

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 20, 1973
7:30 P.M.

ELECTRIC BUILDING

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

The Invocation was delivered by REVEREND CLARENCE M. WALTON, Trinity Methodist Church.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Regular Meeting of August 30, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

RECOGNITION

Mayor Butler and the Council recognized Mr. Carl Sundberg, who after 44 years in health care involvement of Brackenridge Hospital, served the citizens of Central Texas as an orthopedic cast technician, and is now retiring on September 21. The Resolution, signed by Mayor Butler, Mayor Pro Tem Love, and all members of the Council, cited a call to all residents to recognize Mr. Sundberg's contributions to the health care of this community while a member of a dedicated professional team.

AUSTIN HERITAGE SOCIETY ANTIQUE DAYS

Mayor Butler read a Proclamation setting aside September 21, 22, and 23 as AUSTIN HERITAGE SOCIETY ANTIQUE DAYS, recognizing Austin's heritage of historically significant architecture as well as other artifacts of traditional cultural value,

with the Austin Heritage Society contributing significantly to the restoration and preservation of some of Austin and Travis County's finest works of art, historical sites, buildings, markers, and documents. The proclamation cited the Heritage Society's Annual Antique Show, now in its ninth year, a treasure collection of valuable artifacts from this area's proud history. Proceeds from sales and admissions are nobly used for disseminating historical knowledge, and preserving and restoring many of Austin's historical treasures. Also the streets bounding the historical Driskill Hotel, the site of the Society's antique show shall be known by their historical names; Sixth Street shall be called "PECAN STREET"; Seventh Street, "BOIS d'ARC STREET"; and encouraging all residents to join in supporting this organization in its noble endeavors.

SERTOMA POOR BOY ART FAIR DAYS

Mayor Pro Tem Love read a Proclamation recognizing the Northwest Sertoma Club, whose purpose is to assist those needing help in many areas, including struggling artisans in their trade through exhibition and promotion of arts and crafts on the banks of Town Lake; noting the semi-annual Sertoma Poor Boy Arts and Crafts Fair, now in its fourth year, is the largest art show in Central Texas, bringing about 500 exhibiting artists to Austin from various cities and states. The proceeds from admissions and booth fees are to be used to aid local charities, such as P.T.A.'s, Texas Youth Ranch, Hope House, Cerebral Palsy, Muscular Dystrophy, and the local Lions Club programs, which provides glasses for disadvantaged youth. Mayor Pro Tem Love announced that Mayor Butler had proclaimed September 22 and 23 as SERTOMA POOR BOY ART FAIR DAYS, urging all citizens to support the Northwest Sertoma Club in organization of the Fair as well as the visiting artisans.

NATIONAL HUNTING AND FISHING DAY

Mayor Butler read a Proclamation designating September 22, 1973, as NATIONAL HUNTING AND FISHING DAY in Austin, noting the achievement of the preservation of the natural environment, woodlands, mountains, streams and lakes is accomplished by individual efforts in respecting the integrity of each natural area in seeking his own enjoyment. The Governor of Texas and the President of the United States feel the need to recognize those hunters and fishermen by designating a day for all Americans to pay them honor for their environmental steadfastness. Mayor Butler encouraged all residents to join him in supporting the efforts of all hunters and fishermen to promote their sport and preservation of the natural areas, and urging residents to attend an open house and display sponsored by the Austin Rifle Club.

JESS ALLMAN DAY

Mayor Butler read a Proclamation recognizing Mr. Jess Allman for 40 years of public service to his community and his neighbors, as he has compiled a record of service that includes, Charter member of the Downtown Optimist Club; past President of the Downtown Optimist Club and past Governor of the South Central Texas District; member of the Advisory Board of Brackenridge Hospital; member of the Board of Directors of the Austin Salvation Army, working closely with the Advisory Board of the Austin and Travis County Juvenile Court; charter President of the

Independent Garagemen's Association of Texas; and having received the Boy Scouts of America's highest honor, the "Silver Beaver Award" for many years of outstanding service. Mayor Butler proclaimed Thursday, September 20, 1973, as JESS ALLMAN DAY, and urged all residents to join him in the recognition of Mr. Allman for his outstanding contributions to the community.

NATIONAL DOG WEEK

Mayor Butler took note of National Dog Week, to educate dog owners in kindness and consideration, for the dog who has served his master since the dawn of civilization through the centuries; and which serves the country in its armed forces and in law enforcement; and noted the dog is the only animal capable of guiding the sightless, assuming his responsibility with selfless dedication, and the affection of faithful canine friends has enriched the lives of many Austin citizens. Mayor Butler proclaimed September 23-29, 1973, as NATIONAL DOG WEEK, and urged all citizens to observe the objectives of this worthy occasion.

RECREATIONAL TASK FORCE

Mayor Pro Tem Love referred to a statement from the meeting of the Task Force saying that in the face of the energy crisis some 30% to 40% of the citizens of Austin are being deprived in some way or the other of night time recreational activities in regards to softball, little league football, or tennis, at the various facilities owned by the City; and at the same time they urge that the Council reconsider its position in regards to the use of those properties and the energy there, having gone on record that they strongly would support any action taken by the Council for the citizens of Austin in terms of nuclear, coal, gas, oil, or whatever the needs might be. Mayor Pro Tem Love asked City Manager Davidson to address himself to this request. City Manager Davidson stated that he and the Staff intend to compile information basically by quarters as what the situation might be and how the Council might look on this during the period between now and January or February; and also what the City may have to face between January or February and summer. The City Manager reported that the School system decided to go ahead and use lights for their once or twice a week football games. The Task Force is asking that the Council reconsider the number of homes that are not energized when these sports activities are underway at these various fields.

Mayor Pro Tem Love called attention to the 15,000 youngsters playing little league which they could not play without the field lights; neither could those participating in tennis at Caswell and the other locations play after the sun went down. He said if there were any way the lights could be used in the evenings reasonably and soundly, and the task force indicates strong support of the Council's position whatever it might be to resolve the problem, he thought it should be done. The games are tomorrow night.

Councilman Lebermann stated in accordance with what Dr. J. Neils Thompson had imparted to several of the Council in a discussion about a matter relating to the University, to refer the City Manager to Dr. J. Neils Thompson, as he had some work-ups on the various kinds of numbers which might be of interest. Mayor Pro Tem Love asked that there be quick action on this matter, as he thought the Council would accept that, if there is a "yes", or if it were "no", the Council would accept that; but if there were a possible "yes", this sort of activity should be allowed.

City Manager Davidson reported at this time, they were under 100% natural gas, and it is certain that the City is headed for a critical shortage of natural gas during the coming winter months. He suggested that the City look at these facts from the standpoint of whether or not the City would be able to sustain anything that they try to do now through next spring and summer. Mayor Butler stated there would have been no problem two nights before as they were on 100% gas; but if a game is scheduled next week and there is a 40% or 60% gas curtailment, then there is a problem. City Manager Davidson reported that he also had numerous calls from the Little League Organizations asking that the lights be used, and during the past summer, the answer was "no". The cooperative attitude that each expressed was great, commendable, and he had expressed to them that the Council appreciated their cooperation. He believed they would accept what needs to be done; but the Staff would look into the possibilities.

PROPOSED NOISE ORDINANCE

Councilman Friedman had distributed copies of the Noise Ordinance to the Council members and asked that each read it and make comments not only to him, but to the Environmental Survey Committee, as this ordinance would be sent to the Board. At present he was making distribution to a wide spectrum of people. Basically, Councilman Friedman stated this proposal would cover noise at a certain level that is normal to a specific area or abnormal to that specific area; for example, motor boats on Lake Austin would be considered a normal noise, and they would still have a range of decibel level to follow based on ordinances in effect in Dallas, Memphis, and other cities. After mention of noise on the Lake, Councilman Friedman spoke of noises in residential areas. Emergency exemptions are covered in the ordinance. He stated sections of the noise ordinance are spread out all through the Code, and this ordinance would be an attempt to codify three specific sections of the noise ordinance.

In answer to Mayor Pro Tem Love, Councilman Friedman stated the enforcement would be by the Police Department, the Environmental Office and the Building Inspector.

City Manager Davidson stated the Council had approved within the upcoming fiscal year's budget a noise survey to be conducted by the Health Department in preparation for such an ordinance. He asked Councilman Friedman if he intended the action on this ordinance to be held up until that survey is completed. Councilman Friedman stated he intended that this proposed Ordinance go to the Environmental Survey Board for their consideration and ultimately reporting back to the Council. He did not intend to let the Ordinance wait until the survey was completed.

No action was taken at this time.

ITEM REMOVED FROM AGENDA

With regard to the request of Mr. L. W. Asberry, Mayor Pro Tem Love had met with Mr. Asberry, and he had been in communication with Mr. Davidson; and Mr. Asberry asked that his request be taken off the agenda as his problem had been solved.

RELEASE OF EASEMENTS

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

A portion of a five (5.00) foot by forty-five (45.00) foot electric down-guy easement out of Lot 1, Block A, NORTH PARK ESTATES SECTION TWO, (requested by the owner, George H. Hickman)

East one and one-half (1.50) feet of the seven and one-half (7.50) foot public utilities easement along the west line of Lot 35, Block D, TRAVIS COUNTRY. (requested by Glenn Cortez, as agent for the owners, Mr. and Mrs. Virgil Carter)

A portion of the existing twelve (12.00) foot public utilities easement along the southwest line of Lot 84, Block A, VILLAGE SOUTH PHASE ONE. (requested by J. Glenn Rosson, Vice-President of Jagger Homes, owner)

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

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

CASH SETTLEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing 60/40% cash settlement in lieu of a refund contract, as follows:

MELTON & ASSOCIATES - for water mains in Northview Hills, Sec. 1, Phase II. Cost of water main is \$8,804.25 - City's cost @ 60% is \$5,000.00; Owner's cost @ 40% is \$3,804.25 - with the understanding that all costs in excess of \$5,000.00 or 60% would be absorbed by the developer.

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

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

SALE OF STRUCTURE

Councilman Lebermann moved the Council adopt a resolution approving sale of structure in Blackshear Project, Tex A-11-2, as follows:

Parcel 8-3	J. A. Miller	\$1,297.00
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Minimum acceptable sales price: \$500.00

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

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

MANPOWER TRAINING PROGRAMS

Councilman Friedman moved the Council adopt a resolution approving the authorization to implement the post-GED academic and vocational training elements of the New Careers and NYC II (o/s) Manpower Training programs through enrollment of trainees in Huston-Tillotson College, St. Edward's University, and Austin Community College. Total Federal funds are approximately \$14,055 (Department of Labor), with no non-Federal share. Performance period will be September 20, 1973, through June 30, 1974. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ON-THE-JOB TRAINING

Councilman Lebermann moved the Council adopt a resolution authorizing contract with Travis County Commissioner Precinct #4 to provide on-the-job training for one enrollee of the Austin New Careers project. Total cost of the program will be \$5,980, of which \$5,380 are Federal funds and \$600 are non-Federal in-kind services to be provided by Precinct #4, from September 17, 1973, through September 16, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

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

PROFESSIONAL CONSULTING SERVICES

Mayor Pro Tem Love moved the Council adopt a resolution selecting BRYANT-CURRINGTON as the Professional Consulting Services for the following 1974 Capital Improvements Program Project for the Parks and Recreational Department:

North Austin Area Swimming Pool - Lanier High School Site
Project No. 8657 0

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

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

SUPPLEMENT TO AGREEMENT

Councilman Lebermann moved the Council adopt a resolution approving a supplement to the Professional Engineering Services Agreement for various Legacy of Parks Projects, between the City of Austin and Lockwood, Andrews and Newnam, Inc., dated January 18, 1973, and approved by City Council action on December 14, 1972, to include the following project:

Zilker Park Roadway and Parking Improvements - General Revenue
Sharing Project - Capital Improvements Program Project No.
8226 1.

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

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

GENERAL REVENUE SHARING CONTRACTS

Councilman Friedman moved the Council adopt a resolution authorizing the following General Revenue Sharing contracts:

MH-MR	\$ 30,407
CDCA	23,161
AARC	6,270
Austin Drug Central	15,000
Caritas	34,320
Child & Family Service	24,404
Information & Crisis Center	10,000
Consumer Counseling Services, Inc.	<u>18,000</u>
	\$ 161,562

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

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

ACQUISITION OF LAND

Councilman Lebermann moved the Council adopt a resolution authorizing the acquisition of certain land for widening Springdale Road at Boggy Creek Bridge:

Springdale Road at Lyons Road
Boyce Iron Works, Inc.

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

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

Noes: None

Absent: Councilmen Dryden, Binder

ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 223.89 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE AND 23.62 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE, ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; 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 Handcox, carried by the following vote:

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

Noes: None

Absent: Councilmen Dryden, Binder

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

A 1.81 ACRE TRACT OF LAND, LOCATED AT THE NORTHEAST CORNER OF WESTGATE BOULEVARD AND STASSNEY LANE, FROM INTERIM "A" RESIDENCE,

INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, 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.

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,
Mayor Pro Tem Love
Noes: None
Absent: Councilmen Dryden, Binder

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: AN 8,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1405-1423 BURTON DRIVE; THE REAR OF 2101-2201 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL 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.

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,
Mayor Pro Tem Love
Noes: None
Absent: Councilmen Dryden, Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: THE NORTH SIXTY (60) FEET OF LOT 3, JEFFERSON STREET ADDITION, LOCALLY KNOWN AS 3702 KERBEY LANE, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL 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.

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,
Mayor Pro Tem Love
Noes: None
Absent: Councilmen Dryden, Binder

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:
LOT 1, RESEARCH PLAZA, LOCALLY KNOWN AS 8237 U.S. HIGHWAY 183, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, SECOND 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.

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,
Mayor Pro Tem Love
Noes: None
Absent: Councilmen Dryden, Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler brought up the following ordinance for its first reading:

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

TRACT 1: LOT 2, RESEARCH PLAZA, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 1.75 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 3.16 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 8153-8213 RESEARCH BOULEVARD; THE REAR OF 8153-8213 RESEARCH BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Mayor Pro Tem Love moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Pro Tem Love,
Councilman Lebermann
Noes: None
Present But Not
Voting: Mayor Butler
Absent: Councilmen Dryden, Binder

REFUND CONTRACTS

Mayor Butler brought up 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 BUCKINGHAM RIDGE DEVELOPMENT COMPANY, JOINT VENTURE.

The ordinance was read the first time and Mayor Pro Tem Love moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The ordinance was read the second time and Mayor Pro Tem Love moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Council postponed the following refund contracts because of the absence of two members of the Council:

NORWAL, INC.
Jerry N. Wallace, President

For water and sewer mains in Quail
Creek West, Phase 2, Section 11 -
\$19,521.06

NORWAL, INC.
Jerry N. Wallace, President

For water and sewer mains in Quail
Creek West, Phase 2, Section 10 -
\$50,688.97

HISTORIC ZONING ORDINANCE

Councilman Lebermann stated the Ad Hoc Committee was appointed by the Council about four months ago to present this ordinance at this time.

He urged that the Ad Hoc Committee remain intact and operative throughout the deliberation proceedings, as their expertise would be invaluable to the Department Heads, Manager's Office, and the Planning Commission. Councilman Lebermann suggested that the Council accept this ordinance at this time, and get the copies of the ordinance distributed, and that this item get in the next sequence of appearances before the Planning Commission. Mayor Pro Tem Love, the Mayor and Councilmen commended Councilman Lebermann for the work he has done with this group.

AMENDMENTS TO ZONING ORDINANCE

Mayor Butler opened the public hearing scheduled for 7:30 P.M. to consider amendments to the Zoning Ordinance. No one appeared to participate.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING THAT RESIDENTIAL ACCESSORY BUILDINGS MAY BE LOCATED NO CLOSER THAN TWENTY-FIVE FEET FROM THE FRONT PROPERTY LINE; PROVIDING RESIDENTIAL ACCESSORY BUILDINGS SHALL SETBACK AT LEAST TWENTY FEET FROM ANY SIDE STREET LINE AND TWENTY-FIVE FEET FROM THE REAR STREET LINE ON THROUGH LOTS EXCEPT UNDER CERTAIN SPECIFIED CIRCUMSTANCES; SUSPENDING THE RULE 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, 1967, PROVIDING FOR A NEW USE DISTRICT, "C-1" COMMERCIAL DISTRICT, IN WHICH BUILDINGS AND LAND MAY BE USED ONLY FOR ANY USE PERMITTED IN A "C" COMMERCIAL DISTRICT AND FOR THE SALE AND STORAGE OF MALT, VINOUS AND SPIRITOUS LIQUORS IN CLOSED CONTAINERS FOR OFF-SITE CONSUMPTION; PROVIDING THAT IN A "C-2" COMMERCIAL DISTRICT BUILDINGS AND LAND SHALL BE USED ONLY FOR ANY USE PERMITTED IN A "C-1" COMMERCIAL DISTRICT AND BY SPECIAL PERMIT FOR THE SALE, STORAGE, DISPENSING OR OTHERWISE HANDLING OF MALT, VINOUS AND SPIRITOUS LIQUORS FOR ON-SITE CONSUMPTION; PROVIDING FOR OFF-STREET PARKING SPACES FOR DINERS, LUNCH COUNTERS, CAFES,

RESTAURANTS, CAFETERIAS, BARS, TAVERNS, NIGHT CLUBS AND LOUNGES;
SUSPENDING THE RULE 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967,
BY ADDING BARBER SHOPS TO THE LIST OF ACCESSORY USES ALLOWED IN
"A" RESIDENCE DISTRICTS; SUSPENDING THE RULE 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 Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Assistant City Attorney Jerry Harris noted that the ordinance which would reduce the setback requirement for carports from 20 feet to 15 feet is an item not recommended by the Planning Commission. To overrule the Planning Commission on that recommendation would require six votes of the Council.

Councilman Friedman moved the Council withdraw the following amendment and set it for hearing on October 11, 1973, 10:00 A.M.:

Reduction in setback for carports from 20 feet to 15 feet.

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

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

PAYMENT FOR INTEREST

The Council had before it the authorization of payment to Austin Independent School District for 25% interest in three school playground areas--Barton Hills, Lucy Read, and Wooldridge Elementary Schools, according to City and Austin Independent School District joint 1960 agreement.

City Manager Davidson requested that this item be postponed for one week, as he wanted to include two additional schools, G. W. NORMAN and DORINDA PILLOW.

As to questions raised by Mayor Butler regarding revised collateral agreements, resolution of difference of opinions on utilities, and other matters, City Manager Davidson stated he would have a recommendation to the Council in 45 days.

CONTRACTS AWARDED

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

LARSON-PUGH, INC,
Austin, Texas

Capital Improvements Program Project
Numbers 6521 0 and 4083 1
For street improvements, Springdale
Road Bridge at Boggy Creek, Contract
Number 72-Pb-137 - \$124,548.86

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

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

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

3M COMPANY
St. Paul, Minnesota

Remote Control Changeable Message
Signs for Traffic and Transportation
for controlling traffic - \$5,475.00

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

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

EQUAL OPPORTUNITY IN CONTRACTS

Councilman Handcox reported that the upholding of the ordinance that was passed some time ago about equal opportunity in the awarding of contracts had been brought to his attention. He asked how the City was following up on the awarding of contracts to people who discriminate in hiring of religion, race, sex, etc. How does the City know, for example, about these two companies that have just been awarded a \$124,000 contract.

Mr. Al Eldridge, Director of Construction Engineering gave a review stating there is a notice in the newspaper that is carried along with the advertising for bids stating the fact that they intend to comply with this particular provision. As to enforcing various non-discrimination clauses with regard to employment in construction contracts, Mr. Eldridge stated the contracts that have specific arrangements in them for governmental procedures have a report on them every month. They first have a report of a plan and then of the contractor for use and development of minority groups. They are not always able to do that, but they have been finding that the reports they are sending to Mr. Stewart have been received satisfactorily. They had no complaints so far. Mr. Eldridge stated the contractors can go only so far, one step at a time in developing skills within that area. He checked out any complaints that may be brought up, but they had been minimal so far. In answer to Councilman Handcox's inquiry if the City initiated any action, or does it wait for the action to be initiated by someone on the job, Mr. Eldridge stated they had not been initiating any action as long as the reports seem to satisfy Mr. Stewart's office. If he had a complaint, he would find out if it were a valid complaint and take action.

Councilman Lebermann stated the City had recently engaged a new gentleman from the San Antonio government, Mr. Jim Flakes, who will deal with the City's responsibility with regard to employment for City positions. City Manager Davidson stated Mr. Eldridge described the procedure approved by the City Council at the Neighborhood Council meeting held at Huston-Tillotson College. That involves input by the Human Relations Commission and Director. Mr. Eldridge said they did quite a lot of checking having to do with minimum wages, and that everybody on every job is paid at least what the scale requires. Any discrepancies, whether apprenticeship or other problems, were reported, but a contractor could not be forced to develop minority skills immediately.

Mayor Butler stated the burden is on the contractor to provide a monthly report. This is initiated by the Federal Government.

City Manager Davidson stated Mr. Eldridge was talking about the reporting techniques which tie right in to what the Council intended when they approved this new ordinance.

In answer to Councilman Handcox's concern about true checking, Mayor Butler asked if he thought the area discussed last Saturday might add to this coming week through the Human Relations Committee and Commission which might be the proper ones to look into this. Councilman Handcox concurred. Councilman Lebermann agreed that it would seem appropriate for Mr. Stewart's organization, particularly related to the Lakeway meeting and what had been developed since then.

City Manager Davidson said he would get a more complete report as to what progress had been made.

GRANT APPLICATION

The Criminal Justice Council supported the requested \$35,118.00 and the in-kind match by the Development Assistance Rehabilitation Corporation is \$12,875.00 for a six months project from October 1, 1973, through March 31, 1974.

City Manager Davidson stated this is a project approved by the Criminal Justice Advisory Council. Mr. James Miller, stated this is Criminal Justice Council money and Federal money through the State.

City Manager Davidson stated there is \$12,875.00 matched by the Development Assistance Rehabilitation Corporation and therefore the City could be obligated for it. Under this particular grant program, cash or in-kind could be used or all of it could be in-kind. Councilman Friedman added that this is a unique program, as it is one of the few programs that gives the opportunity to help these people when they need it most. Mayor Pro Tem Love said if possible the City could face the burden of in-kind or cash on the \$12,875.00.

Councilman Friedman moved the Council adopt a resolution authorizing the program. The motion, seconded by Councilman Handcox, carried by the following vote:

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

EXTENDING ENGINEERING SERVICES

Mr. Davidson said this was a little unusual. He stated the design work that Forrest and Cotton had done so far is going to save the City about \$2,000,000 if they go the route they are recommending tonight. Mr. Eldridge, Director of Construction Engineering, stated this route is much shorter and less expensive than the original proposed route of this water main.

Councilman Lebermann stated that this is an example of genuinely creative and highly professional engineering practice. Mr. Eldridge agreed that the engineers did an outstanding report on it.

Councilman Lebermann moved the Council adopt a resolution extending existing Engineering Services Agreement between the City of Austin and Forrest and Cotton Consulting Engineers, Inc., for the proposed West Austin Water Transmission main from F.M. 2222 to Spicewood Springs Reservoir--Capital Improvements Program Project Number 4068 0. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

CENTRAL LIBRARY SITE

Mr. David Earl Holt, Librarian, called on Miss Barbara St. Clair, member of the Site Selection Committee, to make the report. Miss St. Clair made a thorough report on the many facets going into this report site and their recommendations. She listed the functions of the library and the library location in down town. In reviewing statistics, number of hours spent in the library, the study and figures and many details, there was a definite preference for a down town location. Building costs would be approximately the same in any location that is chosen. The financial success of the library is determined by the amount of use per capita relative to capital costs which are determined by the location. First, a library should have an approximate geographic centrality to all outlined points of living and activity in the community. It should take private automobile patterns into consideration as well as public transportation. After an analysis, the Committee decided that the central business district of Austin most nearly met all the criteria. The site selected should be large enough to accommodate a 100,000 square foot building with 30,000 square feet on the ground level, with maximum availability of public and private parking within a two block area. The Committee came up with 13 sites in varying degrees which seem to meet these criteria.

Mr. Holt stated they had in the total fund for site \$1.2 million dollars and the first three sites presented for Council review vary between \$600,000 and \$950,000. Mr. Holt stated there was a plan to include some parking in the building. Mr. Holt suggested about 100 parking spaces. Miss St. Clair gave a detailed report. Mayor Pro Tem Love commended the Committee for all of the work it had done.

CAPITAL AREA RAPID TRANSIT SYSTEM PROJECT

Mr. Lyndon Henry had requested to appear before the City Council to request the establishment and funding of a CARTRANS (Capital Area Rapid Transit System Project). He stated at this time, in view of the absence of Councilmen Binder and Dryden, he felt it would be appropriate to postpone any action of this until the next meeting of the Council and that he be placed on the Agenda of the next meeting of the Council.

In reply to Mayor Butler's inquiry as to the status of the application for funds to conduct a study, Mr. Henry replied that at this time a technical study application covering the Transportation Department, the Texas Highway Department, and various other agencies in the area concerned with transportation is in preparation. His understanding is that this is in process, and it would probably take several weeks of preparation before being submitted to the Urban Mass Transportation Administration. It would then take approximately 90 days to get approval from the Federal Government on this technical study application. They are concerned with what would be included in regard to the Capital Area Rapid Transit project, the CARTRANS proposal. There are many implications and requirements in the guidelines of the Federal Government, dealing with a fixed guideway system.

Mayor Butler asked that this item be placed on the Agenda on September 27, 1973.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

City Clerk