

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 27, 1972  
10:00 A. M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding. It was noted that Councilman Handcox was absent and that Councilman Lebermann would be arriving late.

Roll Call:

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

The Invocation was delivered by REVEREND JOHN C. TOWERY, Congregational Church of Austin.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of the Council on July 13, 1972. 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

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution to set a public hearing at 2:00 P. M., August 10, 1972, to consider annexing the following:

Total of 111.06 acres as follows:

19.54 acres of land out of the William Cannon League, proposed BUCKINGHAM RIDGE, SECTION ONE.  
(requested by owner's representative)

91.52 acres of unplatted land out of the William Cannon League. (initiated by City)

Total of 35.75 acres of land as follows:

32.90 acres of land out of the James Burleson Survey - proposed COLONY PARK, SECTION ONE, PHASE TWO. (requested by owner)

Councilman Nichols noted there is an expressed intent to annex this property, and a setting of a public hearing would not be a detriment to the annexation or to the refund contract as set out in the letter of Mr. Butler to Mr. Richard Baker.

2.85 acres of land out of the James Burleson Survey - portion DECKER LAKE ROAD. (initiated by City)

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

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

#### STANDARD UTILITY AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a standard utility 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: Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love  
 Noes: None  
 Absent: Councilmen Lebermann, Handcox

#### SALE OF HOUSES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of the following houses:

Accept negative bids - structures to be demolished

Clarence Cullen	1100 Atkinson Road	\$291.00
Southwest Rathgeber	4903 Santa Anna	\$272.27
August Heyer	1309 Concho	\$150.00
Clarence Cullen	2007 New York	\$289.00

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

#### ACQUISITION OF LAND

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for Police and Courts Complex:

708 Sabine Street                      Partial Acquisition  
Austin National Bank, Trustee

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

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

#### ESTABLISH LABORATORY

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to apply for \$27,948 in Criminal Justice Council funds to establish a Narcotics and Dangerous Drug Analysis Laboratory at the Austin Police Department. 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: Councilmen Lebermann, Handcox

#### POLICE/COMMUNITY RELATIONS PROGRAM

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to apply for \$117,262 in Criminal Justice Council monies to fund the second year of the Police/Community Relations Program. City Manager Davidson stated 25% of the money is from Model Cities. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### MODEL CITIES PROPOSALS

Councilman Nichols moved the Council adopt a resolution authorizing Model Cities Department to contract with the Austin Independent School District (AISD) for the Continuing Education Project #21500. The total cost of this project is \$88,313 - Model Cities is funding 100% of the cost. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols moved the Council adopt a resolution authorizing the Model Cities Department to contract services with the Department of Public Welfare of the State of Texas for the Services to Young Mothers Project #20600. Total cost of this project is \$138,206 - Department of Public Welfare share is \$96,744; Model Cities share is \$41,462. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols moved the Council adopt a resolution authorizing Model Cities Department to contract with the Child and Family Service Agency for the Services to Young Mothers Project #20600. The total cost of this project is \$138,206 - Department of Public Welfare share is \$96,744; Model Cities share is \$41,462. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### ANNEXATION ORDINANCE

The Mayor 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 0.03 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; 13.61 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; AND 6.11 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGATT SURBEY; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS ; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Nichols moved the Council pass the ordinance through its third reading. 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: Councilmen Lebermann, Handcox

The Mayor announced that the ordinance had been finally passed.

#### LEBERMANN ENTERS

Councilman Lebermann entered the Council Chamber at this time.

## REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH THE MUTUAL SAVINGS INSTITUTION; 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, Councilman Lebermann, Mayor Butler

Noes: Councilman Friedman

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

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:

- (1) LOT 8, WEISE SUBDIVISION OF PART OF OUTLOT 5, DIVISION "C", LOCALLY KNOWN AS 2915 HAMPTON ROAD, FROM "B" RESIDENCE SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) LOT 4, BLOCK A, SUNSET TERRACE SUBDIVISION, LOCALLY KNOWN AS 2001 KOENIG LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
- (3) LOT 2-A, YATES ADDITION, LOCALLY KNOWN AS 2104 CULLEN AVENUE AND THE REAR OF 2106-2118 CULLEN AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, SIXTH HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA 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.

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

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

Noes: None

Absent: Councilman Handcox

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:

TRACT 1: A 27.52 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 20.64 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;

LOCALLY KNOWN AS THE INTERSECTION OF BALCONES DRIVE AND SPICEWOOD SPRINGS ROAD; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Councilman Handcox

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:

PLYE'S POINT, LOCALLY KNOWN AS 1500-1510 WEST 38TH 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.

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

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

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

#### EASEMENT RELEASED

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

A 10' X 40' down-guy easement out of Lot 8,  
Block One, BARTON TERRACE, SECTION SIX.

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

Not in Council Room when Roll was called: Councilman Lebermann

#### LEGACY OF PARKS ACQUISITION

Mayor Pro Tem Love moved the Council adopt a resolution assuring compliance with Title VI of the Civil Rights Act of 1964 and other applicable laws with regard to the City of Austin's application to HUD for a "Legacy of Parks Acquisition" grant. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Room when Roll was called: Councilman Lebermann

#### PUBLIC HEARING SET

Councilman Dryden moved the Council set a public hearing at 2:00 P. M., August 17, 1972, on an appeal filed by Teddy L. Henderson, of the decision of the Planning Commission denying the special permit for a day care center at 1703 East 38 1/2 Street - File No. CP14072025. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Room when Roll was called: Councilman Lebermann

#### CONTRACTS AWARDED

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

AUSTIN PAVING COMPANY  
(Austin, Texas)

- For street and drainage improvements in the Glen Oaks One, Phase Three Urban Renewal Project, Contract No. 72-Pb-101 - \$64,048.15.  
(70 working days for completion; Engineers' estimate was \$74,500.00; Capital Improvements Program Project No. 6055 1; Urban Renewal Agency will reimburse the City an estimated \$28,061.45 for the cost of sidewalks, driveways and retaining walls)

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

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

Noes: None

Absent: Councilmen Handcox, Lebermann

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

MECON COMPANY  
(Austin, Texas)

- For sidewalks, Safe School Routes,  
1972, Phase I, Contract No. 72-X-118-  
\$109,582.45. (75 working days for  
completion; Engineer's estimate was  
\$98,355.40; Capital Improvements  
Program Project No. 750433)

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

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

Noes: None

Absent: Councilmen Handcox, Lebermann

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

Equipment required to establish micro-film engineering system by Office  
Service Department:

ITEK BUSINESS PRODUCTS  
(Houston, Texas)

- Item 1 - \$9,318.00

BELL & HOWELL COMPANY  
(Dallas, Texas)

- Item 2, 3, 4, 9, 10, and 11 -  
\$16,584.05.

3M BUSINESS PRODUCTS  
SALES, INC.  
(Grand Prairie, Texas)

- Items 5 and 8 - \$3,235.00

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

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

Noes: None

Absent: Councilmen Handcox, Lebermann

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

I.B.M. CORPORATION  
(Austin, Texas)

- Tax Forms for use by Tax Department -  
\$8,928.20.

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

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

Noes: None

Absent: Councilmen Handcox, Lebermann



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

CAPITOL CITY UTILITIES  
(Austin, Texas)

- For 12" water main in South Lake Shore Boulevard.  
(30 working days for completion;  
City's estimate - \$6,100; Capital Improvements Program Project No. 4059 1)

The motion, seconded by Councilman Dryden, 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 resolution awarding the following contract:

SOUTHWEST-RATHGEBER CO.  
(Austin, Texas)

- Ballfield facilities relocation Austin State School (MoPac)  
(90 calendar days for completion;  
City's estimate - \$0,000; Capital Improvements Program Project No. 6058)

The motion, seconded by Councilman Dryden, 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 resolution rejecting bids for Items 6 and 7. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilmen Handcox, Lebermann

#### ANNEXATION ORDINANCE - 1ST & 2ND READINGS

Mayor Butler introduced the following ordinance for the first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 30.20 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 94.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; AND 19.268 ACRES OF LAND, 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 pass the ordinance to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Room when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been passed to its second reading.

Councilman Nichols moved the Council pass the ordinance to its third reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Room when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been passed to its third reading.

AMENDMENT OF CITY CODE  
NEW CHAPTER ENTITLED "COMMUNITY ACTION"

Mr. Jan Kubicek, Assistant City Attorney, explained action taken on amending the Code adding this new chapter "Community Action" providing for a department of Community Action, a director and staff thereof, and providing for an election plan for representatives of the poor on the Community Action Board (Article II 47 - 3). He stated this was his recommendation.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW CHAPTER TO BE ENTITLED "COMMUNITY ACTION," AND TO BE NUMBERED CHAPTER 47; BY DESIGNATING SECTIONS 47-1 AND 47-2 AS ARTICLE I OF CHAPTER 47; BY DESIGNATING SECTIONS 47-3 THROUGH 47-5 AS ARTICLE II TO SAID CHAPTER 47; PROVIDING FOR THE CREATION OF A DEPARTMENT OF COMMUNITY ACTION, A DIRECTOR THEREOF, AND AN APPROPRIATE STAFF AND FACILITIES FOR SUCH DEPARTMENT; PROVIDING FOR THE CREATION OF A COMMUNITY ACTION BOARD; PROVIDING FOR THE COMPOSITION, APPOINTMENT AND ELECTION OF MEMBERS OF SUCH BOARD AND FUNCTIONS OF SUCH BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

In discussion, Councilman Friedman questioned the composition of the Board and read a subsection of Article 47-4 Subsection A "the City Council shall appoint six members to the Board who may be members of the Council, their representatives, or such other officials...." Instead he would like to change the wording to read "the City Council shall appoint six members to the Board, none of which may be members of the Council." The Council would be the governing body through the powers of running the City and this would be a duplication. Assistant City Attorney Kubicek stated the OEO Statute and regulations are tracked in this ordinance. He explained community action would cover response, cooperation, and support of public officials of the locality, and the regulations call for representation by the public authority on this Board which is operating in their jurisdiction. Mayor Butler stated this was permissive and not mandatory.

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 Mayor Pro Tem Love, carried by the following vote:

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

Mayor Butler announced that the ordinance had been finally passed.

SALE OF STRUCTURE IN KEALING  
URBAN RENEWAL AREA

Mr. Rodney Sheppard, Attorney representing the Urban Renewal Agency explained there is no structure on the parcel, just real estate only. The parcel was acquired in the Kealing Urban Renewal Project Area in 1967. At that time there was a substandard structure that subsequently was cleared. The property was sold under contract in April, 1969, through regular bid proceedings for \$10,000. That contract, after approval by the then existing Council, was terminated due to the failure of the developer to obtain sufficient financing. Efforts to sell the property were made from time to time, and in May, 1972, it was readvertised again for bids and only one bid was obtained again for the \$10,000 figure.

Councilman Nichols moved the Council adopt a resolution approving the sale of Parcel No. GR-1, 1709 E. 19th Street to E. Ross Rost at \$10,000.00 in the Kealing Urban Renewal Area, Tex A-11-3. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

PUBLIC HEARING ON STREET VACATING

Mayor Butler opened the hearing scheduled at 2:00 P. M. pertaining to vacating a portion of Deen Avenue east of North Lamar Boulevard. No one appeared to be heard in the interest of the vacation. It was noted all Departments concerned had recommended the vacation of this portion of the street. The Assistant Director of Planning stated this right of way is tied to a zoning case. There is a small amount of right of way at the end 1.32' and .53' at the other end. The land is too small for any use and the property owner is asking to get his little strip of land back.

Mayor Butler then introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF DEEN AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING ANY AND ALL EASEMENTS IN THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Nichols, carried by the following vote:

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

Mayor Butler announced that the ordinance had been finally passed.

**SANITARY SEWER LICENSE AGREEMENT**

City Manager Davidson asked that the Council postpone this for one week so as to work out a phrase whereby any future tie-ons by Texas Instruments would be in accordance with a future City Council policy. The Council took no action at this time stating this item would be on next week's agenda (August 3).

**NORTHWEST SERTOMA CLUB**

The Council had before it the request by the Northwest Sertoma Club to use City owned land between West Riverside Drive and the river and bounded on the east by South 1st Street for the purpose of conducting the fifth "Poor Boy Art Fair", September 23-24. They asked for an alternate date in case of rain to be October 7-8.

Councilman Dryden moved the Council grant the request and approve the alternate date of October 7-8 in case of rain. The motion, seconded by Councilman Friedman, carried by the following vote:

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

City Manager Davidson stated the group had planned to have good and drink concessions as they did at previous art fairs. With Council approval, they probably would interpret that they would have the concessions. He stated if this is correct that it would have to be in accordance with the contracts and policies that exist. He said he would check it carefully.

**DISCUSSION ON LITTER ORDINANCE**

Mrs. Donald Fiegel who requested to appear before the Council to discuss a "Litter Ordinance" was not present at the time the matter came up.

**PUBLIC HEARING ON ANNEXATION**

Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

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

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

PUBLIC HEARING COVERING LAKESHORE CONSTRUCTION  
AND SAFETY OF THE LAKES

City Manager Davidson asked Mr. Dick Jordan, Building Official to summarize the recommendations.

Mr. Jordan referred to a letter along with the Ordinance that the Navigation Board had proposed. Their recommendation was unanimous. In the ordinance they wanted to place Sec. 29-5 under the jurisdiction of the Health Department for enforcement for each of the three lakes. This section covered trash thrown into the lakes, as well as dead carasses, filth, etc.

Section 29.12 pertained to the shores of the lakes. It was suggested that the shores be designated at the 504' elevation for Lake Austin, and 435' for Town Lake.

He pointed out 29-2, 3 and 4, as written give the Public Works Director authority to enforce this part of the ordinance, but suggest adding a sentence to 29-3, "the permitting of lakeshore improvements such as rock walls, etc., should be left with the Building Department," as it is permitted here.

Changes are recommended regarding the Navigation Board's appointments, and referring all operations on the lakes to the Navigation Board for recommending to the Council. The Parks and Wildlife Department had agreed to give the City of Austin buoys to designate certain circumstances — "Danger", "no wake", "no swimming", etc. He pointed out the approximate locations on a map. The City would assume responsibility of placing and maintaining these buoys.

It was the consensus that ordinances which deal with Lake Austin and Town Lake should include Decker Lake as well. It is recommended that adequate personnel be assigned to these three lakes for stricter enforcement, under which Department the Council designates.

As to boating, the Navigation Board recommended that any type of boat be allowed on Town Lake provided that while operating, it would not leave a "visible wake", which is any wake that can be seen, or any wave action behind the boat, wave action created by the hull of the boat by its propeller. Any boat regardless of the size of engine could not go more than 900 rpm before it started leaving a visible wake, so a boat would have to operate under 900 rpm. Mr. Conrad Fath, member of the Board, related the wake to horsepower; and at that operation, their speed would be under six miles per hour, maximum. The "no wake" is used nation wide.

In answer to Mayor Pro Tem Love, Mr. Fath gave a report on studies about pollution created by motors, which studies and experiments show there is no pollution recorded in running out or in-out board boats or inboard cruisers on the Lakes. The Water Quality Board had reported to them that the Lake is not polluted.

The question of swimming was brought up by Councilman Friedman, and it was stated at this time that the ordinance contained no provision about swimming, although the matter was discussed.

The Council discussed boats on the lake during Aqua Festival, and swimming in the lakes. As to boats on the lakes other than those included in the Aqua Festival, it was noted that the Council when permitting a boat race would prohibit the use of other boats in that area.

It was the recommendation of the Navigation Board to repeal Section 29-10, which would allow swimming in Town Lake from Tom Miller Dam to the east of old Montopolis Bridge.

Councilman Lebermann inquired about the lighting of the buoys. Mr. Fath stated the buoys would be marked with lights operated by small batteries to power the lights for six months at a time. Buoys will be placed at dangerous locations, docks, swimming areas, launching areas, "no speed" areas, and slow speeds. On Lake Austin there will be approximately 150 buoys and for all three lakes 484 would be needed.

As to swimming in these lakes, Councilman Dryden stated it would be absolutely impossible to cover the lakes with lifeguards, and when swimming is allowed there will be many catastrophes as far as drownings are concerned. Councilman Lebermann concurred in noting that with the several bridges existing and others that will exist, more unusual currents will be created. With increased boating on the lake, it would be unwise to have general swimming unless there were carefully designated swimming areas with swimming outside of those areas prohibited. Mr. Conrad Fath saw no dangers and noted the convenience to people to walk down to Town Lake or Decker and swim.

Mrs. Barbara Ayers of 809 Edgecliff Terrace expressed opposition to any ordinance which would allow the use of gas powered boats on Town Lake and opposition to swimming in the lake. She has five children who would be tempted to swim in the lake. She commented on the boat races on the few week ends permitted, attesting to whatever noise pollution tests were made, that they did not come to the area where she lives. She pointed out the hazards of swimming in Town Lake and did not want to see Town Lake turned into another Lake Austin. Mrs. Ayers asked the Council to give the Environmental Health and Recreational Facility Commission an opportunity to discuss at great length this ordinance.

Mr. Martin wanted the lake open to power boats and spoke on behalf of the bass groups across the City. He asked that the fishermen be permitted to fish this lake and use power boats to get from place to place.

Mrs. Fagon Dixon stated this issue was brought before the Council before the lake was filled. The Recreation Board, recognizing the need of another type of recreation — a quiet, peaceful, non-aggravating, and non-irritating type of facility in the urban center, recommended to the Council that gasoline motored boats be prohibited from Town Lake.

Mrs. Dixon discussed noise as well as water pollution, stating Dr. Primer, former Health Officer, considered these activities as health hazards. After 1960, and after the Park Board made their recommendation, there has been a tremendous hue and cry for motorboating; and a public hearing was held at the Auditorium with hundreds of people attending and opposing gasoline motors. The news media reported that the public expressed themselves strongly for a quiet, non-motored Lake. As a compromise, the Board recommended that the City Council allow by special permit, those occasions that were justified for the use of motor craft. Ever since then, there have been organized maneuvers and methods for reconsideration of the issue. Each time a public hearing was held and each time the opposition

was greater than those endorsing motor boats. In 1970, the Recreation Board considered the problem of the fisherman, and recommended the 5 horsepower electric motors.

Mr. Coates was interested in keeping the motor boats off Town Lake; but he said eventually there should be a swimming area in Town Lake with a sunning beach. He knew motor boats do pollute the water and cause noise pollution. He stated the oil from the gasoline motors never comes off the Lake unless it blows ashore. He was emphatically opposed to motor boats on Town Lake.

Mr. B. C. Gersch, a fisherman, spoke in favor of power boats under the "no wake" rule, stating there would be no noise pollution and nothing to disturb the peace and tranquility of Town Lake.

Mayor Pro Tem Love hated to see the last remaining Lake being recommended as yet one more Los Angeles Waterway. He noted fishermen could start at Buchanan, and fish all the way down to Tom Miller Dam. He could fish at Decker, and he saw no reason to turn Town Lake into another Coney Island. He was adamantly opposed to the two concepts of power of any kind on Town Lake and swimming in those waters.

Councilman Nichols, noting Councilman Lebermann's concern in enforcement and ticketing the violators, asked if this were provided in the Ordinance. It was pointed out the State Water Act provided that the City be empowered with enforcement. Lengthy discussion ensued on general enforcement and on unlighted docks. Mr. Conrad Fath alleged there had not been law enforcement on any body of water under City jurisdiction, stating Park Rangers are not allowed to enforce any City Ordinance or give tickets. Mr. Fath asked for Council consideration that the Lake Patrol is worthwhile, and its effectiveness would improve substantially with enforcement power.

The City Manager said he would have a report and present it to the Council. Councilman Nichols stated something must be done toward enforcement even if the crew has to be increased to enforce the rules. Councilman Nichols said he was opposed to swimming in Town Lake. He was opposed to motor boats in Town Lake with the exception of those permitted by special permit and he was opposed to swimming in Decker Lake. He was not opposed to swimming in Decker if it were in a restrictive area. Councilman Lebermann said he tracked Councilman Nichols' sentiments exactly in this instance, but he did believe Decker Lake should be open for swimming in restricted areas, since they were spending \$25,000 to develop a park and picnic area. Councilman Nichols was totally opposed to swimming in Town Lake.

Councilman Lebermann had some items he would like to have written in ordinance form by way of amendment to the document before them. He would like to have them written in amendment form and referred to the Navigation Board. He would get a list to Mr. Sasser who in turn would get it to the members of the Board.

Mr. Jordan, Building Official, spoke on enforcement of docks, lights, walls, etc. which the office could enforce if it had a means of going up and down the lake. The Mayor suggested assigning one of his men to the Lake Patrol Boat. Mayor Butler suggested a specified light, whereby if one light goes out the other one would come on automatically.

One of the recommendations was that instead of one light on the dock, that one be placed at the bank, one at the end, and at every 10 foot interval to keep

people from driving between them. Mr. Jordan was anxious to use these special lights and incorporate their use into the ordinance.

Councilman Lebermann stated the Council sometime ago wanted the Code also to include the strength of materials, nature of materials, and even some design recommendation for docks.

In order to give the Navigation Board an idea of the Council's ideas on some of these issues Mayor Butler reported:

(1) It was the consensus of the Council that motor boats not be allowed on Town Lake.

(2) At this time, the mood of the Council would be no swimming in Town Lake and swimming in Decker only under supervision in restricted areas.

(3) Mayor Butler stated if the law is not being enforced now that he would be in favor of starting tomorrow and doing so.

City Manager Davidson reported on the Water Safety specialists, life saving, assisting motorist, motor boat operators that were in trouble, etc. Sgt. Spain of the Police Department had recommended this program, as it was the best answer for the patrol of Lake Austin that they had experienced and he recommended continuation of the program.

City Manager Davidson reviewed the policy of enforcement in general and he said the policy is in effect on the Lake. He would get a report on the enforcement on the Lake as soon as possible. He said he would also like to get with Mr. Fath and discuss some of the points he had mentioned, along with the safety equipment in the boats.

Mr. Searight was interested in the placing of standard buoy markings on the Lake, as it would give boat operators who are responsible as the captains of their craft some indication of areas where they could observe water safety, where to ski, and where not to make a wake.

Mayor Pro Tem Love in summary stated the step the Council had taken this afternoon in returning this to the Navigation Board had to do with power boats on the lake and swimming, and the restrictions of Decker along with the essentials of Councilman Lebermann's amendments, and to approve the buoys.

Councilman Lebermann moved the Council authorize the boys. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Mr. Fath asked that the Navigation Board be given three weeks to write the other ordinances, and the Mayor stated the Council would hear the Board in three weeks.

Councilman Lebermann suggested that the Water and Safety Handbook called "Motoring and Water Safety" be supplied to these men so that anytime the Safety Specialists found it necessary to stop anyone, they could give them one of these little pamphlets.



ADJOURNMENT

The Council then adjourned.

APPROVED:

*Ray Butler*  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk