

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 13, 1972
7:30 P. M.

Reagan High School

The meeting was called to order with Mayor Butler presiding. The Mayor announced that the meeting would be cut short so that there could be a question and answer session.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND JOHN W. PRICE, ST. GEORGE'S EPISCOPAL CHURCH.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of January 6, 1972, and the Special Meeting of October 6, 1971. 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

RECOGNITION - BOY SCOUTS

The Mayor and Council recognized and welcomed the local Boy Scout Pack 222 to the Council Chambers.

REJECTION OF BIDS

Councilman Nichols moved the Council adopt a resolution rejecting all bids for 1971 Model Cities Drainage Improvements, Contract No. 71-Dm-125, as bids came in too high and the consensus was that considerable money could be saved by rebidding. 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

PAYMENT OF INSURANCE POLICIES

Councilman Nichols moved the Council adopt a resolution authorizing the payment of the following insurance policy:

Fire and extended coverage 80% coinsurance for total coverage of \$2,760,000. This insurance covers the City Auditorium and contents, a portion of the insurance on Holly Electric Plant and Water Intake House at Holly. The premium on this three year coverage is \$9,426. (Interested parties will be notified.)

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

Councilman Nichols moved the Council adopt a resolution authorizing the payment of the following insurance policy:

For certain Central Stores Inventories and Art Objects - \$7,998.00.

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

COST DIFFERENCE

Councilman Nichols moved the Council adopt a resolution authorizing payment to NORWAL, INCORPORATED, Jerry N. Wallace, President, for cost difference of 12"/8" water main and 15"/8" sewer main in Quail Creek, Phase III, Section 1 and 2 - \$12,118.89. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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 24, Block Z, Point West of Westover Hills, Section Three.

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

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

A 7.5 foot public utilities easement out of Lot 9, Block K, Quail Creek West, Section Two.

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

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

A portion of a drainage easement and two (2) electrical easements out of Grand Canyon Drive Subdivision No. Two.

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 City Manager stated some of these easements had to do with utility and drainage easements, and the final detailed engineering plan was not produced prior to the start of the work. The City, to protect itself, allows for more easement than may be necessary. When the subdivider files his final plat, the excess easements can be released.

EMERGENCY MEASURE - PURCHASE OF FUEL OIL

Councilman Handcox moved the Council, as an emergency measure, authorize the purchase of 500,000 gallons of #5 fuel oil from Tesoro Petroleum Corporation, Carrizo Springs, Texas, at 10¢ per gallon, to replace the 500,000 gallons used during the cold spell when it was necessary to switch from natural fuel to fuel oil. 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

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH NORWAL, INCORPORATED - JERRY N. WALLACE, PRESIDENT; 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, Mayor Pro-tem Love, Councilmen Lebermann, Handcox
 Noes: Councilman Friedman
 Present but not voting: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Councilman Friedman explained to the audience that a report has been requested of the City Manager inquiring into several areas, including the possibility of why a sewer contract for the installation of sewer and water mains could not be done by bidding processes, with the low bidder installing them and perhaps cut back the expenditures of the City.

ANNEXATION ORDINANCE - FINAL PASSAGE

Mr. John Selman stated he represented the group that had part of the tract to be annexed (83.92 acres - proposed SOUTH CREEK, SECTION II and unplatted land) involved in the mobile home park, and asked that the Council proceed with its final reading as scheduled. When the Mobile Park comes up later, they would go ahead and file their zoning application.

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 35.05 ACRES OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 2.72 ACRES OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 83.92 ACRES OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 13.42 ACRES OF LAND OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; AND 43 ACRES OF LAND OUT OF AND A PART OF THE JOHN APPELGAIT 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 the Council pass the ordinance through its final reading; noting that one of the tracts had a proposal for a trailer park, and instructed that the Building Official's Office be notified that this tract has been annexed, and that the Trailer Park Ordinance will be before the Council in a few weeks, and that the tract be tagged as being subject to the Trailer Park Ordinance. 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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

JOHN A. SPILLAR,
 ET UX
 MILLER SPILLAR
 C14-70-001 (Portion
 of area study)

4308 Terry O Ln.

From Interim "A" Residence
 District First Height and
 Area to "D" Industrial
 Area 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 2.37 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4308 TERRY'O LANE, 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 Pro-tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE - COST DIFFERENCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FOR CERTAIN CAPITAL IMPROVEMENT ACCOUNTS TO BE EXPENDED FOR THE INSTALLATION OF CERTAIN OVERSIZE UTILITY LINES; 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 Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman

Noes: None

The Mayor announced that the ordinance had been finally passed.

PROCLAMATION

Mayor Butler read a proclamation designating January 17-23, 1972, as AUSTIN BICYCLE SAFETY AND EDUCATION WEEK, and encouraging all citizens to observe this week by supporting and attending those functions planned by the Bicycle Council and other groups interested in Bicycle activities. Mr. James Bryce, representing the Austin Bicycle Council, discussed the popularity of the bicycles and wanted to arouse the interest of the Council and general community in bicycles, bringing to the attention of all the visit of Mr. Keith Kingbay, representative of the League of American Wheelmen, to Austin on January 20. He called attention to the Educational program the Bicycle Council had set up in the public schools as to what could be done to improve the way bicycles integrate with the transportation network. Austin has pending in the Traffic and Transportation Department, a

proposal requesting establishment of bicycle lanes around the University. He stated Mr. Keith Kingbay would be in Austin next week and will provide the Council with more information on next Thursday, January 20th.

Mr. John Hendrick spoke on the ecology. Mayor Butler stated the Council would look forward to hearing Mr. Kingbay next Thursday.

REQUEST TO WAIVE REQUIREMENT

Councilman Nichols moved the Council grant the request of Mr. Louis F. Southerland for the City Council to waive subdivision requirements on Zoning Case C14-71-105, Rundberg Lane Properties - 510-600 East Rundbert Lane. 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

The City Manager stated this was in order.

ZONING WITHDRAWN

Councilman Lebermann moved the Council grant the request to withdraw Zoning Case C14-71-296 - Nieves Flores, Jr., 1810 Riverview Street, scheduled to be heard by the City Council on February 3, 1972. The motion, seconded by Mayor Pro-tem Love, carried by the following vote:

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

SEWER PARTICIPATION CONTRACT - SOUTHEAST AUSTIN

Mr. Dick Rathgeber appeared as one of the owners of about 630 acres of land directly across the road from the Williamson Creek Sewer Treatment Plant with Onion Creek going through the middle of the property. Two subdivisions with 175 lots need the sewer main going into Onion Creek, and he asked that the sewer mains be extended under the same terms and conditions on which the Williamson Creek main was worked out. Mayor Butler explained this was the Stewart Subdivision whereas the developer paid 20% in advance with the City and Federal Government participating for the balance.

Councilman Nichols moved the passage subject to the approval of the contract by the City Attorney with the understanding that a sewer charge is being worked out in these areas and all areas, including those not in the City limits, and this would be subject to a sewer charge if it were deemed necessary.

Councilman Handcox stated he was not aware of the situation enough or of the direction this would take in the future on these sewer projects. He asked for additional time to study these outside-the-City limits contracts. Mr. Rathgeber explained this was not contemplated to be an outside-the-City limits projects. Annexation was being requested and some of it is included in Council action today. He pointed out on the map the areas requested.

Mayor Butler requested that it be made a part of the formal minutes that regardless of the final judgment tonight, the Council has gone on record:

- (1) That these contracts are based on 55% Federal participation. In the event that Federal participation is not available, the Council would not be bound, according to his understanding. Although he saw no difficulty, there could be a chance Federal participation might not come through, and there will be hundreds of thousands of dollars worth of these contracts coming before the Council shortly. He cited the City would be in a bad position should the 55% participation not be available.
- (2) As to outside the City limits, the subdividers realize there can be a substantial sewer charge imposed by this Council in fairness to the citizens who live in Austin.

Mr. Selman pointed out if the developers had no plan to work out they could get nothing from the Water Quality Board. The Mayor stated it might be to the advantage of the City to provide sewer systems to these subdivisions. Councilman Handcox suggested that the Council make this 55% binding.

Discussion was held on the motion to include the 55% contingency.

Mr. Homer Reed, Executive Administrator, explained the application would have to be approved before the Contract is started, and it would take from 60 days to six months; but nothing could proceed until the application is approved.

Substitute Motion

Councilman Handcox moved the Council delay action on this particular plan until the application had been approved. The motion was seconded by Councilman Friedman.

Mr. Curtis Johnson, Director of Water and Waste Water, reviewed the steps of the E.P.A. application for this 55% grant. He also estimated it would take about six months before the City could advertise for bids.

The City Attorney, Mr. Don Butler, explained what the Council has, is a contract for participation by the City and developers to extend a sewer line. The point now, is should the City go into the contract or should it wait for assurance that Federal Funds would be granted. No construction contract could be let until the grant had been approved, but plans and specifications could proceed. Councilman Friedman asked if the City were bound to go through with the contract, or is there an escape clause. Mr. Rathgeber stated it would be acceptable to include an escape clause in the contract provided they could proceed in getting the line designed and the application started at the same time.

Councilman Handcox amended the substitute motion that there be one week's delay while the escape clause and the sewer charge are being drafted by the City Attorney.

The question was asked if the Federal Government did not approve the plan, who would be responsible for drawing up plans and specifications. The City Manager reported in this case the City would be doing the engineering work, which would have to be done later. Mayor Butler stated this action would set a precedent, and it might be that it would not be advantageous to the City in another case.

Mayor Butler wanted to add to the contract that the developers, in addition

to the escape clause, acknowledge the City's right to levy a sewer charge for out-of-City uses. The City Attorney explained there was a provision along this line that there would be charges on out-of-City or in the City.

Councilman Handcox asked if any plans or specifications had been initiated on this particular project. Mr. Rathgeber replied that only a study had been made. One of the problems was the Water and Waste Water people say they would need a 54" line as this would serve a tremendous area with a rapid growth. Although this location is only across the street from the plant, they have to supply 54".

Councilman Handcox's substitute motion, that there be one week's delay for the contract to be resubmitted with the escape clause and the sewer charge agreement, seconded by Councilman Friedman, carried by the following vote:

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

HEARING SET ON PETITION ON TAXICAB

Mayor Butler stated there was a petition from the taxicab franchise holders asking for amendments in the charges and it is necessary to hold a public hearing. It was pointed out that Traffic and Transportation should have an opportunity to study this.

Councilman Nichols moved the Council set the hearing for February 3, 1972, at 2:00 P. M. 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

PROCLAMATION TO BE DRAWN ON JUNIOR ACHIEVEMENT WEEK

Councilman Handcox said there was a group of young people in the community learning about industry and are working in a Junior Achievement Program. The week of the 23rd through the 29th is National Observance Week for Junior Achievement. He asked for the consideration of this Council to present a proclamation to this group here operating within the Junior Achievement Program and recognize them in some manner.

Councilman Handcox moved the Council vote a Proclamation be drawn setting JUNIOR ACHIEVEMENT WEEK on January 23-29. 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

MAYOR BUTLER - REPRESENTATIVE OF THE CITY ON TEXAS MUNICIPAL LEAGUE

Mayor Pro-tem Love brought up a subject concerning this City and the Texas Municipal League, stating recently that Austin along with Corpus Christi, has been added to the list of cities designated for nominees to that particular

League. There are about 25 selected people on the Board of Directors and this would be the first time Austin has been represented in such case.

Mayor Pro-tem Love moved the Council name MAYOR ROY BUTLER as the representative of the City of Austin on the Texas Municipal League. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Present but not voting: Mayor Butler

MASS TRANSPORTATION C.I.P. GRANT

Mayor Butler announced that the City of Austin had been working on an application for a Mass Transportation Capital Improvement Grant. It has been finalized to the point it can be sent to Washington D. C. The Council has spent much time in discussing this program.

Councilman Nichols moved that the Mass Transportation Capital Improvement grant be forwarded to the the Urban Mass Transportation Administration, noting the shuttle bus operation was not included, but he hoped this could be added later on. (The estimated cost of this project is \$3,197,900.) 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

Mayor Butler announced if this application is approved by the Federal Government, this will be quite a mile-stone that this Council has passed, and this will place a beautiful new public transportation system on the streets of Austin.

REFRESHER COURSE ADMITTANCE - ADMINISTRATIVE MATTER

Mrs. Betty Liedtke inquired about the refresher course the City is offering to professional nurses. She was under the impression that this was open to all registered nurses. She applied and was refused. She is a Registered Nurse and had been in the profession since 1940, and would like to take advantage of the program. The City Manager stated he would have the information for the next day, January 14. Mayor Pro-tem Love stated this was a personnel matter, and one that would go through the administrative channels.

COMPLAINT ON MEETING SCHEDULE

Mr. Abel Ruiz stated he was appointed by the Council to be on a Traffic-Safety Commission, chaired by Mr. Bill Nolen. It had been decided that 4:00 P. M. every Tuesday would be the best time to hold the meetings. Mr. Ruiz stated he was working at that time and could not be relieved from his work. He thought this was discrimination against the younger members.

Mr. Ruiz stated the Chairman felt that the time would be convenient for the City personnel called on to be present. It was pointed out the Committee members might have voted to meet at those particular hours, but the Council would not have any say in the meeting schedules. Mayor Butler stated the Council might be able to appoint Mr. Ruiz to another Committee whereby the schedule would be more

convenient. Councilman Nichols pointed out the Chief of Police, and Director of Transportation were ex officio members of this particular Commission, and it is valid that they meet during the usual working hours of employees. He agreed that Mr. Ruiz should be on a Board as he was unanimously appointed to this Board. If a position comes up on a Board that meets at a time he could attend, Councilman Nichols stated he would be willing to appoint Mr. Ruiz on such Board. The Mayor asked Mr. Ruiz to keep in touch with Mr. Nolen.

Mayor Pro-tem Love stated since Mr. Ruiz is willing to serve, he would strongly recommend that Mr. Ruiz have one more conversation with Mr. Nolen, and Mr. Holeman with the Telephone Company. The City can not afford to lose this kind of interest with someone interested, articulate, and willing to serve.

TELEPHONE RATE INCREASE

Mayor Butler announced that the Council has a request from Southwestern Bell Telephone Company for an increase. He wanted to discuss the format that the Council might address itself to in deciding how much increase the Telephone Company is entitled to under the Charter. Among Ways that could be undertaken, he proposed a five person committee made of an independent rate analyst, engaged by the City Council to be the Council's advisor; the City Attorney, and three members from the public to serve on this five person committee and report to the Council. The Council would be in touch with the committee for a long time, but this will be a long drawn out technical process. This would be preferable and more efficient. Mayor Butler said if this committee plan were agreeable with the Council, they would proceed in this context.

Mr. Charles Huey stated there was considerable opposition from the business community and in the community generally. He gave a background on the Telephone Company rates, as they went through the Federal Communications Commission at a certain time. Mr. Huey asked that the Council set a public hearing on this requested increase. Mr. Huey was asked if he would like to work on this committee.

COMMEMORATION

Mr. John Selman stated recently, just before Christmas, northeast Austin lost one of its true, great leaders, Monsignor Deason. In the past, there has been a policy of presenting a plaque to those who had served in some capacity. Monsignor Deason had served on the Human Relations Commission. He was one who loved, counselled and guided. Mayor Pro-tem Love said the suggestion was admirable and the Mayor stated this commemoration would be drawn up in the proper fashion.

INQUIRY ON INCREASE IN RATES AT BRACKENRIDGE HOSPITAL

A citizen in the audience inquired about the increase of fees at Brackenridge Hospital. Councilman Lebermann stated at that time, the matter would be continued until next week. His understanding was that this was moving along with an investigation of the possibilities of the 6% increase. The City Manager and his staff will be studying the permissibility. The Council now has the fees per Department allocation. Beyond that point, they would be considering further specific increases where certain departments do not stand on their own, financially, and depend on the taxpayers of Austin. This would all come before the Council next Thursday, January 20th, when all of the information is available. Mayor Pro-tem Love stated he understood the motion that the Council would pursue the 6% increase.

and that there be a return report at the same time back to the Council based on recommendations from the Hospital Administrator through the City Manager's Office.

ADJOURNMENT

The Council adjourned at 9:05 P. M.

APPROVED: _____

Ray Butler
Mayor

ATTEST: _____

City Clerk

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