not in Council Room when Roll was called: Mayor Butler

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

#### CONTRACT TO PURCHASE SEWER MAINS

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH WEST BUILDING AND DEVELOPMENT, INCORPORATED; 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: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden

Noes: None

Not in Council Room when Roll was called: Mayor Butler

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

#### AMENDING ZONING ORDINANCE

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 711111-G, ENACTED BY THE CITY COUNCIL ON NOVEMBER 11, 1971, BY CORRECTING THE METES AND BOUNDS OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols

Noes: None

Not in Council Room when Roll was called: Mayor Butler

#### TRANSFER OF FUNDS

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE BRACKENRIDGE HOSPITAL FUND TO BE EXPENDED TO PROVIDE PERSONNEL FOR THE INSTALLATION OF THE 1800/2790 COMPUTER SYSTEM; AND DECLARING AN EMERGENCY.

Councilman Lebermann 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 Lebermann, Friedman, Dryden, Nichols, Mayor Pro-tem Love

Noes: None

Not in Council Room when Roll was called: Mayor Butler, Councilman Handcox

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

#### HEARING ON PROPOSED MOBILE HOME ORDINANCE

At 2:00 P. M., Mayor Butler opened the hearing scheduled at this time on the proposed mobile home ordinance.

Mr. Dick Lillie, Director of Planning, reviewed the legislation the Council had before it beginning with early trailer, and following up on to the mobile home type of construction, as possibly a permanent installation, which is inconsistent with the building, electric, plumbing, and housing codes.

The local Mobile Home Association and the Texas Mobile Home Association were called in to help draft an ordinance that would meet the requirements of the City.

Discussion was held on a "MH" Classification, and an addition that mobile homes on single lots in any section of the City would be prohibited. The mobile home does not meet the various building codes of the City, and the solution would be in either setting up standards for mobile homes within each code that would embrace the unique characteristic or by adopting the Uniform Standards Code for Mobile Homes.

Mr. Lillie discussed the mobile home outside the City limits, and the use under the Master Plan, stating this could be controlled through a utility hookup. He added the Council may want to insert into the ordinance a way for the lower moderate income family to place mobile homes within the City.

Taxation of the mobile home was discussed; if the party who owns a mobile home, also owns the lot, the property is taxed as real estate; in the instance of a location in a park, the mobile home would be taxed as personal property.

Mr. Carl Morris, President of the Capital City Chapter of the Texas Mobile Home Association, and Mr. Will Earl, attorney, represented the group. Mr. Ken Zimmerman, Austin Association of Home Builders, and Mr. Frank L. Wright, representing a number of West Austin residents who are concerned about mobile homes in a residential area, expressed themselves in favor of the ordinance.

Councilman Lebermann moved that for advertising reasons and for ordinance purposes, the recommendation that a mobile home not be permitted in "A" residential neighborhood be included for continued consideration in the ordinance; and that where the mobile home park abuts "MH", "O", or less restrictive, fencing would not be required, but only when abutting "A", "BB", and "B" zoning. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Councilman Nichols moved that the Council add the language suggested by the Trailer Park people where it had to do with fences as it is now drawn, and he further moved the fence requirement be between "O" Office and less restrictive which eliminates the fence at "O" Office and less restrictive, and requires it in "A", "BB", and "B". The motion, seconded by Mayor Pro-tem Love, carried by the following vote:

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

Mayor Butler announced this ordinance would be advertised and the final form will be acted on about February 10th.

#### WESTLAKE HILLS - Extraterritorial Jurisdiction

Mayor Butler stated the Council at this time felt the item of extraterritorial jurisdiction between Westlake Hills and Austin should be postponed until it could be held as a regular hearing. Mr. Sterling Holloway, attorney, representing owners of large numbers of acres, and stated there are other people representing several thousand acres. They received only yesterday a draft of these proposals. Due to its importance, he asked that this hearing be deferred until he could have both legal and factual implications for study, particularly related to two law suits over a five year period that the City had successfully prosecuted. Mr. Garwood represented Westlake Hills, and Mr. Kilgore represented the Robinson Trusts.

