

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 14, 1972
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Roy Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love,
Councilmen Lebermann, Friedman, Handcox, Mayor Butler
Absent: None

The Invocation was delivered by FATHER RICHARD McCABE, Catholic Charity.

MINUTES APPROVED.

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of November 21, 1972. 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

PROCLAMATION

Mayor Butler, on behalf of the Council, read the proclamation designating December 17 as the Mt. Olive Baptist Church Day, and presented the document to Reverend R. C. Smith, pastor; Mr. Lavada Durst, associate pastor; Mr. Jack Field; Mr. Watson; Ms. Dorothy Griffin; and Mr. Sylvester Pleasant.

CADET CLASS WELCOMED

Mayor Butler welcomed the 47th Cadet Class of the Austin Police Department and their training officer, Lt. Wilson, to the Chamber this morning, and congratulated them on their graduation in the near future.

CIVIC CLASS WELCOMED

Mayor Pro Tem Love introduced a class of young Civic students from Sunset Valley Elementary School, and welcomed them in the Council Chamber on behalf of all Council members.

COMMENDATION OF CITY EMPLOYEES

Councilman Handcox submitted a Resolution setting out the efforts on the part of City employees to continue service and alleviate problems caused by the ice storm of December 10, 11, and 12, pointing out the tremendous numbers of calls reporting problems utilizing the 110 employees of the Electric Utility Department, who worked 36 hours continuously maintaining service; and 42 employees from Public Works who worked around the clock spreading sand on hazardous streets; Brackenridge Hospital treated an increased number of patients; Police Officers rendered aid to more than 250 involved in collisions; Firemen answered 51 alarms; minor breaks in the Water Distribution were quickly repaired; sanitation collections continued without interruption; airport runways were kept open; the Purchasing Department located and procured adequate emergency fuel for the Electric Utility.

The Council, by a resolution which was signed by the Mayor and all members of the Council, commended the municipal employees of the many departments for their dedicated attention to their responsibilities and obligations for all residents; and alleviated the inconveniences of this hazardous ice storm because of the devotion to duty of these employees. All residents were urged to join in recognition and appreciation for this outstanding service. (This office failed to receive a copy of this Resolution)

Mayor Pro Tem Love asked that this Resolution be posted so that all City employees could have an opportunity to read this Resolution.

City Manager Davidson stated all employees who participated in these emergency services would appreciate the recognition given. He stated those in his office and the Department Heads are appreciative also of this fine service. He reported copies of the commendation would be placed on all bulletin boards in the various departments, and that it will be publicized elsewhere so that City employees will have an opportunity to read it.

COUNCIL SESSION

The Council discussed changing the meeting during the week of December 28th to Tuesday, December 26th. Councilman Nichols asked that the Item of Tax Exemptions on Homesteads be placed on the December 26th Agenda.

COUNCIL MEETING IN MONTOPOLIS

The Council voted to meet at Montopolis on the 25th of January at Allison School at 7:00 P.M.

CONTRIBUTION INCREASE - FIREMEN'S PENSION

Councilman Nichols moved the Council adopt a Resolution increasing the City of Austin's contribution to the Firemen's Pension System from 11.2% of pay to 11.85% of pay. The motion, seconded by Councilman Friedman, carried by the following vote:

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

EASEMENTS RELEASED

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

A portion of an existing public utilities easement out of Lot 26, Block A, QUAIL CREEK PHASE 2, SECTION 2.

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

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

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

An existing waste water easement out of Lot 1, DRY CREEK SUBDIVISION SECTION FOUR.

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

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

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

An existing public utilities easement out of Lots 1 and 2, Block "H", SOUTHWEST PARK.

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

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

LICENSE AGREEMENTS

Councilman Nichols moved the Council adopt a Resolution granting a license agreement for use of the following easement:

NASH PHILLIPS-COPUS - proposed encroachment of the building of a patio into a public utilities easement located on Lot 26, Block A, QUAIL CREEK PHASE 2, SECTION 2.

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a Resolution granting a license agreement for use of the following easement:

HAL STARKLEY -proposed encroachment of a house into an electric easement located on Lot 3, Block C, HARMONY HEIGHTS ADDITION AMENDED.

