

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 13, 1972
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen
Lebermann, Handcox, Mayor Butler
Absent: Councilman Handcox (out of town)

The Invocation was delivered by REVEREND FRANK WALKER, First Southern Presbyterian Church.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Regular Meeting of June 29, 1972. The motion, seconded by Councilman Nichols, carried by the following vote:

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

EASEMENT RELEASED

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

A portion of an existing drainage and wastewater easement out of Lot 4, ROCKWAY SUBDIVISION.

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

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

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

A portion of an existing public utilities easement out of Lot 13, BRYDERWOODS "G".

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

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

Noes: None

Absent: Councilman Friedman

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

A portion of an existing driveway and public utilities easement out of Lot 1, Block "Y", NORTHWEST HILLS, CAT MOUNTAIN SECTION.

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

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

Noes: None

Absent: Councilman Friedman

ANNEXATION HEARING SET

Mayor Pro Tem Love moved the Council adopt a Resolution setting a public hearing at 2:00 P.M., July 27, 1972, to consider annexing the following:

100.828 acres of land out of the Santiago Del Valle Grant - proposed ONION CREEK FOREST SECTION ONE, ONION CREEK FOREST SECTION TWO, unplatted land, and a portion of Nuckles Crossing Road. (Requested by owner)

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

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

Noes: None

Absent: Councilman Handcox

STREET NAME CHANGE

Councilman Nichols moved the Council adopt a Resolution authorizing the street name change from Beacon Drive to PECAN BROOK DRIVE, located in Crystalbrook Section Two and Bluestein Shopping Center. The motion, seconded by Councilman Dryden, carried by the following vote:

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

UTILITY JOINT USE AGREEMENT

Councilman Nichols moved the Council adopt a Resolution authorizing the City Manager to enter into a utility joint use agreement with the TEXAS HIGHWAY DEPARTMENT to install water and wastewater mains in the right-of-way of Interstate 35 from 39th Street south to 12th Street. 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: None
Absent: Councilman Friedman

CONTRACTS AWARDED

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

GENERAL MOTORS CORPORATION	- 45-Passenger Air Conditioned Buses -
GMC TRUCK & COACH DIVISION	40 each @ \$39,169.92. Total \$1,566,796.80.
(Pontiac, Michigan)	

Mayor Butler introduced Mr. Israel Valdez, Director of Special Programs from the United Mass Transit in Washington.

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

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

Mayor Butler stated he was a General Motors Dealer in another city; and in spite of possible conflict, he voted on this contract as he was delighted to have this service for the City, as this will cure a long ill the City has suffered, and it is good to be at this point.

City Manager Davidson stated Mr. Valdez was happy about this and the Staff is well pleased with the good unit price received on these bids. Three other cities received bids and their prices varied from \$41,486, up to \$42,926; another city paid \$41,400, and Atlanta, Georgia paid \$42,000. Mayor Butler stated this was one of the worst problems this Council had encountered, but this move is the next to the last step in solving this problem.

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

HERSEY PRODUCTS, INC.
(Dedham, Massachusetts)

- 6" Compound Water Meters, Supply Agreement with extension option - 6 each - Total of \$10,982.88.

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

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

Noes: None

Absent: Councilman Friedman

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

ROBERT HURST COMPANY

- For the installation of approximately 342 linear feet of 15", 724 linear feet of 10", and 342 linear feet of 8" sewer main and appurtenances - MoPac Blvd. - \$20,156.50. (45 working days for completion; Capital Improvements Program Project No.5054 5)

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

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

Noes: None

Absent: Councilman Friedman

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

E. E. STUESSY COMPANY

- For Electric Ductline at Bee Creek Substation - \$53,680.00. (90 calendar days for completion; Engineer's estimate was \$45,970.00; Capital Improvements Program Project No. 3507 1)

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

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

Noes: None

Absent: Councilman Friedman

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

Tractor-Loader-Backhoe

MUESSE'S ECONOMY TRACTOR (Austin, Texas)	- Bid Item 1, One each Extra Light Duty - Total \$4,685.00.
LANFORD EQUIPMENT CO. (Austin, Texas)	- Bid Items 2, 3, 4, and 5, Five each Medium Duty - Total \$50,980.00.
RIVER CITY MACHINERY CO. (Austin, Texas)	- Bid Item 6, One each Heavy Duty - Total \$13,661.00.

