

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 6, 1972
10:00 A. M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding. It was noted that Mayor Pro Tem Love was absent.

Roll Call:

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

The Invocation was delivered by REVEREND JOHN P. ELLWANGER, Hope Lutheran Church.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of June 22, 1972, with one correction. Councilman Nichols asked that the minutes be corrected to reflect the action taken by the Council on the Dog Ordinance. The motion, seconded by Councilman Handcox, carried by the following vote:

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

PROCLAMATION

Mayor Butler introduced a group present to receive a proclamation on Pop Warner Junior League Football Week, and a resolution on Phillip Victor Beaver, Jr. Those present were Messrs. Steve VonRoder; Pete Trentikost; Juhn Schumacher; Howard Earl; Phillip Victor Beaver, Sr., Phillip Beaver, Jr., his mother, sister, and his brother Scott. The Mayor issued a proclamation dedicating the week of July 10-15 as "POP WARNER JUNIOR LEAGUE FOOTBALL WEEK," and asked the residents of the City to recognize the many contributions made for the youth of this nation by this outstanding program. It was pointed out that Councilmen Friedman, Handcox, and Dryden are "ex-footballers."

Councilman Handcox read the proclamation for Phillip Victor Beaver, Jr., who was selected as one of the 33 young men throughout the nation to be a member

of the 1972 Pop Warner All-American team of little scholars on the 21st year of this program, noting Phillip is active in football, baseball, basketball, track, Little Olympics, swimming, and is a straight "A" scholar; adept in the fine arts, and a competent leader at Sunset Valley Elementary School. The Council, by proclamation signed by the Mayor and Councilmen, recognized and honored this outstanding young man.

CONVEYANCE OF TRACT

Councilman Nichols moved the Council adopt a resolution authorizing conveyance of a tract of City-owned property to the State of Texas for I.H. 35 right-of-way. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ACQUISITION OF LAND - POLICE & COURTS COMPLEX

Councilman Friedman moved the Council adopt a resolution authorizing the acquisition of certain land for expansion of the Police and Courts complex:

708 Sabine - Oswald Wolf Estate and City National Bank.

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

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

LEASE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing a lease agreement for additional office space for the Tax Department at the rate of \$30.00 per month on a month to month basis. The motion, seconded by Councilman Handcox, carried by the following vote:

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

SALE OF HOUSES AND GARAGES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of a house and garages and accepting the following bid:

Positive bid - House and garage to be moved:

W. D. Dodson	2305 Lake Austin Blvd.	\$1,385.00
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The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Nichols, Friedman, Handcox, Mayor Butler, Councilman Dryden
Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing the sale of a garage and accepting a negative bid as follows:

Negative Bid - Garage to be demolished:

James M. Damon	2305 Lake Austin Blvd.	\$ -0-
	(across alley from rear of house)	

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

Ayes: Councilmen Nichols, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

Not in Council Chamber when Roll was called: Councilman Lebermann

APPROVAL - LOST CREEK

Councilman Nichols moved the Council adopt a resolution authorizing the approval of the Lost Creek Municipal Utility District. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Abstain: Councilman Friedman

Absent: Mayor Pro Tem Love

CONTRACT - LOST CREEK

Councilman Nichols moved the Council adopt a resolution authorizing approval of a contract with Lost Creek Developers covering financial assurances, operation of facilities, dedication of park land, and related matters. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Abstain: Councilman Friedman

Not in Council Chamber when Roll was called: Councilman Lebermann

Absent: Mayor Pro Tem Love

CONTRACTS AWARDED

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

AUSTIN ENGINEERING
COMPANY
(Austin, Texas)

- For the construction of MoPac Boulevard
water main from 35th Street to Bull Creek
Road, \$170,290.30.

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

Absent: Mayor Pro Tem Love

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

TRAVIS RAVEN, JR.
(Austin, Texas)

- For sale of City owned party barge -
\$4,116.00.

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Friedman, Handcox

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

Absent: Mayor Pro Tem Love

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:

A 23.629 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6201-6415 SPRINGDALE ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, 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 Nichols moved the Council waive the requirement for the reading of ordinances on three separate days, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

Mayor Butler 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) LOTS 1 AND 2, JIM AND MIKE SUBDIVISION, LOCALLY KNOWN AS 4823 RIVERSIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; AND,

(2) AN 1,800 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5319-5343 BURNET ROAD, FROM "C" COMMERCIAL 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.

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 Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

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:

TRACT 1: A 4.337 ACRE TRACT OF LAND, LOCALLY KNOWN AS 806-837 STASSNEY LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: AN 11.47 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 806-837 STASSNEY LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" 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 Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

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:

(1) A ONE-HALF ACRE TRACT OF LAND, LOCALLY KNOWN AS 803 MONTOPOLIS DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) LOT A OF THE RESUBDIVISION OF LOTS 19-24, BLOCK J, RIDGETOP ADDITION, LOCALLY KNOWN AS 924-934 EAST 51ST STREET; 5101-5107 BENNETT AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND 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 the reading of ordinances on three separate days, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler,
Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

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:

TRACT 1: AN 8.58 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1004-1206 BATTLE BEND BOULEVARD; 5200-5213 INTERREGIONAL HIGHWAY 35, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 5.125 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1007-1207 BATTLE BEND BOULEVARD; 5312-5350 INTERREGIONAL HIGHWAY 35, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: LOTS 1 AND 2, BLOCK A, LOT 1, BLOCK B, LOTS 1-9, BLOCK D, BATTLE BEND SPRINGS SUBDIVISION, LOCALLY KNOWN AS 901-1005; 904-1002 BATTLE BEND BOULEVARD AND 5300-5306; 5301-5305 BATTLE BEND COURT, FROM INTERIM "A" RESIDENCE, INTERIM FIRST 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 the reading of the ordinance on three separate days, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

Mayor Butler announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE - 1ST & 2ND READINGS

Mayor Butler introduced the following ordinance for its' first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 986.66 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE AND PARTLY OUT OF AND A PART OF THE THOMAS ELDRIDGE SURVEY; 32.02 ACRES OF LAND, SAME BEING OUT AND A PART OF THE WILLIAM CANNON LEAGUE; 12.68 ACRES OF LAND, SAME BEING OUT AND A PART OF THE JOHN APPELGATT SURVEY;

18.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; AND 623.5 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 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' first reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

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: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Absent: Mayor Pro Tem Love

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

ZONING HEARINGS

The Mayor announced it was 10:00 A. M., and the Council would hear the zoning cases scheduled for public hearing at this time.

A. S. DUNCAN
C14-72-110

3712 Manchaca Road

From "A" Residence to "O"
Office RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council approve the change from "A" Residence to "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler
Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

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

DON SEWARD, ET AL
C14-72-121

5612-5910 Nancy Dr.
5703-5905 Nancy Dr.
(as amended)

From "A" Residence to "MH"
Mobile Home RECOMMENDED
as amended by the Planning
Commission

Councilman Nichols moved the Council approve the change from "A" Residence

to "MH" Mobile Home as recommended by the Planning Commission as amended. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Councilman Nichols reported opposition to this change by Mr. and Mrs. Benton Lewellen.

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

CITY OF AUSTIN
By R. K. Speedie
C14-72-129

Rear of 210-216 So.
Lamar Blvd. (Zachary
Scott Theatre Center)

From "A" Residence to
"C-2" Commercial
RECOMMENDED by the Plan-
ning Commission

Councilman Nichols moved the Council grant the change from "A" Residence to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

DAVID B. BARROW
By Jeryl D. Hart
C14-72-101

3800-3836 Far West
Boulevard

From Interim "A" Residence
First Height and Area
To "GR" General Retail
First Height and Area
RECOMMENDED subject to
a subdivision by Planning
Commission.

Councilman Nichols moved the Council grant the change from "A" (Interim) Residence First Height and Area to "GR" General Retail First Height and Area subject to a subdivision as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

JOE L. SMITH, ET UX
By Charles K. Goldman
C14-72-107

1605 W. 39 ½ Street

From "A" Residence to
"B" Residence RECOMMENDED
by Planning Commission
subject to a subdivision
and 5' right-of-way on
W. 39 ½ Street.

Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence as recommended by the Planning Commission subject to a subdivision and 5' right-of-way on W. 39 ½ Street. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

W. H. BULLARD
By George Lange
C14-72-108

616-618 Franklin Blvd.
613-615 Nelray Blvd.

From "A" Residence to
"B" Residence RECOMMENDED
subject to a subdivision
on both tracts and a 5'
right-of-way on Franklin
and 5' right-of-way on
Nelray by Planning
Commission.

Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence as recommended by the Planning Commission subject to a subdivision on both tracts and a 5' right-of-way on Franklin and 5' right-of-way on Nelray. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

ACME BRICK CO.
By Cris Crow
C14-72-113

9058 Research Blvd.
(Highway 183)

From Interim "A" Residence
First Height and Area
To "C" Commercial First
Height and Area RECOMMENDED
by Planning Commission
subject to a subdivision.

Councilman Dryden moved the Council grant the change from Interim "A" Residence First Height and Area to "C" Commercial First Height and Area as recommended by the Planning Commission subject to a subdivision. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

Absent: Mayor Pro Tem Love

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

MRS. M. D. STEUSSY
By Harry E. Montandon
C14-72-114

4901 Woodrow Avenue

From "A" Residence to "O" Office RECOMMENDED by Planning Commission subject to 15' right-of-way on Woodrow, 5' on Oran and right-of-way to provide a 25' radius at northeast corner of Woodrow and Oran, and subject to owner deciding whether or not to accept.

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to 15' right-of-way on Woodrow, 5' on Oran and right-of-way to provide a 25' radius at northeast corner of Woodrow and Oran, and subject to owner deciding whether or not to accept. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

Absent: Mayor Pro Tem Love

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

WHELESS LANE
BAPTIST CHURCH
By Sheron Sheppard, Jr.
C14-72-116

2700-2704 Wheless Lane

From "A" Residence to "BB" Residence RECOMMENDED subject to no access on Bristol and screening on the north & east boundaries where property is adjacent to "A".

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence as recommended by the Planning Commission subject to no access on Bristol and screening on the north and east boundaries where property is adjacent to "A". The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann, Handcox

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

Absent: Mayor Pro Tem Love

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

LOGAN SELLERS
By S. R. Sheppard, Jr.
C14-72-117

2612 Wheless Lane

From "A" Residence to
"BB" Residence RECOMMENDED
by Planning Commission
subject to subdivision
and right-of-way on
Wheless Lane to be deter-
mined by Dept. of Public
Works

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence subject to subdivision and right-of-way on Wheless to be determined by Department of Public Works. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

JAMES RAPER
C14-72-119

4206-4208 Avenue A

From "A" Residence First
Height and Area to "B"
Residence Second Height
and Area RECOMMENDED,
subject to a subdivision

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence Second Height and Area as recommended by the Planning Commission subject to a subdivision. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

VANCE FOX
C14-72-120

4403 Red River St.

From "A" Residence to
"O" Office RECOMMENDED
by Planning Commission
subject to a short form
subdivision, 10' right-of-
way on Red River, and 5'
sidewalk easement on
Red River.

Mr. Leonard Scott appeared in opposition, stating he had a rent house next door to the subject property. The Assistant Director of Planning reported this lot was under 5,000 square feet; and about the only use that could be made would be an office, which development would create less parking problems than an apartment-type unit. Mayor Butler noted the 5' sidewalk easement and 10' right-of-way would bring the lot to a smaller dimension. Councilman Dryden reported that Mr. Scott received no notice of this zoning change.

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to a short form subdivision, 10' right-of-way on Red River, and 5' sidewalk easement on Red River. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

FRANCIS ELLEN
McINNIS and
GEORGE S. SLINING
By John B. Selman
C14-72-125

3903 Seiders Ave.
1509 W. 39 ½ St.

From "A" Residence First
Height and Area to "B"
Residence Second Height
and Area RECOMMENDED
by Planning Commission
subject to a short form
subdivision and 5' right-
of-way on W. 39½ St.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence Second Height and Area as recommended by the Planning Commission subject to a short form subdivision & 5' right-of-way on W. 39½ Street. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

HENRY WENDLANDT, JR.
E. E. NAUMANN
By Richard C. Baker
C14-72-126

1001-1005 Shoal Creek
Boulevard
824 W. 10th St.

From "B" Residence to
"O" Office as amended
RECOMMENDED by the Plan-
ning Commission subject
to a subdivision.

Councilman Nichols moved the Council grant the change from "B" Residence to "O" Office as recommended subject to a subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Friedman

Noes: None

Abstain: Councilman Lebermann

Absent: Mayor Pro Tem Love

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

A. R. McTEE

710 West Ave.

By J. Glen Rosen

C14-72-127

Tract 1:

From "B" Residence Second
Height and Area to "O" Office
Second Height and Area

Tract 2:

From "B" Residence First
Height and Area to "O" Office
First Height and Area

RECOMMENDED by the Plan-
ning Commission subject to
a subdivision.

Councilman Nichols moved the Council grant the change from "B" Residence Second Height and Area to "O" Office Second Height and Area for Tract 1; for Tract 2, from "B" Residence First Height and Area to "O" Office First Height and Area as recommended by the Planning Commission subject to a subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

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

WALTER R. CARRINGTON
C814-72-05

Fort Clark Drive and
Spanish Bluff Drive

A Planned Unit Develop-
ment with attached single-
family dwelling units, com-
mon recreational facility
and common open space.
RECOMMENDED by Planning
Commission subject to
Departmental requirements

Councilman Nichols moved the Council grant the change for a Planned Unit Development with attached single-family dwelling units, common recreational facilities and common open space as recommended by the Planning Commission subject to departmental requirements. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

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

WALTER R. CARRINGTON
C814-72-06

So. Congress Ave.
Ramble Lane
Baywood Street &
Williamson Creek

A Planned Unit Development with attached single family dwelling units, common recreation facilities, & common open space
RECOMMENDED by the Planning Commission subject to Departmental requirements.

Councilman Nichols moved the Council grant the change for a Planned Unit Development with attached single-family dwelling units, common recreation facilities, and common open space as recommended by the Planning Commission subject to departmental requirements. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

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

BALCONES ASSOCIATES
LTD.

By Bob Howerton,
General Partner
C14-72-123

3301-3303 Northland Dr.

From "LR" Local Retail First Height and Area To "LR" Local Retail Second Height and Area
NOT Recommended RECOMMENDED "LR" Local Retail Second Height and Area except for the south 100' subject to the withdrawal of the case pertaining to this tract before the Board of Adjustment.

Councilman Dryden moved the Council grant the change from "LR" Local Retail First Height and Area to "LR" Local Retail Second Height and Area except for the south 100' subject to the withdrawal of the case pertaining to this tract before the Board of Adjustment. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Mayor Pro Tem Love

Not in Council Chamber when Roll was called: Councilman Nichols

COMMUNITY TRANSPORT,
INC., ET AL
By Douglass D. Hearne
C14-72-124

1604-1738 E. Live Oak
Street (Olforf St.)

From "O" Office to "LR" Local Retail NOT Recommended RECOMMENDED "LR" Local Retail except for a strip of approximately 100' on the north property line, to be defined by

COMMUNITY TRANSPORT(cont'd)
C14-72-124

metes and bounds which is
RECOMMENDED "B" Residence
subject to a restrictive
covenant agreed to by
Handy Andy, City Depart-
ments, and Neighborhood.

A gentleman from the audience asked about another recommendation by the Planning Commission, as to a restrictive covenant on the land. It was pointed out this was not included in the recommendation to the Council. The speaker stated after the Planning Commission reviewed the case, the applicants and the neighborhood got together, and the applicant volunteered to come up with a restrictive covenant on this land, to appease the neighborhood. The intent was to include this covenant in the Planning Commission motion.

Mr. Bill Schmidt, San Antonio attorney for the applicant, Handy Andy Supermarket, said they presented a plat which they worked out with the neighborhood. Mayor Butler expressed the concern of the Council that if the neighborhood had been induced not to oppose the application on the basis of a covenant's being a part of it, then this should be included in the motion. Mr. Schmidt submitted an instrument on which the neighbors had agreed; however, he would request one technical change: the instrument on which they had agreed was the inclusion of a 50' greenbelt which was extended all the way to the zoning line. He stated the "B" zoning was an additional buffer to the residential area to the north; and he pointed out the building setback area. In reply to Mayor Butler, Mr. Schmidt said the restrictive covenant provided that those areas never be changed- the greenbelt would be extended to the eastern boundary of the "LR" zone. He added if they did not perform on this, the land would revert to its present zoning.

Mayor Butler asked that the plan under discussion be initialed and entered as Exhibit "A", and that it be made a part of the Planning Commission's permanent file.

Councilman Nichols amended his motion to include the restrictive covenant, which should be okayed by Handy Andy, by the City's Departments, and by the neighborhood. Councilman Nichols motion was to grant the change from "O" Office to "LR" Local Retail except for a strip of approximately 100' on the north property line, to be defined by metes and bounds which is recommended "B" Residence, and subject to a restrictive covenant agreed to by Handy Andy, City Departments, and the neighborhood as recommended by the Planning Department. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

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

W. N. McELROY
ESTATE, ET AL
By Robert C. Sneed
C14-72-128

Intersection of
Balcones Drive and
Spicewood Sprgs. Rd.

From "A" Residence
To: Tract 1: "GR" General
Retail and Tract 1: "O"
Office NOT Recommended
*

* RECOMMENDED "GR" General Retail on the portion of Tract 1 that is east of the right-of-way line of the street that will replace Shadow Park Drive; and "O" Office on the area west of the street to replace Shadow Park Drive and to a line 25' east and parallel to the east right-of-way line of proposed Hart Lane, said 25' strip to remain "A" Residence, subject to requirements.

RECOMMENDED to include
restrictive covenant

Mr. Robert Sneed, attorney for the applicant, said they wanted to place in the record a verbal agreement with Mr. Leon Whitney, in that they would delete a tract of 25' by approximately 85' from any change of zoning which adjoins any residential lot that Mr. Whitney is putting in, and nothing could be built within 25' of that lot. All of the conditions have been set forth in a letter to the Council filed with the Planning Commission on June 13, 1972. Everything in this letter was in agreement with the Planning Department.

Councilman Nichols moved that the zoning be granted subject to the contingencies and subject to the verbal agreement with Mr. Leon Whitney, as recommended by the Planning Department. The motion, seconded by Councilman Dryden, carried by the following vote;:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Lebermann, Friedman

Noes: None

Absent: Mayor Pro Tem Love

The Mayor announced that the change had been granted subject to contingencies and the City Attorney was instructed to draw the necessary ordinance to cover.

W. L. MAYFIELD
By Glen Cortez
C14-72-111

3900 Spicewood Springs

From Interim "A" Residence
First Height and Area
To "O" Office First Height
and Area RECOMMENDED by
the Planning Commission.

Mr. Jack Alexander, Assistant Director of Planning, gave a resumé of this case, stating the Planning Staff was of the opinion this type of zoning was unwarranted. The area along Spicewood Springs Road had been developing as single family. Since Spicewood Springs was a major arterial street, the Commission felt that something other than single family residential would be more appropriate and in turn recommended "O" Office. The tract would be sold to the Cancer Society for an office complex.

Mr. Glen Cortez, attorney for the applicant, stated Mr. Mayfield is to dedicate this property to the American Cancer Society for development. This will be a donation to the Society, and it will build an office just for the American Cancer Society. There will be no rental unit involved.

Opposition was expressed by Mr. James Purdue, Jr., President of the Northwest Austin Civic Association, which opposes this on the ground that it will degrade the neighborhood, and the Association wants to protect the zoning for their neighborhood. It was pointed out that Burnet Road and the other commercial zonings were established before the area was annexed. Mr. Purdue expressed no opposition to the American Cancer Society, but opposed the zoning that would begin and extend through the neighborhood. Desirable types of office are not undesirable. This particular site would be an asset, but they want to prevent a degradation of the neighborhood by further zoning. Councilmen Friedman and Lebermann suggested that a restrictive covenant be required so if the Cancer Society Office ceased to function, that the land would revert to residential.

Councilman Nichols moved that the zoning be granted subject to a restrictive covenant being placed upon the property; and if the area is used for anything else other than the Cancer Society it shall revert to "A" Residential. Councilman Handcox seconded the motion, which carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

Councilman Dryden stated he wanted some indication as to the planning of this area, with this 60' street, and he would hope the area could develop into small nice offices and homes, without a lot of heavy commercial developments. He observed that this is the starting point.

Zonings Denied

The following zoning applications were denied by the Council:

WALTER CARRINGTON
BUILDING, INC.
By C. B. Carpenter
C14-72-105

700-714 Stassney Lane
5520-5546 So. 1st St.

From "GR" General Retail
First Height and Area
To "GR" General Retail
Second Height and Area
NOT Recommended by the
Planning Commission

Mr. C. B. Carpenter, representing the applicant, stating the application was to amend sign locations. They are asking for a variance for their light standards and signs. In the zoning request, Mr. Carpenter was asked to represent Safeway Stores, Inc., which supplied the Planning Commission surveys in metes and bounds description for each light standard and sign as requested, just for the spot zoning of height and area, rather than for those items. The Planning Director, Mr. Lillie, stated the height and area for the signs and the light standards should be denied at the location for second Height and Area. Other locations at the corner are First Height and Area. The density of commercial development at this intersection should not include Second Height and Area. Mr. Carpenter reported their plan was to erect signs, one on Stassney and one on So. First Street. Light standards were included. Safeway Stores make up their signs in bulk quantities, of about 40', totally 45' or 46' with appurtenances. They are only asking for light and sign locations. He stated they proposed a shopping center, and the lack of these lights would jeopardize the shopping center. It would put a lot of changes on Safeway's part as to its store.

Mr. Lillie stated Riverside Drive is intensely developed, and the area mostly is Second Height and Area and permits 60' buildings and signs. The Board of

Adjustment could consider the matter of 10 or 15' additional height over the limits now in First Height and Area. There has been a request from the Building Official not to issue a permit for 45' signs.

Councilman Dryden moved the Council allow the zoning request to be granted to accomodate only the signs and lights and not affect the configuration of any buildings. The motion, seconded by Councilman Nichols, failed to carry by the following vote:

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

Mr. Carpenter was directed to the Building Official for discussion, and if desired, a request could be made immediately to the Board of Adjustment.

O.C. HARDIN
C14-72-112

3606 Clawson Road

From "BB" Residence to
"LR" Local Retail NOT
Recommended by Planning
Commission

Councilman Nichols moved the Council deny the request for a change from "BB" Residence to "LR" Local Retail as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the change had been denied.

Zonings Withdrawn

MRS. MARY E. MCKINNEY
By H. E. McKinney
C14-72-106

2700-2702 Enfield Road
1500 Exposition Blvd.

From "A" Residence to
"B" Residence NOT Recom-
mended WITHDRAWN

Councilman Lebermann moved the request for a change from "A" Residence to "B" Residence be withdrawn as requested. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that request had been withdrawn.

BRUNO MILBURN
By Thomas T. Smith
C14-72-092

4312-4314 Marathon Blvd.

From "A" Residence to
"O" Office NOT Recommended
WITHDRAWN

Mayor Butler noted a written request that this application be withdrawn.

Councilman Nichols moved the Council withdraw the request for change. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

The Mayor announced that the request had been withdrawn.

SIDEWALK VENDORS & STREET PEOPLE ON DRAG

Mr. Fred C. Young appeared before the Council as an ex-U. T. student, and a University-area businessman for the past 25 years. Messrs. Joe Manor, Dudley Bright, and Dr. John Barclay were present but had to leave. Mr. Young read a statement pointing out the time is long past due that the Council should order the present law enforced or write a new one to cover street vendors in Austin, and that the street people should be treated like every other businessman and obey the laws, or get together and buy property for their business or rent space. They should not be given special treatment not given to other merchants. Friends, parents of students, and customers inquire why a situation like this should continue to exist in front of the Co-op.

Mrs. Shoppa, St. Joe, Texas, had written a news article expressing outrage at the state of the Drag. Out of town people express shame of the condition. The first impression of one of the finest Universities in the nation is bad.

As to the Red River Street merchants, the situation is different from that on the Drag, as those men own their properties in a low density sidewalk traffic. In conclusion, Mr. Young stated two Grand Juries strongly urged that this law be enforced and recommended that the Council clear sidewalks in all sections of the City, especially the unsightly and unsanitary condition, flourishing for several years on the Drag. The University System, through its spokesman, Chancellor LeMaistre, had asked the Council and the City for the same assistance.

Mayor Butler pointed out the prior Council had passed an ordinance through two readings; but because of legal questions and the doubt of its constitutionality, the ordinance was not passed. This Council has been working on this question in the framework of laws now enacted, and trying to work in other areas.

Councilman Nichols had alerted the Land Department to search the area for a possible market place which could be leased or rented with sanitary facilities and provisions made for these merchants. Three sites have been located. As to giving preferential treatment, he pointed out the City provides parks, hospitals, and other facilities, and there are arguments pro and con, for the good of the community. Councilman Nichols thought this problem could be worked out.

Councilman Friedman said the issue had been handled by a past Council and this Council has expressed its opinion as to what is being done. As to the ordinance, under the equal distribution of enforcement of law, he saw now way to pass a law to rid the Drag of vendors and not affect a lot of people all over the City.

City Attorney Don Butler gave a resumé of the ordinances presently in force, and he pointed out a number of problems that arise in drafting such ordinances, although the ordinances could be passed and would have to be enforced against everyone.

Mayor Butler, in summary, stated enforcing such an ordinance would not be a proper use of Police power. He concurred with Councilman Nichols' efforts

to locate a site for these vendors, as they could have a bazaar market type of atmosphere, and in turn raise their traffic and have a better business. If they do that voluntarily, they would benefit and the rest of the community would also.

The Sales Tax was questioned from the audience, and it was stated it is being collected. Sales Tax is in the province of the State Comptroller.

NAVIGATION BOARD - LAKESHORE CONSTRUCTION & SAFETY

Councilman Nichols suggested that this matter would involve a public hearing. He moved the Council set the hearing on the ordinance recommended by the Navigation Board at 2:00 P. M., July 27, 1972. The motion, seconded by Councilman Handcox, carried by the following vote:

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

PARKS & RECREATION BOARD - TENNIS CENTER

Ms. Carol McClellan stated there was a great unanimity of opinion among the tennis players that there is a great need to engage a qualified tennis professional at Caswell Tennis Center, as Caswell is the only tennis center in town. There is a need to establish a Pro Shop rather than employ someone at the Center as is done at the Austin Recreation Center. She asked that this be put back on a contract basis with the City as is done for the golf centers. A tennis Pro could build up youth programs; and he should be in charge of merchandising. She pointed out the many advantages of a professional, as Austin cannot compete with the metropolitan areas, or even small cities in Texas as far as good tennis players will flee to the clubs if they can afford to do so, and the youth and rest of the citizens of Austin would be ignored.

Ms. McClellan stated the resolution before the Council was passed unanimously by the Parks and Recreation Board; and she had been assured by the Parks Department that they believe this is the way the program would work the best. Councilman Dryden was interested in having a Pro at Caswell, but at the same time he was interested in a Pro's being able to spend time elsewhere. He suggested that the contract include that there be a Pro; and during the spring and summer, a part time Pro.

Councilman Nichols commended Ms. McClellan and the others who work in this field for Parks and Recreation. He stated it was incumbent upon this Council to get a report from the City Manager and act on it in two weeks. The City Manager was asked to incorporate Councilman Dryden's recommendation into this program, along with the recommendations that Ms. McClellan might have.

Mr. Woodrow Sledge, tennis player, discussed briefly the changing over from the contract-pro system. City Manager Davidson stated he and the Staff had met with Ms. McClellan and agree with the results she was talking about.

JAYCEES FIREWORKS & TOURNAMENT

City Manager Davidson reported receipt of a letter from the Austin Jaycees noting the Council had approved their fireworks display and water skiing tournaments on July 4th. They were rained out and they are requesting that they be allowed to reschedule this event for this coming Saturday. It could probably have been approved on the Council's original approval, but he did not want to do so without the Council's knowledge and consent.

Councilman Lebermann moved the Council approve the request to reschedule the events by the Austin Jaycees. The motion, seconded by Councilman Dryden, carried by the following vote:

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

APPOINTMENTS - CIVIL SERVICE COMMISSION

The City Manager submitted the recommendation that Mr. H. Curtis Weeks, Jr., fill the unexpired term of the late Mr. James Clay on the Civil Service Commission.

Councilman Nichols moved the Council confirm the appointment of Mr. H. Curtis Weeks, Jr., as recommended by the City Manager. The motion, seconded by Councilman Friedman, carried by the following vote:

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

BIDS ON CROSS-TOWN WASTEWATER INTERCEPTOR

The Council resumed its business at 2:00 P. M. to review bids taken for the Crosstown Wastewater Interceptor, and representatives of the low bidders were present to be heard.

Mr. Tom Curtis, attorney representing Harrison-Western Corporation, having been engaged at 5:00 P. M., the day before, asked that those participating in the collating of bids be present for the benefit of the Council or City Attorney. Mr. Curtis asked for a week to accumulate data on this matter. He had information in affidavit form that would be helpful. Mr. Curtis reported the bid as submitted, as he understood, was \$2.9 million dollars lower than the lowest bid; and that the bid was submitted by omission was 2.3 million dollars lower than it should have been. They wanted to bring the information and present to the Council, showing why that happened. Had this error not been made, Harrison-Western Corporation would have been low by \$600,000. Mayor Butler discussed the matter, noting the bids had been opened and all of the bidders had revealed their bid; and also the Company had almost two months in which to substantiate their view. City Attorney Butler stated Harrison-Western, Denver, is low on the first segment. A low bid would be the combination of Hensler-Anderson and Peter Kiewit Sons, Inc. at \$18,2 or \$3 million.

Mr. Doren Eskew, representing Hensler-Anderson, stated his client had sub-

mitted a withdrawal of bid No. 3, if the City construes his bid to be an offer to do the upstream work from Shoal Creek without the downstream work from Shoal Creek. If his bid is construed to do the bas work alone, there is no error in that. If it is construed his offer is to do the work upstream and downstream from Shoal Creek, there is no dispute; but if the City construes his proposal as an offer to do the work upstream from Shoal Creek, in which he left out \$2.3 million dollars worth of charges, he was making on the downstream work that he was doing — then that offer would not be performed.

Mayor Butler noted a coincidence that \$2.3 million dollars was the figure Mr. Cutris' client erred in.

Mr. Eskew asked for a hearing before the Council to present facts. Mayor Butler said the Council had two low qualified bidders; and if they do not award the contract to the low bidder, there would have to be some reason. Mr. Eskew said this company was capable of performing the work and submitted a proposal to work upstream without doing the work downstream from Shoal Creek. They would (1) perform on the entire job, or (2) on the park downstream from Shoal Creek. However, he wanted to present the facts.

Mr. Curtis explained that the error in his client's bid was in Item No. 45, calling for 28,000 feet of this tunnel. The portion omitted by error included all of the concrete work, and they would like to have an opportunity to bring the estimator up here. Mayor Butler explained the position of the City in a situation like this. Mr. Curtis stated dozens of spread sheets went into the computation one of which was omitted — the concrete. They wanted to talk with the consulting engineers, who might be able, due to their expertise, to say that it is obvious something had been omitted. Mayor Butler asked if the client would be willing, in the public interest, to submit to a polygraph test.

Mr. Darryl Skelton, attorney representing Harrison-Western, reviewed the steps taken when they discovered the mistake two hours after bids were opened. He was informed the bids were turned over to the consulting firm but he never had an opportunity to see them. He stated that this type of mistake is so apparent that no reasonable man could doubt that there was an error made. The Mayor asked if the estimator would take a polygraph test. Mr. Skelton said he would ask him, however, he said he had some results that were inconclusive as far as polygraph tests were concerned, and members of the Bar would agree. Mr. Skelton reviewed the background of the Company, which in 1969, arose out of a company known as Patrick Harrison & Sons, which had 40 years in underground work. Mr. Skelton stated his company is well qualified and can do the City a good job at a savings of \$600,000. If that is not done, they do not feel they could do the job for \$6.9 million without having complete financial destruction.

Mr. Skelton reviewed the bid based on linear feet of tunnel, which was misleading. Harrison-Western bid \$179 per lineal foot; the City estimated \$242 per lineal foot; Hensler was \$262; Peter Kiewit was \$275; Granite Construction — \$296; and J. B. Contractors, \$298. He brought this out as if the amount of their mistake — of \$2.9 million dollars — on the concrete lining were added, it would bring their estimate to \$260 per lineal foot, which is in line with the other bidders.

Mayor Butler stated many businesses when they make mistakes, pay for them. He asked if Mr. Skelton would want to leave the deposit and default. Mr. Skelton said they did not propose to leave the bid bond here, as he thought the law was clear on this, when facts show there is a mistake of this nature.

Councilman Nichols inquired about this bid bond, to which Mr. Skelton responded that the reason for bid bonds is to hold people to the bid when they had made a legitimate bid. He did not believe his company should be held to this until the Council has all of the facts and know exactly what happened.

City Attorney Don Butler recommended that ample opportunity should be given these low bidders to present their case. Mayor Butler noted this was a multi-million dollar project.

Mayor Butler asked with one of the Consulting Engineers, if the omission were so obvious to one of an engineering background that it would be readily available and readily obvious. He asked Mr. Lang of the Consulting Engineering firm if he concurred. Mr. Lang stated from the examination they had made and from the information available in the bid, it is not possible to confirm or contradict whether an error had, in fact, been made. The figures are there and according to the figures that were there, there is this discrepancy. Mr. Lang stated on the papers presented to the, the concrete liner was omitted. It was brought out there was no way to tell whether there was an omission in the paper work before the bids were opened. Council members pursued this line of thought. Councilman Friedman brought up the competence of the firm, and also the policy of the engineers in determining the low bidder. City Manager Davidson stated two hours after bid opening, the engineers were told that there may have been an error. Councilman Friedman asked if the engineers accepted this bid as a low bid.

Councilman Lebermann, after considerable discussion, moved that these people be given a few days as they requested and that they be heard at 2:00 P. M., Thursday, July 13. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

Councilman Nichols admonished them to be ready at the assigned date.

Mayor Butler told the group that several of the Councilmen, along with himself, had agreed that a polygraph test would be most helpful, and they would want this test made before next Thursday. The Mayor suggested that the Council should instruct the City Attorney to determine whether the other company should also have such a test.

RECESS

The Council then recessed until the 7:00 P. M. meeting in the Council Chambers.

REVOCATION OF DESIGNATION OF H.O.C.

A public hearing was held at 7:00 P. M., to consider the revocation of the designation of the Human Opportunities Corporation as the Community Action Agency and designation of the City of Austin as the Community Action Agency. Most of the speakers were Board members and employees of HOC.

Mr. Bill Alshire represented the Community Action Personnel Association of delegate agency personnel. He felt HOC employees should not remain neutral in this controversy and he indicated that they wished HOC to remain the Community Action Agency. He felt that although the Human Opportunities Corporation had functioned below its potential and often in a disorganized and abrupt manner, that they should be given a chance to work things out. He felt that action to take over the HOC Board was purely political. Mr. Alshire stated that the poor should have some representation in solving their problems. Model Cities Agency did not have involvement of the poor.

Mrs. Thomas Aguilar also representing the Community Action Personnel Association, repeated that a City controlled Community Action Agency would be less effective in serving the poor than the present Human Opportunities Corporation. She explained the Child Development Program as it was presently working. It provides educational, social services, medical and psychological services, and food and volunteer services. Mrs. Aguilar felt that a City takeover would not meet the needs of the disadvantaged poor effectively. She alleged that the educational programs of Austin have made small provision for the development of positive image among the poor. She felt that the objective of the program was to develop and train HOC workers and the people interacting with them.

The Center Director for the West Austin Neighborhood Center, Mrs. Mary Baylor, also representing the Community Action Personnel Association, asked if the City took over HOC what changes would be made and how this would affect the present employees. Also what advantage would the poor people have in petitioning the City about problems if the City takes over. Some of the services affected since HOC was operating are a commodity-distribution center in Montopolis, a clothes closet for the underprivileged and tutoring classes. She noted that these positive results rarely received notice in the news media, but the wrong things did.

Mr. Al Moore represented the Steering Committee of the Parents' Policy Council of the Child Development Program. He explained their move to operate the Child Development Project as an independent agency from HOC. He hoped the City would keep this in mind, and the program would continue as a delegate agency. Councilman Friedman asked if the Parent's Council was in any way saying the City should take over HOC. Mr. Moore replied that they were not saying that but would like to keep their project as it is - independent. Mr. Moore noted that they were using free legal services, as an aid in filling out forms that go to Washington, and that Councilman Friedman had offered his services also. Councilman Dryden felt the Council would not destroy their program.

Mr. Juan Reyes represented the East Rural Travis Area Organization and asked what plans the Council had for the poor in the rural areas of Travis County. Mr. Oran McMichael, Chairman of the Black Student Union, the University of Texas, said that citizens of Austin who are recipients of the HOC program are upset and angered.

Mrs. Eula Lane spoke in behalf of the New Careers program, which gives an individual the opportunity to continue his education and work part-time and in

two years to be hired fulltime by the company employing him. A Board member, Mr. Milton Gooden, explained that no Councilman present had any intention of destroying a program that is meant to help the poor, although the Council should have been in closer contact with the HOC Board. Mr. Gene Davenport, representing the West Rural asked again about the rural areas, and wanted to know if the County Commissioners had been contacted. Mayor Butler said there had been contact with the County Commissioners Court, but nothing legal or final will be done until after this hearing.

Mayor Butler noted that a clipping from the American Statesman of June 18 had been passed to the Council, saying that the Parents' Policy Council voted to censure the HOC Board of Directors for the firing of James Strickland, and demand his rehiring. Yet, Mr. Moore made no mention of this. Councilman Friedman explained that one act of censure did not mean the Parents' Council was totally dissatisfied with HOC.

Mr. Leopold Hernandez, Chairman of the HOC Board, spoke, saying that he had been asked by some black board members to be chairman, but he didn't even want it. He took it anyway. He asked if the City Council took over HOC would they try to channel funds to West Austin and forget about the poor. He felt that good ethnic balance was important to the operation of any boards helping the poor, such as the Hospital Advisory Board. Larry Jackson, the next speaker, yielded to Mr. Tommy Wyatt, who had been on the HOC Board when it was originally formed. Mr. Wyatt explained some of the problems encountered at that time, a 42 member Board which was unwieldy and difficult to get a quorum. This Board was reduced in size. It is presently at full capacity, but has been hindered he felt by being under pressure from the City Council. He felt the Board could work out its own problems if it was left to operate on its own.

Mrs. Velma Roberts, a Chairman of the HOC Board, expressed some of the difficulties with the HOC Board. The one-year term was too short to find out all the programs that HOC runs, and then to get out a work program to submit to OEO to get funding for the next year. She thought that staggered terms would help. She asked about the budget for East Austin needs; that there was very little money indicated in the budget. At Brackenridge, patients often have to wait for hours to see a doctor, and emergency room treatment was slow for the poor. She asked about the Hill-Burton grant and said that information about it should be passed on to the poor; and commented on treatment of the black and brown at the Cosmetology School. She felt that a takeover by the Council would put the poor people back from 2 to 5 years. She felt that the City could do more for the poor people than it is doing now.

Mrs. Edith Buss asked the Council not to make this a political football, but to leave the control of HOC in the community. Ms. Bertha Means, First Vice-President of the Austin Chapter of NAACP, made four points. (1) That the Human Opportunities Commission was organized to increase opportunities for the poor and give them opportunities to learn techniques in handling their own affairs; (2) Many government programs were funded only when the neighborhood poor people were involved in planning such programs; (3) With the turnover on the Council every two years, it would be possible that later Councils would not have the same interests this Council has regarding the poor; and (4) There are internal problems in HOC, and if they are given a chance now, they may be able to iron out some of their problems.

Mr. Benigno Meneses, a representative of the south Austin Community and a Board Director for 3 years, stated that since HOC was out of probation by OEO,

that it would work better. He mentioned that a lot of the poor people had no transportation, and so were unable to come to the hearing. He said that the anti-poverty work had come a long way in the past six years; and with HOC, there were many worthwhile programs now.

Mrs. J. M. Jones, from east Austin, spoke, representing only herself. She said that the HOC members need time to learn their business, and that the first time they make a mistake, their programs should not be taken away from them. She asked for street paving, lighting, and better police protection as some of the needs of east Austin. Mr. Clifford Manor, Chairman of the Montopolis Advisory Committee, asked the Council to give the HOC Board more time to correct their mistakes.

A member of the community, Mr. Gregorio Canales, asked that HOC remain as it is for three reasons. (1) The people on the Board live with the problems with the poor day by day; (2) HOC represents unity among black and brown people; and (3) This is the only way the poor people can make their voices heard and participate in decisions that effect their everyday lives.

Mr. Francis J. Kruma, from the west rural area, wanted to know the effect that the City's direction would have on these areas in the County. A citizen from the Montopolis area expressed her feelings toward keeping HOC. The Vice-Chairman of the Advisory Committee for the Montopolis Center, Mr. Preston, would like to see the program in the people's hands. Mrs. Flossie Preston is on the advisory Committee of HOC as a volunteer. She asked the City if they would like to help people in the middle of the night like the HOC Board does now. She felt that all the volunteer work now being done wouldn't be done for the City. Dr. Ira Esco, former President of the Human Opportunities Board, stated HOC had the right to make mistakes, and would other organizations in the City, civic organizations from West Austin, really come down and help HOC. He asked for a 90 day moratorium in which time the black, brown, and Anglo Citizens would get together with responsible people in the City and move toward helping the poor to help themselves.

Mr. Dan Cardenas, a representative of the County reminded the Council of the concern of the County Commissioners about the problems of HOC. He noted Commissioner Samuelson had been appointed to coordinate information for the County Commissioners. It is important that the poor have an effective and vocal voice in the running of this agency. Mr. Terry Trahan asked the Council (1) what is the basis of their decision relative to HOC? (2) what could be accomplished through City administration that is not being done presently? (3) What are the ramifications of your decision concerning HOC as to the form it will be in?

Miss Betty Jane Whitaker, who has been working with HOC as a professional volunteer helping the staff, backed the other citizens of the people's control of HOC. Mr. Jeff Roth also spoke up for the people concerned. A lady from north-east Austin spoke in behalf of the neighborhood centers, saying they had even contributed clothing for flood victims, and this would not have been possible without HOC. Mrs. Evelyn Hendricks spoke in behalf of the dental clinic. Mr. Frank Horsfals added his belief that HOC should be led by those connected with poverty.

Mr. Larry Graves pointed out the positive aspects of the HOC administration. Many of the people have gained jobs, and have medical care. They also have set up day care centers. The people on the staff go out now and work in the community, and Mr. Graves felt that this would not be what the Council members could do. Because of the childcare centers, some of the mothers might be able to

go to school to better themselves or get a job. He asked the Council why they should want to take over this program. Mayor Butler replied number 1, the Council hasn't said that they are going to take it over. They have been thinking in that direction because they felt the program was not being administered in the best manner. There have been firings without reasons given, and also resignations. A letter from OEO had been received by Board Chairman Leo Hernandez suggesting a task force be organized immediately to rectify problems and there were other recommendations. It was stated failure to do so might result in suspension or termination of the grant. "The Board's participation in staff administration has reached the point at which the administrative staff has virtually lost control of the program staff." Mrs. Roberts had made a very good suggestion that the terms of the Board be longer, and that is a step in the right direction, and the terms should be staggered. The Mayor said that he felt like the program was in jeopardy. He explained the Council wouldn't even be on the Board, nor will they hire or fire the employees of HOC.

Mrs. Mildred Sneed asked the Council what they were going to do about the million dollars of in-kind contributions, that is the non-Federal share. She said at present the in-kind contributions come from the poor people, primarily and from students. She felt that these people were not going to contribute to the City, because if she pays taxes, she feels the City should pay for it. Mr. Dan Davidson said basically it would be done the same way it is done now, with perhaps different proportions; and also there were other in-kind services that would be offered under a City program. Also he said that if the City takes it over, it would only do it, to do a good job of it. If this is done, if it is a fine program, the same kind of community effort and volunteer service and involvement by the Board will be required or OEO will not approve the continuation of a Community Action Agency. Mrs. Sneed asked about hiring qualifications under City Council direction. Mayor Butler pointed out that if the City restructures HOC, it will operate according to OEO guidelines.

Father Joe Zanotis, previously on the Board of Directors, said he contributed 40 hours a week out of concern for the poor, and he said the poor people didn't want paternalism. He had given facilities for 70 black and brown kids for day-care, but he would have difficulty doing this for the City. Also many of the people who are working with HOC had no jobs, and then when people leave, they keep moving up. He felt HOC should be a training center for these people.

Mr. Bob Anderson was the next speaker, stating he had written a letter to Mayor Roy Butler recommending that HOC be dissolved, and entered that letter in the record. Much of the argument at the meeting was to imply that only the poor should have administrative control of a Community Action Agency, and that nearly \$4,000,000 of HOC budget should be used as some sort of an on the job training program for HOC Board members to learn how to be Board members. Mr. Anderson challenged this. The purpose of a Community Action Agency as defined by OEO is "total community involvement in the problems of the poor," in order to "stimulate a better focusing of all available resources, make the entire community more responsive to the needs and the interests of the poor." It says, "the poor and the public official cannot succeed alone without the vast and largely untapped resources of the non-poor private sector," as stated in OEO instruction dated Nov. 16, 1970. This has not been done by the HOC Board. After HOC was taken off probation by OEO and was given specific instructions regarding the rights of the staff to administer programs, it defied OEO by assuming control of all hiring and firing of the staff. The Board approved a work program which would eliminate neighborhood centers, however, the poor themselves protested and the decision was reversed. Because of the firing of the Assistant Director for Child

Development, the Parents' Policy Council requested that Child Development become an independent agency. There has been no action taken by the Board in relation to rural areas. Mr. Anderson recommended that the City establish an Austin Council for Community Awareness to provide a grass-roots communication to the City Council and County Commissioners from all sectors of the City and County, which would have no administrative responsibility except to promote two-way communication. It would request staff support, financed through the OEO Civil Awareness Program.

The last speaker, Mr. Juan Hipolito, noted that he had been one of the ones abstaining on a HOC Board vote, a 5 to 4 decision to rehire Mr. Strickland, and it was not for racial reasons. The decision was already made. He felt that the Council should have another meeting in a target area involving more people, as a whole.

Councilman Lebermann then made a motion that the Council delay a week and deal with the question finally the next Thursday, July 13, at their regularly scheduled meeting. This was seconded by Councilman Dryden.

Councilman Jeff Friedman made a substitute motion to delay action for 60 days so that the Human Opportunities Board would have the chance to do the job. There was no second, and the motion died. Councilman Friedman then made another substitute motion that the matter be delayed for two weeks, when he would be present. That motion was seconded by Councilman Handcox. At this point, Councilman Lebermann withdrew his original motion in courtesy to Councilman Friedman who would be out of the City.

There was some discussion as to when the Council would act firmly and finally. Councilman Nichols moved the substitute motion be passed to act finally in two weeks, July 20, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ADJOURNMENT

The Council then adjourned.

APPROVED: 
Mayor

ATTEST: _____
City Clerk