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a Resolution setting a public hearing at 10:00 A.M., December 28, 1972, to consider annexing the following:

Total of 10.67 acres of land out of the James Wallace Survey Number 57:

1.33 acres - HERITAGE HILLS WEST. (requested by owner's representative)

9.34 acres of unplatted land. (initiated by City of Austin)

Total of 142.09 acres of land out of the John Applegait Survey and the James Rogers Survey:

Tract 1 - 67.18 acres of land - proposed KRAMER LAND INDUSTRIAL PARK I. (requested by owner's representative)

Tract 2 - 30.49 acres of land. (initiated by City of Austin)

Tract 3 - 6.43 acres of land - KRAMER LANE. (initiated by City of Austin)

Tract 4 - 38.01 acres of land. (initiated by City of Austin)

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

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Lebermann

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

PROFESSIONAL CONSULTANT - LEGACY OF PARKS

Councilman Nichols moved the Council select LOCKWOOD, ANDREWS, & NEWNAM, INC. as Professional Consultants to provide engineering services in connection with the following 1973 Capital Improvements Program Projects:

<u>PARK</u>	<u>C.I.P. No.</u>	<u>PARK</u>	<u>C.I.P. No.</u>
Gillis Park	8645 1	Zaragosa Park	8614 1
East Woods Park	8645 2	Givens Park	8645 9
Govalle Park	8645 3	Bartholomew Park	8635 1
Stacy Park	8645 4	Garrison Park	8631 0
West Austin Park	8645 5	Pease Park	8646 1
Bailey Park	8645 7	Zilker Park	8626 0
Westenfield Park	8636 1	So. Dist. Maintenance	
Shipe Park	8636 2	Compound (Non Legacy)	8650 0

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

SOILS TESTING SERVICE

Councilman Nichols moved the Council select SNOWDEN & MEYER for soils investigation and engineering testing services in connection with the following Capital Improvements Program Projects:

Bull Creek Wastewater Interceptor-Project No. 5031 1.

Emerald Forest Drive Bridge - Project No. 6535 0.

Shoal Creek at Foster Lane Culvert - Project No. 6533 0.

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

UTILITY JOINT USE AGREEMENT

Councilman Nichols moved the Council adopt a Resolution authorizing the City of Austin to enter into a Utility Joint Use Agreement with the Texas Highway Department for Project 683-4, R. M. Highway 3238 from 5.5 miles west of S. H. 71 to 1 mile northwest of R. M. 620 providing for the rerouting or raising of existing Electric Department facilities to clear for the highway widening and improvements. The motion, seconded by Councilmen Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Lebermann

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

DISPOSITION OF PARCELS

Councilman Nichols moved the Council adopt a Resolution approving disposition of the following parcel, with the improvements thereon, in the Glen Oaks Urban Renewal Project, Tex R-70:

Parcel No. R-109 2904 Glen Rae Roy O. Howard \$10,500.00
(Minimum acceptable sales price: \$10,500.00)

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a Resolution approving disposition of the following parcel, with the improvements thereon, in the Glen Oaks Urban Renewal Project, Tex R-70:

Parcel No. R-70 (a) 2909 Glen Rae Will A. Moore \$13,500.00
(Minimum acceptable sales price: \$13,500.00)

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

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

SALE OF HOUSE

Councilman Nichols moved the Council adopt a resolution authorizing the sale of a house as follows:

Accept negative bid - structure to be demolished.

Southwest Rathgeber 704 Sabine Street \$171.11

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

SUBSTANDARD STRUCTURES

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

6400 Saxon, 6404 Saxon, 6405 Saxon and 6409 Saxon	-	Frank Alfred Saxon
7001 East Riverside (Unit D)	-	Willie Etta Burdett
7001 East Riverside (Unit E)	-	Etta Allen Burdett
7001 East Riverside (Unit C)	-	Willie Etta Burdett
2015 Holly Street	-	James T. Smith
2315 Santa Rita	-	J. S. Ybarbo
1405 West 32nd Street	-	Paul Carnahan
2924 Castro Street	-	J. H. Means
8505 North Lamar	-	Twelve Twenty Five, Ltd.
84 San Saba	-	Travis Eckert

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

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

CONTRACTS AWARDED

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

VULCAN SIGNS & STAMPINGS, INC. (Foley, Alabama)	-	Traffic Sign Blanks - \$7,837.00.
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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

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

3M BUSINESS PRODUCTS SALES, INC.
(Austin, Texas)

- Microfilm Reader/Printer Machine -
\$9,523.20.

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

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

POWER STRUCTURES, INC.
(New Orleans, La.)

- Galvanized Steel Structure for
Electric Utility Department -
\$24,971.00.

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

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

THE WALTER TIPS COMPANY
(Austin, Texas)

- Lighting Arresters - three (3) each
60 KV Arresters and eighteen (18)
each 120 KV Arresters - \$14,115.00.

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

Councilman Nichols moved the Council adopt a Resolution awarding the following contracts:

ALLIS CHALMERS CORPORATION
(Abilene, Texas)

- Air Switches for Electric Utility
Department - Bid Items 1, 2, and 8 -
\$15,080.00.