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

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

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

RIVER CITY MACHINERY CO. Austin, Texas)	- Air Compressors - 4 each 150 CFM @ \$3,300 2 each 250 CFM @ \$7,500 TOTAL \$28,200
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The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

TERRY EDWARDS CONSTRUCTION CO. (Austin, Texas)	- For street improvements to Bennett Avenue Bethune Avenue and sundry other streets con- sisting of 11 units, Contract No. 72-Pa-113 - \$190,904.05. (100 working days for completion; Engineer's estimate was \$163,490.00; Capital Improvements Program Project No. 6041 1)
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The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

ED H. PAGE
(Austin, Texas)

- For construction of a reinforced concrete multiple box culvert in Metcalf Road at a point west of Catalina Drive, Contract No. 72-Cc-117. (Engineer's estimate was \$13,500; Capital Improvements Program Project No. 6526 7)

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

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

Bids Rejected

Councilman Nichols moved the Council adopt a Resolution rejecting the following bids and authorizing readvertisement:

For miscellaneous drainage improvements, Group I, 1972 (Vanderbilt Circle, Wellington Drive/Thames Circle, Pandora Street, Miles Avenue) Contract 72-Db-112)

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

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

Councilman Nichols moved the Council adopt a Resolution rejecting the following bid and authorizing readvertisement:

For Maple Avenue Alley easement drainage improvements from East 18th Street northerly 326 feet, Contract 72-Db-111.

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

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

The reason for readvertising is the large differences between the Engineers' estimates and the bids.

SALE OF HOUSES

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

L. B. Shifflett 2303 Lake Austin Boulevard \$1,521.00

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

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

Noes: None

Absent: Councilman Friedman

GRANT CONTRACT AGREEMENT - H. U. D.

Councilman Nichols moved the Council adopt a Resolution authorizing the City Manager to accept and sign a grant contract agreement with the Department of Housing and Urban Development providing \$226,375 in federal monies for construction of two softball complexes; and agreeing to all provisions setforth in the contract. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent; Councilman Friedman

In answer to Mayor Pro Tem Love, City Manager Davidson said this grant makes it possible to add one in the north part of the City (Walnut Creek area) and a portion of the grant covers the one approved by the Council in the south part of Austin.

AMENDMENT - SPECIAL TRANSPORTATION PROJECT

Councilman Nichols moved the Council adopt a Resolution authorizing amendment to the Special Transportation Project to reflect certain route changes. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent/ Councilman Friedman

MODEL CITIES APPLICATION - HOMEMAKER SERVICES

Councilman Nichols moved the Council adopt a Resolution authorizing the Model Cities Department to submit an application with the Texas Department of Public Welfare for the Homemaker Services for the Elderly project. The total cost of this project is to be \$147,545. Model Cities share is to be \$44,264. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE NORTH 50 FEET OF THE EAST 140 FEET OF LOT 15, BLOCK 12, BROADACRES SUBDIVISION, LOCALLY KNOWN AS 5624 WOODROW AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Doyle Chapman C14-71-295)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 0.914 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1000-1006 EAST 52ND STREET; 5201-5203 HARMON AVENUE; AND 1009-1015 EAST 53RD STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIFTH 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. (W. W. Knappe C14-71-298)

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

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

Noes: None
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE WEST 70 FEET OF LOT 3, BLOCK 3, PLEASANT GROVE ADDITION, LOCALLY KNOWN AS 3907-3909 PETERSON AVENUE; 1407 WEST 39½ STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (E. W. Cullers C14-72-048)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
(1) ALL LOTS EXCEPT LOTS 1, 2, AND 3, BLOCK B, RESUBDIVISION OF PORTION OF WINDSWEEP ACRES, SECTION 2, LOCALLY KNOWN AS 5612-5910 NANCY DRIVE; 5703-5905 NANCY DRIVE, FROM "A" RESIDENCE DISTRICT TO "MH" MOBILE HOME DISTRICT; AND,
(2) AN 8,862.469 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 210-216 SOUTH LAMAR BOULEVARD (ZACHARY SCOTT THEATRE CENTER), FROM "A" RESIDENCE DISTRICT TO "C-2" COMMERCIAL 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. (Don Seward, et al C14-72-121, City of Austin C14-72-129)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 0.24 ACRE TRACT OF LAND, AND THE ENTIRE VACATED ALLEY BETWEEN SUBJECT PROPERTY AND LOTS 10 AND 11, BRULAGE SUBDIVISION, LOCALLY KNOWN AS 1001-1005 SHOAL CREEK BOULEVARD; 824 WEST 10TH 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. (Henry Wendlandt, Jr., E. E. Naumann C14-72-126)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
(1) A 27,412 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 710 WEST AVENUE, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECONDED HEIGHT AND AREA DISTRICT ON THE EAST 137 FEET, AND FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT ON THE REMAINDER OF THE TRACT OF LAND; AND
(2) AN 11,780 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3712 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;
ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (A. R. McTee C14-72-127, As S. Duncan C14-72-110)

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

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

The Mayor announced that the ordinance had been finally passed.

REPORT ON EMERGENCY HEALTH CARE - BRACKENRIDGE

Mayor Butler brought before the City Council the item on emergency health care. Two weeks ago, the Council asked the City Manager and the Hospital Administrator to begin a study to determine the best course of action to provide emergency physician services at the hospital. This is an interim report mainly to inform the Council as to what Mr. Will Brown is doing in negotiating a solution.

Mr. Will Brown, Administrator for the Hospital, stated they are working with the Executives and Physicians of the non-profit Central Texas Medication Foundation, funded through the auspices of the Travis County Medical Society to assure continued physicians to maintain emergency-physician services at Brackenridge Hospital. He explained that the American Medical Association advises that no longer can post-graduate education be used for service; and the intern cannot practice medicine. The Physicians, Hospital Board, the City Manager, and the Council are seeking to perpetuate a better system through working with the Foundation to provide physicians 24 hours a day on a fee-for-service basis, billing the insurance companies and other sources of coverages available.

The physicians would see the emergency patient at a standard fee of approximately \$10.00 to be billed by the Foundation, and services collected. The physicians would use the emergency room and extension clinic to provide these services; and they, in turn, would be teaching interns and residents. He anticipated as the hospital expanded, so would the emergency care services, and pointed out over 45,000 emergencies would be cared for in this year; and by 1975, there would be 65,000.

In about 30 days, Mr. Brown stated they should have a report back to the Council, covering a method of billing, and a fee schedule. This would be an excellent system to assure and guarantee the best. In the meantime, they will be doing operational research, and by October 1st, they will have the system in service.

City Manager Davidson noted two alternatives, one of which would be employing eight full-time physicians, and the City's going into the physician business. Mr. Brown explained the possible methods of manning the emergency room 24 hours a day by the Foundation. He proposed that 20 or 25 of the current practicing physicians take an eight or 12 hour shift, for the operational research. These physicians would be in the emergency room seeing every patient.

Mr. Brown emphasized the role of Brackenridge is to provide care and to render fees where logically, ethically, and legally permitted. The recommendation is to build a private practicing group of physicians who will see all patients, and the Hospital will be allowed to render a reasonable fee for services rendered.

Councilman Handcox stated it was necessary to utilize public service time through the media to advise people on calling their doctor on an emergency case so that he could arrive at the Hospital about the time the patient did. Councilman Handcox asked the media for some of their public service time to alert the citizenry of this requirement. Mr. Brown had recommended to the Central Texas Medical Foundation be set up to inform the general public of the emergency physician's

services. They had talked with the press to do this in several languages. Brackenridge should remain the medical center, treating the trauma and the emergencies. Councilman Handcox noted the City was in the Hospital business and it should take the initiative to try to advertise and get the word out to the public and help to alleviate some of the problems in the emergency section. He added TV spots.

Councilman Dryden gave a resumé of such publicizing over a period of years, stating it has to be continued program. Recently there had been fliers on this subject sent out in the utility bills.

Mayor Butler suggested that Mr. Cootes assist the Council in this advertising matter. City Manager Davidson agreed, and listed many other effective ways to distribute this information - through elementary schools, etc.

Mr. Brown said the recommendation on this program would be submitted to the Council in 30 to 45 days.

Councilman Dryden called attention to the doctors of Travis County who have been cooperative in trying to solve this problem. He emphasized the fact that doctors that practice at Brackenridge Hospital are now manning the emergency room and giving their time. This is a very important matter for the Council to consider, and it should study the long-range planning. He did not believe the citizens of Austin ever understood what these doctors do in the emergency room, and stated the doctors were long over due a debt of gratitude. Councilman Dryden asked the Council to consider the program further than has been recommended.

ANNEXATION HEARING

It being 2:00 P.M., Mayor Butler opened the hearing scheduled for this time on annexing the following properties. No one appeared to participate in the hearing. Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

30.20 acres of land out of the James Burleson Survey:

23.51 acres, proposed COLONY PARK SECTION 1,
PHASE 1. (requested by owner's representative)

6.69 acres - R.O.W. on JOHNNY MORRIS ROAD and
DECKER LAKE ROAD. (initiated by owner's representative)

94.05 acres of land out of the Santiago Del Valle Grant - proposed
PEPPERTREE PARK, SECTION 3. (requested by owner's representative)

19.268 acres of land out of the Theodore Bissel League - WHISPERING
OAKS III. (initiated by City)

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: None
Absent: Councilman Friedman

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD. AND CLEAR CREEK PROPERTIES, INC.; 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
Lebermann, Handcox, Mayor Butler
Noes: None
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING WITHDRAWN

Councilman Nichols moved the Council grant the request to withdraw Zoning Case No. C14-72-090 by Martin Boozer, Jr., for Leroy Lange, 8401-8403 Bowling Green and 2210 Doris Drive, originally heard by the Council on June 1, 1972, and referred back to the Zoning Committee. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

NATURAL RESOURCES & ENVIRONMENTAL QUALITY BOARD RECOMMENDATION RE: WALNUT & WILLIAMSON CREEKS.

City Manager Davidson stated Dr. Leon Cole, the Chairman of the Citizens Board of Natural Resources and Environmental Quality, had submitted a letter and their report to the Council, and asked that Mr. Stuart Henry, the Director of that Department, present the report.

Mr. Stuart Henry stated this report from the Board is in response to a motion introduced by Councilman Friedman on June 1st. The initial request concerned two subdivisions: Northwood Subdivision and Valley View Acres. The representatives of those two subdivisions and other developers of subdivisions, including Bluebonnet Estates, indicate they would not be adverse to a no-discharge permit from

the Water Quality Board. He pointed out possibly the developers might try irrigation as an interim solution in small subdivisions, and explained how stage development in small subdivisions is susceptible for irrigation only on an interim basis.

One developer, Mr. Kevin, changed his request before the Water Quality Board to a request for a package plant whereby the effluent from the plant would be irrigated. His future development would require almost double in capital investment in the plant. His staff is exploring possibilities of City participation in extension of City sewer lines. Mr. Henry stated the Board of Natural Resources and Environmental Quality was faced with various alternatives about treating sewage:

1. The best preference is City sewer lines.
2. To connect to a regional waste treatment facility that may not necessarily be operated only by a municipal government.
3. Package plant; no effluent.
4. Package plant; with effluent.

Mr. Henry stated a continual study is under way on what affects the City.

A preliminary analysis by the Bureau of Economic Geology on land in extra-territorial jurisdiction, where much development is occurring, shows that a large portion will not be susceptible for septic tank use. These developments have created tremendous problems with septic tanks.

The Board in considering their recommendations before the Council, was mindful of the fact that there is no question that the City is faced with a tremendous proliferation of package plants. When the Texas Water Quality Board issues a permit for a package plant, the Planning Commission accepts the plat for preliminary approval. Standards promulgated by the Texas Water Quality Board are based on the dilution capability of flowing waters before recommendation. There are numerous dry creeks in Travis County and Austin, which are not appropriate for 20-20 effluent. Mr. Henry pointed out an example where there are two package plants within three miles of a dry creek, and there are plans for an additional three in the next year. There is a willingness on the part of the developers to try irrigation as an interim approach. The Board considered seriously as to whether they should recommend to the Council a particular standard. In view of rapid changes, and if most developers were willing to go to irrigation on an interim basis, the Board decided not to recommend any particular standards.

The Water Quality Board has indicated they are going to require a zero discharge on certain creeks, particularly Bull and Barton Creeks, which creeks have had considerable problems.

Mr. Henry gave a resumé concerning South Crest Park, Dry Creek; Bluebonnet Estates, Gilleland Creek; Northwood Subdivision, Walnut Creek; Valley View Acres, Williamson Creek; and Barton Springs Apartments application for subsurface irrigation. Six other applications are for zero discharge.

Councilman Lebermann stated the Council would need to adopt a recommendatory resolution, and suggested that the City Attorney from a resolution incorporating these recommendations.

City Manager Davidson reported the Council would have an opportunity shortly to review some of the existing standards as apply to package plants, continuation of septic tanks, etc. This kind of report is intended to provide the Council with the background and recommendations for future recommendations.

As of now, the City Manager stated both the developers agree with the conclusions of this committee report, and he would recommend that the Council indicate its approval, by resolution or motion, of this report and direct that it be distributed to the appropriate agencies.

Councilman Nichols did not want to be in a position of approving even a package plant, as he believed they should be connected to a sewer system like that of the City of Austin or some other city. Mr. Henry noted the Board's concern was similar to that of Councilman Nichols, and, in turn, he set out along with the disadvantages of package plants, the advantages.

Councilman Nichols inquired about the operation of these plants. Mr. Henry stated the Board in general, recommended to the Council that the City, wherever possible and where economically feasible, operate such package plants.

Subdivision Ordinance - Septic Tank Requirements

City Manager Davidson reported the Planning Commission had just submitted a request that the Council set a public hearing to consider an ordinance, appropriate amendments, and establish up to date standards, applicable to package plants, septic tanks, etc.

The Director of Planning stated the subdivision ordinance as pertaining to septic tank requirements is from 30 to 40 years old, The Law Department drafted amendments to the ordinance with respect to septic tanks. The Planning Commission has reviewed the recommendations and requested that the Council set a public hearing to amend the existing ordinance to strengthen those provisions. The Commission also recommended that at the same hearing, the Council consider reviewing the present standards on septic tanks now being enforced by the Health Department. This amendment has nothing to do with package plants or municipal utility districts, but only the question of septic tanks and related standards.

Councilman Nichols suggested a meeting of the City Staff with the Environmental Department, Water and Wastewater Department, and interested citizens who might have some opinions on the matter.

Mayor Butler brought up for discussion the Eichelburger tract - a zero discharge plant's being required to connect to the plant at the adjacent developer's not desiring such connection. Mr. Henry pointed out the necessity for planning regional systems -- perhaps a regional package plant to accommodate four or five subdivisions. Mayor Butler announced this was a very good report, and well done.

Councilman Handcox suggested trying the environmental proposal and the Planning Commission proposal together at the same hearing and act at that time.

After discussion, Councilman Handcox moved the Council vote to hear the study presented by Mr. Henry and that of the Planning Commission at the same time as recommended, August 10, and make a final decision at that time. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Mayor Butler suggested that some of the developers involved should be present, as well as realtors and homebuilders and those who might be engaged in this sort of outside the City development.

BIDS - CROSSTOWN WASTEWATER INTERCEPTOR

Mayor Butler opened the Council meeting at 2:00 P.M. at which time the Council considered the bids received for the construction of the Crosstown Wastewater Interceptor. He called on City Attorney Butler to give a resumé.

Mr. Don Butler, City Attorney, recalled that the past week, arrangements with the attorneys and representatives of Harrison-Western Company of Denver, were made for a polygraph examination. These tests have been conducted by competent operators. Both tests indicated the gentlemen primarily concerned from this company were truthful and the statements given to the Council were accurate. Information provided by Harrison-Western indicated they had made a mistake in omitting material from their bid. He said there are other matters to be concerned with in regard to this bid as an ultimate disposition.

The other company, Hensler-Anderson from California, did not yield to a polygraph examination. The City Attorney pointed out there is no connection between the two companies and the issues are different due to an issue of interpretation. Although this company had been asked to have a polygraph examination, at this time this has not been done, as their parties have not been available, having been committed to projects elsewhere.

Councilman Nichols asked about the checks or bid bonds accompanying the bids, for information about the company, and who the individuals are. The City Attorney stated the bid bonds were 5%; and although the City's engineers had endeavored to obtain information regarding the company, they have been unsuccessful.

Mayor Butler stated the burden of truth is on the two companies who have submitted the low bids as to why they should not be awarded the contract, and their intention to perform along the lines that they certified that they could and would. He called on Mr. Tom Curtis, attorney for Harrison-Western.

Mr. Curtis had submitted to each of the Councilmen written information and asked that Mr. Jay Carlson, manager of the Company, to discuss the situation. Mr. Carlson, under questioning, stated he was responsible for compiling and collating the various components of the bid presented - and for the major part of this estimate. Mr. Carlson gave a resumé of his duties, experience, and his involvement in other large projects, and tunnel work. There is an executive Vice-President who has the power for control in the company's interest, and who had passed on the other large projects as well as the one in Austin. On this particular project there were four individual estimators including himself. They were coordinated by

him, and he and the Vice-president reviewed the estimate. Mr. Carlson said it was his responsibility to see that item 45 was not left out. The Chief estimator, Mr. Huggins, responsible for compiling the figures, was called to grand jury duty.

Mr. Carlson listed the projects in which he was involved as Project Manager, naming a \$4,000,000 project in Colorado Springs, the North American Air Defence Excavation Phase I, where he was the prime contractor. He explained he was promoted to manager of Harrison-Western Tunnel Division two weeks ago.

As to this particular bid, Mr. Carlson outlined the procedure of working out a bid, and how it is followed through by various officials. In this particular case he explained they had worked the estimate up to completion, and did not feel they had any concern as far as making an error of this magnitude. They did not realize there was an error until the numbers were read off at the bid opening. At 4:00 P.M. they had singled the mistake down to Item 45.

Mr. Carlson stated due to various contingencies involved in Contracts 3 and 5, they did not believe that this was particularly the section of the job on which they wanted to bid. Contract No. 1 was more lucrative as ground conditions were better, and there were no water problems.

In answer to City Attorney Don Butler's inquiry, Mr. Carlson stated his experience in this tunnel line was in Canada and none in the United States.

As to the error, Mr. Carlson said Mr. Huggins was the Chief Estimator; but in this instance, he would take the blame for the error in not getting the item included.

In answer to the City Attorney, Mr. Carlson stated they had figured a 15% on the \$6 million 9 bid, which would be \$900,000; on the other bid, they figured \$300,000 but there were no contingencies built in the bid.

Mayor Butler was under the impression that the company would still like to have the job on a higher figure with this oversight corrected. Mr. Darrel Skelton, attorney for Harrison-Western, said because of the pride of their company, Mr. Patrick Harrison, founder, had indicated he would be willing to forego the margin of profit in the concrete liner, if it would help the situation as far as the City was concerned. The total bid then would be 8.9 million, and about \$900,000 less than the next bidder.

Mr. Butler stated that would maintain and protect the 15% profit they had figured in the \$6.9 million. The Mayor asked if the Company would do the job at the \$7.9 figure. Councilman Nichols asked if the City awarded this contract on the apparent low bid, were they ready to execute their end of the contract. Mr. Skelton stated their action would be not to execute the contract within the then day period. Mayor Butler asked about the \$350,000 surety bond. In further questioning, Councilman Nichols mentioned that the polygraph tests were taken in Fort Worth, even though it was agreed that those tests would be taken with the City's attorneys and attendants present.

Mr. Skelton was asked by Mayor Butler to check with his principals as to their performing the entire contract on a cost basis as they see it and then get back before the Council.

Mr. Doren Eskew, attorney for Hensler-Anderson, stated no principals of the Company were present, and he was representing them, as one is in California and the other in Nevada. He wanted to hear the recommendation of the Engineers and the City Administration as they had not yet made any recommendation. Mayor Butler stated this was the Council's responsibility; and if there is a low bid with a surety bond, and the Council is in a position to proceed, to award the contract now. Mr. Eskew stated he had not figured any of the bids and that he was contacted Friday afternoon about 7:00 P.M.

Mr. Eskew was asked if he were ready to receive the contract. Mr. Eskew said they were ready to accept the contract upon which they bid, namely the entire job. Mr. Eskew asked to be heard. He discussed the specifications, stating they were not crystal clear, and he read in part the specifications pointing out there is no doubt that what the City wanted was one gravity flow tunnel from Walnut Creek upstream across the City as far as they could afford to build it -- either all the way to Shoal Creek all the way to Dry Creek, or all the way to Bull Creek.

The Hensler-Anderson people are not suggesting that they left out anything from their bid or that they made any mistake either to their basic bid or in respect to doing the whole job. He reviewed the specifications and the manner in which his clients had bid. On May 10, a day after the bids were opened, the bidders sent the City Manager a telegram to make sure that the City did not misinterpret its offer as a bid on the work upstream from Shoal Creek standing by itself but as an offer to do the upstream work in conjunction with an award to this bidder of the work downstream from Shoal Creek. (Copies of the telegram were distributed to the Council Members by Mr. Womack) The next day, the City Manager sent a telegram to the bidder, referring to Page 3 of the documents setting there was no requirement for one contractor to perform all the work (Copy of that telegram distributed) Councilman Nichols questioned why this was not handled before the opening of the bids.

Mr. Eskew stated the fact that there was a wide spread of about \$2 million between this and all other bidders, would clearly show that the omission from the proposals on contracts 2 and 3 had occurred. Mr. Eskew followed the various steps taken, and filed copies of telegrams and communications, including an opinion by their attorney that there had been an honest error which would entitle him to withdraw his bid. The Bidder restated they honestly misinterpreted the bid document and asked their bid not be considered for an award of contract 2 or 3 alone, Hensler-Anderson did not provide requested information from the Consulting Engineers, as local counsel for Hensler-Anderson restated their bid had been withdrawn on contract 2 or contract 3 alone. (Copy of that notice distributed to Council) The local attorney confirmed in writing to the City Attorney that Contract 1 alone had not been withdrawn because there was no mistake in it.

Councilman Nichols said the people are not present and are unable to testify to the Council; they walked off to other states and said nothing; and refused to show up before the Council; their address is unknown, and information on the officers of the Company is not available.

Mr. Eskew stated the amount involved in the bid is so obviously an error.

Councilman Nichols asked if Mr. Eskew were willing to withdraw 1, 2, and 3, from the entire contract. Mr. Eskew agreed if it could be done without any harm insofar as their bid bond on No. 1 was involved, because no error was made on Number 1, and there is no basis for withdrawing it; but they are willing if the Council wants them to. His clients had already withdrawn from Nos. 2 and 3, and they have already withdrawn from No. 1 if the City would permit them to do so.

Mayor Butler stated there are things bothering the Council and they do have questions. The Council's role is that of trustees for the tax-payers on this large and important project. He joined Councilman Lebermann in wondering why with an \$8.6 million bid, the Company has not sent a principal here to be heard.

Mr. Eskew stated that his clients had spent quite a good deal of money in preparing the bid, and the City has paid no consideration to these people for the submission of their offer.

Mayor Butler asked if the City would be bound and the Council so stipulates would his clients be bound on the basis of the results of the polygraph test. (Referring to Contract No. 50293) Mr. Eskew would not recommend to his clients to do so.

Councilman Lebermann suggested since the consulting engineers had permitted these people to bid and since they were able to make bond in order to have them come before the Council where they could learn more about them, this could be postponed a week if Mr. Eskew feels he could locate these people.

Mr. Frank Bryant, Matthews-Leeds-Hill-Bryant-Currington, referred to the bidding document as to the bidder's submitting along with the bid a statement as to his previous experience, performance, his business in technical organizations, financial resources, complete list of equipment he proposed to use in excavating, supporting, and lining the tunnel to permit comparative evaluation of his bid. To his knowledge there was no confirmation to these inquiries. Mr. Currington stated since he had not been able to know what the qualifications of the bidder are, he would recommend that they should not be awarded the job. In answer to City Attorney Butler, Mr. Bryant said he had no indication that they were qualified; and whether or not they could accomplish the job would be improper for him to say.

Mr. Lange, Consulting Engineer, stated the second low bidders on this job would be quite confident and capable of carrying out the work.

Mr. Skelton, representing Harrison-Western, returned to the Council Chamber, stating he had talked to the Vice President of the Company and he felt that the dropping of the \$300,000 was a very valid indication of their sincerity in trying to right the situation in light of their mistake. They did not feel that they could go further than that because of the potential problems they have on these jobs. Mr. Skelton said his clients were still willing to do the job for the 8.9 million dollars as he indicated, because they are a competent and reputable company.

City Attorney Butler asked if Harrison-Western wishes to withdraw their bid. Mr. Skelton stated at the \$6.9 million they did. They would be willing to do the job at the \$8.9. Mr. Don Butler asked if he desired to withdraw his bid without any questions that the Council should make an award to a different company. Mr. Skelton answered "yes". In answer to Mr. Don Butler's inquiry, Mr. Eskew stated they would withdraw across the board - 1, 2, and 3.

City Attorney Don Butler pointed out the difficulties in the overlapping of legal, engineering, policy questions, and staff efforts. He pointed out if the City should seek to make the award and the Federal government should not approve the award there would have to be extensions of the bids and other matters adding to increased cost. Should the bidders be awarded the bid, there could be unhappy people on the job, and the cost might be more than to go to someone else. There is merit in reforming the bid of Harrison-Western to accept \$8.9 million. He said the second low bidder should be awarded the contract on the basis that the apparent low bidders have claimed mistakes, that they have withdrawn, and they appear not to meet the qualifications of the job.

City Manager Davidson stated the recommendation would constitute award of contract 50291 to the lowest qualified bidder, PETER KIEWIT SONS' INC. for their low bid in the amount of \$9,852,300, and contract No. 50293 to the lowest qualified bidder, GRANITE CONSTRUCTION COMPANY for their low bid amount of \$10,121,320, both awards subject to approval of the Environmental Protection Agency, and he so recommended.

Councilman Nichols moved the Council adopt a Resolution awarding Contract 50291 to the lowest qualified bidder, PETER KIEWIT SONS' INC. in the amount of \$9,852,300; The motion, seconded by Councilman Lebermann, carried by the following vote: (subject to approval of the Environmental Protection Agency)

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

Councilman Nichols moved the Council adopt a Resolution awarding Contract 50293 to the lowest qualified bidder, GRANITE CONSTRUCTION COMPANY for their low bid in the amount of \$10,121,320, subject to approval of the Environmental Protection Agency. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Mayor Butler announced to the Council that a question had arisen, and if in the protection of the project the Council does undertake this position which this motion would call for, if in the judgement of the Council or the Legal Department, any action either punitive or curative should be taken against either of these firms. This was one of the questions; and by taking this action, it may really preclude any other actions.

Councilman Lebermann stated they understood; but under the circumstances, he thought the best alternative is that which they are about to take now and for the future.

Mr. Richard Baker was recognized.

ADJOURNMENT

On Mayor Pro Tem Love's motion, Councilman Lebermann's second, the Council adjourned.

APPROVED: _____

Ray Butler
Mayor

ATTEST: _____

City Clerk