MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 23, 1972
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

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

Roll Call:

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

The Invocation was delivered by REVEREND MARVIN C. GRIFFIN, Ebenezer Baptist Church.

APPROVAL OF MINUTES

Councilman Dryden moved the Council approve the Minutes of the Regular Meeting of March 9, 1972, with the correction as noted on the last page. The motion, seconded by Councilman Nichols, carried by the following vote:

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

PROCLAMATION

Mayor Butler proclaimed the Month of April "Cancer Control Month", urging citizens of Austin to observe through increased support of the fund raising drive and by learning the facts about cancer. It was presented to Mr. Chuck Stahl.

ANNOUNCEMENT TO PRESS

Mayor Butler announced to the press the release was ready for the procedure for the new City Manager.

WELCOME TO CLASS

The Council welcomed Mrs. Castille's 7th Grade Social Studies Class from Porter Junior High.

CONTRACTS AWARDED

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

TOWN LAKE SAIL-AWAY CO. (Austin, Texas) - Twelve (12) month Extension of Contract for Concession Rights for Boat Rental on Town Lake beginning June 11, 1972 - $600.00 annually, plus 1% of gross receipts.

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

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

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

THE NEELEY VENDING CO. (Austin, Texas) - Extension of 1 year, the 2 year Contract, dated June 1, 1970, for Refreshment Concession Rights at Municipal swimming pools except Barton Springs - $5,900.00 annually plus 1/2 of 1% of gross receipts.

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

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

The Director of Parks and Recreation is to report on Concessionaire and terms of contract for Barton Springs, at Councilman Nichols' request.

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

ELGIN-BUTLER BRICK CO. (Austin, Texas) - Bid Invitation No. 2-0627, Twelve (12) month supply agreement for 3 hole bricks to be purchased by Central Stores and used by the Wastewater Department - 175,000 each - $7,717.50.

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

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

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

AUSTIN METAL & IRON CO. (Austin, Texas) - Bid Invitation No. 2-0753, Sale of scrap metals accumulated from various departments for April, May, and June, 1972 - Estimated $4,256.42.

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

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

Councilman Nichols moved the Council adopt a resolution awarding the following contract, after Mr. Bennett, Director of Purchasing, explained this equipment and the previous work of this company:

WEHRING-GOSS EQUIPMENT CORP. (San Antonio, Texas) - Bid Invitation No. 2-0494, Sanitary Landfill Compactor - $58,000.00.

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

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

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

OLIN BRASS
OLIN CORPORATION
(East Alton, Illinois) - Bid Invitation No. 2-0580, 3,000 each 90-10 Copper-Nickel Conderser Tubes - $24,307.30.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

(1) MINNESOTA MINING & MANUFACTURING CO. (St. Paul, Minnesota) - Bid Invitation No. 2-0642, Reflective Material - Bid Items 1,2,3,4,6,7, and 8 - $41,635.80.

(2) SUPERIOR TECH MARK, INC. (Dallas, Texas) - Bid Invitation No. 2-0642, Reflective Emblems - Bid Item 5 - $522.00.

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

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

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

JALCO INC.
(Houston, Texas)

- For the installation of approximately 4,500 feet of 24", 1,650 feet of 21" and 895 feet of 18" wastewater mains and appurtenances in Northeast Lower Walnut Creek - $129,614.75. (Capital Improvements Program Project No. 50471; 120 working days for completion; City's estimate - $211,159.00)

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

Ayes: Mayor Pro Tem Love, Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols
Noes: None
Absent: Councilman Handcox
Present but not voting: Councilman Lebermann as he just entered the Council Chamber and did not hear the discussion.

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

AMERICAN STEEL BUILDING COMPANY
(Houston, Texas based, Austin Office bid)

- Prefabricated steel buildings at Daffin Gin and Hi-Cross Substations - $8,867.00. (Capital Improvements Program Project Nos. 3519-2 and 352102; 30 calendar days completion time; Engineer's estimate - $11,500.00)

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

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

Change Orders

Councilman Nichols moved the Council adopt a resolution approving the following change orders for contracts:

Capitol Steel and Iron Company - Structural Steel, Holly Street Power Station, Unit No. 4 in the amount of $13,518.00. (Capital Improvements Program Project No. 1030)

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

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

Councilman Nichols moved the Council adopt a resolution approving the following change orders for contracts:

Jack A. Miller - Cedar Bend Drive Culvert. The change order is for a total added cost of $10,515.00, with the developer accepting responsibility for $9,315.00 of the additional cost. (Capital Improvements Program Project No. 65174)

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

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

LICENSE AGREEMENT

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

DON BECKER - encroachment into a public utilities easement on Lot 24, Block C, Cherry Creek East.

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

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

CODE ENFORCEMENT GRANT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to submit an application for the CODE ENFORCEMENT GRANT to the Federal Government, Department of Housing and Urban Development, for Phase #2 of the East Austin Neighborhood Improvement Project. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

EASEMENTS RELEASED

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

Wastewater easement out of Lot A, Resub. of KENRAY CORNERS and Lot 1-C, resub. of Lot 1, Block C, RAMSEY PLACE.

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

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

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

Portion of five (5) foot public utilities easement out of Lot A, Resub. KENRAY CORNERS and Lot 1-C, resub. of Lot 1, Block C, RAMSEY PLACE

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

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

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

Five (5) foot public utiliites easement out of Lot A, Resub. of KENRAY CORNERS and Lot 1-C, Resub. of Lot 1, Block C, RAMSEY PLACE. (Additional easement from item above and dedicated by separate instrument)

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

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

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

Water easement out of Lot A, Resub. of KENRAY CORNERS And Lot 1-C, Resub. of Lot 1, Block C, RAMSEY PLACE.

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

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

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

Ten (10) foot public utilities easement out of Lots 21 and 22, Block One. BARTON HOLLOW.

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

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

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

Ten (10) foot electric easement out of Lot 16, Block E, CAMERON PARK, SECTION THREE.

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

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

SALE OF HOUSES

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the sale of houses and accepting negative bids on houses to be demolished as follows:

Southwest Rathgeber	2016 Perry Lane	$272.27
Southwest Rathgeber	2505 Winsted Ln.	$272.27
Southwest Rathgeber	27 Margarita Crescent	$272.27
Southwest Rathgeber	2417 Winsted Ln.	$272.27
Donald Wedlund	2001 Winsted Ln.	$ 25.00

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

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

Councilman Nichols stated the Fireman's Auxiliary ladies gather up furniture, clothes and repair and mend those items for victims of fires. He asked if there were any structure not in use that might be leased for $1.00 a year that they could use.

CASH SETTLEMENT

Councilman Nichols moved the Council adopt a resolution authorizing a 40/20% cash settlement with Harold Gene Patterson to provide sewer service to Stone Ridge, Section I - 40% cost share is $968.10. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ACCEPTANCE OF PARK LAND

Councilman Nichols moved the Council adopt a resolution accepting devise of a 23.33 acre tract at 3505 West 35th Street for a public park to be known as Mayfield Park. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes; No
Absent; Councilman Handcox

LICENSE AGREEMENTS

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into license agreements with the following:

MISSOURI PACIFIC RAILROAD COMPANY to install a 48" concrete steel cylinder water main beneath the railroad's tracks at the intersection of Oltorf Boulevard and the Missouri railroad track - $100.00 for this license.

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into license agreements with the following:

MISSOURI PACIFIC RAILROAD COMPANY to install a 12" water main beneath the railroad's tracks at Waterston Street - $100.00 Standard License Fee.

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into license agreements with the following:

MISSOURI PACIFIC RAILROAD COMPANY to install a 12" water main beneath the railroad's tracks between West 6th and West 7th Streets - $100.00 Standard License Fee.

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

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

COST DIFFERENCE

Councilman Nichols moved the Council adopt a resolution authorizing payment of cost difference of water or sewer mains to the following:

AUSTEX DEVELOPMENT COMPANY, LTD. - Nash Phillips, Attorney-in-Fact, for cost difference of 16"/8" A. C. sewer main in Windsor Hills, Section 2, Phase 2 - $3,022.16

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann
Noes: Councilman Friedman
Not in Council Room when Roll was called: Mayor Pro Tem Love
Absent: Councilman Handcox

Councilman Nichols moved the Council adopt a resolution authorizing the payment of cost difference of water or sewer mains to the following:

AUSTEX DEVELOPMENT COMPANY, LTD. - Nash Phillips, Attorney-in-Fact, for cost difference of 12"/8" A. C. water main in Quail Creek, Phase 4, Section 1 - $2,302.13.

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann
Noes: Councilman Friedman
Not in Council Room when Roll was called: Mayor Pro Tem Love
Absent: Councilman Handcox

EMINENT DOMAIN

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings to acquire property for Brackenridge Hospital Complex at the following location:

1300 Sabine

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler Councilman Nichols
Noes: None
Present but not voting: Councilman Dryden as he owns property in the area
Absent: Councilman Handcox

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings to acquire property for Brackenridge Hospital Complex at the following location:

1302 Sabine

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler Councilman Nichols
Noes: None
Present but not voting: Councilman Dryden as he owns property in the area
Absent: Councilman Handcox

CONTRACT - EVALUATION CENTER

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the City Manager to execute a contract with the Austin Evaluation Center. The motion, seconded by Councilman Nichols, carried by the following vote:

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

SELECTION OF ARCHITECTS

Mayor Pro Tem Love moved the Council select THOMAS LEACH & ASSOCIATES for architectural services in connection with the following Capital Improvements Program Project:

A new single story masonry clubhouse for the Williamson Creek Golf Course Facility - Project No. 8627.

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

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

EXTRATERRITORIAL JURISDICTION APPORTIONED

Mr. Don Butler, City Attorney, described the area involved in the agreement and pointed out the part West Lake Hills would be relinquishing and that part it would be acquiring. Mayor Putnam, West Lake Hills, and Mr. Will Garwood, City Attorney, West Lake Hills, were present. On Councilman Nichols' motion, Councilman Nichols moved the Council adopt a resolution approving the agreement with the City of West Lake Hills in the apportionment of overlapping extraterritorial jurisdiction as presented this morning. The motion, seconded by Councilman Dryden, carried by the following vote:

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

EASTER EGG HUNT FOR RETARDED CHILDREN

Mayor Butler announced that the Texas Cowboys and SPOOKS, who are having an Easter Egg Hunt for mentally retarded children at Pease Park, from 1:00 to 2:30 P. M., had invited the Council to drop by at 1:30 and bestow its support and blessings.

FORMER COUNCILMAN WELCOMED

Mayor Pro Tem Love recognized and welcomed distinguished former Councilman, Honorable Ralph Janes. Councilman Dryden noted his continued service in the community as a member of the Charter Study Committee.

WITHDRAWAL OF APPEAL

Mayor Butler reported that Mr. Tim M. Trickey had sent word that after having been contacted and after reviewing the situation, he wished to ask the withdrawal of his appearance on behalf of his client, Mr. Carl Burton, to appeal the decision of the Board of Adjustment concerning the boatport at 1002 Little Elm Park .

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

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

Councilman Nichols stated the Council at present would not have the authority to act on appeals from the Board of Adjustment, and asked if a study could be made in that the Council should hear these people. The City Attorney, Mr. Don Butler, explained that the State statute specifically provided that the appeal be to the courts and a change in ordinance would not suffice.

Councilman Handcox entered Council Chambers at this time.

ANNEXATION ORDINANCE

Mayor Butler brought up the following ordinance for its third 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 20.28 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; 28.63 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 19.00 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; 11.32 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; 42.97 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY AND PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 12.33 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W.DAVIS SURVEY; 32.60 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JAMES M. MITCHELL SURVEY AND PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 18; AND 21.7 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Nichols moved the Council finally pass the ordinance. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ZONING GRANTED

CHARLES ANDERSON By Sam Perry C14-72-015	1449-1665 Hwy. 183	From "A" Residence District to "GR" General Retail District RECOMMENDED as amended by Planning Commission subject to a 50' green belt area along south property line, where there is to be no paving or construction. GRANTED as Recommended and subject to agreement between parties.

Mr. Robert Sneed appeared in behalf of the applicant, stating at the time of hearing, Mayor Pro Tem Love had requested that the applicants and neighborhood negotiate among themselves to see if a settlement could be reached. They have reached a situation acceptable to the applicant and to Mr. Dean Davis, Counsel for the neighbors. He distributed a copy of the agreement reached. The neighbors have staked on the ground a line which follows the high point above the creek. The line is to be surveyed and field notes will be brought back with an amended application. Mr. Byram is to build a six foot masonry wall to be placed in existence before any building is started. The wall will extend 100' to the east beyond the last house, and the corner of that lot, and the remainder of the application would be back in the same form as it was recommended by the Planning Commission. The buffer will be left "A" Residential, and the remainder of the tract will be "GR". Mr. Davis, attorney for the group, stated they had worked with Mr. Sneed and his clinets, are in accord, and the arrangement is consistent with the use of preservation of the creek in its natural state. Mayor Pro Tem Love thanked the attorneys and all involved stating this demonstrates the people in this community can work together. Councilman Lebermann thanked Mr. Sneed for his attitude and the Counsel's interest in these people.

Mayor Pro Tem Love moved the Council grant the zoning request as recommended by the Planning Commission and subject to the agreement between parties. 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

Councilman Nichols asked that the Agreement be a matter of record:

Agreement as presented

" 1. The tract of land covered by the application contains 31.49 acres; request was made for zoning change form "A" Residential to General Retail"GR" classification for the entirety of such tract.

2. The adjoining neighbors have staked upon the ground aline which is located at approximately the crest or high point of the bank along and to the north of Buttermilk Creek. This line is located at such points so as to provide, in the opinion of the adjoining property owners, the best shielding for the residential area from the 31.49 acre tract. John Byram agrees to have such line surveyed on the ground and the property lying to the south of such presently

staked line shall remain "A" Residnetial and the property to the north thereof shall be changed to General Retail. Such line shall extend from the westerly boundary of such 31.49 acre tract, in an easterly direction to a point one hundred feet (100') to the east of the northeasterly corner of Lot No. 4, Block Y, Coronado Hills Section 3 Subdivision, in the City of Austin, Travis County, Texas. All of such 31.49 acres lying to the east of a line drawn perpendicular from such so determined easterly point to the south boundary line of Highway 183 will be changed to General Retail as recommneded by the Planning Commission (the area will be zoned General Retail except that a 50' green belt will be maintained along Buttermilk Creek to its point of intersection with the centerline of Walnut Creek.)

3. Prior to the commencement of contruction of any building upon such 31.49 acre tract, John Byram will cause to be erected a masonry wall six feet (6') in height along such aforesaid described line as staked at this date upon the ground, but John Byram shall not be required to expend more than $10,000.00 in the cost of erecting such wall.

4. Simultaneously with the final adoption of the ordinance granting the zoning change, John Byram shall make, execute and deliver such restrictive covenants running favor of the City of Austin (insuch manner and form as shall be acceptable to the City Attorney of the City of Austin and to Dean Davis, attorney for the adjoining neighbors) which shall prohibit the use upon such 31.49 acre tract of the following uses:

A. Trailer Courts
B. Veterinary hospitals or dog kennels
C. Public stables or riding academies
D. Auto laundries (but not prohibiting filling stations)
E. Drive-in type cafes (but not prohibiting restaurants or eating places whereby all customers are served inside a building.)
F. Drive-in theaters
G. Truck centers
H. Auto repair garages (but not prohibiting filling stations)
I. Dyeing plants
J. New or used car or automobile selling lots

A restrictive covenant shall likewise be prepared and granted by John Byram in favor of the City of Austin which will provide that all trash disposal containers or loading docks located to the rear of any building hereafter build upon such property shall be shielded from view along the south or southerly portion of such container or loading dock (it being the express intention to maintain shielding so as to reasonably prohibit view of loading docks and waste disposal containers from the adjoining property to the south), but such shielding shall not be required to extend above the height of twenty feet(20').

5. John Byram shall be entitled to build buildings up to the aforesaid line upon which the aforesaid wall is to be constructed.

6. Final adoption of the ordinance by the Council of the City of Austin will not be made until such date that the deed to Byram (from Charles Anderson) and such restrictive covenants are delivered into escrow with the City Attorney to evidence compliance with the provisions of this memorandum."

UNIVERSITY AREA - WEST TRAFFIC IMPROVEMENTS PLAN

Mr. Joe Ternus presented the Plan stating the University area is probably the most congested critical area from a traffic viewpoint in Austin. The purpose of the University Street plan is to develop a street system to support east-west traffic and north-south traffic within as well as through the area; provide relief to the congestion along Guadalupe, support the needs of the local University area traffic, and provide a system on which bicycles, buses, etc., can be supported.

He listed the proposed facilities:

24th & 25th Streets	One way east-west
Rio Grande & Nueces	One way north-south
Lamar at 24th & 25th	Grade Separation & Miscellaneous Signal modifications

Mr. Ternus stated on this Grade Sepatation there will be a detailed engineering and environmental study made. He described the traffic connections which ultimately will tie into 26th Street across the University area into IH 35, and then into Manor Road, thus effecting an east-west facility from the west side of the City to the east side.

Another alternative would be to bring Lamar Boulevard over 24th and 25th Streets.

Councilman Lebermann discussed Lamar's overpassing the other streets and not interferring with the Caswell Tennis Courts, the Hike and Bike Trail and the Shoal Creek area. Mr. Ternus assured Councilman Lebermann that the Caswell Tennis Courts would be untouched. He pointed out that the detailed study would be made of this sensitive area. Mr. Ternus gave a resumé as to the programming -- right of way on the corners at 19th Street would begin this fiscal year; and subsequently purchases each year. Councilman Friedman inquired about the bicycle paths. Mr. Ternus stated the system both east-west and north-south as well as the other streets in the area is susceptible to supporting bicycle routes as the Council may desire. This information will be coming to the Council a little later.

Mr. Ternus estimated the cost of this plan would be about $2,700,000; and of this $900,000 is anticipated from State and Federal funds on the grade separation at Lamar and 24th and 25th Streets. On a four year spread, they could implement the east-west segment first; and then the north-south; and by 1974 the project would be completed. It is expected to use $165,000 during the current CIP year; and $815,000 in the 1972-73; $666,000 in 1973-73; and the remainder in 1974-74. Mr. Ternus asked the Council for approval of the plan to be developed in stage implementation.

In discussion, Mr. Ternus stated the first actual expenditures would be at 19th and Nueces, 19th and Rio Grande, and the widening of 25th Street between Nueces and San Gabriel. It is essential that 24th and 25th be made one-way before converting Rio Grande and Nueces. The designs for 24th and 25th Streets are a year and a half to two years off; and the engineering and environmental studies will be made, alternatives proposed, and evaluation brought back to the Council.

City Manager Andrews stated they were asking for approval of the concept of the project, and the engineering details in which the Council is interested, will take quite some time. What they need is approval of the general overall concept.

Motion

Councilman Nichols moved the Council approve the concept of the project. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

TOM M. ATTAL C14-69-006	8544-8718 Burnet Road	From "A" Residence District First Height and Area to "C" Commercial Sixth Height and Area and "B" Residence District First 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: TRACT 1; GRAMERCY PARK SUBDIVISION, LESS THE WEST SIXTY (60) FEET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; AND, TRACT 2: THE WEST SIXTY (60) FEET, GRAMERCY PARK SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; LOCALLY KNOWN AS 8544-8718 BURNET ROAD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

MUSTANG ENTERPRISES, INC. C. E. Garner, et ux C14-70-001 (portion of area study)	4441 So. Congress Ave.	From Interim "A" Residence District First Height and Area to "D" Industrial District First 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: A 1.154 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4441 SOUTH CONGRESS, FROM INTERIM "A"

RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Dryden moved the Council waive the requirement of three readings, declare an emergency and finally pass the ordinance effective immediately. 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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

NORTHWEST AUSTIN, INC. C14-69-165	9201-9327 West Loop 9135-9141 West Loop 9123-9111 Wildridge 9110-9118 Wildridge	From Interim "A" Residence First Height and Area to "GR" General Retail First Height and Area and "A" Residence First 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: TRACT 1: LOT 18, BLOCK B, NORTHWEST ESTATES, SECTION 2, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 2: LOT 1, BLOCK F, NORTHWEST ESTATES, SECTION 2, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 9201-9327 WEST LOOP: 9135-9141 WEST LOOP: 9123-9111 WILDRIDGE DRIVE; AND 9110-9118 WILDRIDGE DRIVE; 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 Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

M. H. CROCKETT C14-67-227	1007-1011 W. 40th St.	From "A" Residence District to "C" Commercial District

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 NORTH 24.83 FEET OF THE REMAINDER OF LOT 3, BLOCK 6, H. B. SEIDERS SUBDIVISION, LOCALLY KNOWN AS 1007-1011 WEST 40th STREET; 3923 ALICE AVENUE, FROM "A" RESIDENCE DISTRICT, TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

OPEN LOUNGE BY SPECIAL PERMIT

Mr. C. L. Reeves spoke for the passage of this ordinance, stating this was not to promote the greater sale of liquor in apartment dwelling groups, but under which permit the club would be operated - a private club permit or mixed beverage permit. After further discussion by the Council and Mr. Reeves, Councilman Dryden moved that the request be denied. The motion, was seconded by Councilman Nichols.

Substitute Motion

Councilman Handcox offered a substitute motion to grant permission for 150-175 units or more, and pass the ordinance through its first reading. Mayor Pro Tem Love seconded the motion.

Mayor Butler called for the roll on the motion which would permit the operation in apartment units having 175 units or more.

The motion to allow permits in apartments having 175 units or more carried by the following vote:

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

Mayor Butler announced the substitute motion had carried. Councilman Lebermann stated it appeared the concern was that these apratment units be clustered, and that would be an advantage by this special kind of zoning as opposed to those apartment units which are near intrusions into "A" neighborhoods.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD., NASH PHILLIPS, ATTORNEY-IN-FACT; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols
Noes: 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 AUSTEX DEVELOPMENT COMPANY, LTD., NASH PHILLIPS, ATTORNEY-IN-FACT; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

CODE AMENDMENT--TRAFFIC CONTROL DEVICES

Mr. Joe Ternus, Traffic Engineer, presented slides showing the designs of the various traffic signs and devices. He stated they could start implementation of these changes in the manual and that paving markings would be in compliance in January 1973; signs installed by 1975; and traffic signals in 1977.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-38 OF THE AUSTIN CITY CODE OF 1967 BY REQUIRING THE TRAFFIC ENGINEER TO PLACE AND MAINTAIN OFFICIAL TRAFFIC CONTROL DEVICES AS LISTED IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS," 1971 EDITION, AS PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, EXCEPT WHERE SUCH MANUAL IS IN CONFLICT WITH STATE LAW; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ 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 Friedman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

SPEED ZONES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967 SO AS TO SET THE MAXIMUM PRIMA FACIE SPEED ALONG OHLEN ROAD AND PEYTON GIN ROAD; 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 Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann
Noes: None

The Mayor announced that the ordinance had been finally passed.

NATIONAL HEALTH SERVICE CORPS

Mr. Terrance Woods, representing the Human Opportunities Corporation explained the work of the National Health Service Corp was to provide for and assign health personnel to poverty areas. It would also encourage these personnel to stay in the area after the assignment period was over. It would provide health service in clinics until a City-wide neighborhood health clinic service could be implemented under Dr. Sessums guidance. It was pointed out that in the areas proposed to be served there is a 40% greater rate of 10 health categories, including heart disease and accidents.

After some discussion, Councilman Dryden moved to postpone this for one week while relevant material could be studied. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ZACHRY SCOTT THEATER

Mr. Alvin J. Golden, President of the Zachry Scott Theater, invited the Council to be guests of the Theater at lunch when the new Theater Building is built on property which the City is allowing them to use. He suggested April 13th or April 20th.

Mr. Golden explained their contract with the City, poi-ting out the rental of the building by the City and computing the costs, and suggested that it would be better to agree on a flat monthly rental based on a projection as opposed to each Department Head deciding whether or not he wanted to use the building and spend the funds at that time. The Parks Department estimated 1,340 hours of use for its activities. He said he followed guide lines of the auditorium singling out Class 3 Rate (non-profit) and applied that rate to the hours and came up with $7,730.00. He said of course a discount would be in order, as their costs would not run that high. He emphasized they were not seeking funds not included in the contract. They were asking to set an amount payable on a regular basis to be

projected for City use for the Theater. Discussion was held and Councilman Nichols suggested $250.00 a month. Mayor Butler noted there was $15,000 in the last budget for thid Theater. Mr. Golden stated this was a service contract to the City. As to the $15,000 appropriated in the fiscal year, Mr. Golden explained this money was not for services in the Theater but for services in cooperation with the Parks Department. He listed the productions the Theater had engaged in with the Parks Department -- the summer musical, Christmas productions, etc. Mayor Butler noted there would be about six months that he would be open, and they would have this $15,000. He pointed out the budgeted amount and this $3,000 would not run concurrent.

Councilman Dryden moved they approve $3000 or $250.00 a month. The Mayor suggested the amount set at $1,500 which would make it coincide with the other appropriation.

Councilman Dryden amended his motion to approve $1,500.00 to be added to the contract expiring October 1, 1972. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The City Attorney stated an ordinance appropriating this would be brought in next week.

NORML - "MARIJUANA"

Mr. Steve Simon represented the Austin Chapter of NORML, the National Organization for the Reform of Marijuana Laws, dedicated to achieve reform of marijuana laws, both State and Federal. He discussed the pamphlet entitled "Marijuana", stating Governor Schaffer, in his speech last night, said concerning the findings of the National Commission on Drug Abuse, that the distortions and irrationalization need to be discarded. He listed associations endorsing the removal of criminal penalties for possession or use of marijuana; and that its sale to adults be licensed by the State similar to the sale of alcohol. He cited various institutes which deny that marijuana causes birth defects, or have any effects on crimes and violence. He referred to a letter from a doctor at the Mental-Mental Retardation Center, stating some of the statements in the article were not true. Mr. Simon discussed inaccuracies, exaggerations, distortions, and apocraphyl statements concerning marijuana. He referred to Woody Jones who is dedicated to this cause. Mayor Butler asked what professional qualifications did Mr. Jones have. Mr. Jones stated he was a student and had made a study of various research and information. Mr. Simon said they were in a campaign of reeducating. He referred to the Presidential Commission who made an exhaustive study. Mr. Simon stated he was at the Council to have the phamphlet removed from distribution.

Councilman Friedman stated should the pamphlet be continued, it should be updated and improved. Councilman Friedman moved that distribution of this pamphlet be stopped, and have the agencies, the Police Department, and Mr. Cootes revise it so that it would conform more with fact and not with fiction as is presented here. Councilman Lebermann suggested the Council take it under advisement.

Mayor Butler asked Mr. Simon if any pamphlet that tried to discourage people from using marijuana would meet with his approval. He added that there were doctors that would disagree with the expressions made by the physicians Mr. Simon

has named.

Councilman Handcox said that where the City had a part, the pamphlet should be as factual as possible. He seconded Councilman Friedman's motion to suspend the distribution, and study the situation.

Mayor Butler asked Mr. Simon if there were a pamphlet anywhere that he would approve negative to marijuana. Mr. Simon said there was not; that he was asking for a pamphlet stating the facts about marijuana; and he did not know of one that does. Mayor Butler pointed out that what is bad can be noted, but no alternative is given in many instances. If Mr. Simon had a suggestion or another pamphlet that warned young people against the use of marijuana, full of truth, he would like to see it. He stated that this could be a matter of opinion and dependent on who is speaking. He stated assuming that there are some inaccuracies in it, or overstatements, he would like for Mr. Simon to bring something to replace it before it is stopped.

Mayor Butler asked Mr. Simon if he were for the legalization of marijuana. Mr. Simon stated that personally he was. Mayor Butler asked if he were more interested in that than in steering people away from hard drugs? Mr. Simon felt that a lot of innocent people were sent to jail and having permanent criminal records attached to their life for smoking something as innocuous as alcohol. It was pointed out Mr. Simon's main thrust was the law -- and had nothing to do with the inaccuracy of the pamphlet. Councilman Handcox disagreed, and he thought there were some areas that the Council should look at for the overall good of the community, and not be responsible for distorting facts.

Councilman Dryden offered a substitute motion, that the Council seek to find and get the recommendations made by the National Council which was presented last night; and those from the Federal government or Senator Richter, and that the Council send these out as guidelines. Mayor Butler asked if this should be left until those are received.

Councilman Friedman agreed with the motion, and wanted to incorporate that within his motion, using those guidelines and hold up distribution of the pamphlet until a new brochure can be reprinted.

Mayor Pro Tem Love stated if he understood the motion, that hwen the recommendations of the President's Commission, which the Council will seek immediately, are received, that it will adopt those guidelines to replace this pamphlet, but it will not be replaced until that time. Councilman Dryden stated that those guidelines could be obtained in the morning.

Mayor Butler urged that this pamphlet be left in until the new one is received. Mayor Pro Tem Love stated there are thousands of different opinions on the subject. This pamphlet has been distributed, but it may be replaced very shortly with a report from the Commission. He seconded Councilman Dryden's motion.

In discussion, Mr. Stewart Esker stated he had gone to many high schools in Austin and colleges, and talked about hard drugs. He stated he brought up some of the points in the pamphlet and students at Lanier did not believe it and laughed when it was read.

Roll was called on Councilman Dryden's motion to get the recommendations of the National Council and those from the Federal Government and to continue the use of the present pamphlet until that time. The motion, which was seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Handcox, Mayor Butler
Noes: Councilman Friedman
Not in Council Room when Roll was called: Councilman Lebermann

Mayor Butler said he would like to enlist Mr. Simon's aid and enthusiasm on the area of hard drugs.

PARADE PERMIT GRANTED

Councilman Nichols moved the Council grant a request by Mr. Charles Porter, Jr. for a parade permit to celebrate Round Up '72 on April 15, 1972, from 1:00 PM to 4:00 PM. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

TEXAS EMPLOYMENT COMMISSION'S REQUEST FOR VARIANCE

Council discussed the request by TEC. After it was noted that the sub-grade parking area would be 16' from the curb, leaving room for utilities, Councilman Nichols moved the Council adopt a resolution granting the application of the Texas Employment Commission for a variance in conjunction with an office building that will be located on a city square block, bounded by East 14th Street, East 15th Street, san Jacinto and Brazos Street. The motion, seconded by Councilman Friedman, carried by the following vote:

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

TOWN LAKE RECOMMENDATION ON SPECIAL ZONING DISTRICT

Councilman Lebermann stated the Council had asked the Planning Department and Legal Department to come forward as quickly as possible with a Town Lake recommendation. They are ready, and he would like to hear this report.

Mr. Dick Lillie, Planning Director, presented the recommendations on special zoning district. He said on Town Lake there is a total of 12.8 miles of shore line, of which 77% or just over 10 miles is publicly owned by the City and State. There is about 2.7 miles of shore line in private development -- about 15,000' along Stratford Drive west of Zilker Park. He described the private development; pointed out the sand beach reserve, and a flood inundation easement. He showed the two fill projects, and pointed out the zoning uses, including the "D" Industrial. The special district will be reviewed by the City Attorney, and they will correct the zoning conflicts.

Mr. Don Butler, City Attorney, reviewed matters for the abrogation of the boundary agreements in quite detail. Mayor Butler asked if anyone on the Parks Board had thought about purchasing the Miller tract.

Discussion covered Christie's improvement, and the action the City should

take. Mayor Butler suggested that he City Attorney call the two owners Mr. Jaeger on the Miller Tract; and Mr. Sarris, Christie's,and advise them of the Council's concern in protecting the lake and the natural shore line as it now exists. The City Attorney ran a general schedule for passage of Special Zoning District Ordinance. He stated he understood the Council's instructions were to negotiate with those two property owners immediately and send the proposed ordinance to the Planning Commission. In the meantime, the Council could be studying it.

Councilman Lebermann moved the Council send the proposed "L" Lake District Ordinance to the Planning Commission following the schedule as outlined by the City Attorney. 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
Not in Council Room when Roll was called: Councilman Friedman

Councilman Lebermann added a suggestion that it is important to start beautifying Town Lake, and of going underground with the electric utilities along the lake shore. Councilman Nichols asked that a report from Mr. R. L. Hancock be brought in by next Wednesday.

City Attorney Butler brought out this ordinance would apply to other particular areas, such as Decker Lake.

USE OF CITY AUDITORIUM

Councilman Lebermann brought up for discussion a policy on the Auditorium. The local merchants pay ad valorem taxes, as well as inventory taxes. The Council discussed such a policy. City Attorney Butler stated that he would come back with some suggestions, probably that there be no exclusive leases to an individual business operation; but there could be these institutional or trade shows, or activiites. Mayor Butler asked the City Attorney to bring in some material on this next week. Councilman Lebermann stated that individual merchants for specific sales from out of town could be invited as long as they pay the same inventory tax before the sale.

AUSTIN SWIMG INTO SPRING

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I TO APPROPRIATE FROM UNAPPROPRIATED GENERAL FUNDS, AND TO CREDIT TO A CERTAIN DEPARTMENT OF PARKS AND RECREATION ACCOUNT, AN AMOUNT TO BE EXPENDED FOR THE INSTITUTION OF THE "AUSTIN SWIMG INTO SPRING" PROGRAM; 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

AUSTIN ASSOCIATION OF RETARDED CHILDREN

The item request of the Austin Association of Retarded Children to appear before the Council was postponed until the following week.

NEIGHBORHOOD MEETING TO BE AT
HUSTON-TILLOTSON COLLEGE
MAY 11

Mayor Butler stated Dr. John King had invited the Council to hold its next neighborhood meeting at Huston-Tillotson College.

Mayor Butler on behalf of the Council asked that Dr. King be notified that the Council had accepted his invitation, and that the meeting would be scheduled at 7:30 P. M., May 11, 1972.

ARSON REWARD

Councilman Nichols moved the Council approve the arson reward. 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: Councilman Friedman, as he does not approve of bounties

"ISSUES"

Mrs. Donald Fiegel wanted to discuss "Issues". She discussed personnel. She reported having talked with some on the Charter Commission regarding a request that the Government be changed where as the Council answer to the Mayor. The City Manager would take instructions from the Mayor. Mrs. Fiegel reported those living at 1711 Franklin started filling in their car port over a week-end, and these people took old lumber with the bad side on her side. She called for the Building Official, but was told they could not come on a week-end. Three months later, they obtained a permit, and she asked that this ordinance be rescinded.

Mayor Pro Tem Love stated that other than the complaint about the car port, most of her problems had to do with personnel.

SECURITY DEPOSIT SUGGESTION

Mayor Pro Tem Love stated Mr. James Boyle, University, had come up with a Security Deposit suggestion, and he wanted this referred to the City Attorney.

ADJOURNMENT

The Council adjourned.

APPROVED: Roy Butler
Mayor

ATTEST: _____
City Clerk