H. K. PORTER COMPANY
(Houston, Texas)

- Air Switches for Electric Utility
Department - Bid Items 3, 4, 5 and
6 - \$44,426.00.

SOUTH WAY ELECTRIC
UTILITY SERVICE
(Austin, Texas)

- Air Switches for Electric Utility
Department - Bid Item 7 - \$1,964.00.

USCO POWER EQUIPMENT CORP.
(Birmingham, Alabama)

- Air Switches for Electric Utility
Department - Bid Item 9 - \$3,000.00.

TECHLINE, INC.
(Austin, Texas)

- Air Switches for Electric Utility
Department - Bid Item 10 - \$1,823.00.

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

ACCEPTANCE OF LIBRARY SYSTEMS ACT GRANT

Mayor Pro Tem Love moved the Council adopt a Resolution accepting a Library Systems Act Grant to allow the Austin Public Library to begin developing system library cooperation among Central Texas Public libraries. 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

CONTRACT - TEXAS PRISON SYSTEM

Councilman Friedman moved the Council adopt a Resolution authorizing the City Manager to contract with the State of Texas Prison System for key-punching services for the City of Austin Tax Department. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

ARCHITECTURAL SERVICES

Councilman Nichols moved the Council select Wukasch Associates for architectural services in connection with the Kramer Lane District Service Yard and Transformer Shop - Project Nos. 7913 0, 3906 0, and 3915 0. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler

SOUTHEAST FIRE STATION

Councilman Nichols moved the Council select Jack Lackey for the design of the Southeast Fire Station - Project No. 8305 0. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

LIBRARY RESOURCE CENTER

Councilman Friedman moved the Council select Barton D. Riley & Associates, with Councilman Handcox's second.

Substitute Motion

Councilman Nichols made a substitute motion selecting Zapalac & Griffin, It was noted any of the three firms listed were capable of the job. The substitute motion, seconded by Councilman Dryden, received the following Roll Call:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love

Noes: Councilmen Lebermann, Friedman, Handcox

Not in Council Chambers when Roll was called: Mayor Butler

The substitute motion failed to carry.

Councilman Friedman's original motion failed to carry by the following Roll Call:

Ayes: Councilmen Lebermann, Friedman, Handcox

Noes: Councilman Nichols, Mayor Pro Tem Love, Councilman Dryden

Not in Council Chambers when Roll was called: Mayor Butler

Later when all the Councilmen were present, Councilmen Friedman offered his original motion to select Barton D. Riley & Associates, with Councilman Handcox seconding it. Councilman Nichols then made a substitute motion to select Zapalac & Griffin, The substitute motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Mayor Butler, Councilman Dryden

Noes: Councilmen Lebermann, Friedman, Handcox

LOWERING LAKE AUSTIN

After some discussion, Councilman Nichols moved the Council authorize the lowering of Lake Austin for 30 days starting January 15, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

BLADING FOR HOLLY STREET POWER PLANT #2

Councilman Nichols moved the Council adopt a Resolution accepting a quotation from the Westinghouse Company for a new row of 16" blading to be used to repair Holly Street Power Plant #2 in the amount of \$72,735.00. It was noted a factory blader would be down to supervise the installation of the blades. 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

CODE AMENDMENT - SUBDIVISION

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 41-1 OF THE AUSTIN CITY CODE OF 1967, BY PROVIDING NEW DEFINITIONS FOR THE TERMS "SUBDIVISION" AND "URBAN SUBDIVISION"; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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

REFUND CONTRACT

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH VILLAGE OAKS VENTURE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council pass the ordinance through its first reading. 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 Chambers when Roll was called: Councilmen Friedman, Lebermann,
Mayor Butler

STREET IMPROVEMENTS

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, 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 Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

ZONING ORDINANCES

Mayor Pro Tem Love introduced the following ordinance:

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

TRACT 1: LOT 1, BIRKNER ADDITION, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "DL" INDUSTRIAL, SIXTH HEIGHT AND AREA DISTRICT; AND,

TRACT 2: LOT 2, BIRKNER ADDITION, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: LOT 3, BIRKNER ADDITION, FROM "A" RESIDENCE, DISTRICT TO "BB" RESIDENCE DISTRICT;

LOCALLY KNOWN AS 100-306 ST. ELMO ROAD; 4200-4350 SOUTH CONGRESS AVENUE; 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. (O. G. Hanseler, et al C14-72-146)

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 Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Friedman

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

Mayor Pro Tem Love 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:
THE WEST 70 FEET OF LOT 18, BLOCK A, TERRACE PARK SUBDIVISION, LOCALLY KNOWN AS 601 OAKLAND AVENUE; 1406 WEST 6TH STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE 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. (Robert L. Ogden C14-68-180)

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 Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Friedman

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
(1) LOTS 1 AND 2, BLOCK 3, BUDDINGTON SUBDIVISION, OUELLOT 76, DIVISION D, LOCALLY KNOWN AS 623-625 WEST 37TH STREET; 622-624 MAIDEN LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
(2) A 1.711 ACRE TRACT OF LAND, LOCALLY KNOWN AS PROPOSED TIMBERLINE DRIVE EAST OF BARTON SKYWAY, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,
(3) A 30,653 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 6012-6102 CAMERON ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT; AND,
(4) LOTS 3 AND 4, OF E. L. STECK RESUBDIVISION OF THE NORTH ONE-HALF OF BLOCK 18, GROOMS ADDITION, LOCALLY KNOWN AS 305-307 EAST 34TH STREET, FROM "BB" RESIDENCE DISTRICT TO "B" RESIDENCE 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. (Forest S. Pearson C14-72-243, Jagger Associates, Inc. C14-72-268, Cameron Road Church of Christ C14-72-269, K.W. Cain C14-72-082)

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 Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Friedman

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

Mayor Pro Tem Love introduced the following ordinance:

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

LOT A, PECON PARK ADDITION, LOCALLY KNOWN AS 4501-4505 AVENUE D; 106-110 WEST 45TH STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND 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. (Sidney E. Lanier, Meredith McCann & Patsy Monahan C14-72-082)

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 Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Friedman

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

ANNEXATION ORDINANCE

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.71 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE WILKINSON SPARKS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time, and Councilman Nichols moved the Council pass the ordinance to its second reading. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Friedman,
Handcox

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

The ordinance was read the second time, and Councilman Nichols moved the Council pass the ordinance to its third reading. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Friedman, Handcox

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

The Mayor Pro Tem announced that the ordinance had pass through its first and second readings only.

AMENDMENT OF WRECKER ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34-119 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO A SUBSECTION CONCERNING ROTATION LIST PLACEMENT AND LOCATION OF WRECKER BUSINESSES; 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 Friedman, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Friedman, Handcox, & Dryden

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

SIGN ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967, BY PROVIDING A MORE COMPREHENSIVE SIGN ORDINANCE WHICH WILL BE CONSISTENT WITH STATE AND FEDERAL LAWS AND REGULATIONS CONTROLLING OUTDOOR ADVERTISING WITHIN SIX HUNDRED AND SIXTY FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY OF INTERSTATE AND PRIMARY SYSTEMS HIGHWAYS WITHIN GHE CITY OF AUSTIN, BY REQUIRING LICENSES AND PERMITS FOR OUTDOOR ADVERTISING ANYWHERE WITHIN THE CITY LIMITS, WITH EXCEPTIONS, AND BY PROVIDING REGULATIONS FOR OUTDOOR ADVERTISING ANYWHERE WITHIN THE CITY LIMITS; DECLARING AN EMERGENCY; AND WAIVING THREE SEPARATE READINGS.

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: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Dryden, Nichols

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

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

CODE AMENDMENT - USE OF SIDEWALKS & STREETS
AND ESTABLISHING PUBLIC MARKET AREAS

At 11:00 A.M., Mayor Butler proceeded with the public hearing scheduled at that time pertaining to sales of merchandise on public streets, sidewalks, and public ways.

Mr. Terry Roberts, Co-Chairman of the Citizens Committee on Vendors, read the resolution adopted, in that the Committee accept the 23rd Street area from San Antonio To Guadalupe; that the south sidewalk area be widened to a width of 24 feet, leaving a four foot passage way on the sidewalk for pedestrian travel; that no parking be allowed on 23rd Street during vending hours; that all fire lanes be left open; that the sidewalk on the north side of 23rd Street be left for pedestrian travel; that the balance of 23rd Street remain open for vehicular traffic; and that on specified days--football games and Saturdays, that specified areas on 23rd Street be made available as space for the increased number of vendors who would operate on such specified days. This resolution is a proposal to amend the ordinance before the Council. The vote had been 4 to 0, the 4 vendors abstaining.

Mr. Charles Goodnight reported that between 15 and 20 meetings had been held in various parts of the City, the majority being held in the City Hall. The vendors were well represented. Both sides had given and taken and there was considerable negotiating. Mr. Roberts stated for the record, that the Street Vendors are not for the 23rd Street proposal, preferring to stay on the Drag; however, he was afraid that would be difficult to change, and they appreciate the Council's good will. He mentioned that some type of shelter would be provided should they be moved to 23rd Street. As to the 4 to 0, Mayor Butler had information there was a 6 to 2 vote.

Mr. Craig Wood, fortune teller, was of the opinion that the groups could get together. He stated students, street people, working people, spend their time and money on the draw. Now a group of businessmen are going to write a law throwing the street vendors off the drag. He stated they should stand together. The vendors draw crowds. In his closing comments, Mr. Wood stated he doubted that if the vendors are moved to 23rd Street, that they would accept the City's shelter, but would build their own.

Mr. Terry Roberts, stating he had received some bad vibes, resigned from the Committee for the Vendors.

City Attorney Don Butler reviewed the ordinance, pointing out the highlights and prohibitions contained in the ordinance. He pointed out the exception "within a 'public market' area". Mr. Butler explained the provisions covering the establishment of "public market areas". He also pointed out this ordinance was not vacating the street, but merely be using the street as regulated.

Mr. Bob Erler spoke for the Street Vendors Association and represented them at the meetings of the Citizens Vendors Committee, stating the vendors have consistantly proposed an alternative that is not being presented today by the Committee; but he, as a minority member of the Committee, wanted to bring this to the Council. He stated the alternate would cause those selling flowers to change their procedures or refrain from selling. They would not be permitted to sell on the sidewalks and they would have to move their flowers onto private property. Those selling lemonade in front of their houses on the sidewalk, and those who

run bake sales would be affected, and those people would be in violation, and their activities would have to be enforced. He discussed briefly selective enforcement. The proposal submitted does not provide for overflow or enlargement other than by Council action. The Vendors would want shelter, proper sanitary facilities, and trash barrels. The vendors felt they are being boxed in. Should the market ever need to be closed, or if 23rd Street should be closed, their proposal would take into account that possibility and permit people to continue operating in their way of life -- not their business but their whole existence.

The vendors, after having talked with people throughout the City, feel they have the support of the majority of the citizens, and should this ordinance be passed today, they were willing to risk the possibility of a referendum.

Margery Hershey, President of the Local Chapter of the American Civil Liberties Union, stated they had appeared before the Council several weeks ago announcing their feelings regarding the proposed action to rid the City of the Drag Vendors. She intimated the ordinance might be unconstitutional, and the vendors are being denied equal protection under the law.

Mr. Fred Young, merchant in the area, was in accord with the agreement recommended by the Committee, stating this was the best solution and compromise that they could have reached.

Mr. Neal Riemer, Administrative Assistant to the Student Government at the University, stated 25 stores in the vicinity of the drag were displaying signs supporting the drag vendors. There is no consensus among merchants that the vendors should be moved out.

Sheryl Green, National Co-Op Organizer, commended the City for its fine display of crafts in community activity on Guadalupe across from the University.

Mr. Jeff Jones noted members of the Committee were not connected with the drag. He asked that the Council not pass this ordinance as an emergency measure today as, before it goes into effect, they would have enough signatures on their petition for a referendum, and the ordinance provides that all ordinances of the City in conflict with this ordinance pertaining to the regulation of sidewalk vendors, would be repealed by the referendum.

Mr. Tom Corbett, Austin Branch of the Texas Youth International Party, stated this group wanted to turn the drag into a mall between 22nd and 24th Streets.

Mr. Rizer Everett opposed the vacating of 23rd Street, as the owner had given an easement, and his property went to the middle of the street.

Mr. Ed Carrothers feared this action might cause these vendors to lose their businesses.

Mrs. Judy Smith asked that a public hearing be held in the community which is most affected by this situation.

Councilman Debermann reviewed this situation dating back 19 months, noting a great concern throughout the entire community. This ordinance, he said, is a reasonable and sensible compromise, and he hoped that the 23rd Street situation would benefit the drag vendors. In going over this program, he found this area would accommodate between 60 and 80 vendors. With handsome improvements, this would be a place with which the vendors would be please and proud, and that it would attract people. He stated the Council would be responsive to the vendors' needs.

Councilman Handcox emphasized it was the desire of the Council to reach a compromise where all could live in harmony.

Mayor Butler read a note from Dr. Duke Palarmo, Co-Chairman of the Vendors Association, stating this ordinance is a liveable solution, a step in the right direction, and could be worked out in greater detail later if flaws appeared.

Mayor Pro Tem Love discussed the two points of view under consideration.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967, PROHIBITING THE PLACING OR DISPLAYING OF ITEMS UPON PUBLIC STREETS, SIDEWALKS AND OTHER PUBLIC WAYS; PROHIBITING THE SALE OF MERCHANDISE AND WARES PLACED OR DISPLAYED THEREON; MAKING EXCEPTIONS FOR PRESS MATERIALS LOCATED WITHIN NARROWLY CONFINED LIMITS AND FOR MARKETING ACTIVITIES AUTHORIZED IN AREAS WHICH HAVE BEEN ESTABLISHED AS PUBLIC MARKET AREAS, FOR MOBILE RETAIL GROCERS LEGALLY OPERATING IN CONFORMANCE WITH CHAPTER 12, AND FOR CERTAIN DELIVERY ACTIVITIES; PROVIDING FOR THE ESTABLISHMENT OF PUBLIC MARKET AREAS ON PORTIONS OF STREETS AND SIDEWALKS AFTER PUBLIC HEARING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love 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 Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann
Noes: Councilman Friedman

Councilman Friedman voted negatively, stating that there was notworkable solution that was ever going to be found; and that this matter was not being taken lightly. He knew this action would not satisfy a lot of the vendors; and it is known the businessmen would prefer to have the vendors eliminated. He said the Committee had worked on this matter, both vendor and businessmen, and all have been fair and open minded about it.

Councilman Dryden asked the vendors to have confidence in the Council.

Mayor Butler announced that the ordinance had been finally passed, and stated this action was not to do away with the street vending; and in one respect it really strengthens their situation, as previously the vendors lived from day to day in uncertainty. This ordinance legitimizes their profession and vocation, and their situation is more stable now.

Public Market - 23rd Street

Mayor Butler introduced the following ordinance:

AN ORDINANCE ESTABLISHING A PUBLIC MARKET AREA ON A PORTION OF THE SIDEWALK AREA LOCATED ON THE SOUTH SIDE OF WEST 23RD STREET BETWEEN SAN ANTONIO STREET AND GUADALUPE STREET; ESTABLISHING A NAME THEREFOR; REGULATING THE HOURS OF OPERATION THEREOF; PROVIDING A PENALTY; AND SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS.

The public hearing on establishing a public market area on a portion of the sidewalk area on the south side of West 23rd between San Antonio and Guadalupe was held. All who wished to be heard were heard.

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, Handcox
Noes: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Public Market - Red River

Mayor Butler introduced the following ordinance:

AN ORDINANCE ESTABLISHING A PUBLIC MARKET AREA ON PORTIONS OF THE SIDEWALK AREAS ON RED RIVER STREET; ESTABLISHING A NAME THEREFOR; REGULATING THE WARES, GOODS AND MERCHANDISE WHICH MAY BE SOLD THEREIN; REGULATING THE HOURS OF OPERATION THEREOF; PROVIDING A PENALTY; AND SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS.

Mayor Pro Tem Love 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,
Handcox, Mayor Butler
Noes: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

One Way Street

Mayor Pro Tem Love moved the Council adopt a Resolution establishing the following one-way street:

<u>Street</u>	<u>From - To</u>	<u>Direction</u>
23rd Street	Guadalupe - San Antonio	West Bound

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

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

PROTEST OF POLICE PRECEDURES - LEO LAMBERT

Mr. Leo Lambert issued a protest of police procedures, referring to the November 23rd collision involving a police car and a car in which three students from Houston Baptist College were killed.

Mr. Lambert expressed sympathy for the lives of those students and for the Policeman.

Mayor Pro Tem Love stated the Council shared in his feeling and respected his coming and waiting for five hours to make his presentation. He stated that after the investigation by the City Manager and by the Chief of Police and others on the staff, the Council was not satisfied at what had occurred, but they were satisfied with the justification of the officer's action. He invited Mr. Lambert to participate in the community.

AUSTIN DEVELOPMENT PLAN HEARING

Mayor Butler opened the hearing scheduled for 10:00 A.M. on amendments to the Austin Development Plan.

As to the request initiated by the Planning Commission of the City of Austin, Mr. Dick Lillie, Director of Planning, stated this was a designation of approximately 410 square miles of land in the extra territorial jurisdiction of the City of Austin as Suburban Residential and Low Density Residential in certain watersheds.

Councilman Nichols, noting there had been a request to delay this item, after discussion, moved to postpone the hearing on the following changes for 90 days. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler

Noes: None

Not in Council Chambers when Roll was called: Councilmen Handcox, Dryden

Initiated by the Planning Commission of the City of Austin, the designation of approximately 410 square miles of land within the extraterritorial jurisdiction of the City of Austin as Suburban Residential and Low Density Residential in certain watersheds - C2-72-6.

The hearing on the change in the Austin Development Plan from Low Density Residential to Commercial and Semi-Industrial on 64 acres plus 100 acres located north and south of Dungan Lane from Brown Lane to Cameron Road was held. This was requested by the owner Mr. V. D. Sylvester, and others.

Mr. Lillie, Director of Planning, stated several months ago, Mr. V. D. Sylvester and about 15 property owners of about 65 acres east of Cameron Road, north of the City, requested to amend the Austin Development Plan from Residential to Commercial service and Semi-Industrial. The tracts are located in the middle of a small suburban cluster of homes; and to provide the Planning Commission with and opportunity to consider a larger area with a more logical boundary, the staff

added about 100 acres for the purpose of this consideration. All of the tracts have large lots - there is a lot of undeveloped property. Mr. Lillie stated the Austin Development Plan adopted in 1961 anticipated this area's developing as low density residential of about three units per acre. He pointed out the growth and activities within 1/2 mile of this area - a mobile home, elementary school, duplex subdivision, a junior high school, etc. The Planning Commission, after hearing testimony, voted to deny the request and suggested that the applicants request a Planned Area Development. Mr. Lillie reported subsequent to the Commission recommendation a land owner began a series of warehouses, which are located about in the middle of this request.

Mr. V. D. Sylvester stated this was no longer residential land and requested that the Council change the area to Commercial and Semi-Industrial.

Mr. Ed Knippa, representing John Felter who had started some of these warehouses, asked that the Council grant the commercial designation.

Mr. Hoyle Osborne, representing Mr. Felter, suggested a 30 day delay.

Councilman Lebermann pointed out that a 30 day delay would, in this case, permit 30 additional days to continue in non-conformity. In discussion, Councilman Dryden suggested that this property be annexed and handle the zoning cases in the usual way, and give more study from the Planning Commission.

Mr. Lillie stated this is an area in which the City is extending utilities and Capital Improvement facilities, and it would be capable of being annexed within the time period outlined under the State statutes that the City must provide services.

In discussion of annexation, Mr. Lillie stated if the area is annexed property owners could submit zoning applications on their property and he would recommend a joint application by all of them so they could all be considered at one time.

Councilman Lebermann moved the Council vote that the application for the Master Plan change be denied, and that annexation proceedings be commenced. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Abstain: Mayor Pro Tem Love

Not in Council Chambers when Roll was called: Mayor Butler

FUEL SITUATION REPORT

City Manager Davidson asked the Council to authorize the purchase of 750,000 gallons of No. 5 fuel oil from Coastal States Marketing Company at a price through December 19 of 12.58 cents per gallon; and after December 20, because of a change in carrier rate increases, at 12.68 cents per gallon.

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

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Friedman,
Handcox

Noes: None

Not in Council Chambers when Roll was called: Mayor Butler,
Councilman Lebermann

WATER SERVICE OUTSIDE CITY

City Manager Davidson stated he had placed an item, F.1., on the Agenda, knowing the Council was anxious to hear a report on their recommended change in rate structures for outside City limit water service. He reported the Director of Water and Waste Water, Mr. Curtis Johnson, Deputy City Manager Homer Reed, and himself, along with some of Mr. Johnson's staff, had considered many proposals. They are still working on one solution which they hope to bring before the Council within two weeks. The Council continued the item of Water Service outside the City of Austin.

SAWDUST ON RESTAURANT FLOORS

City Manager Davidson reported that the Health Department had conducted a survey of Texas cities on their use of sawdust on restaurant floors; and it was found that Fort Worth has three establishments using sawdust on their floors, but all other Texas cities have an ordinance or code similar to Austin's prohibiting this use. The Health Department personnel still recommend that this not be allowed in Austin.

Mr. Davidson recommended that the ordinance remain as is; and if no action is taken, they would continue to enforce the ordinance as written. No action was taken.

TAXES - HOMESTEAD EXEMPTION

Councilman Nichols brought up an item regarding homesteads and tax exemptions that were made permissive by the last election. He asked since two members of the Council were not present, and since it would be well that the County and School Board go along with the Council on this matter, at the same time, that this be delayed until the week of the 28th. (The meeting date was set for December 26) He intended to, at that time, ask for the passage of the ordinance that would become effective January 1, 1973. He wanted to assure the Texas Senior Citizens, the Retired Teachers, the Retired Federal employees, the United Action for Elderly Board, the the Retired Senior Volunteers, the American Association of Retired Persons, and adult Services that they are working on this and hope to get something done.

REQUEST FOR TEMPORARY ELECTRIC AND WATER
FACILITIES OUTSIDE CITY LIMITS

Mr. Malcolm Robinson, Attorney for Mr. Vernon Wattinger, appeared before the Council requesting that the City grant Mr. Wattinger temporary electrical and water facilities for property located outside the City limits. This matter was postponed from the Council Meeting of December 7, 1972.

Director of Planning, Dick Lillie, reported that the short form subdivision had been submitted, and the right of way has been dedicated. The matter will require a variance that can only be granted by the Planning Commission, but the Department recommended granting that variance, and had released the service for this use. At this point there is no problem.

Mayor Pro Tem Love moved the Council grant the temporary electrical and water facilities as requested, subject to the contingencies discussed the week before. (Approved short form subdivision: Adjoining property owner to join in the short form subdivision or Mr. Wallace would have to dedicate a 50' right of way through its property.) 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

REQUEST FOR FUNDS TO PROVIDE ALCOHOLIC
REHABILITATION SERVICES

Reverend Richard McCabe, Chairman of the Board of the Austin Rehabilitation, requested \$19,890 to match that of the Criminal Justice Council to provide alcoholic rehabilitation services. Reverend McCabe described the project and reported on the good results following the rehabilitation. Rev. McCabe stated they had \$22,900 in services and in kind, and in cash, and they need \$19,000. The reason they come to the City is that 99% of the people who receive their services are Austin citizens. Also they want to focus especially on the City Jail and the first offender. Councilman Nichols called attention to the County's collecting 75% of their taxes from within the immediate interior bounds of the City. Reverend McCabe stated the total of the budget is \$85,681, running from January, 1973 to January, 1974.

On Mayor Pro Tem Love's request the Deputy City Manager, Mr. Homer Reed, reported that the City's efforts along this direction are funneled through the MH-MR Agency for its overall program. For the specific field, the Model Cities program provides local funds for a comprehensive County wide alcoholism treatment program, which program is operated in a different manner than this of Reverend McCabe. He stated Rev. McCabe's program is rated highly. The question is who should provide the local financing. Reverend McCabe stated if they did not come up with the matching funds, the program would be cut terribly.

Councilman Nichols stated Father McCabe is doing a terrifically fine job. He asked if the City Council could get a report and recommendation from the City Manager by the next week.

City Manager Davidson stated he and Mr. Reed would like to explore a few things. He stated the City's Budget had been approved, and the City is well into its fiscal year. The County is just now considering its budget, so it could be that someone should approach the County on this. He wanted to discuss this with the Council and report back. Mayor Pro Tem Love suggested that Father McCabe, Mr. Reed, and others that the City Manager seemed appropriate, meet within the next week and see what might be worked out. Councilman Nichols asked Father McCabe to talk to the Commissioner's Court and see what its reaction is or is going to be. Mayor Pro Tem Love announced this matter would be on the Agenda on December 21st.

ESTABLISHING AIRPORT POLICE

Colonel Vance Murphy, Director of Aviation, explained that these police will be recruited and trained through the regular City Police force. They will have the same uniforms. The Police Chief will assign one of his sergeants to supervise the operation from day to day. The traffic problem in the National Guard area and the Ragsdale east area was discussed and it was noted that while the Airport Policemen's main job was in regard to the security of the aircraft between the checkpoint and the aircraft, during periods when there are no planes on the ground, they will be available for other patrols about the airport.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 2 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW ARTICLE V THERETO, ENTITLED "AIRPORT POLICE"; PROVIDING FOR THE APPOINTMENT, DUTIES AND OPERATIONS OF SUCH AIRPORT POLICE; AMENDING THE 1972-73 BUDGET FOR THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Friedman, Handcox

Noes: None

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

The Mayor Pro Tem announced that the ordinance had been finally passed

ZONING REINSTATED

Councilman Nichols moved the Council reinstate Zoning Case No. C14-68-180, Robert Ogden, at the request of the Planning Department. The Case was dismissed by the Council on September 28, 1972. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ZONING WITHDRAWN

Mayor Pro Tem Love moved the Council grant the request of Mr. Doren Eskew to withdraw Zoning Case No. C14-72-087, Hillcrest Baptist Church. 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

UTILITY JOINT USE AGREEMENT

Mayor Pro Tem Love moved the Council adopt a Resolution authorizing the City Manager to enter into a Utility Joint Use Agreement with the Texas Highway Department covering the installation of an 8-inch water line crossing Loop 1 within the County portion of North End Colorado River Bridge southwest to U.S. Highway 290. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ADJOURNMENT

There being no further business, the Council adjourned.

APPROVED: Ray Butler

Mayor

ATTEST: _____
City Clerk