Councilman Lebermann moved the Council set 2:00 P. M., February 17, as the day to hear this extraterritorial jurisdiction matter. The motion, seconded by Councilman Nichols, carried by the following vote:

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

#### KUT-FM TO BROADCAST COUNCIL'S WEEKLY SESSION

Mr. Harvey Herbst, Associate Director of Communications Center of the University of Texas, the managing agent for the University owned KUT-FM, stated they propose to broadcast live sessions of the public hearing sessions of the Council's regular Thursday afternoon session; as well as those scheduled in the mornings. KUT would absorb the cost for equipment and personnel, and they request that the Council sustain the cost for installation and maintaining of the radio line; a minimum requirement of \$30.00 per installation, and \$18.00 a month, or \$216.00 annually, and the installation cost of \$30.00. Mr. Herbst proposed to broadcast the total session with no editing. Councilman Friedman stated should the Council not decide to continue the weekly charge, it would be up to Mr. Herbst. This was Mr. Herbst's understanding also. Expansion into the neighborhood meetings was desirable. Mayor Pro-tem Love endorsed this proposal.

Councilman Friedman moved the Council authorize the installation of this weekly broadcast. The motion, seconded by Councilman Nichols carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: None

Not in Council Room when Roll was called: Mayor Butler



## AUSTIN BOAT CLUB

Mr. Bob Beckham, representing the Austin Boat Club, requested approval of other race dates. Mrs. Jackie Hargrave, stated the racing left the sail boats out completely, and they could not use the lake for seven week-ends from April through October, and that affects a heavy part of their business. The question mainly centered toward the circle races. Mr. Beckham stated something could be worked out.

Mayor Pro-tem Love moved the entire matter be placed in the hands of the Navigation Board for its advice. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Councilman Lebermann recalled those residents along the lake on both sides, who came before the Council previously regarding this matter. Mr. Lebermann asked the City Manager if the people who appeared at Crockett School could be notified on this so that the Navigation Board would have the benefit of the full discussion. Concerned people were asked to list their names with the City Clerk.

Mayor Pro-tem Love stated his motion was to ask the City-appointed Navigation Board to meet with these representatives and other interested parties, such as these groups, or citizens, to discuss this entire matter.

Councilman Dryden stated it was imperative that the safety precautions be worked out if the request is granted.

## MR. BOB WHITE TO PRESENT SOFTBALL FACILITY NEEDS

Mr. Bob White, President of the Austin Softball Association, gave a background of the softball program including its growth in Austin. Membership in five years has grown from 200 members to 5,863. He listed the accomplishments as fencing Butler I and Butler II, the Williams Diamond, and contributed towards the City's relighting program. From 140 to 228 teams participating, since 1967, plus 65 fall teams. If the trend continues, it may be necessary to turn down teams. They have been working on a complex for Austin over a long range period; and if they could come up with a 24 field complex, this would serve the needs of Austin, and release the other fields to the playgrounds. The site discussed was located at Decker Lake. He understood there was \$75,000 earmarked for softball. If this were not available, he asked that the Parks and Recreation Department be authorized to transfer money so that this complex could be started this year, as there is a definite need for more softball facilities. Councilman Nichols asked for a report and recommendation from the Parks Department on this.

Councilman Dryden commended Mr. White on his report and request. Mayor Pro-tem Love reviewed the request as a 24 contiguous-one location at Decker Lake. He asked how this location would relate to the entire City. Mr. White reported there were 5,863 participants in metropolitan Austin, playing from March until after Thanksgiving. The City Manager stated the sanitary sewer problem would have to be cleared at this time. Councilman Nichols asked Mr. White to make an appearance at the Capital Improvement Program hearing at 11:00 A. M., February 10th.

Councilman Dryden asked for information from the City Manager and Director of Recreation on the possibility of expanding the tennis facilities. Requests from

groups of citizens had been received, and he would like to have a report on the tennis also. Mr. White explained South Austin had Butler I and II, Williams, Bartons. Councilman Dryden had requests from those in the San Jose area. An alternate site would be Walnut Creek.

#### BRACKENRIDGE HOSPITAL ARCHITECTS

Councilman Dryden moved after the presentation was made about the hospital that the Architects proceed full speed ahead. The motion, seconded by Mayor Pro-tem Love, carried by the following vote:

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

Mr. Leo Hernandez, on behalf of the Human Opportunities Board, stated the Board would be inviting members of the Council to its meetings to discuss problems that could be worked out together. He read a letter requesting that the Council fill the three vacancies on the Brackenridge Hospital Advisory Board by appointing the following individuals who will represent the interests of low income people: MRS. ANDREA ROMERO, Vice-President, Welfare Rights Organization; MRS. JULIA MITCHELL; and FATHER JOSEPH NOTIS. Mayor Butler stated the Council would have to address themselves to the question of abdicating their power and right to appoint citizens to the Hospital Board. Mr. Hernandez insisted on having low-income people on the board. Councilman Dryden thanked Mr. Hernandez for his suggestion and recommendation. Mr. Hernandez read a resolution emphasizing the request of the Human Opportunities Corporation for representation of low-income people on the Hospital Advisory Board. Councilman Dryden was emphatic in stating the low-income people are being cared for in a professional manner.

#### TAX APPEALS

RUTH SMITH BARKHAM  
1511 Kirkwood Road

	Full Value By the Tax Dept. 1970	Full Value By the Tax Dept. 1971	Assessed Value By Tax Dept.	Value Rendered By Owner	Assessed Value Fixed By Board
Land	\$ 3,077	\$ 3,077	\$ 2,310	Not	\$ 2,310
Improve- ments	7,349	7,349	5,510	Signed	5,510
Total	\$10,426	\$10,426	\$7,820		\$7,820

The Tax Assessor and Collector, Mr. Jack Kiltgaard, said this was an appeal from the Board of Equalization to the Council. Mr. Kiltgaard described the construction of the houses in this neighborhood as being of concrete block. This particular structure is a duplex upstairs and down. The buildings have experienced considerable deterioration either by method of construction or from the soil condition. This property is appraised for \$10,462. The range of sales are from \$8,000 to \$18,000 depending on maintenance. The rental of this is \$200.00 a month. He stated from all information they were able to obtain, the Department believes that the \$10,400 is a reasonable estimate of the market value.

Mrs. Barkham was of the impression that the building had been reduced to \$75,00 due to the crumbling blocks. Mr. Kiltgaard stated an additional 20% depreciation had been allowed on this property due to its deterioration. It was pointed out to Mrs. Barkham the assessed value would be \$7,820.00

Mayor Butler announced the Council would take this appeal under advisement.

MARVIN A. BERGSTROM  
810 Bastrop Highway

	<u>Full Value By the Tax Dept. 1970</u>	<u>Full Value By the Tax Dept. 1971</u>	<u>Assessed Value By Tax Dept.</u>	<u>Value Rendered By Owner</u>	<u>Assessed Value Fixed By Board</u>
Land	\$ 1,900	\$10,146	\$ 7,610	Not	\$ 7,610
Improve- ments	<u>0</u>	<u>0</u>	<u>0</u>	<u>Signed</u>	<u>0</u>
Total	<u>\$1,900</u>	<u>\$10,146</u>	<u>\$ 7,610</u>		<u>\$ 7,610</u>
Land	\$14,525	\$20,335	\$15,250	Not	\$15,250
Improve- ments	<u>0</u>	<u>73,461</u>	<u>55,100</u>	<u>Signed</u>	<u>55,100</u>
Total	<u>\$14,525</u>	<u>\$93,796</u>	<u>\$70,350</u>		<u>\$70,350</u>

The Tax Assessor, Mr. Kiltgaard, described the property as divided into two parcels. The front portion of the property is in the City, and in the School District. The five acres in the rear is in the City and in the Del Valle School District. This is the mobile home park. Mr. Kiltgaard listed the appraised value at \$30.00 a front foot, the same as all property on this side of the highway. The back portion is appraised at \$3,500 an acre. The property adjoining is \$3,000 an acre, as it is farther removed from the highway. Mr. Kiltgaard noted Mr. Bergstrom's property had a \$500 an acre lower appraisal in recognition of a drainage way. Property across the street is justification for the values as there are two recent sales in the area immediately across the street from Mr. Bergstrom's property. That land sold for \$5,00 an acre. Mr. Kiltgaard stated the value placed on Mr. Bergstrom's property was in keeping with the market and it is properly equalized considering the adverse value; influence of adjoining property. He explained on mobile home parks, a unit value is placed at \$1,000 each.

Mr. Bergstrom stated his property had been annexed in 1970, and that placed him in competition with mobile home parks remaining in the County. He said his taxes in 1969 were \$15.62; in 1970 - \$180.00; and in 1971, the taxes will be over \$1,000. Mr. Bergstrom was in the Del Valle School District. The Tax Assessor stated the increase in taxes was due to the annexation of the property, and a new mobile home park that was not on the rolls before.

Mr. Bergstrom stated he had approximately \$75,00 to \$80,000 invested in this property.

Mayor Butler stated the Council would consider his appeal along with other material, and try to reach a decision in a week.

## (TAX APPEALS continued)

THEO F. KEELEN, JR.  
3109 Walling Drive

	<u>Full Value By the Tax Dept. 1970</u>	<u>Full Value By the Tax Dept. 1971</u>	<u>Assessed Value by Tax Dept.</u>	<u>Value Rendered By Owner</u>	<u>Assessed Value Fixed by Board</u>
Land	\$12,150	\$12,150	\$ 9,110	Not	\$ 9,110
Improve- ments	<u>8,058</u>	<u>8,058</u>	<u>6,040</u>	<u>Signed</u>	<u>6,040</u>
Total	\$20,208	\$20,208	\$15,150		\$15,150

Mr. Jack Klitgaard, Tax Assessor, described the rproperty under appeal as three lots with a house. The previous Council made a reduction on the property last year, as Lot 28 comes to a point at the intersection of two streets. The reduction was based on an estimate as to the size of the lot. He described the lot as defined by the Department and valued it at \$75,00 a front foot, the same unit value applied to other property in the general area. The property is "B" residence district but not used as such. The average selling price in the area is approximately \$1.50 a foot. Besides the shape of this land, there is an easement through the property, and this had been reflected in the evaluation. The improvements consist of a house built in 1931; but because of water problems and deterioration conditions due to a drainage problem on the property, the improvements are now reduced to 27% of their replacement value, leaving \$8,000 on the building, and \$12,000 on the land.

Mr. Keelen did not believe the lot was worth more than \$75,500. Because of the irregular lots, he could not build on either of the two lots.

Mayor Butler stated the Council would review its information and get back in touch with Mr. Keelen.

## REJECTION OF BID

Regarding the rejection of the bid, due to the redesigning of the project and achieving the same results for about \$2,000, Councilman Nichols inquired if these designs on these various projects are being studied. The City Manager stated all were checked. Mr. Curtis Johnson, Director of Water and Wastewater, reported each design was reviewed as it came along.

Councilman Nichols moved the Council adopt a resolution rejecting all bids for the installation of approximately 598 linear feet of 12-inch sanitary sewer main and appurtenances in John D. Byram Addition. (Proposed construction has been redesigned since the bid opening with a significant reduction in material and cost causing the original specifications to be invalid.) The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

60  
January 20, 1972

CITY OF AUSTIN, TEXAS

ADJOURNMENT

The Council adjourned.

APPROVED: Ray Butler  
Mayor

ATTEST: \_\_\_\_\_

City Clerk

*add to minute*

APPOINTMENTS TO THE AUSTIN HOUSING AUTHORITY BOARD:

MR. JOE K. WELLS , Chairman

MR. RAYDELL GALLOWAY

MR. CLARK RECTOR

On the agenda of 1-20-72

*Use this copy for  
formal minutes*