

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 26, 1973  
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

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

Absent: Councilman Friedman

The Invocation was delivered by DR. JOHN BARCLAY, Central Christian Church

## CERTIFICATES OF APPRECIATION

Mayor Butler read and then presented certificates of achievement and appreciation to the following retiring members of City Boards and Commissions:

Dr. Ralph Hanna - Mental Health-Mental Retardation Board  
Mr. Bart Hodges - Model Cities Commission  
Mrs. Jewel Browning - Model Cities Commission

## RESOLUTION - MABEL DAVIS ROSE GARDEN

Councilman Nichols read and then presented a resolution, signed by the Mayor and members of the Council, to Mrs. Alden Davis in recognition of her outstanding contributions to the City and naming the rose garden in Zilker Municipal Garden as MABEL DAVIS ROSE GARDEN. Mrs. Davis accepted the resolution and thanked the Council for this tribute. Mayor Butler recognized members of the Parks and Recreation Board in attendance.

## RESOLUTION - BILL KINGSBURY

Mayor Butler read and then presented a resolution, signed by the Mayor and members of the Council, certificate, and distinguished service pin to Mr. Bill Kingsbury in recognition of 28 years service as an employee of the City. Mr. Kingsbury accepted the presentation and thanked the Council.

## PROCLAMATION - CONSUMER INFORMATION WEEK

Councilman Handcox read and then presented a proclamation to Messrs. George Spalding, Hank Dunlap, and John Atchison, proclaiming the week of April 30-May 5, 1973, as Consumer Information Week in Austin. Mr. Dunlap accepted the proclamation and thanked the Council for their recognition.

## PROCLAMATION - PHI DELTA KAPPA DAY

Mayor Butler read and then presented a proclamation to Dr. Exalton Delco, Mr. Oscar Kelner, Dr. Ray Williams, and Dr. Charles Dent, proclaiming April 27, 1973, as Phi Delta Kappa Day. Dr. Delco accepted the proclamation and thanked the Council for this recognition on the 60th Anniversary of Phi Delta Kappa.

## PROCLAMATION - BLANKET AND CROP SUNDAY

Mayor Pro Tem Love read and then presented a proclamation to Mrs. Carper and Mr. Bowers, proclaiming May 6, 1973, as Blanket Sunday and Crop Sunday of the Community Hunger Appeal in Austin, in recognition of efforts to collect blankets in the annual canvass to benefit the peoples of underdeveloped countries.

## PROCLAMATION - RESPECT FOR LAW WEEK

Councilman Nichols read and then presented a proclamation to Mr. Doug Morris, Governor of the South Texas Central District of Optimist International, and Messrs. Melvin Hayes, Jess Mansfield, Jess Allman, Mose Adcock, and Joe Dacy, proclaiming May 1-7, 1973, as Respect for Law Week. Mr. Morris accepted the proclamation, reflecting briefly on the philosophy of Optimism and reading the creed of Optimist International.

## PARADE PERMIT GRANTED

Councilman Nichols moved the Council grant the request of Mr. Ed Krenek, on behalf of the Austin Appreciation Committee, for a parade permit on an emergency basis for a Parade at 6:30 P.M., May 1, to honor returning POW's. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Mr. Krenek thanked the Council and noted the various activities planned for May 1, including an 11:30 luncheon for which he distributed tickets to each member of the Council and the Mayor.

## FRIEDMAN ENTERS

Councilman Friedman entered the Council Chamber at this time.

## MEDICAL CONTRACT CONSIDERED

The Council had before it for its consideration approving a contract between the City of Austin for Brackenridge Hospital and the Central Texas Medical Foundation to provide Emergency Room services and a program of Medical Education.

Dr. Thomas Kirksey, of the Central Texas Medical Foundation, stated in response to Mayor Pro Tem Love's question that Dr. Henry Renfert was currently in the unpaid position of Chairman of the Medical Education Committee of Brackenridge Hospital. In response to Mayor Butler's question, Dr. Kirksey stated that he was currently functioning in the position of Education Director which was currently a voluntary position. Under the plan recommended, the position of Director of Medical Education would be a paid position at \$50,000 a year. Dr. Kirksey stated that there was not a candidate proposed for that position at the present time. Mayor Butler noted that this position would be the highest paid position in the City "family," receiving more than was the City Manager. In response to Councilman Nichols' question, Dr. Kirksey stated that the person for this position would be selected by the Central Texas Medical Foundation Board of Directors. Councilman Dryden stated that if the Foundation could hire a qualified individual for a lesser salary, they would do so. He did not believe that the total budget recommended would actually be used in the next six months. In response to Councilman Handcox's question, Councilman Dryden stated that the contractual agreement would be for about a six-month period.

Mayor Butler noted that in addition to Director of Medical Education, four other proposed positions listed were Director of Education-Surgery at \$50,000; Director of Education-Obstetrics & Gynecology at \$50,000; Director of Education-Internal Medicine at \$42,000; and Director of Education-Pediatrics at \$42,000. Mr. Will Brown, Administrator of Brackenridge Hospital, noted that the Director of Medical Education and Director of Pediatrics Education were already positions in the current budget. Mayor Butler noted that these 5 salaries totaled almost \$250,000. In response to Mayor Pro Tem Love's question, Mr. Brown stated that the total budget for the proposed plan for Emergency Room services and Medical education to run through September 30, 1973, was a maximum of \$343,998; projected for the fiscal year 1973-74, the maximum budget projected was \$697,198 before taking into account any earnings. Earnings were projected at \$50,000 for fees earned by the physicians in medical education and \$20,000 from the emergency physicians' services.

In response to Mayor Butler's question, Mr. Brown forecast 6 to 7 full-time physicians in the emergency room. He further stated that the five education directors in question would not be admitting patients to their private service but would be directing and coordinating the medical education program which would see to the care of these patients. In response to Mayor Butler's question, Mr. Brown stated that there were currently three paid positions involved in medical education, salaried at \$35,000, \$35,000, and \$30,000, respectively, for a total of \$100,000. In response to Councilman Lebermann's question, Mr. Brown noted that the 6 to 7 physicians to provide full-time Emergency Room service would be additional positions, with salaries open to negotiation. In response to City Manager Davidson's question, Dr. Kirksey stated that the salary for each of these positions in the budget was approximately \$40,000 per year, which prorated at \$20 an hour.

Dr. Kirksey noted that the budget increases requested were for the purpose of hiring additional staff but believed that the faculty as it currently existed was inadequate to maintain any semblance of an educational program. He stated

that at the present there were physicians who would not participate in the program which lacked the coordination and direction needed. He believed that it would be inordinately expensive to secure full-time staff at Brackenridge Hospital to perform these services and that it might be more difficult for the City to hire people for this work than it would be for the Foundation.

In response to Councilman Nichols' question as to why this recommendation had never been made before, Mr. Brown referred to the American Medical Association statement that there should be changes in post-graduate medical education to remove the intern from primary service and place him in a teaching program of which primary service is a part. Mr. Brown stated that Brackenridge was unique, when compared to Dallas, Houston, and San Antonio, as a City Hospital for the high quality health care provided by the volunteer physician, and that the City could no longer get by for the price that had been paid. Dr. Kirksey discussed the implications for health care of the transition of Austin from a smaller community to a major city.

In response to Mayor Pro Tem Love's question, Dr. Kirksey stated that Austin was well above the national average in doctor-patient ratio, overall although there were physician shortages in some specialties, such as emergency room care and teachers. Dr. Kirksey expounded upon the duties of the educational directors. He believed that 6 full-time physicians in the emergency room might not be enough. In response to Mayor Butler's question, he stated that the five educational directors were currently approved to supervise and train 14 interns each. He stated that the medical schools in Texas were unable to handle the entry of 200 students a year which they had been instructed to lobby the Medical Association so that satellite community education centers were needed. In response to Mayor Butler's comment that the doctors trained might not stay in the community, Dr. Kirksey noted that at one small prototype of the Mayo Clinic, approximately 15-20% of the men trained stayed in that area.

Councilman Friedman inquired why the medical schools were not willing to provide some of the funds for this type of operation if they needed it. Mayor Butler questioned why the medical schools could not provide or loan the City an educational director. Dr. Kirskey stated that every medical school in the country was faced with an economic crisis, to which Councilman Handcox responded that the City was in a financial crisis also, losing millions on the hospital operation at present.

In response to Mayor Pro Tem Love's question, City Manager Davidson noted that the net additional expense to the City for the five months in 1973 would be \$92,951, and Mayor Butler noted that the net additional expense for fiscal 1973-74 would be \$306,000, assuming the earnings projected. In response to Mayor Pro Tem Love's question, City Manager Davidson indicated that Mr. Brown had stated that this proposal could be worked into his budget without requesting an overall increase in the total budget.

In response to Councilman Lebermann's question, City Manager Davidson stated that the annual cost of just the Emergency Room service and not the program of Medical Education was estimated at \$400,000. In response to Mayor Pro Tem Love's question, Dr. John Kemp stated that the contract authorization of City auditing of the use of facilities in the educational program was an acceptable requirement. In response to Councilman Lebermann's question, Mr. Brown stated that without the educational program, interns would go elsewhere where there was full-time teaching faculty.

In response to Councilman Friedman's question, Dr. Kirksey stated that the requirement that hospitals adopt an educational program such as the one proposed came not from the American Medical Association but from the American Association of Medical Colleges, which said that training could not take place in institutions without full-time post-graduate educational programs. He stated that four years of medical school and one year of internship were inadequate for the independent practice of medicine. Councilman Friedman questioned the economic reasonableness of the AAMC standards.

Dr. Kirksey stated that the proposed program was the least expensive that could be offered in that all profits automatically went back into the program, as constitutionally required. Mayor Butler noted that Brackenridge was currently running at about \$4 million deficit per year and concurred with Councilman Lebermann's comment that it was troublesome to think about adding to that.

Mr. James Pfluger, Chairman of the Brackenridge Hospital Advisory Board, stated that the Board in February, 1973, had approved in concept the proposal in question, but attached to that approval a list of concerns. He stated that most of the discussions and contract negotiations had occurred between representatives of the Medical Foundation and the Hospital, rather than with representatives of the Board. Mr. Pfluger stated that the Board could call a special session the first of the next week to consider any questions which the Council might have. He stated that of the options presented to the Board, the current proposal was the most viable.

Mr. Joe Roddy, of the Brackenridge Advisory Board, felt that action was being taken too fast and that the Board had not been sufficiently informed. He believed that there were basic problems at Brackenridge Hospital which would not be solved by the proposal in question. Councilman Dryden noted that any hospital would always have personnel and contractual problems like those referred to. In response to City Manager Davidson's question, Mr. Roddy stated that some of these problems were relevant to the emergency room services or the medical education program under consideration. Mr. Roddy favored both programs in concept but had doubts about the proposed contract, believing that more options should have been offered.

#### Motion

Councilman Handcox moved that action on this item be delayed for two weeks. The motion was seconded by Councilman Friedman.

Dr. Kirksey stated that this proposal had been worked on since the past year and he believed that there had been adequate time for discussion. He also wants the problem solved as expeditiously as possible.

City Manager Davidson suggested that there be a one week delay to allow for a work session between Board members, Hospital administration, and Foundation representatives.

#### Amendment to Motion

City Manager Davidson pointed out that zoning hearings were scheduled for May 10 rather than May 3. Councilman Handcox offered an amendment to the motion that the delay be for one week rather than two weeks and that the Council meet with members of the Brackenridge Advisory Board in the meantime.

Councilman Dryden pointed out that members of the Travis County Medical Foundation were currently on the line, manning the Brackenridge Emergency Room and that the aim of the proposal was to benefit the hospital and the community, not the individual members of the Foundation. Dr. Kemp stated that the debt accumulated from the emergency services being provided was at \$20,000.

Mr. Pfluger discussed with the Council the time for a work session involving the Council, the Board, and the hospital staff. 7:00 P.M. on Monday, April 30, at the Hospital was agreed to. Mayor Butler and Mr. Pfluger agreed that this work session would be in lieu of the Council joining the Board for its regular Board meeting the following day. Councilman Dryden suggested that representatives of the Foundation should participate in the session as well to which Mayor Butler concurred.

Vote

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

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

PUBLIC HEARING ON VACATING STREETS - PASSAGE OF ORDINANCE

Mayor Butler opened the public hearing scheduled for 10:00 A.M. on vacating the following streets and alleys:

SABINE STREET, from East 7th Street northerly to East 8th Street.

EAST 7TH STREET ALLEY, from Interstate Highway No. 35 westerly to Sabine Street.

EAST 7TH STREET ALLEY, from Sabine Street westerly to the centerline of Waller Creek.

(City of Austin)

EAST 13TH STREET, EAST 12TH STREET ALLEY, EAST 13TH STREET ALLEY, and EAST 14TH STREET ALLEY from Trinity Street to San Jacinto Street.

(Urban Renewal Agency)

One member of the audience expressed concern about one of the alleys to be vacated until it was discovered that that was not one of the alleys in question.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF SABINE STREET AND EAST 7TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS: RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES: SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF EAST 13TH STREET, EAST 12TH STREET ALLEY, EAST 13TH STREET ALLEY, AND EAST 14TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

#### ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for Public Hearing at 11:00 A.M. Pursuant to public notice thereof, the following zoning applications were publicly heard:

JOHN P. NIEMAN &  
ROGER HANKS  
By Richard C. Baker  
C14-73-045

800-804 and 801-807  
West 37th Street  
3510-3704 Gaffney  
Street

From "A" Residence to  
"O" Office (as amended)  
RECOMMENDED by the  
Planning Commission as  
amended subject to a  
6' privacy fence on the

south and east property lines; subdivision to identify the properties at the sw corner and dedication of right of way on W. 37th Street to 60'.

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "O" Office (as amended) as recommended by the Planning Commission subject to a 6' privacy fence on the south and east property lines; subdivision to identify the properties at the sw corner and dedication of right-of-way on W. 37th Street to 60'. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

The Mayor announced that the change had been granted as recommended by the Planning Commission as amended subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

RICHARD DORRELL  
C14-73-024

8315-8505 Balcones  
Drive

From Interim "A" Residence  
1st Height & Area to  
"C" Commercial, 1st  
Height & Area as amended  
NOT Recommended by the  
Planning Commission  
RECOMMENDED by the Plan-  
ning Commission "GR"  
General Retail, 1st  
Height & Area, subject  
to a 150' building set-  
back from the west prop-  
erty line

Mr. Robert Norris, representing the applicant, proposed an amendment to the alternate recommended by the Planning Commission. He proposed that the south 150' be zoned "GR" General Retail and that "C" Commercial be granted on the remaining portion.

Mayor Pro Tem Love moved the Council refer this case back to the Planning Commission for consideration of the proposed amendment. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols



## ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases, postponed from April 19, 1973, scheduled for Public Hearing at 10:30 A.M. Pursuant to public notice thereof, the following zoning applications were publicly heard:

RICHARD S. TRIMBLE  
By Lou McCreary  
C14-72-291

7807 Watson Street

From "A" Residence to  
"O" Office NOT Recommended  
by the Planning Commission.

Mr. Richard Trimble, the applicant, stated that this case had previously been sent back to the Planning Commission for a re-write. He now requested that it again be referred back to the Planning Commission in an attempt to work out a mutually satisfactory arrangement. Mr. Dick Lillie, Planning Director, stated that this application was for a barber shop in the home, and the ordinance did not permit that although it permitted a beauty shop in the home. Mayor Butler noted that the Council had earlier been favorable to allowing this change but had denied the ordinance permitting a barber shop in the home when it came before the Council. Mr. Trimble noted the difficulties of defining the terms "beautician" and "barber" legally, owing to a recent Supreme Court ruling. There was discussion of how the interpretations of these terms by the State regulatory agencies differed from their interpretation in the City ordinance. Mr. Lillie stated that a beauty shop could operate within "A" zoning under certain conditions which Mr. Trimble had met, but a barber shop could not.

Mayor Butler noted that Mr. Trimble's neighbors had had no objection to the barber shop in his home. Mr. Lillie noted that no zoning short of "O" would permit a barber shop in the home under the existing ordinance.

Councilman Dryden moved the Council refer this case back to the Planning Commission as requested. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

HAROLD CARTER CHAPMAN  
C14-73-013

7401 Geneva Drive

From "A" Residence to "O"  
Office NOT Recommended by  
the Planning Commission

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

The Mayor announced that the change had been DENIED.

L.C. HOBBS  
C14-73-025

5100 Grover Avenue  
1200-1202 West 51st

From "A" Residence to "B"  
Residence NOT Recommended  
by the Planning Commission

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

The Mayor announced that the change had been DENIED.

AMANDA WILLIAMSON  
By L.C. Reese  
C14-073-034

511-517 Krebs Lane  
3813-3817 So. First St.  
512-518 Fort McGruder  
Lane

From "A" Residence to "LR"  
Local Retail NOT Recommended  
by the Planning Commission  
with the additional comment  
that those voting against  
this motion feel that "LR"  
Local Retail is not appropriate  
for this tract; however  
a higher use than either "A"  
Residence or "BB" Residence  
is considered appropriate.

Mr. Lillie stated that the Planning Commission had had a great deal of difficulty in arriving at a recommendation, and what was before the Council was a very confused one. The primary difficulty was with a very large oak tree on this tract, and the Commission felt that the tree should be preserved. Mr. Lillie believed that "O" Office zoning with a special permit preserving the tree would satisfy the Commission and perhaps the neighbors with respect to the tree. The applicant had stated that he would agree to a special permit.

Mr. L.C. Reese, representing the applicant, noted the commercial zonings in the area. He stated that only 4 of the 32 persons to whom notices had been sent opposed the change to "LR" and he could not understand why it should not be granted although he would accept an "O". He agreed to a special permit.

Mrs. Margaret Hoffman, a resident in the area, wished to make sure that the tree was preserved. In response to her question, Mr. Lillie stated that Parks and Recreation could be requested to examine the tree to estimate the number of feet from the tree required to be free of asphalt or cement to protect the tree. Mayor Butler stated that the purpose of the special permit was to require a public hearing in the event of an application which had something in it adverse to the tree.

#### Motion

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "O" Office subject to a special permit protecting the tree. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

The Mayor announced that the change to "O" Office had been granted subject to the special permit and instructed the City Attorney to draw the necessary ordinance to cover.

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STEVE B. VALDEZ  
C14-73-035

3618-3704 Munson St.

From "A" Residence to  
"O" Office NOT Recommended by the Planning  
Commission

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols

The Mayor announced that the change had been DENIED.

RECESSED MEETING

2:00 P.M.

The Meeting was reconvened at 2:00 P.M. with Mayor Butler presiding.

PUBLIC HEARING ON CONSUMER AFFAIRS ORDINANCE - PASSAGE OF ORDINANCE

At 2:00 P.M. Mayor Butler opened the public hearing schedule for that time on the proposed Consumer Affairs Ordinance.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY ADDING TO CHAPTER 23 A NEW ARTICLE II, ENTITLED "CONSUMER-VENDOR AFFAIRS"; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN UNLAWFUL ACTS; MAKING CERTAIN REQUIREMENTS IN CONNECTION WITH ADVERTISING; AUTHORIZING CERTAIN CONTRACTS; PROVIDING FOR A CONSUMER-VENDOR AFFAIRS OFFICER; PROVIDING FOR CERTAIN EXCEPTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

City Manager Davidson reported that discussions since the last hearing held several weeks ago had resulted in a proposed revision in the sex discrimination section, which now stated that it would be unlawful to deny an individual credit for retail transactions solely on the basis of sex or marital status of the applicant except as authorized or required by State law. He stated that there was

still some difference of opinion over the Consumer Vendor Affairs Board, but the consensus was that this might be satisfied through the appointment of an Ad Hoc Board or Committee which would assist in the organizational development of the Department and provide for citizen input. He stated that the body of the ordinance was unchanged from the previous meeting, and that all parties were in accord except for these items just mentioned.

Mr. Lloyd Doggett stated that the compromise worked out on the sex discrimination section, limiting it to retail credit, was satisfactory to himself and his colleagues. He believed that citizen input from both business and consumer groups was vital at the outset of this operation. He recommended passage with some type of citizen input.

There was discussion introduced by Councilman Friedman as to when the Ad Hoc Committee's work would be done and the Committee dissolved. Mayor Butler noted that the Dallas program, which had been referred to as a model, did not have such an advisory committee. Councilman Friedman thought a regular citizens' board should be established. In response to Councilman Handcox's question, Councilman Friedman outlined the duties he would envision for this board. In response to Mayor Butler's question, Councilman Friedman stated that he did not believe this board would duplicate the function performed by contractual services which would also be provided for, because the latter would not provide ordinary citizen input. He cited the Environmental Board as an analogous situation.

Mr. Douglas Longman, of the University of Texas Marketing Department faculty, reminded the Council of the results of a questionnaire conducted by TexPIRG that 82% of the respondents agreed that a Citizens' Advisory Board should be established with provisions for reporting annually to the Council. Mayor Butler stated that the problem of an abnormally high number of students included in the sample had not been satisfactorily explained. Mayor Butler noted that 43% of those polled had been under 25 years of age. Mr. Longman stated that the telephone directory had been used for the sampling, and it overrepresented students because of more frequent individual listings for students than for members of a household.

#### Motion

Mayor Pro Tem Love moved the Council close the hearing, waive the requirement for three readings and declare an emergency and finally pass the ordinance effective immediately providing for the sex discrimination provision, an Ad Hoc Citizens Advisory board, and General Penal Provisions. The motion was seconded by Councilman Dryden.

In response to Councilman Lebermann's question, Mr. Doggett stated that the proposal in the State legislature had a provision dealing with warranties and guarantees. Such a provision had been left out of the proposed ordinance before the Council. In response to Mayor Butler's question, Mr. Doggett stated that there was no sex discrimination provision in the Dallas ordinance.

#### Substitute Motion

Councilman Friedman offered a substitute motion that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, providing for the sex discrimination provision, a regular City committee as the citizens' advisory board, and General Penal Provisions. The motion died for lack of a second.

Vote on Original Motion

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler disagreed with Councilman Friedman's reservations about the nature of the advisory committee and commented that an Ad Hoc Committee would carry just as much influence as a regular standing committee. Mr. Doggett commended the Mayor and the Council on the ordinance just passed and thanked them for their time and efforts. Other members of the audience also expressed their appreciation to the Council.

CONTRACTS AWARDED

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

TIM DORSETT DITCHING SERVICE  
(Buda, Texas)

-

For the installation of  
approximately 756 feet of 8" and  
6" wastewater main and associated  
appurtenances in the Delano  
Street Easement - \$12,334.00.  
(Capital Improvements Program  
Project No. 5076 9)

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

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

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

UARCO, INC.  
(Austin, Texas)

Hospital Accounts Receivable  
Statement Forms - \$17,445.00

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

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

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

Milk and Ice Cream, Brackenridge Hospital Dietary, Supply Agreement:

- |                         |   |                             |
|-------------------------|---|-----------------------------|
| (1) MEADOW GOLD         | - | Milk products - \$36,338.00 |
| (Austin, Texas)         |   |                             |
| (2) BORDEN MILK COMPANY | - | Ice Cream - \$4,955.00      |
| (Austin, Texas)         |   |                             |

Councilman Dryden raised the point that the address listed should be that of the home office rather than the local outlet, as he questioned how much either of these two firms paid the City of Austin in taxes. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

EXIDE POWER SYSTEMS	-	120 VDC Substation Batteries
(Houston, Texas)		and Charger, two each - \$6,662.00.

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

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

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

THE WALTER TIPS COMPANY	-	Lightning Arresters - Item 1,
(Austin, Texas)		Station Class 6 each, Item 2,
		Intermediate Class 6 each -
		\$14,676.00.

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

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

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

## Three Phase Pad Mounted Transformers:

- |     |   |   |   |
|-----|---|---|---|
| (1) | GRAYBAR ELECTRIC CO.<br>(Austin, Texas) | - | Item 1 - 7 each, Item 2 - 2 each,<br>Item 3 - 6 each and Item 5<br>6 each - \$52,205.00 |
| (2) | PRIESTER-MELL CO.<br>(Austin, Texas)    | - | Item 4 - 3 each - \$13,269.00   |

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

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

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

## Miscellaneous Household Paper Products and Related Items Supply Agreement:

- |     |  |   |             |
|-----|--|---|-------------|
| (1) | LONE STAR PAPER CO.<br>(Austin, Texas) | - | \$14,751.50 |
| (2) | AUSTIN PAPER CO.<br>(Austin, Texas)    | - | \$ 3,745.82 |
| (3) | BANCROFT PAPER CO.                     | - | \$ 2,126.45 |

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

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

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

- |   |   |  |
|---|---|--|
| AQUAMARINE CORPORATION<br>(Waukesha, Wisconsin) | - | Aquatic Vegetation Control<br>System - \$41,224.00 |
|---|---|--|

In response to Councilman Lebermann's question, City Manager Davidson stated that these devices would cut vegetation and collect debris, primarily intended for Town Lake, but it could be used on Lake Austin as well. In response to Mayor Butler's question, Parks and Recreation Director Beverly Sheffield estimated that it would be used full-time on Town Lake. In response to Councilman Lebermann's question, he stated that the City of New Braunfels was pleased with the results of their device. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## EASEMENT RELEASED

Mayor Pro Tem Love moved the Council adopt a resolution authorizing release of the following easement:

15 foot drainage easement out of Lot J6-2, J6-3, J5-1, and J5-2, NORTHWEST HILLS RANCH 1972 VAIL RESUBDIVISION. (Applicant - Douglas Stringfellow, Melton and Associates for The Pacer Development Corp., Elmer L. White, Owner and Executive Vice President)

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

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

Noes: None

## LICENSE AGREEMENT

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

MARVIN E. BELL - proposed encroachment of building into existing wastewater easement along the south line of East 7th Street approximately 885 feet west of Airport Boulevard.

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

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

Noes: None

## ACQUISITION OF LAND

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the South First Street bridges over Williamson Creek:

2.492 acres of land out of a 42.53 acre tract out of the Isaac Decker League. (Overhead Door Company and Sidney Sampson)

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

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

Noes: None

## ACQUISITION OF LAND

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for widening and paving Springdale Road:



2,008 square feet of land out of that certain 0.50 of one acre tract of land out of the J.C. Tannehill League.  
(Julia Cabin, et al.)

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for widening and paving Springdale Road:

2,120 square feet of land out of that 0.48 acre tract of land out of the J.C. Tannehill League. (Ellen Walker and Elvolia Alexander)

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

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

#### CASH SETTLEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a 40/60% cash settlement with H.M. Reese for the extension of a sewer main to Kreba Lane Addition, Resub. of Lot 2. Estimated cost of sewer main construction is \$1,020.00 - Owner's cost @ 40% - \$408.00; City's cost @ 60% - \$612.00. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilman Dryden, Mayor Pro  
Tem Love, Councilman Lebermann  
Noes: Councilman Friedman  
Present But Not Voting: Councilman Nichols

#### INSTALLATION AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to execute an agreement with the Texas Highway Department and the Missouri Pacific Railroad Company to install railroad crossing protective devices at Stassney Lane, South 1st Street, and Oltorf Street. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

## GRANT APPLICATION

Councilman Nichols moved the Council adopt a resolution authorizing approval of a grant application from the Austin Public Library System to the Governor's Committee on Aging for a "Special Library Services for the Elderly" program. The total cost of the program will be \$31,975, with \$19,975 coming from the Governor's Committee on Aging, and \$12,475 will be the City's contribution.

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

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

## GRANT APPLICATION DELAYED

Councilman Nichols moved the Council authorize the City of Austin to submit a grant application to HEW to continue the Family Planning Program of the Department of Community Action, the total cost to be \$41,748, all of which will come from HEW. The motion was seconded by Councilman Handcox.

In response to Mayor Butler's question, Mr. Bill Stoll, of the Model Cities Division stated that this item did affect the Planned Parenthood Association. City Manager Davidson requested that this item be delayed for a week.

Substitute Motion

Mayor Pro Tem Love moved that this item be delayed for one week. The substitute motion was seconded by Councilman Nichols.

City Manager Davidson stated that the Community Action Board had yet to recommend to the Council where the Family Planning Program should be delegated. Mr. Stoll stated that HEW would award the grant to the City of Austin, and it was then up to the City to make the decision on who should operate the project. In response to Mayor Butler's question, Mr. Stoll stated that the application as now submitted specified that the grant would be delegated to Dr. John Sessums, City Health Department Director, for operation of the program. The reason for requesting a week's delay was to allow for further input before specifying to whom the program would be delegated. Councilman Friedman questioned why the grant application could not be approved at the present time and the decision made later as to whom it would be delegated. City Manager Davidson restated that it would be best to delay the entire item to avoid confusion. In response to the question of Mr. Woodrow Sledge, Mayor Butler stated that the opportunity for the public to provide input would be at the next Council meeting in one week when the final decision would be made.

Vote

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

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

Noes: None

Out of Room at Roll Call: Councilman Dryden

#### HUD GRANT AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing the City of Austin's Planning Department to receive the second year funding of a "701" Planning Grant from the Department of Housing and Urban Development. The total cost involved is \$86,546 with \$57,697 coming from HUD and \$28,849 being the City's required local contribution (in-kind).

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

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

Noes: None

Out of Room at Roll Call: Councilman Dryden

#### CONTRACT AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing a contract with Child, Inc. to operate the Child Development Program (HEW/Model Cities) effective May 1, 1973. (Model Cities - \$241,800, HEW - \$928,675) The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

#### MODEL CITIES BUDGET

The Council had before it for its consideration adopting a program budget and project priorities for funding the last year of the Model Cities Program. Total budget: \$2,727,848. (All Model Cities funds)

In response to Councilman Nichols' question, Model Cities Director J.A. Ojeda stated that the Model Cities Commission had recommended \$120,000 for the continuing scholarship program but had amended that to transfer some of those funds to the family planning program. Councilman Nichols opposed this removal of \$12,000 in scholarship funds because of the importance of education in raising the status of the poor. Mayor Butler noted that the amended recommended budget called for \$80,000 for continuing education.

Mayor Pro Tem Love noted that an objection to the proposed budget at the previous Council meeting had been the deletion of \$30,000 to Caritas.

Mr. Ojeda elaborated on the changes made in the original recommendations of the Model Cities Commission which involved raising the funding of the Communication Skills Program, adding the Family Planning Program, reducing the amount for the Continuing Education Program, and deleting the Emergency Fund. In response to Mayor Pro Tem Love's question, he stated that administrative costs were estimated at \$149,000, or about 6% of the total grant. He also noted that this involved 13 employees in the Model Cities Department and 4 who were funded out of EEA, a staff reduction of 50%. In response to Councilman Nichols' question, Mr. Ojeda restated

that the original recommendation for scholarships had been \$120,000; it was now \$80,000.

In response to Mayor Pro Tem Love's question, City Manager Davidson recommended that if the Council wished to fund Caritas, the Transportation portion of the Model Cities Budget be reduced by the \$20,000 requested by Caritas. In response to Councilman Handcox's question, Mr. Ojeda stated that the Special Transportation Project was currently providing services for children and for the elderly. Councilman Handcox inquired about alternative ways for this transportation to be obtained. Mr. Ojeda believed that the Special Transportation Program could be handled adequately should \$20,000 be transferred to Caritas. There was discussion among the Council as to the nature of Caritas as an emergency fund, not just a program for feeding the poor.

Mrs. Ora Lee Nobles, of the Model Cities Commission, stated that Caritas was an emergency fund, not primarily a program to feed the poor. She stated that there had been some criticism that needy people had been turned down. Mayor Butler expressed concern that funding Caritas removed supervision from the province of the Model Cities Commission. City Manager Davidson stated that the funds would be monitored. There was discussion among the Council as to whether Model Cities money had been granted to other such agencies. Mayor Butler pointed out that Caritas was not limited to the Model Cities target area. Mr. Ojeda stated that Caritas had served only clients in the Model Cities area. Mayor Butler and Councilman Handcox did not believe that was true.

Councilman Dryden believed that Caritas, operating beyond the Model Cities area, should be funded in the Model Cities budget. Mayor Pro Tem Love questioned the effect of taking \$20,000 out of the Family Out-patient Clinic. Mr. Ojeda could not say at this time what that effect would be. In response to Councilman Nichols' question, City Manager Davidson stated that Caritas had also filed in the Budget Office a request for \$25,000 from Revenue Sharing.

Mr. Tom Spillar, Director of Caritas, stated that no Model Cities money administered by Caritas was being spent outside the Model Cities area. Mayor Butler discussed with Mr. Spillar the other sources of funding of Caritas. Mayor Butler noted that the State Constitution made welfare a responsibility of County governments. In response to Mayor Butler's question, Mr. Spillar stated that no formal request for funds had yet been made of the County government.

Mr. Spillar noted the referrals made to Caritas by other agencies. In response to Councilman Nichols' question, Mr. Ojeda stated that the patients residing in the Model Cities area went to the Family Out-patient Clinic, although they might be referred to Brackenridge Hospital for supportive services. Councilman Dryden stated that this was not true of all the patients in the Model Cities area.

#### Motion

Mayor Pro Tem Love moved the Council adopt a resolution approving the proposed Model Cities budget with the exception of \$20,000 to be taken out of the Family Out-patient Clinic and to be funded to Caritas. The motion, seconded by Councilman Dryden, failed to carry by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love

Noes: Mayor Butler, Councilmen Lebermann, Friedman, Handcox

Second Motion

Councilman Handcox moved the Council adopt a resolution approving the Model Cities budget as recommended by the Model Cities Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Councilman Nichols raised the question of Brackenridge Hospital accepting patients from the Model Cities area. Councilman Dryden stated that there was some duplication between the Model Cities Family Out-patient Clinic and Brackenridge Hospital in terms of patients seen. Mrs. Nobles expressed her appreciation to the Council.

MANPOWER PROGRAMS AGENCY DESIGNATED

Mayor Pro Tem Love moved the Council adopt a resolution approving the designation of the City of Austin as the administrative agency for U.S. Department of Labor Manpower Programs (as recommended by the Capitol Area Manpower Planning Council). The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor  
Butler, Councilmen Dryden, Nichols  
Noes: None  
Out of Room at Roll Call: Councilman Lebermann

FUEL OIL PURCHASES CONFIRMED

Councilman Nichols moved the Council approve the confirmation of Emergency Fuel Oil Purchases. The motion, seconded by Councilman Handcox, carried by the following vote:

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

GARDEN NAMED

Councilman Nichols moved the Council adopt a resolution naming the Zilker Park Rose Garden for a leading Austin civic leader (resolution presented earlier in meeting to Mrs. Alden Davis). The motion, seconded by Councilman Friedman, carried by the following vote:

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

## ITEM POSTPONED

Councilman Handcox moved the Council postpone for one week the item of authorizing the City Manager to enter into a contract with Manville Water Supply Corporation. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## HEARING SET

Councilman Nichols moved the Council set May 24, 1973, at 2:00 P.M. to hear Teague-Buda, Inc.'s appeal of the Planning Commission's decision to disapprove Teague-Buda's plans and specifications for enclosing Harper's Branch. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Nichols,  
Lebermann, Friedman  
Noes: None  
Out of Room at Roll Call: Councilman Dryden, Mayor Pro Tem Love

## ELECTION OFFICIALS APPOINTED

Mayor Pro Tem Love moved the Council adopt a resolution appointing Election Officials for the May 5, 1973, Municipal Run-off Election as recommended with the substitution of Mrs. Lucile Crawford for Mr. C.W. Easley as Alternate Judge in Precinct 126. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilman Dryden, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox  
Noes: None  
Out of Room at Roll Call: Councilman Nichols

## ITEM WITHDRAWN

Mayor Butler noted that the item of Mr. Joseph Goergen requesting a variance to Ordinance 720928-A regarding minimum setback distance of septic tank drain fields had already been settled and was withdrawn at this time.

## GRANT APPLICATION AUTHORIZED

Councilman Handcox moved the Council adopt a resolution authorizing the City Manager to endorse a grant application to the Law Enforcement Assistance Administration for the Metropolitan Austin Treatment Alternatives to Street Crime Program by the Travis County Adult Probation Department. The total cost of the T.A.S.C. Program will be \$200,000, of which \$10,000 cash match and \$1,595 in-kind match will be the City of Austin's share, Travis County share will be \$38,405, and LEAA share will be \$150,000.

Deputy Chief of Police R.B. Laws discussed the program with the Council. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilmen Dryden, Nichols

#### TENNIS FACILITIES DISCUSSED

Mrs. E.N. Needham, representing the Jerry Joslin P.T.A. presented a petition requesting tennis facilities for the Jerry Joslin Playground. She stated that the parks and recreation areas were at present inadequate for the residents in this part of Austin. Councilman Dryden stated that there was a Task Force recommendation supporting this program. Mayor Pro Tem Love noted that consideration of the Capital Improvements Program Budget would be coming up in June and July, and Councilman Lebermann noted that this item had been included in the CIP Budget recommendations. City Manager Davidson indicated that Mrs. Needham would be notified at the time of those hearings.

#### ZONING CASE WITHDRAWN

Councilman Handcox moved the Council grant the request of Mr. Leonard L. Franklin to withdraw Zoning File No. C14-73-078 scheduled to be heard by the Council on May 10, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Nichols, Mayor Pro Tem Love

#### WAITING PERIOD WAIVED

Mr. Martin H. Boozer, Jr., Attorney for H.G. Linscomb, requested a reinstatement of Zoning Case No. C14-70-055. Mr. Boozer stated that the request for change from "A" Residence to "BB" Residence had been approved by Council on May 7, 1970, subject to conditions but those conditions were not then met. The case was dismissed on June 1, 1972. He stated that the property in question was a five acre tract at 3404-3502 Lyons Road. He further noted that a new zoning change request had been recommended by the Zoning Committee to be denied, at their meeting during the current month, and this new case had been withdrawn before reaching the Planning Commission stage.

Mr. Boozer stated that one condition on the original case was that the owner obtain a special permit in order to guarantee a minimum floor elevation of 460'. This would have required the expense of engineering studies, site plan, etc. Mr. Linscomb, resident on the property, had no intention of building on it himself and at the time of the original request, he had no purchaser for the land. He was not financially able to undertake the actions required to meet the conditions.

In response to Mayor Butler's question, Mr. Boozer stated that the owner now had a prospective sale on the property, subject to zoning. Mayor Butler noted that in 1972 when the original case was dismissed that an extension could have been requested; Mr. Boozer noted that Mr. Linscomb had been advised that dismissal was best since he could re-apply later.

In response to Mayor Pro Tem Love's question, Planning Director Dick Lillie believed that the proper procedure was for a new application to be filed. Mr. Boozer noted that a six-month waiting period was required for re-filing. He stated that there had been no opposition to the original case and opposition from only one neighbor at the recent hearing before the Zoning Committee.

#### Motion

Mayor Pro Tem Love moved the Council waive the required 6-month waiting period for re-filing this request for zoning change. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilmen Handcox, Nichols

#### TOWNLAKE TOURS REQUEST GRANTED

Councilman Lebermann moved the Council grant the request of Mrs. Helen Mathis, of Town Lake Tours, for continued operation of Town Lake Tours on Town Lake. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Mayor Butler

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love, Councilmen Friedman, Handcox

#### FUNDING REQUEST GRANTED

Mr. William S. Giorda, Assistant Director for Radio Communication Center of the University of Texas, requested an underwriting grant of \$10,000 for continued KUT-FM broadcasts of City Council meetings. In response to Mayor Pro-Tem Love's question, he stated that the equipment portion of the request, which was about \$225, was a one-time only request. As far as the broadcast circuit and personnel were concerned, those items would be an annual request. In response to Councilman Lebermann's question, Mr. Giorda stated that the telephone line cost was \$216.

Mayor Butler inquired why the Council should assist in funding of personnel since they would be working on broadcasting something else if not the City Council meeting. Mr. Giorda stated that this request was to assist them during a time of budget difficulties. In response to Mayor Butler's question concerning the nature of the equipment to be purchased, Mr. Giorda noted plans to purchase a compressor-limiter to provide for evening out of voice levels. In response to Councilman Dryden's question, he presumed that the University would assume ownership of the equipment. He thought Councilman Friedman's suggestion was possible that the City own the equipment and allow KUT to borrow it. Mr. Giorda stated that if the request were granted, there would be a firm agreement for one year that the broadcasts



would be made. There was discussion among the Council about their previous denial of the request of KMFA for funds. Mayor Butler discussed with Mr. Giorda the size of the area which could pick up their radio station.

#### Motion

Mayor Pro Tem Love moved the Council grant KUT-FM for the next five months \$500 less the equipment to be purchased and owned by the City for KUT to use as needed. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### STREET CLOSING REQUEST GRANTED

Councilman Friedman moved the Council grant the request of Mr. Scott Keller Traffic Chairman of the Womens Art Guild of Laguna Gloria, for the closing of 35th Street at the intersection of Balcones and the closing of Foothill Drive and a portion of Mt. Bonnell Drive for the Laguna Gloria Fiesta, May 19 and 20, from 9:00 A.M. to 10:00 P.M. subject to coordination with the Traffic and Transportation and Police Departments. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### INVITATION ACKNOWLEDGED

Mayor Butler acknowledged the letter of Mrs. Mary Craddock, Laguna Gloria Fiesta Chairman, 1973, inviting the Council to attend Laguna Gloria Fiesta.

#### REFUND CONTRACTS ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WEST-LEACH, INCORPORATED AND L.A. FELDER, INCORPORATED, AND M.H. FLOURNOY; 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: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann  
Noes: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

## PURCHASE CONTRACT ORDINANCE

Mayor Butler introduced the following ordinance:

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

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

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

The Mayor announced that the ordinance had been finally passed.

## AMENDMENTS TO ZONING ORDINANCE

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:

LOT 1, CHRISTIANSON INDUSTRIAL PARK, LOCALLY KNOWN AS 900 SHELBY LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

(1) LOT 22, BLOCK 6, BROADACRES ADDITION, LOCALLY KNOWN AS 5606 JIM HOGG AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; AND

(2) LOTS 28 and 29, BLOCK 1, PLEASANT HILL ADDITION, LOCALLY KNOWN AS 112-132 STASSNEY LANE, FROM "A" RESIDENCE DISTRICT TO "C" 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 Handcox, carried by the following vote:

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

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) THE NORTH FIVE FEET OF LOT 22, ALL OF LOT 23, THE SOUTH TWENTY-THREE FEET OF LOT 24, THE NORTH TWO FEET OF LOT 24, ALL OF LOTS 25, 26, 27 and 28, BLOCK 6, HYDE PARK ADDITION NO. 2, LOCALLY KNOWN AS 4006-4010 AVENUE C, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; AND
- (2) LOT 2, FLOYD REISSIG SUBDIVISION, LOCALLY KNOWN AS 5700 EAST 19th STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (3) A 1.03 ACRE TRACT OF LAND, LOCALLY KNOWN AS 300-310 WEST 29TH STREET; 2901-2907 HEMPHILL PARK, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
- (4) A 1,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 1801-1815 EAST RIVERSIDE DRIVE; THE REAR OF 1313-1321 PARKER LANE, FROM "LR" LOCAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (5) A 1,600 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 9210 NORTH LAMAR BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (6) LOT 1, SOUSARES SUBDIVISION, LOCALLY KNOWN AS 8425-8441 RESEARCH BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENT TO CORRECT ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 721130-E, ENACTED BY THE CITY COUNCIL ON NOVEMBER 30, 1972, BY CORRECTING THE USE AND HEIGHT AND AREA DESIGNATIONS OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### REPORT ON AUDITORIUM IMPROVEMENTS

Mr. Carl Gandy, Auditorium Manager, reported on the risers and other improvements proposed for Municipal Auditorium. In response to Councilman Friedman's question, he expected these to be in operation by late August. City Manager Davidson noted that Mr. Gandy had been working with the Riser Committee of the Arts Council. City Manager Davidson also noted that while over \$100,000 was in the CIP Budget for this program, Mr. Gandy's recommendations would cost only \$50,000. Mayor Butler commended Mr. Gandy on the letters he had received commending Mr. Gandy's handling of his job.

Councilman Nichols moved the Council approve the recommendations for improvements to the Auditorium. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## ADJOURNMENT

The Council then adjourned.

APPROVED:

*Ray Butler*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk