

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

May 17, 1973  
10:00 A.M.

Council Chambers, City Hall

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The meeting was called to order with Mayor Butler presiding.

## Roll call:

Present: Councilmen Dryden, Binder, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Absent: None

The Invocation was delivered by REVEREND IRA A. IRVIN, Highland Crest Baptist Church.

## MINUTES APPROVED

Councilman Friedman moved the Council approve the Minutes of the Regular Meeting of March 8, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Councilman Friedman moved the Council approve the Minutes of the Special Meeting of May 15, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## MAGNA CARTA DAY

Mayor Butler read a proclamation recognizing the 75th anniversary of the Magna Carta, granted June 15, 1215. He recognized Friday, June 15, as a day that all citizens should note with appreciation, and designated Friday, June 15, 1973, as "Magna Carta Day" in Austin, urging all citizens to share in giving recognition to this day. Mrs. Herbert Garner introduced the associates who were with her, and received the proclamation.

## MENTAL HEALTH MONTH

Mayor Butler proclaimed the Month of May as Mental Health Month, stating the month of May has been designated Mental Health Month on National and State levels. Mr. Joe Miller received the proclamation. Mr. Miller stated over 2,000 block workers were beginning to walk this afternoon delivering packets to the Fire stations in the neighborhood. He expressed appreciation to the Austin Fire Department for this courtesy and cooperation.

## FRIENDLY TEXAN WEEK

Mr. Robert Armstrong received the proclamation designating May 21 - 27 as "Friendedly Texan Week". In naming this week, he reminded all citizens that Austin's civic slogan in this community is "Austin, the Friendly City" and urged that each serve as a host to the visitors in the City this year. Mr. Armstrong, in receiving the proclamation, stated this Texas Tourist Business is astronomical.

## DISTINGUISHED SERVICE AWARD

Mr. Tommie Lowe, Chairman of the Recreational Task Force Committee, asked the Council to make this distinguished service award. Mayor Pro Tem Love presented the Award to Mr. Jim Thurman, a student from the L.B.J. School for the past nine or ten months, and who has been of real assistance to the Task Force during that time. The award was signed by Mayor Butler, and attested to by all members of the Council.

## WOMENS' INSURANCE WEEK

Councilman Jeff Friedman read a proclamation for "Womens' Insurance Week" recognizing the increasing role of women in the insurance industry and pointing out these women deserve commendation and recognition for their many accomplishments in this field. The Mayor, by proclamation, designated the week of May 20-26, 1973, as "Insurance Womens' Week in Austin", and urged appropriate recommendation by all citizens. Councilman Friedman presented the proclamation, signed by the Mayor and all Council members, to the group.

## CODE AMENDMENTS

At 10:00 A.M., Mayor Pro Tem Love opened the hearing scheduled at this time to consider amendments to : (1) the Zoning Ordinance to not require exact building locations on planned unit development site plans when building set back lines can be used to accomplish the same purposes; and (2) the Subdivision Ordinance to allow the Commission more flexibility in approving dead end streets that are greater than four hundred feet in length.

City Manager Davidson stated both amendments were recommended by the Planning Commission and the same desired quality will resume as required under the zoning Ordinance.

Planning Director Lillie stated these amendments were initiated by the Department, working with the Board of Realtors and the Austin Association of Home Builders and the Planning Commission to build flexibility into inflexible ordinances, and at the same time, keeping the quality of development density, etc.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN OF 1967 BY PROVIDING THAT SITE PLANS FOR PLANNED UNIT DEVELOPMENTS NEED NOT SHOW EXACT BUILDING LOCATIONS SO LONG AS ALL AREAS WITHIN WHICH BUILDINGS MAY BE CONSTRUCTED OR MAINTAINED ARE SPECIFICALLY DELINEATED BY BUILDING SETBACK LINES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR DEAD-END STREETS IN SUBDIVISIONS; SUSPENDING THE RULES REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### PRESENTATIONS

Mr. Glenn Cootes stated the Fourth Estate in City Hall has divided itself into at least two camps -- Kiddy Corps and the Geriatric Corps -- buttons were presented appropriately.

Mayor Butler stated a City Manager of a thriving and growing City has to assume many roles and wear many hats. Austin's City Manager is adept at meeting any kind of an emergency. The Mayor had a color picture of City Manager Davidson performing a very important and serious function as City Manager and as a citizen of Austin, and he presented the City Manager with this color picture.

## CONTRACTS AWARDED

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

BILL TABOR CONSTRUCTION  
COMPANY  
8307 Franwood  
Austin, Texas

- For the installation of approximately 1400' of 6" water main and appurtenances in Connie Lynn Addition - \$18,920.00. (Capital Improvements Program Project No. 4083 4)

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

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

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

UNITED STATES STEEL  
CORPORATION, Cyclone Fence  
P.O. Box 311  
Fort Worth, Texas

- Robert Mueller Municipal Airport Security Fencing - \$89,718.51. (Capital Improvements Program Project No. 8107 0)

Councilman Binder, regarding the cyclone fencing, suggested planting shrubbery around the fence, for a variety of reasons -- one of which would be appearance, and one would be noise absorption. He asked that this matter be looked into to see if this were feasible and how much it would cost. City Manager Davidson stated they would look into this, and perhaps plant some small shrubs at this time and let them grow into what Councilman Binder had suggested.

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

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

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

NELSON CONSTRUCTION CO.  
3222 E. 5th St.  
Austin, Texas

- For the construction of the Apparatus Room Addition, Fire Station No. 14, subject to approval of F.A.A. - \$49,862 (Capital Improvements Program Project No. 8110 0)

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

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

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

ASKCO INSTRUMENT  
CORPORATION

1321 So. Houston-Pasadena  
Road  
Pasadena, Texas

- Emission Monitoring System - \$5,530

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

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

Noes: None

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

TOM FAIREY COMPANY  
5005 E. 7th St.  
Austin, Texas

- LCG Tractors - four (4) each - \$12,980.24.

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

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

Noes: None

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

SOUTH WAY ELECTRIC  
UTILITY SERVICE, INC.  
306 W. 2nd St.  
Austin, Texas

- Station Post Insulators - 80 each -  
\$5,512.00.

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

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

Noes: None

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

INTERNATIONAL BUSINESS MACHINES - I.B.M. No. 29 Interpret - Card Punch  
1609 Shoal Creek Boulevard - Model C-22 Machine - \$5,555.00.  
Austin, Texas

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

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

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

AUSTIN FORD TRACTOR - 13 each Air Compressors - \$60,491.00.  
6600 E. Ben White  
Austin, Texas

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

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

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

H. B. ZACHRY COMPANY - Extend present contract to provide two  
P. O. Box 21130 additional tank foundations at Holly  
San Antonio, Texas Power Plant. (Total additional price of  
\$25,600.00. (Capital Improvements Program)

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

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

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

PITTSBURG DES MOINES STEEL COMPANY - For two 2,000,000 gallon fuel tanks to  
2200 So. Post Oak Road. be installed at Holly Power Plant -  
Houston, Texas \$204,800.00.

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

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

## EASEMENTS RELEASED

Councilman Handcox moved the Council adopt a resolution authorizing the release of the following easements:

Two (2) five (5.00) foot public utilities easements out of SHOALMONT ADDITION SECTION 4:

The north five (5.00) feet of Lot 1, Block C.

The east five (5.00) feet of Lot 1, Block C.

(Applicant - William C. Montandon - owner)

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

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

Noes: None

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

A thirty (30.00) foot drainage and public utilities easement out of Lots 4 and 5, MACMOR ACRES. (Applicant - Oscar Holmes, P.E. for the owner, George R. Click)

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

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

Noes: None

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

The north eighty (80.00) feet of the west five (5.00) feet of an existing five (5.00) foot public utilities easement out of Lot 4, Block D, GREENBRIAR SECTION ONE. (Applicant - Timothy L. Brown, owner)

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

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

Noes: None

Councilman Handcox moved the Council adopt a resolution authorizing release of the following easements:

Two (2) portions of five (5.00) foot public utilities easements out of SOUTHRIDGE SECTION 5:

The northeast 85.73 feet of the southeast five (5.00) feet of Lot 18.

The northeast 85.73 feet of the northwest five (5.00) feet of Lot 19.

(Applicant - Shane Appling as agent for  
C. L. Reeves, owner)

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

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

Noes: None

#### AMENDMENTS TO AIRLINE CONTRACTS

The Council had before it consideration of amending existing contracts with airlines serving Austin to establish rental rates, landing fees and other charges for the period June 1, 1973 - May 31, 1974.

Mayor Butler asked the City Manager to point out any difference in these contracts. At the City Manager's request, the Aviation Director, Mr. Vance Murphy, stated this increase had to do with the new security measures taken at the Airport. He stated this was a considerable increase over what had been collected previously; however, it is not being reflected in landing fees or building rentals. He described the billing as a separate charge so increased rates and fares, etc. Landing fees are left at .12¢ per thousand pounds of landing weight; building rents remain at \$6.50 and \$6.00. The additional \$5,250.00 per month will be broken down among three airlines based on the percentage of total passengers each particular airline boards during the month. This is about 85% of the payroll costs of operating the Police security forces at the airport. City Manager Davidson pointed out this is a good business approach to handle the additional cost facing the City all at once. He expressed appreciation to the Aviation Director for his negotiation.

In general discussion, Mr. Murphy stated there were 20 target or pilot cities selected for possible Federal assistance through the Law Enforcement Assistance Administration, and that this is being investigated for Austin.

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to amend existing contracts with airlines serving Austin to establish rental rates, land fees and other charges for the period of June 1, 1973 - May 31, 1974. The motion, seconded by Councilman Handcox, carried by the following vote:



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

Councilman Lebermann commended the security forces who are doing a smooth and professional job.

#### DEVELOPMENT PLAN HEARING SET

Councilman Handcox moved the Council set a public hearing at 10:00 A.M., Mayor 24, 1973, for an amendment to the Austin Development Plan:

Approximately 85 acres located in east Austin Along Ed Bluestein Coulevard, north of the Missouri-Kansas and Texas and South Pacific Railroads - from Suburban Residential to Manufacturing and Related Uses - requested by Sadie Barnhart, C. Ben Hibbetts, et al.

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

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

#### SALE OF STRUCTURE

Councilman Dryden moved the Council approve the sale of structure in the Glen Oaks Urban Renewal Area, Tex R-70, as follows:

Parcel No. F-5      2901 Glen Rae St.      Charles E. Carlow      \$1,268.00  
(Minimum acceptable price: \$750.00)

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

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

#### CASH SETTLEMENTS

Councilman Dryden moved the Council adopt a resolution authorizing a 40/60% cash settlement as follows:

GRAY & BECKER, INC. for the extension of a sewer main and installation of water services for Blackson Avenue Addition, Resub. of Lot 1. Estimated cost of water services installation is \$92.00 - Owner's cost @ 40% is \$36.80; City's cost @ 60% is \$55.20. Estimated cost of sewer main extension is \$4,270.00 - Owner's cost @ 40% is \$1,780.00; City's cost @ 60% is \$2,562.00.

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

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

Noes: Councilmen Friedman, Binder

Councilman Dryden moved the Council adopt a resolution authorizing a 40/60% cash settlement as follows:

GEORGE E. JAMAIL for a water main extension and sewer service installation at K. Carr Subdivision. Estimated cost of water main extension is \$2,745.00. Owner's cost @ 40% is \$1,098.00; City's cost @ 60% is \$1,647.00. Estimated cost of sewer service installation is \$262.50 - Owner's cost @ 40% is \$105.00; City's cost @ 60% is \$157.50.

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

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

Noes: Councilmen Friedman, Binder

Councilman Dryden moved the Council adopt a resolution authorizing a 40/60% cash settlement as follows:

S/C PARTNERS, NO. 1 LTD. for the installation of water and wastewater utilities in Arroyo de Oro Subdivision. Estimated cost of water service installation is \$130.00 - Owner's cost @ 40% is \$42.00; City's cost @ 60% is 78.00. Estimated cost of wastewater main extension is \$2,620.00 - Owner's cost @ 40% is \$1,048.00; City's cost @ 60% is \$1,572.00.

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

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

Noes: Councilmen Friedman, Binder

#### ACCEPTANCE OF MINUTE ORDER

Councilman Handcox moved the Council adopt a resolution authorizing the City Manager to accept Minute Order #67421 approved by the Texas Highway Commission (April 30, 1974) pertaining to the construction of a Pedestrian Overpass at the T. A. Brown Elementary School. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

## ANNUAL AGREEMENT

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to sign the annual agreement among the City-County Health Department, the Austin Independent School District, and the State Health Department for joint administration of health services. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## CONTRACT WITH C. A. P. C.

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to enter into contract with the Capital Area Planning Council to continue to participate in the regional radio Automated Teletype System. (Total cost \$7,644 - \$4,554 Criminal Justice Council, \$936 City of Austin, \$2,144 Travis County Sheriff Department and San Marcos Police Department) The motion, seconded by Councilman Handcox, carried by the following vote:

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

## APPLICATION TO O.E.O

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to apply to the Office of Economic Opportunity for \$100,228 to operate the Recreational Support Program in Travis County from June 4, 1973 through August 24, 1973. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## LEASES - NEIGHBORHOOD CENTERS PROGRAM

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the following leases for the Neighborhood Centers Program:

1309 E. 12th St. Approximately 1,600 sq. ft. \$400.00/month thru  
October 31, 1973; \$425.00/month thru April 30, 1974.  
Lessor: Harrison-Pearson.

3900 Royster, Rt. 1, Box 208, Del Valley, Texas. Approximately  
1,200 sq. ft. \$50.00/month. Lessor: Ms. Willie Lee Bennett.

The City Manager stated there were 30 day cancellation clauses in cases that may need to be amended between now and October.

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

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

Noes: None

#### POLICY FOR LEASE OF EQUIPMENT

Councilman Handcox moved the Council adopt a resolution establishing a policy for lease of Model Cities equipment to former contract agencies under certain conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

#### FUEL OIL PURCHASES

Councilman Lebermann moved the Council adopt a resolution accepting of the bid of TESORO PETROLEUM CORP. for emergency purchase of fuel oil. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

#### TAX COLLECTION FOR A.I.S.D.

The Council had before it consideration of adjustment of charges for the assessment and collection of property taxes for the Austin Independent School District.

City Manager Davidson reported this was an item which they were asked about on the administrative basis, and the School Board was advised that the City Council not recommend this contract. The contract between the School Board and the City says they will pay a total percentage of the total Tax Department costs. They are asking that a certain number of dollars of this cost be waived. The costs come from certain improvements, ordered by the City Council in connection with the year's budget - a one time cost.

Mayor Butler pointed out some of these costs came about as a result of the abolishment of the quadrant system, as it would require more personnel. After explanation by Mayor Butler, Mayor Pro Tem Love moved the Council deny the request. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

## SPECIAL PERMIT APPEAL - HEARING SET

Councilman Friedman moved the Council set a hearing on an appeal by Mrs. Pat Brown of decision of the Planning Commission granting a special permit to Stratford Place Apartments - File No. CP14-73-014. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## PRIORITIES N.D.P.

The Council had before it consideration of approval of priorities of the Neighborhood Development Program in line with the priorities for the City.

Councilman Friedman inquired of Mr. Clifford Coffman, Urban Renewal, if this action met with the approval of Urban Renewal and the citizens of Blackshear. Mr. Coffman reported meeting with the representatives. Federal funds had been cut down, and there will not be any acquisition of property next year. The improvements that can be built, have been discussed with the neighborhood and they agree with the priority set.

City Manager Davidson stated there was a \$75,000 item shown for Blackshear, and this may duplicate some of what the Council has already budgeted under the final Model City Budget. It is believed that this item may not qualify under the Federal Government due to some guide lines they have. It could be sent back from HUD. He outlined what could be done with this \$75,000.

Mayor Pro Tem Love moved the Council approve priorities of the Neighborhood Development Program in line with the priorities for the City. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## PETITION FOR TRAFFIC SIGNAL IMPROVEMENT

Mr. George Pulliam was spokesman for the area residents around the intersection of West St. Johns and Guadalupe. Previously he had filed a petition of 99 signatures; and this morning filed another petition with 25 more names, representing 85% of the residents in the area.

Mr. Pulliam listed numerous accidents, in addition to three involving people running stop signs. He gave descriptions of the collisions, and stated he had made number of complaints to the Police Department and had discussed these problems with the Traffic and Transportation Engineers. That Department had moved stop signs back unblocking the visibility. He asked about the advisability of installing a flashing light at the intersection. In lieu of that

Traffic Engineers suggested larger stop signs, and those were installed. This intersection according to the criteria, does not warrant a four-way stop sign as traffic from both ways was not equal. He mentioned another intersection with 15,000 as to 3,000 cars.

People in this area believe that a four-way stop sign would be better and would slow the cars down on St. John. If they cannot get a four-way stop sign, they would like to have flashing lights installed in the stop sign or a flashing light over the intersection. He listed the costs of each type of installation and pointed out \$20,000 property damage not including personal injuries and medical bills.

Mr. Joe Ternus, Director of Traffic and Transportation, reported that they had been reviewing this intersection for several years, stating the Highway Department had just installed a traffic signal at St. John and Interregional, and the City had installed a signal at St. John and Lamar, about four months ago. These devices will and have changed the traffic flow. Their last major study was six months ago, and he stated these other devices will operate for a month or two, and then they can review this pattern. They are continuing a monitor.

Mayor Pro Tem Love stated the Traffic and Transportation is to continue monitoring this intersection as the flow changes based on these other devices. Mr. Ternus stated within the next 45 days, they would have a clear picture of the needs at this intersection. Mayor Pro Tem Love asked City Manager Davidson if he would direct Mr. Ternus to give the Council a report in 45 days on this intersection; and if the need is obvious, that he would suggest at that time that additional devices be installed immediately.

#### PUBLIC ACCESS CHANNEL

Mrs. Anita Benda, Austin Community Television, appeared before the Council to give information about their organization. Mr. Jim Cossett, representative of Austin Community Television, read a prepared statement, explaining the organization of this group of citizens and students which will organize Austin's public access channel in cooperation with Capital Cable Company. A cable channel can provide for local government use, educational use and public access use. Attorney Donald Thomas, representing Capital Cable Company, offered at no expense on Cable Channel 10 from 7:00 to 10:00 P.M. and from 10:30 P.M. until Midnight from Monday through Friday.

Austin is unique as being one of 15 in the United States with a Public Access Channel. Because of the generous cooperation of Capital Cable and because Austin is a capital city, this group believes Austin experience in this field would become a model for other cities. Possible programs: A consumers' guide — Black Austin — a health service to bring health problems to the community — programs to the elderly — the very young — to spanish speaking people — sport fans — telecast of Austin City Council meetings — information dissemination from the government, agencies, educational agencies, civic groups, as well as individuals. He invited the Council to give their input and what each would like to see on this new medium.

Mrs. Benda reviewed their funding sources. It is hoped that each organization might be able to buy their own equipment or perhaps availability of checking out the equipment. At this time, Mrs. Benda stated they were present to give information and drum up support for this.

Colonel Malone, Capital Cable representative, stated they had time available on the cable, and they were willing to let a properly constituted group that complies with F.C.C. regulations use the time. They would not undertake to do the programming or set up the equipment. They would do the necessary work at the head-in. Mayor Pro Tem Love commended the Cable Company for its cooperation and he hoped there would be some way for this to be funded.

#### REQUEST FOR MEMBERS FOR GOALS FOR AUSTIN COMMITTEE

Mrs. William Arnold, member of the Citizens Ad Hoc Committee to Save Muni, made several recommendations to the Council which she presented in Memo form. One recommendation was to contact the Regents and set up a meeting between the Council and the Regents. Another recommendation for action today from this Ad Hoc Committee is that the Council emphasize the importance of participation by the University and the State of Texas for long range planning for the City by inviting U.T. and the State to place representatives on the "Goals for Austin Committee". This would be recognition for orderly cooperative planning by the City, University, and State of Texas. The Brackenridge Tract should play an important part in planning the development of Austin, and protection is of vital concern to all three groups.

Mrs. Arnold asked the Council to go on record today and invite representatives from the State of Texas and the University of Texas to serve on the Goals for Austin Committee.

Mayor Butler reported that just yesterday, the Council agreed to meet as soon as possible to discuss this situation. Several of the members were out of town at this time; and when they return, the Council will get together with the Regents and keep her advised. Mayor Pro Tem Love stated this Council would be glad to go to any city in which the Regents might be meeting.

#### HEARING SET - NATURAL SCIENCE CENTER

Mr. Richard Baker stated Mrs. Les Gage had filed a request as a Citizen Communication for a hearing before the Council in connection with the Natural Science Center Association request to hear the parks and Recreation Board recommendation in connection with the establishment of the Natural Science Center in Zilker Park. Mr. Baker stated under the circumstances and the intense interest involved, that a public hearing should be requested. He had communicated with the City Manager, giving written notice, stating there was a lot of interest and the hearing would draw a number of people.

Councilman Lebermann moved that the evening meeting of June 14th be held from 7:00 P.M. at the Electric Building Auditorium, and to set Mrs. Gage's and Mrs. Brown's hearings at that time. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

#### DECKER POWER PLANT LAKE NAMED

Dr. J. Neils Thompson, in recognition of Mr. Walter E. Long, pointed out he had served the Chamber of Commerce for 34 years, and was a great civic leader, setting the tone that Austin must be a quality city. As a means of this community's expressing its appreciation, it was suggested that the Council enact an ordinance designating the lake formed by the Decker Power Plant as "LAKE WALTER E. LONG". Council members certainly agreed and were aware of Mr. Long's outstanding contributions to his city.

Mayor Pro Tem Love moved the Council name the lake on the Decker property "LAKE WALTER E. LONG". The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

#### COUNCIL INTRACOMMUNICATION

Mr. William Meacham presented a skit before the Council to provide communications between those members at the ends of the table with the conveniences of those who communicate in between.

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH DAVID B. BARROW, JR., AND CECIL A. OWEN AND BARBARA OWEN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Water and sewer mains in Northwest Hills, Section 9 C - \$17,595.11. Water and sewer mains in Valley Ridge - \$11,367.39.)

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

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

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.



## STREET IMPROVEMENTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENT, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, 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 ordinance declared the necessity for and ordering improvements to BURNET ROAD from White Horse Trail to Anderson Lane, Contract 73-Pa-119, consisting of one unit covering 20 blocks of curb and gutter only.) The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chambers when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

## ANNEXATION ORDINANCE - FINAL PASSAGE

Mayor Butler introduced the following ordinance for its final reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE; 58.91 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; AND 10.01 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 Friedman moved the Council pass the ordinance through its third and final reading. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Abstain: Councilman Binder

Not in Council Chambers when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE - DELETED

The City Attorney request that the following be deleted as the field notes need correction:

EDMUND J. FLEMING &  
DR. A. J. RODRIGUEZ  
C14-72-285

4014 Medical Parkway

From "A" Residence  
To "O" Office

#### ZONING ORDINANCES

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 9,620 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2301 BLUEBONNET LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (John J. Stumpf & Ann M. Stumpf, Joe Gilbreth - New Owner C14-73-042)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The Mayor 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, ROBERT L. PICKLE SUBDIVISION, LOCALLY KNOWN AS 607-609 DEEN AVENUE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND, (Ronald B. Zent C14-74-043)  
(2) LOT 8, STARK ADDITION, LOCALLY KNOWN AS 807 STARK STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (Robert P. Joseph C14-73-039)  
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.

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The Mayor 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:  
LOT 12, BLOCK E, NORTHVALE, SECTION 2, LOCALLY KNOWN AS 5413 HARMON AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Citizens National Bank C14-72-306)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The Mayor 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:  
LOTS 1A, 1B AND 1C, RESUBDIVISION OF LOT 1, BLOCK A, FORD PLACE, LOCALLY KNOWN AS 4509-4601 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Fred J. Quist (Virgil Waggoner and Vann Wilkerson - New Owners) C14-72-283)

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 Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilmen Dryden, Binder, 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) LOT 1, BLOCK 18, GROOM'S ADDITION (E. L. STECK RESUBDIVISION), LOCALLY KNOWN AS 311 EAST 34TH STREET; 3306-3310 TOM GREEN STREET, FROM "BB" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
- (2) A 1,600 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 6201 U. S. HIGHWAY 290 EAST, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (3) A 4,172.987 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5525-5527 BURNET ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (4) LOT 11-C, BLOCK A, FIRST RESUBDIVISION OF COLORADO HILLS ESTATES, SECTION 5 AND LOT 11-D, BLOCK A, SECOND RESUBDIVISION OF COLORADO HILLS ESTATES, SECTION 5 LOCALLY KNOWN AS 1937-2013 EAST RIVERSIDE DRIVE, FROM "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES OF THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (A. E. Rhodes, Jr. C14-73-050, Cross Country Inn, Inc. C14-73-055, Colorado Hills Estates C14-73-076)

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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION ORDINANCES - FIRST & SECOND READINGS

Mayor Butler brought up 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 11.29 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT AND 20.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLE-GAIT SURVEY, BOTH 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.

The ordinance was read the first time, and Mayor Pro Tem Love moved the Council pass the ordinance to its second reading. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The ordinance was read the second time, and Mayor Pro Tem Love moved the Council pass the ordinance to its third reading. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chambers when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had pass through its first and second readings only.

Mayor Butler brought up 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 38.17 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, 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.

The ordinance was read the first time, and Mayor Pro Tem Love moved the Council pass the ordinance to its second reading. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chambers when Roll was called: Councilman Dryden

The ordinance was read the second time, and Mayor Pro Tem Love moved the Council pass the ordinance to its third reading. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chambers when Roll was called: Councilman Dryden

#### ANNEXATION HEARING SET

Councilman Friedman moved the Council adopt a resolution setting a public hearing at 11:00 A.M., May 31, 1973, to consider annexing the following:

457.9 acres of land, more or less, out of the GEORGE W. DAVIS, JAMES P. WALLACE NO. 18, JAMES ROGERS AND JOHN APPELGAIT SURVEYS, ALLEN SUBDIVISION, ACME BRICK ADDITION, Resub. of Part of Tract 2, ALLEN SUBDIVISION, CHEM-PRODUCTS ADDITION, Partition of Part of MRS. O. M. ROBERTS ESTATE, Resub. of Lot 1, MRS. O. M. ROBERTS ESTATE, Resub. of the No. 80' of Lot 2 of the Partition of MRS. O. M. ROBERTS ESTATE, RUTLAND ACRES, Resub. of Lot 1, RUTLAND ACRES, RUTLAND ADDITION, RUTLAND DRIVE ADDITION, unplatted land and portions of RUTLAND DRIVE, OLD WATER'S PARK, Mc NEIL ROAD and the TEXAS and NEW ORLEANS RAILROAD. (initiated by City of Austin)

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

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

Noes: None

Not in Council Chambers when Roll was called: Councilman Dryden

#### BELL TELEPHONE RATE APPLICATION

Mayor Butler introduced the following ordinance for its second reading:

AN ORDINANCE DETERMINING THE FAIR VALUE RATE BASE OF SOUTHWESTERN BELL TELEPHONE COMPANY FOR THE AUSTIN EXCHANGE; DETERMINING A FAIR RATE OF RETURN THEREON; DETERMINING AND FIXING THE SCHEDULE OF RATES FOR BASIC SERVICES IN THE CITY OF AUSTIN, TEXAS; DETERMINING AND FIXING THE SCHEDULE OF RATES AND CHARGES FOR MISCELLANEOUS SERVICES AND ALL OTHER SERVICES EXCEPT ADVERTISING; PROVIDING A PROCEDURE FOR FILING COMPANY TARIFFS AND REQUIRING APPROVAL THEREOF; PRESCRIBING THE PROCEDURE AND CONTENTS OF A DETAILED ANNUAL REPORT; PROVIDING FOR COUNCIL REVIEW OF ANY DATA BASED ON A PARTICULAR TEST YEAR; AND REQUIRING ACCEPTANCE OF THE RATES PRESCRIBED HEREIN BY SOUTHWESTERN BELL TELEPHONE COMPANY.

Due to a little confusion as to whether or not there was complete agreement, Councilman Handcox asked for clarification. City Attorney Butler reported there is agreement as far as the 9.5% over all increase is concerned but the Telephone Company asked for a postponement until certain information could be furnished which might justify a different allocation and distribution of the rates. Mr. Don Butler stated even though his recommendation might be that the 9.5% were excessive, it would be agreeable. He could not recommend the distribution as the Company is requesting in the ordinance, Due to so many interested people, the City Attorney stated the proper procedure would be for the Company to ask for a public hearing.

Mr. Frank Denius, Attorney for the Telephone Company, said the 9.5% additional was acceptable to the Company, and that they have negotiated the language in the contract to an acceptable level with City Attorney. Mr. Denius stated that funds had been provided and check delivered by Southwestern Bell Telephone this date for the rate case expenses. Mr. Holman, Telephone Company, presented a technical summation of information. He stated the telephone services had not increased any in almost 14 years, and the Company has held down prices with better management and technology, and is appealing to the Council for an increase only after earnings had decreased to an alarmingly low level. The 9.5% increase in revenues would in effect place an across-the-board increase on every item of equipment in service they have. About 1300 specific items would create chaos from an accounting and administrative standpoint. He referred to Exhibit 1, which stated that 78% of their investment is for basic telephone service and only 46.5% of their revenue is derived from those services. The 21.6% over all increase previously requested, would have resulted in 52½% of revenue. The present ordinance passed through the first reading (February 1) would bring the revenues from basic services to a lower level of 46.4%. He requested that the 9.5% be reflected in rates for basic items of service and specific miscellaneous services. He reviewed in detail rates necessary to reach a 3.9 million dollar revenue.

Mr. Holman stated the amount of revenues being proposed in this ordinance negotiated through the City Attorney and the Telephone Company would be far below the amount the Company feels necessary to provide a fair return on the value of their investments for local telephone service in the Austin metropolitan exchange. However, because of the urgency and other matters, they asked that the Council pass the revised ordinance on the second reading.

Mr. Denius proposed to file the complete schedule of miscellaneous rates in accordance with Part 3 of the ordinance. Those rates would not be adjusted in any manner without prior notification to the Council. It was pointed out by City Attorney Butler that there have been some reductions on equipment charges, semi-public small business rate, and in other areas. Mayor Butler asked if the Company needed the revenue so much that the Council had to raise other people's rates, how was it possible for it to be able to give some of the money back. The City Attorney called attention that in figuring a rate design, it makes a difference whether it is considered at the end of the year or taken as an average year. In this particular case, the Company had used an average year.

Mayor Butler opened the hearing to those who wished to be heard. Mrs. Donald Fiegel opposed paying over \$6.05 for her telephone.

Mr. Lloyd Doggett stated the Rate Committee had recommended a rate increase of 5.5% as being adequate and fair to generate the appropriate revenues for the Company. He recommended that the recommendation of the City Attorney be adopted, as it represents a very fair balance. The consumers are being asked to provide a \$217,000 subsidy to the Telephone Company in its equipment competition. He was hopeful that they would not have to pay more in their home or business phones to subsidize the Telephone Company in its efforts.

Dr. Charles Fitzsimmons, a private citizen, spoke in opposition to this rate increase stating the telephone company, rather than making some adjustments, is now discussing a "rate design" which appears to be a device designed to load the total revenue increase on the private and business subscribers while avoiding increasing all of those items. Some 1300 items are mentioned as being additional services and have some association with the possibility of competition with the phone company. He asked the Council to vote on second reading the ordinance that has already been proposed, as it is a good ordinance and probably more generous to the Company than the figures indicate as reasonable. The provisions of the ordinance are equitable; and if it turns out differently, there are provisions to recompute next year, and the subscribers and the City would know what had taken place in the Company's operation.

Mayor Butler pointed out a lot of people believe that perhaps the company had been charging too much for a long time, if it reduces its equipment charges now. He noted there still seemed to be quite a discrepancy between the Company's tax rendition and its rate base figure. Mr. Denius pointed out a rate base computation is different from that which is rendered for tax purposes, and the IRS has a rate of depreciation different from the City. He and the Council discussed the various factors in rate bases. Mr. Denius responded to statements made by Dr. Fitzsimmons and Mr. Doggett.

Mayor Pro Tem Love explained his question was to Mr. Denius, in that it had to do with the concern of Council in regards to a higher percentage than perhaps might be acceptable to the Council on service charges and no increase, in fact some decrease, on equipment. He asked Mr. Denius if he would talk to his clients to see if there might be some flexibility in those two areas. Mr. Denius discussed the drop from \$6.50 to \$6.45, stating it would take off \$50,000 in revenues - 10¢ would be \$100,000.

Mayor Pro Tem Love inquired as to the dollar and cent impact. It was stated that on the gas rate increase 18 months ago, that there would be about 90¢ a month for the average single resident.

Councilman Binder stated he wanted to go on record that the 18% raise in the individual home owners' is a little high.

Mayor Butler said the City Attorney had some comments to make on the tax question. City Attorney Don Butler stated that even though there was no market for utility property, that the next best substitute would be in a situation where a tax payer is guaranteed a rate of return on the value of his property — then there should be a figure between what the Company is paying now and what it is asking in revenues. The rate, however, is a different issue, but it would be relevant to the over all problem.

Mayor Butler said the ordinance was on the agenda for the second reading of the ordinance which was passed on the first reading on February 1. A motion is in order to either pass the ordinance on its second reading, or a motion to amend the ordinance, being those asked by the Telephone Company.

Mr. Denius noted the rate increases granted in other cities in Texas — Waco, Corpus Christi and San Antonio.

Mr. Denius asked to make a minor adjustment (FRI) but to be consistent so that they would not discriminate Austin against others — it is difficult to come down.

After considerable discussion, Councilman Lebermann moved that the amended ordinance be passed through the second reading, amending that ordinance in the FRI category to \$6.40, with the additional amendment whose intent would be to being the advalorem tax renditions of the Company four square with the numbers used in the development of their rate base. Councilman Dryden seconded the motion.

The Council discussed at length the clarification of the tax ratio. Further under the discussion was the directory advertising.

Councilman Lebermann withdrew his motion, Councilman Dryden withdrew his second.

Mayor Pro Tem Love then moved that the amended ordinance be passed through the second reading, amending that ordinance in the FRI category to \$6.40. Councilman Dryden seconded the motion.

It was pointed out this motion would knock off about \$100,000 from the Company's increase. The City Attorney stated there were different ways of re-calculating the percentage. He recommended against a 15 to 16% increase. Mayor



Butler announced the Council was on record as 9.5% being the maximum percentage regardless of the distribution. Mayor Pro Tem Love stated his motion was an amendment to the original first reading, but under no circumstances to exceed 9.5%.

Mayor Pro Tem Love's motion received the following roll call:

Ayes: Mayor Pro Tem Love, Councilman Dryden

Noes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler

The Mayor announced that the motion had failed.

Councilman Friedman offered a motion to reconsider the prior action, and to pass the original ordinance through its second reading.

Mr. Denius stated that the Company could not accept the ordinance that was passed on February 1, either to language or to rate schedules.

Councilman Lebermann seconded the motion, hoping the additional facts could be dealt with and adjusted over the next week.

Roll call:

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

Noes: None

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

#### ADJOURNMENT

Having no further business, the Council adjourned.

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk