

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 10, 1972
10:00 A. M.

Council Chambers, City Hall

The meeting was called to order with Mayor Butler presiding. It was noted that Councilmen Handcox and Friedman were absent.

ROLL CALL:

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

The Invocation was delivered by REVEREND MERLE G. FRANKE, First English Lutheran Church.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of February 3, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Mayor Butler
Noes: None
Present but not voting: Mayor Pro tem Love
Absent: Councilmen Friedman, Handcox

MEMBER OF THE ADVISORY COUNCIL SELECTED

Councilman Nichols moved the Council select Mrs. Helen Spear to serve as a Member of the Advisory Council of the Central Texas Major Resource Center Area. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

BRACKENRIDGE HOSPITAL ADVISORY BOARD

Mayor Butler announced the following appointments to the Brackenridge Hospital Advisory Board: Mr. Joe Roddy, Mr. H. C. Carter, Jr., and Mr. Jorge Guerra.

PARADE REQUEST GRANTED

Councilman Nichols moved the Council approve the request by Campus Crusade

for Christ International for a parade permit on March 4th - 2:00 P.M. to 4:00 P.M. to use one lane of Congress Avenue from West 1st Street to 11th Street. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilmen Friedman, Handcox

PROPERTY FOR ART FAIR APPROVED

Councilman Nichols moved the Council approve the request from Mr. Robert E. Rhoades, representing the Northwest Sertoma Club of Austin, to use City-owned land between Town Lake and West First Street adjacent to the proposed new school site for an Art Fair. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilmen Handcox, Friedman

ANNEXATION HEARING SET

Councilman Lebermann moved the Council adopt a resolution setting a public hearing at 2:00 P.M., February 24, 1972, to consider annexing the following:

12.20 acres of land out of the John Applegait Survey - proposed WINDSOR HILLS SECTION SIX. (requested by owner's representative)

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

Discussion was then brought up by Councilman Nichols as to sewer services in the planned Windsor Hills Section Six. Mr. Dick Lillie, Director of Planning, stated this area can be served. The remainder of the unannexed property cannot be served, as it is on the other side of the ridge line. Councilman Nichols asked what it would take to provide sewers to the remaining area. Mr. Lillie stated there is included in the C.I.P. the beginning of an extension of a sewer line up Waller Creek Water Shed; but until this is accomplished, the only way that area could be served would be by a lift station. Councilman Nichols asked Mr. Lillie to check and see what a lift station would cost in this area.

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 17, Block E, VISTA WEST, SECTION 1.

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

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

A public utilities easement which traverses Block 54, ORIGINAL CITY of Austin between Lavaca Street and Colorado Street south of West 6th Street.

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

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

An electrical easement to Texas Power & Light Company across an unplatted tract of land out of the SANTIAGO DEL VALLE GRANT as described in an instrument of record in Volume 454, Page 369, of the Deed Records of Travis County, Texas

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

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

A portion of a drainage easement out of Lot 5, Block D, Herman Brown Addition No. 2, Section 5; additional drainage easement is being dedicated to relocate easement across Lot 5.

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

CONTRACTS AWARDED

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

ROCKWELL MANUFACTURING CO.
(Houston, Texas)

- Eight inch (8") Manifold Compound Cold
Water Meter Units - \$13,817.50

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

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

AMERICAN BINDERY, INC.
(Topeka, Kansas)

- Twelve (12) month Supply Agreement for rebinding and binding of books and magazines for the Austin Public Libraries for estimated value \$17,000.00

- Items 1 through 5 - \$1.79 per Book
Items 6 through 9 - \$4.00 per Magazine

HILL BOOKBINDERY, INC.

- Item 10 - \$1.25 per paperback book
\$6,000 total

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

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

Noes: None

Absent: Councilmen Friedman, Handcox

Councilman Lebermann inquired why the periodicals were not brought up to completion. Mr. Earl Holt, Librarian, explained some binders supplied missing issues free of charge, and some make a charge. Usually when they subscribe for magazines, one to a dozen or more are sent. When they bind, they have no problem in supplying the missing issues.

Councilman Nichols moved the Council adopt a resolution rejecting bids for Item 11, Missing Issues of Periodicals. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilmen Friedman, Handcox

Councilman Handcox entered the Council Chambers at this time.

Mayor Pro tem Love inquired if there were any rule of thumb that the City uses in terms of new business in the City. Mr. Rogers, Fleet Director, stated this company had done business with the City before, but they had investigated the capability in performing the contract. The local owner, an Austin citizen, had taken over the distributorship for General Battery Company, and established a warehouse on Koenig Lane. He will be able to support the City's requirements.

As to a new business, the City Manager stated they were always checked. If there were a critical situation where experience was needed, the matter would be brought before the Council. He listed examples where there would be from 5 to 7 years of experience -- transformers for instance. If this particular company could not produce, or the batteries failed, the contract could be cancelled.

Mayor Pro tem Love moved after the discussion that the Council adopt a resolution awarding the following contract:

TEXAS BATTERY ASSOCIATES,
INC.
(Austin, Texas)

- Twelve (12) month Supply Agreement for
Automotive Batteries - \$16,992.16

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

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

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

TECHLINE, INC.
(Austin, Texas)

- Three (3) each 833 KVA Single Phase
Transformers - \$10,860.00

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

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

Discussion was held on the next contract to be awarded. Mr. R. L. Hancock stated this equipment had to be manufactured specially. These present valves are being operated manually and they need to be operated electrically remote.

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

BERNHARD ASSOCIATES
(Dallas, Texas)

- Four (4) each Butterfly Valves-
\$8,368.00.

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

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

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

ED PAGE
(Austin, Texas)

- Electric Ductlines and Concrete Foundations
at Daffin Gin Substation - \$20,167.20.
(60 calendar days for completion;
Engineer's estimate - \$26,160.00; Capital
Improvements Program)

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, Handcox
Noes: None
Absent: Councilman Friedman

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

U.S. STEEL - Chain Link Fence at Austrop Substation -
\$8,864.00. (45 calendar days for completion; Engineer's estimate - \$10,400.00; Capital Improvements Program)

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

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

AGREEMENTS - TEXAS HIGHWAY DEPARTMENT

Mayor Pro tem Love moved the Council adopt a resolution authorizing agreements with the Texas Highway Department as follows:

Utility Joint Use Agreement in connection with U. S. 183 at Intersection of U. S. 183 and Loop 275 (North) - rerouting and raising the Electrical Department Facilities to clear for the highway widening.

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

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

Mayor Pro tem Love moved that the Council adopt a resolution authorizing agreement with the Texas Highway Department as follows:

For Maintenance and Operation of Street Light Illumination on MoPac Colorado River Interchange (between Enfield Road and the north bank of the Colorado River). The highway Department will install and retain title to the illumination facilities and the City of Austin will assume all maintenance and operating responsibilities for these facilities.

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

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

FUEL OIL

Councilman Lebermann inquired about the fuel oil situation. The Director of Electric Utilities, Mr. R. L. Handcock reported around-the-clock, several days a

week deliveries, of about 36,000 gallons a day. The maximum during two curtailments was 60%. About 1,350,000 gallons of fuel oil were burned. He reported they had adequate reserves unless there was sustained cold weather. The supplier was TESORO out of Carrizo Springs, at 10¢ a gallon.

REJECTION OF BIDS FOR CONDENSER TUBES

Mr. R. L. Hancock, Director of Electric Utilities, reported a base bid and three alternates were taken. A fourth alternate was received from another company on a copper-nickel alloy which was priced much lower than anticipated. If they went to that alloy, all suppliers should be given an opportunity to bid that alloy. He explained they thought the copper-iron alloy was proper for this application; but when the bids came in, some manufacturing specialists were called in and there is a problem with this copper-iron alloy in Austin's specific water. Councilman Nichols stated when the bids come in and this company gets the bid, he would like to know what the others bid.

Councilman Lebermann moved the Council adopt a resolution rejecting all bids for condenser tubes. The motion, seconded by Councilman Nichols, carried by the following vote:

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

LICENSE GRANTED

Councilman Nichols moved the Council adopt a resolution granting a license to the following:

Glenn R. Priddy and wife, Ruthanne Priddy for use of a portion of Public utility easement on Lot 15, Block G, Barton Hills, Section 1.

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

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

BOATDOCKS AUTHORIZED - LAKE AUSTIN

Councilman Lebermann moved the Council pass a resolution authorizing the following boatdock on Lake Austin:

Mr. J. Fred Kramer, Jr. - Lot No. 78 and Lot No. 79,
 Westlake Drive, Travis County, Texas

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

Ayes: Councilman Lebermann, Mayor Butler, Councilman Nichols, Mayor Pro tem Love
 Noes: None
 Absent: Councilman Friedman

Not in Council Room when Roll was called: Councilman Dryden

Councilman Lebermann moved the Council pass a resolution authorizing the following boatdock on Lake Austin:

Mr. Donnie Moore - located in Bee Creek on 0.30 acres of land out of the Wilkinson Sparks Survey No. 4, Travis County, Texas

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

Ayes: Councilman Lebermann, Mayor Butler, Councilman Nichols, Mayor Pro tem Love

Noes: None

Absent: Councilman Friedman

Not in Council Room when Roll was called: Councilman Dryden

SALE OF HOUSES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of houses and accepting a positive bid on the house to be moved as follows:

W. D. Dodson	2300 Rosewood Avenue	\$570.00
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

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

Texas Wrecking Co.	1711 West 5th St.	\$ 10.00
Clarence Cullen Co.	1114 (D) Terry	\$299.00
Clarence Cullen Co.	906 Northwestern (A, B, & C)	\$317.00
Clarence Cullen Co.	908 Northwestern (A & B)	\$299.00
Southwest Rathgeber	1901 E. 12th St.	\$565.56
Hobbs Demolishing	1306 Red River	\$1,307.00
Southwest Rathgeber	1316 Red River	\$383.38

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

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

Noes: None

Absent: Councilman Friedman

PUBLIC SERVICE CAREERS PROGRAM
CONTRACT NEGOTIATIONS

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into contract negotiations with the Department of Labor, Division of Manpower Administration for implementation of a Public Service Careers Program. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro tem Love, Councilman Handcox,
Mayor Butler

Noes: None

Not in Council Room when Roll was called: Councilmen Dryden, Lebermann

Absent: Councilman Friedman

ZONING HEARING CONTINUED

It being 11:00 AM, Mayor Butler opened the hearing on the following zoning application:

THE SALVATION ARMY
Major Chambless
CI4-71-310

2700-2912 South 5th
Street

From "A" Residence District to "O" Office District RECOMMENDED by the Planning Commission subject to a restrictive covenant for use of a community center only, and right-of-way on So. 5th Street to be determined by the Public Works Dept.

Mr. Dick Lillie, Director of Planning, reported this had been postponed, as there was a petition submitted, but the petition was found not to be sufficient to require six votes. There was only 7.94% of the area in the 200', and the Statute calls for 20%. Councilman Lebermann pointed out another problem, in that the Major and Mr. Lockridge wanted to check the Home Office on the restrictive covenant. Mr. Lloyd Lockridge recalled the City Attorney's statement that a restrictive covenant would serve no useful purpose; however, they would not mind having a building restriction, but should the Council so desire, they would not object to a restrictive covenant. Councilman Lebermann stated in this instance, as it is unique, he would like to see the restrictive covenant, but wanted the covenant to be amended to include an alteration in the restrictive covenant, dependent on conservation between The Salvation Army and the Council. He wanted to be certain that they did not proceed with the project, or sometime wish to change locations. If the area is still substantially residential then the area would remain protected with the covenant. Secondly, he asked the Staff and Manager's Office to come forward with some changes in the zoning code which would permit a zoning designation other than "O", for churches, community service organizations, and eleemosynary institutions. Mr. Lillie stated in the "A" residential, schools, private parochial schools, and churches, are the same types of uses. It may be a possibility of moving this type of use into the "A" residential classification. He said he would check this out. Councilman Lebermann agreed, and suggested a designation of A-1 could be set up. Mr. Lockridge stated if they were not acquiring this property to build office buildings; and if it would be helpful to the neighborhood, that if they do not build community buildings, the zoning should revert to residential, they would have no objections.

As to right-of-way, Mr. Lockridge stated they had to refer the matter of the extra right-of-way to their Board. They had committed themselves to improving Cumberland. The right-of-way on 5th Street was new, and when the City lets them know what is needed, he believed the Salvation Army of Georgia would follow their recommendation.

Opposition

Mr. Victor Valadez, property owner ofn South 4th Street, stated he was one of the petitioners, and he felt this zoning was out of harmony with the community. He strongly urged that a restriction be placed on this tract to protect the property owners. Mr. R. G. Mueller appeared, representing Mrs. Danforth's 12 acres and pointed out tracts in the area and described the development, giving an example of the Telephone Company's changing its plans and constructing a storage yard for its vehicles. He thought the Salvation Army should have a different location. He described an apartment area of \$50,000 per unit. He asked that the Planning Commission make another study of this whole area. As to the City tract in the area, Councilman Lebermann reported it had been recommended by an organization of many living in that area, that this tract of land be used for the Pan American Community Center. Mrs. Norma Guerra stated the 12 acres had been dedicated as park area, and the residents had been working for this kind of center.

Mr. Lockridge reviewed the request for a restrictive covenant, and discussed the 12 acre tract which they had included in their study when they concluded there were no recreational facilities or plans in the area to be served. He said the Salvation Army would work with the City as it had in the past or any other institution that might do similar work. They had no desire to duplicate facilities.

The City Attorney stated on the automatic reversion to "A", it would be a legislative matter and this covenant would constitute an application to revert the zoning to "A".

Councilman Lebermann moved the Council accept the zoning application with the restrictive covenant as described by the City Attorney, inclusive of the right-of-way conditions. (Restrictive covenant to provide if the property is not used for community use, it would constitute an application for changing the zoning back to "A".) The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols.
 Noes: None
 Present but not voting: Mayor Pro tem Love
 Absent: Councilman Friedman

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

GEORGE SCHUSTER,
 III, M.D.
 C14-71-299

2303 Leon Street

From "A" Residence District First Height and Area to "B" Residence District Second Height and Area

SIMON OKON
 C14-71-300

1906 Guadalupe St.

From "C" Commercial District Third Height and Area to "C-2" Commercial Third Height and Area

CITY OF AUSTIN
C14-71-305

1022-1046 Reinli St.
1015-1047 Clayton Ave.
5800-5920 Sheridan Ave.

From "A" Residence District First Height and Area and "C" Commercial District Second Height and Area to "B" Residence District Second Height and Area

AUSTIN BAKING COMPANY
C14-71-312

5800 Airprrt Blvd.

From "C" Commercial District First Height and Area to "C" Commercial District Second Height and Area

M. H. CROCKETT, JR.
C14-71-315

Rear of 6301-6371
U.S. Highway 290

From "A" Residence District First Height and Area to "C" Commercial District Sixth Height and Area

B. F. McCOY
C14-71-301

706-720 Cooper Drive
713-725 W. Rundberg
Lane

From Interim "A" Residence District First Height and Area to "C" Commercial District Second Height and Area

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

- (1) THE NORTH 54 FEET OF OUTLOT 41, DIVISION D, CITY OF AUSTIN, LOCALLY KNOWN AS 2302 LEON STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,
- (2) A 1,278 SQUARE FOOT TRACT OF LAND OUT OF LOT 40, HORST SUBDIVISION, DIVISION D, OUTLOT 22, LOCALLY KNOWN AS 1906 GUADALUPE STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (3) A 10.90 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1022-1046 REINLI STREET; 1015-1047 CLAYTON AVENUE; 5800-5920 SHERIDAN AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,
- (4) A 1,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5800 AIRPORT BOULEVARD, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; AND,
- (5) A 3.162 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 6301-6371 U. S. HIGHWAY 290, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; AND,
- (6) LOTS 1-9, NORTH LAMAR PARK ANNEX, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND 2 FOUR HUNDRED FOOT TRACTS OF LAND OUT OF LOT 1, NORTH LAMAR PARK ANNEX, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 706-720 COOPER DRIVE; 713-725 WEST RUNDBERG LANE; AND 9201-9331 NORTH LAMAR BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CLEAR CREEK PROPERTIES, INCORPORATED AND EDWARD R. RATHGERBER - INDIVIDUAL; 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: Councilman Nichols, Mayor Pro tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Lebermann

The Mayor announced the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH RUBEN H. JOHNSON, PARTNER; 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: Councilman Nichols, Mayor Pro tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JOHN McPAUL; 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: Councilman Nichols, Mayor Pro tem Love, Councilmen Lebermann, Handcox,
Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

MODEL CITIES PROPOSAL

Councilman Dryden moved the Council adopt a resolution designating Peat, Marwick, Mitchell and Company, an independent auditor, to conduct audits of all Model Cities contract agencies as required by regulations of the U. S. Department of Housing and Urban Development. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

TAX APPEALS

J. C. & MARGIE LOVE
11705 North Oaks

	<u>Assessed Value Fixed by Board</u>
Land	\$ 1,280
Improvements	<u>9,810</u>
Total	\$11,090

The Tax Assessor had received a letter from Mrs. Margie Love requesting to withdraw the tax appeal. Councilman Nichols moved the Council uphold the decision of the Board of Equalization as above. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

DAVID B. BARROW, ET AL
By David B. Barrow

Mr. Jack Klitgaard, Tax Assessor, stated Mr. Barrow had stated there were only six of the fourteen properties he wished to discuss with the Council.

The following parcels were not under consideration as Mr. Barrow did not wish to effect the appeal:

South Interregional Highway (10 acres)
.806 acres of Tract 4
3.22 acres of Parcel 3-A
Corner East St. Elmo & S. Interregional (16.783 acres)

(TAX APPEALS - DAVID BARROW continued)

Woodward Street (19.451 acres)
 East Ben White Boulevard (21.082 acres)
 Northeast Corner Ben White & Interregional (32.99 acres)
 East Ben White (7.768 acres)

Councilman Nichols moved the Council uphold the Board of Equalization as follows:

South Interregional Highway (10 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$163,350
Improvements	-0-
Total	\$163,350
Vacant (.806 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$13,170
Improvements	-0-
Total	\$13,170
Vacant (3.22 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$52,600
Improvements	-0-
Total	\$52,600
Corner East St. Elmo & S. Interregional (16.783 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$157,340
Improvements	-0-
Total	\$157,340
Woodward Street (19.451 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$102,120
Improvements	-0-
Total	\$102,120
Northeast Corner Ben White & Interregional (32.99 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$494,850
Improvements	-0-
Total	\$494,850
East Ben White (7.768 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$46,610
Improvements	-0-
Total	\$46,610
East Ben White Boulevard (21.082 acres)	Assessed Value <u>Fixed by Board</u>
Land	\$110,680
Improvements	-0-
Total	\$110,680

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

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

Noes: None

Absent: Councilman Friedman

Mr. Barrown wanted to discuss principals of taxation and pointed to a 600% increase in his taxes on the V. A. property from 1970 to 1971.

Mr. Klitgaard stated there was no discussion concerning the building values; only on the land value of the six parcels to be discussed.

The first appeal concerns the V. A. property on Woodward Street. Mr. Klitgaard stated this particular property contains 53 acres which are appraised at \$0.50 a square foot or \$22,000 an acre. This land had been valued considering all market evidence. He stated the same criteria would apply to all of the properties, and there were sufficient sales in the area which adequately measure the value of this property, noting property across the Interregional from Mr. Barrow sold in 1971 at \$1.50 a square foot (5.67 acres). Mr. Barrow pointed out that land is on the corner of Ben White and Interregional. The V. A. 6.53 acreage is inside property not on Interregional.

Mayor Butler asked Mr. Barrow what he thought the land should be valued. Mr. Barrow stated two buildings were under a 20-year lease at a land value close to what the Tax Department had set in 1970, and there is no tax escalation. The value of the land under those buildings is fixed by the lease for 20 years.

According to the IRS, the taxes were increased. They paid \$75,000 for the 15 acres. Mr. Barrow stated the tax policy followed on this property, which belonged to Mr. Barrow and others, and leased to the Government, will cause them to sell the land to the Government, and about \$125,000 annually will be removed from the tax rolls. He stated he was negotiating with the Government to allow the escalation clause; and if they do, he would remove his objection to the taxes.

Mr. Barrow discussed the Northwest Hills of which he owned from 800 to 1,000 acres undeveloped, and the profit the City made from his development. Although he did formally appeal the values of those properties withdrawn, he did object to their values. Mr. Barrow, speaking of his idea of the evaluation, stated it would be worth what they paid for it and what they had it for in the lease.

Mr. Barrow told the Council they had 285 acres more to develop, but there is no market for 285 acres. Mayor Butler stated in one transaction around Highway 290, where the property was assessed at \$1.00 a square foot market value, the State paid \$1.00, the land was condemned at \$4.00 a square foot.

Mr. Barrow had made a check of many tax valuation in the older part of the City. Because his development is new, the taxable value is close to what it is. He believed he was penalized on tax values on new development.

After discussion, Mayor Butler told Mr. Barrow the Council would give his appeal a lot of consideration.

ZONING HEARINGS CONTINUED

Mayor Butler opened the hearings on zoning requests, scheduled for 2:00 P. M., this date. The following applications were heard and all interested parties

given time to express themselves.

B. M. HICKMAN
By D. W. Morris
C14-71-264

2608-2610 Wheless Lane

From "A" Residence District to "B" Residence District NOT Recommended "BB" Residence District RECOMMENDED by Planning Commission.

Councilman Nichols moved the Council grant the change from "A" Residence District to "BB" Residence District as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

W. W. KNAPE
C14-71-298

1000-1006 East 52nd St.
5201-5203 Harmon Ave.
1009-1015 East 53rd St.

From "A" Residence District First Height and Area to "C" Commercial District Fifth Height and Area NOT Recommended "GR" General Retail Fifth Height and Area subject to 5' right-of-way on Harmon Ave. 5' right-of-way on East 52rd St. and 5' of right-of-way on East 53rd St. RECOMMENDED by Planning Commission

Councilman Nichols moved the Council grant the change to "GR" General Retail District Fifth Height and Area subject to contingencies as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Mayor Butler announced that the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

CAPITAL IMPROVEMENT PROGRAM

At 2:00 P. M., Mayor Butler opened the public hearing on the Capital Improvement Program.

Mr. Galbredth represented Austin Fine Arts Council, Inc. He read a statement pointing out a backlog of requests for risers in the Auditorium and listing work they had done with architects, manufacturers, and consultants. The Arts Council urges approval of the C.I.P. Item calling for the design and installation of portable risers in the Auditorium. Mayor Butler stated this Council had expressed an indication of approving this item. It was suggested that design and construction be local, rather than using manufactured units.

Mr. A. L. Simms expressed concern over the Walnut Creek Sewer Plant, and was anxious that this plant not be in this vicinity, as he believed this would devalue his property. Councilman Lebermann told Mr. Simms he did not hear the report from the Director of Water and Wastewater in which Mr. Johnson had indicated that though the capacity of this plant would be increased, the public nuisance would, in all likelihood, not, because of the nature of the change of the plant.

The present plant has been located there for a long time. He said if Mr. Simms could have heard Mr. Johnson's report, he would be more relieved.

Mayor Butler stated Mr. Simms would have an opportunity to discuss this again when the Council has its final hearing on the C.I.P. (perhaps around the first part of March). He asked Mr. Simms to avail himself of visiting with Mr. Johnson or other authorities as they might allay some of his fears.

Bridge in Barton Hills
Item 65-08

Mrs. Ross Anglin stated this item concerns the building of a bridge over a ravine in Barton Hills, and was brought to the Council's attention yesterday. Councilman Nichols stated Mr. Jack Andrewartha is to pay for a portion of this bridge and it is incumbent on the City to move at this time, and the Council is ready to proceed. The City Manager stated \$40,000 needs to be appropriated for the City's part. The whole project has escalated. He suggested Mrs. Anglin contact Mr. Andrewartha to see if he is willing to go along with the proportionate increase. Councilman Nichols explained that at the time this was subdivided in the area, it was incumbent upon Mr. Andrewartha to put in a culvert. Now it has been decided that this must be a bridge. This is where the difference lies. Mr. Andrewartha is committed to the amount that a culvert would cost, and the City is committed to the difference of what the bridge will cost. Mayor Pro-tem Love read the letter from Mr. Andrewartha stating his commitment was based on the bridge construction completion, within one year from the date thereof, and the letter is dated January 18, 1970.

Councilman Nichols brought up a request, and a reply from Mr. Andrews under date of January 13: (1) having to do with the low water bridge crossing on Jones Road, \$140,000 is included in the 1972 C.I.P., (2) Municipal Golf Course and (3) southeast Austin, \$500,000, 1972 C.I.P.; Tennis, \$200,00 Category I, Swimming Pool in Doss School Playground, and \$65,000 included in C.I.P. Category I; Hike and Bike Trail; the East 51st Street from Old Manor Road to New Manor Road, totalling \$120,000 included in C.I.P. Category No. 2, which has been requested to be moved up; additional playground facility in East Austin; additional construction and playground equipment at Dill and Doss Schools. An estimated \$10,000 will be required for additional development and equipment for those.