MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 8, 1974 1:00 P.M.

Electric Auditorium 301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor

Butler, Mayor Pro Tem Love

Absent: Councilman Handcox

The Invocation was delivered by REVEREND JIM ABINGTON, Bannockburn Baptist Church.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Regular Meeting Minutes of August 1, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Binder,

Lebermann

HEARING ON PROPOSED CAPITAL IMPROVEMENTS PROGRAM

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the proposed 1974-1979 Capital Improvements Program. It was noted that the Council had met with the staff and department heads in a Work Session on August 7, 1974, to review the Program. Councilman Friedman wanted to know if it would be possible to allocate \$100,000 for research and development to study alternatives in energy conservation without having a specific program. In response to this, City Manager Davidson recommended that unless the Energy Conservation Commission had come up with some kind of approximate figures, this should be left open; and the staff could come back to Council and request an amendment to the operating budget, depending upon the amount of money involved.

MS. JEAN BIZZELL, representing the League of Women Voters, appeared to comment on (1) the Parks and Recreation Program and (2) the Transit Program. She stated that they supported the park land acquisition proposals and felt that land acquisition should receive top funding priority in the Parks and Recreation Program.

In regard to the land acquisition and greenbelt projects, she expressed concern for those persons displaced by park or greenbelt development and felt that adoption of a fair and adequate City relocation policy was imperative to minimize the difficulties of people effected by relocation.

They believed there should be a strong commitment to progress in the Transit Program and were pleased with the use and expansion of bus service; however, they felt that further alternatives in mass transit deserved consideration in order that public transportation be attractive to a majority of the population.

In reference to Ms. Bizzell's request for a relocation policy, Councilman Friedman noted that the Council had approved as a policy the Relocation Program in relation to the Fiesta Gardens land acquisition program. In response to Ms. Bizzell's statement that it had been her understanding this was to be considered on August 22, Councilman Friedman noted that this was to determine when and where Fiesta Gardens would be expanded and that the Relocation Program was already in effect.

MR. ROBERT BARNSTONE, 1114 West 11th Street, appeared to discuss the widening of Enfield Road from MoPac to Windsor as specified in the C.I.P. under Public Works, Serial No. 75/60-09. He felt that there were certain reasons why the Council should vote to eliminate this from the C.I.P.

- Serves as an integral part and desirable neighborhood of the City. He felt that the traffic would have a severe impact on the neighborhood and that the Council could not guarantee that it would not permit commercial development because it could not speak for other Councils.
- 2. Uncertainty of what the traffic would be like after the completion of MoPac and no official projection of demand.
- 3. Not clearly demonstrated that all alternatives had been demonstrated. As an example, he suggested the creation of a bicycle roadway and the use of center lanes at peak traffic times.
- 4. The number of people who would be effected. He noted that many of the property owners had been notified only this week that the street would be widened. He further noted that there was a Master Plan being developed which called for extensive citizen participation; and if this was to have any meaning at all, he did not understand how the Council could make this most crucial decision without citizen participation.

MS. LOUISE JERRELL felt that the widening of Enfield would cause the area to deteriorate because the people who could afford to do so would move out of the area. She commended the Council on its recent decision of the rollback of zoning in the Old West Austin area, which she felt encouraged preservation of this neighborhood.

She noted that she had read in the paper that the proposed tree ordinance was before the Citizens Board of Natural Resources and Environmental Quality for public hearing and that the intent of this ordinance was to promote the protection and care of trees within Austin. She further noted that there were at least 60 trees that would have to be cut or removed to widen this area. She also referred to the flower garden in the area, which she felt would be destroyed by the widening.

MS. SALLY WITTLIFF, 1301 Kent Lane, noted that she had been surprised to hear of the proposal for widening Enfield for several reasons:

- 1. She did not understand how something that would have a major impact could be planned and implemented without the neighbors having known about it.
- 2. She did not believe there were any major entrances or exits to MoPac.
- There had been past assurances from City officials that MoPac would not effect existing residential family-oriented neighborhoods.

She noted that through canvassing the neighbors, she had learned there was a true feeling of confusion and concern among the residents that a major alteration to the neighborhood might occur that would be a detriment to the livability and one which should not be rushed into without exhausting all other possibilities and what effect MoPac actually would have on the traffic patterns. She filed a petition containing 150 signatures in opposition.

MS. PAULA SMITH, 1400 Winstead Lane, wanted to know why this widening was planned in terms of traffic.

In response to Ms. Smith's question, City Manager Davidson noted that the purpose of public hearings on the C.I.P. was to get out in the open the projects that were being discussed in preliminary form and added that there were no final plans on this project because the City did not have the authority to do that. He further noted that this was the first step of many if the Council should decide it would be in the best interest of the City.

Mr. Joe Ternus, Urban Transportation Director, reviewed this project by stating that it would widen Enfield from MoPac east to the 15th Street bridge and that it was 40 feet of pavement on 70 feet of right of way. He noted that the proposal was to widen the street to 55 feet on the existing 70 feet of right of way and that it was anticipated because of the opening of MoPac in June, 1975, which would bring additional traffic into the central business district, Capitol and University areas. He noted that traffic projections indicated that 1972 volumes were in the neighborhood of 14,000 vehicles per day; by 1975 they would increase to 20,600; and by 1980, 26,000 vehicles per day. He indicated that the project would provide five 11-foot lanes which would allow the provision of the center lane being reversed during peak periods and minimizing the amount of pavement, width of roadway, and the impact on adjacent land use.

He emphasized the fact that this project would not strip-purchase additional right of way along Enfield in that the only additional areas where right of way would be anticipated to be needed would be at the two curves at Woodlawn and just east of West Lynn. He felt that these two curves should be flattened because of the safety problems due to the angle.

He indicated that it was anticipated that this would be a joint City-State project with the City acquiring the right of way and making any necessary utility relocations and the State preparing the construction plans and letting the contract. He added that as far as the construction date, the schedule was flexible and would be some time in mid 1975.

In response to Ms. Smith's question, Mr. Ternus indicated that the \$90,000 would not be for the purchase of additional right of way to complete the needed 70-foot right of way in that the City currently had the needed 70-foot of right of way and would not be acquiring any additional land to widen to 70 feet. He noted that the only acquisition would be to remove dangerous conditions in the two curves. In response to Mayor Butler's question, Mr. Ternus stated that no facilities would be removed because of the purchase of this right of way and that there would be no widening of the roadway west of MoPac.

In response to City Manager Davidson's statement that there was no estimate as to how many trees would be removed, Mr. Ternus indicated that there was an aerial photograph in the first design stage that was prepared by the Highway Department and that they were looking at alternate locations of the roadway within the right of way in order to minimize the removal of trees and for provisions of sidewalks along the street and other particulars necessary before the final location would be selected. In response to Mayor Butler's question, Mr. Ternus stated that this would be a 15-foot roadway with 7-1/2 feet on each side but could be shifted one way or the other to avoid trees and to insure adequate protection for sidewalks and other facilities.

DR. IRL ALLISON indicated that he had been planting Azaleas along Enfield for about 33 years, and he felt that the widening would effect him and his family more than any other property owner. In response to Mayor Butler's question, Dr. Allison stated that he planted to the curb and that he was within present regulations as far as the right of way was concerned.

MR. JAMES DYESS, 1625 Enfield, indicated that he lived on the corner of Woodlawn and Enfield, (one of the curves to be flattened). He stated he was in opposition to this because it would tear up his front yard and street traffic would be closer to his house.

MR. ANDRE ABBATE, 1715 Enfield, reviewed the traffic problem on Enfield and the problem of getting out of the driveway.

MR. TOM FAIREY wondered if there was an ability to determine how much more traffic flow there would be because of MoPac. He did not want to see this residential area become a bigger boulevard than it is.

Ms. Smith wanted to know if there was any reason why undertaking this project could not be delayed until the completion of MoPac. In response to this, Mr. Ternus noted this had been authorized in the C.I.P. allowing the City to pursue plans for the project and that they would not be letting the contract until after MoPac was opened to traffic. He added that it would provide the authorization to prepare the designs and perform studies in anticipation of the

opening of MoPac next summer. City Manager Davidson added that there was no money proposed in the C.I.P. for construction and that the Texas Highway Department would be providing the money.

In response to Ms. Wittliff's questions, Mr. Ternus indicated that there would be a series of public hearings required and that there would be no commitment until the entire project would be approved by the Council and the Highway Department.

City Manager Davidson reviewed this by stating that the City Charter required that the Planning Commission and City Manager submit a Capital Improvements Program for a 5-year period to the Council, which would contain ideas that would be of benefit to the public in the future. He added that if this C.I.P. were approved, this would simply direct the staff to proceed with the planning that would be required in order to reach the point where the staff. could ask the Council to approve construction or purchase of right of way. He further added that they must come back after the plans were completed and ask the Council to award a construction contract. He felt that this procedure, as required by the Charter, provided the most adequate protection for the public he had ever seen,

Mayor Butler noted that there would be another 5-year plan for next year and this was an ongoing, changing process. Councilman Friedman felt that by leaving this project in the C.I.P. there would be a burden placed on the citizens because the program would still be alive and, therefore, felt it should be deleted at this time. In reference to this, Mr. Richard Tulk, Assistant City Attorney, noted that the State Statute allowed for emergency items to be added once the C.I.P. was approved and did not know if this issue could be considered an emergency item. Councilman Dryden felt that this project could wait until the completion of MoPac. There was discussion by the Council With regard to postponing the funding of this project until 1976-77.

City Manager Davidson took this opportunity to note that this C.I.P. had been on file since the last week in June in each municipal library in Austin and every office that had recommended improvements.

MRS. HARLEY BROWNING, 2701 Pecos Street, appeared as President of the West Central Neighborhood Group. She indicated that they were in support of what Ms. Bizzell of the League of Women Voters had stated earlier that there was a need for a rapid public transportation system in order to help people get their basic rights of mobility around the City. She noted that they were circulating a sidewalk petition to get more sidewalks constructed. She discussed C.I.P. Item No. 75/75-01 and the fact that there was not enough money provided for the construction of sidewalks. She proposed a program for driveway and sidewalk ramps for handicapped.

In response to this, Councilman Binder indicated that there were funds allocated in the C.I.P. for ramps along Congress Avenue and that this was not the only area the Council intended to improve. He noted that today was the first time there were three spaces designated behind the building for the mobility impaired.

Mrs. Browning urged long-term consideration by making it mandatory on all construction of new streets or subdivisions that sidewalks be included on both sides. She also requested that as streets were altered sidewalks, bicycle ways, and ramps be constructed.

She also noted that in reference to parks projects, there were only two places of public access to Lake Austin; and she felt that open spaces were the best investment the City could make for the following reasons:

- 1. Health reasons.
- 2. Would avoid the decay of the City in that it would have a significant effect on surrounding property values.

MR. KEN McHAM wondered how much of the funding for the C.I.P. was taken care of and bonds had already been authorized and what sort of schedule might be conceived for future bond elections. In response to this, Mr. Norman Barker, Finance Administrator, noted that this was funded either by authorized bonding, funds on hand, borrowed funds on hand, transfers from other government funds or future financing. He noted that the City did have sufficient bonding authority in the utility area through the electric utility plant that will be on line in 1977; the coal plants, in 1978-79; and the nuclear plants, 1980-81. He added that there were some preliminary moneys required for South Texas Project No. 2 for a feasibility study, which would come from current earnings; and if the project was approved by the Council, there would be a new bond authority for that project. He further noted that the City would need a new bond authority for Water and Wastewater within 12 to 18 months.

In response to Mr. McHam's question with regard to C.I.P. Item No. 73/62-21 (widening Rutland Drive from FM 1325 to Lamar), Mayor Butler stated that he did not own property at Rutland Drive and Lamar. In reference to this, Councilman Dryden felt that the street should be widened whether or not Mayor Butler owned property in the area.

MR. BILL MILSTEAD, former chairman of the Planning Commission, noted that he had been chairman of the C.I.P. Committee since 1969. He stated that the Rutland Drive project had been included in the 1971 Program. He felt that there was a problem in trying to inform the citizens what the Council was trying to do. He noted that the Enfield project had been presented to the Council in August, 1969, at which time it was a third-priority project; however, the Planning Commission now considered it a higher priority. He stated that in 1969 the Planning Commission had felt that because of the increasing cost and inflation, whenever there would be right of way to be obtained, it should be done as soon as possible. He urged that the Council consider the increasing cost of right of way and land on many projects that had been postponed year after year and urged that there be some way to communicate to the citizens what the City was trying to do at the earliest stage.

Ms. Bizzell noted that they did not feel the problem was necessarily widening streets but that it was developing some sort of system that would serve the people effectively and would have something forward looking. She also noted that her organization was going to try to get the information dissemination problem cleared up and get informed and help the rest of the citizens get informed.

Councilman Lebermann moved that the Council close the hearing and approve the 1974-1979 Capital Improvements Program with an amendment to move Project No. 75/60-09 (Enfield Road - MoPac to Windsor - acquire right of way for Texas Highway Department Project) to fiscal year 1977-78. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor

Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Handcox

In response to Councilman Binder's question, Mr. Ternus indicated that the City's transportation study would be complete within 9 to 12 months.

PRESENTATION TO COUNCILMAN DRYDEN

Messrs. Dave Crenshaw and V. W. (Bill) Treadaway, Charter members of the Capitol City Post 8787 Veterans of Foreign Wars, appeared before the Council and presented Councilman Dryden, a Charter member, copies of the original Charter.

PRESENTATION TO COUNCILMAN LEBERMANN

Messrs. Don Chapman, President of the Boys' Club of Austin and Travis County, and Don Kromer, Executive Director, introduced Mr. Derrick Dorn to the Council. Mr. Kromer noted that Derrick was a member of the Boys' Club and had been selected as outstanding boy for 1974. Derrick noted that Saturday, August 10, 1974, would have marked the 100th birthday of Herbert Hoover, who served as Board Chairman of the Boys' Club for 28 years. To mark this observation, the Boys' Club of Austin wanted to honor Councilman Lebermann, Program Vice-President of the Boys' Club. Derrick presented Councilman Lebermann with a resolution and the Herbert Hoover Centennial Observance medal.

HEARING POSTPONED ON 23RD STREET VENDING PROPOSAL

Mayor Pro Tem Love moved that the Council postpone the continued hearing that had been scheduled for 1:00 p.m. on the 23rd Street Vending Proposal until August 22, 1974. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,

Lebermann, Mayor Butler

Noes: None

Absent: Councilman Handcox

ZONING HEARING POSTPONED

Mayor Pro Tem Love moved that the Council postpone the following zoning hearing that had been scheduled for 1:00 p.m. until August 22, 1974:

BOB MORRIS By Robert Davis C814-74-013

Bounded on the west by Mesa Drive, on the south by Cima Serena Drive, and on the east by Tallwood Drive From "A" Residence
To PUD Planned Unit Development

106 attached and detached single-family dwelling units with recreation facilities and common open space, called "Austin Woods Cluster Housing" (continued)

RECOMMENDED by the Planning Commission to approve the site, subject to a 35' building setback line for the one-story units; a 40' setback line for the 2-story units; subject to departmental requirements, deleting the Planning Department requirement. #2 - show location of locked emergency access easement on Tallwood Drive; deleting Urban Transportation requirement. #1 sidewalk required on Mesa Drive, Cima Serena and Tallwood Drive; and the Environmental Resource Management comment to require that existing trees should be used as a buffer rather than privacy fences between the development and Westover Subdivision and along Tallwood Drive and Cima Serena Drive

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

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,

Lebermann, Mayor Butler

Noes: None

Absent: Councilman Handcox

LICENSE AGREEMENT

Mayor Pro Tem Love moved that the Council adopt a resolution granting the following license agreement:

PROVIDENT DEVELOPMENT COMPANY, INC. - Permitting encroachment by the corner of a house into the sanitary sewer easement ten (10.00) feet in width in Lot 4, Block K, MEADOWCREEK, SECTION ONE. (Requested by B. F. Priest, Registered Public Surveyor, Representing Provident Development Company, Inc., owner).

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

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

Pro Tem Love, Councilman Binder

Noes: None

Absent: Councilman Handcox

AMENDED AGREEMENTS CONCERNING LANDING AND RENTAL FEES

Councilman Friedman moved that the Council adopt a resolution amending agreements between the City of Austin and Braniff International, Continental Air Lines, and Texas International by raising landing and rental fees. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox

PROFESSIONAL ENGINEERING SERVICES

The Council had before it the selection of professional engineering services for Congress Avenue improvements. The firm of S. A. Garza was noted; and in response to Councilman Binder's question, City Manager Davidson did not know if the firm had any handicapped people on its staff but added that the City could require that they consult with the appropriate people to obtain that view point. In response to Councilman Binder's question as to the cost of service, Mr. Al Eldridge, Construction Engineer, indicated this would include utility adjustments because drainage was a major problem on this project aside from the more easily handled curb and aesthetic problems.

City Manager Davidson added that this was quite tedious work, and the City did not have the staff in numbers that could do this work. He noted that most of the stores along the east side of Congress flood and have for 20 years. He recommended that this drainage problem be taken care of so they would not have to come back later. Councilman Binder requested that the firm be in touch with him during the design stage. Councilman Lebermann moved that the Council select the firm of S. A. Garza Engineers, Inc., for professional engineering services for the following 1975 Capital Improvements Program project for the Public Works Department:

Congress Avenue Improvements, 1st Street to 11th Street. (Capital Improvements Program Project No. 6208 0)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

CONTRACTS AWARDED

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

MECON COMPANY 414 Thompson Lane Austin, Texas - East Service Center Improvements; Vehicle & Equipment Services, Public Works/Street & Bridge and Water & Wastewater/Water Distribution -\$419,236.00 The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

P. A. STARK COMPANY Route 8, Box 369-B Austin, Texas

- For widening of Wabash Avenue from West 34th Street to West 38th Street -\$49,828.18

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

TEXAS BATTERY ASSOCIATES, INC. 900 Koenig Lane Austin, Texas

- Batteries (Dry Charge) for Vehicle and Equipment Services. Twelve Months' Supply Agreement - \$17,383.23

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

LONGHORN SECURITY SERVICE 603 West 13th Street Austin, Texas

Unarmed, Uniformed Security Guard Service, for Municipal Building, Municipal Building Annex, and Limited Service for 1st Floor of Travis Building, Office Services Division. One-year contract -11,450 hours annually at \$2.849/hr. -\$32,621,05

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

WESTINGHOUSE ELECTRIC CORP. 201 North St. Mary's Street San Antonio, Texas

- Primary Relaying Tones for Electric Department.

Items 1 and 2; 8 ea. @ \$1,230.00

Total - \$9,840.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

BROOKS PRODUCTS OF TEXAS, INC. 2001 West Mayfield Road Arlington, Texas - Precast Concrete Manholes for Electric Department. Item 1; 14 ea. @ \$1,085.00 Total - \$15,190.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

FARROW COMPANY, INC. P. O. Box 20196 Dallas, Texas - Site Preparation and Substructures for Decker Unit #2 - \$1,967,052.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

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

TESORO PETROLEUM CORPORATION 8700 Tesoro Drive San Antonio, Texas - Fuel Oil No. 5, Exercise Renewal of contract for period up to May 31, 1974, Electric Utility Department. 31,500,000 gallons @ \$0.2602/gallon Total - \$8,500,000.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

CONSIDERATION OF CONTRACT POSTPONED

The Council had before it for consideration the following contract:

COASTAL STATES MARKETING, INC. Five Greenway Plaza East Houston, Texas

- For Distillate Heating Fuel Oil
No. 2 Production of Electrical
Energy, Electric Utility Department
Twelve months' supply agreement
20,000,000 gallons @ \$0.25313/gal.
Total - \$5,062,600.00
(subject to escalation)

Mr. Burke Musgrove, representing Ada Resources, Inc., of Houston, appeared in reference to this. (It was noted that Ada had bid on this contract.) He discussed the position of the Company, noting that it was large enough to take care of the City's needs, yet small enough to give them personal attention. He further noted that they had supplied the City about 4.2 million gallons of #2 diesel fuel when the market was tight. He indicated that he was present to try to instigate a better bid procedure.

He stated that they were presently in an allocation program that the Federal Energy Administration has to approve any sale of fuel or contracts of this sort and that at the time of bidding Coastal States did not have an allocation factor of 100%; therefore, he added that for the FEA to approve Coastal States' sale of products on a contractual basis to the City, they would have required Coastal States' taking from some other customer on a pro rata basis to supply the City.

He indicated that the City had been cooperative in their bid procedure and that the only difference had been in the formulation of the foreign index they chose in trying to get some future price for fuel oil above their base price that they bid. He noted that they were below Coastal States in their base price and had not known that the Platt's Oilgram was an unsatisfactory index to the City. In response to this, City Manager Davidson indicated that the City had never told Mr. Musgrove this was an unsatisfactory index but merely pointed out that since they selected it, because of what the market had done in the last 10 days, their price was not the best price. Mr. Musgrove stated that the City had told him about certain aspects of this contract that were unsatisfactory as they negotiated but never heard one complaint about the Platt's Oilgram, and he added that the only complaint was that if they used the Platt's Oilgram and if it dropped below a certain level, they would start assuming that price, rather than a differential.

In response to Councilman Binder's question, Mr. Musgrove indicated that the Platt's Oilgram was a nationally recognized publication out of New York that determined on a day-to-day basis the price of oil or oil products all over the world.

He noted that he would be willing to pull down their bid to prove his sincerity; and if at some future date, they wanted to negotiate another contract, he would know they possibly should not use the Platt's Oilgram. He added that Coastal States had used an index geared to their posted price, as opposed to an outside index.

He referred to the City's "Comparison of Suppliers," which had stated that because of the recent change in the Platt's Oilgram in the last few days, under Ada's bid the City would be paying 2 cents more per day per gallon. He noted that they were under a mandatory allocation. In response to City Manager Davidson's question, he stated this information was correct; but he added that if Coastal States' posted price should drop, the City would be paying 3 cents per gallon under the Coastal States' agreement.

He also referred to the mandatory allocation program, which would expire by law in February, thereby removing price controls. As a matter of record, he noted that since February of last year their source of supply had never been below 100%. He further noted that Coastal States' allocation factor had fluctuated in the following manner:

60% - March 84% - June 14 - July 8 70% - April 60% - July 8-29 78% - May 100% - July 29 - present 62% - June 1-14

Mr. Davidson pointed out that at present the recommended supplier did have the 100% allocation which was as good as any other bidder.

Mr. Musgrove also noted as a matter of public record that he had spoken with Mr. Bidwell of the Federal Energy Office, Department of Crude Oil Allocation; and Mr. Bidwell had stated that Coastal States had received under the crude oil allocation program about 5,000,000 barrels of crude oil, which allowed them to jump up to the 100% allocation factor and that this was only for June, July and August. Mr. Musgrove wondered if Coastal States could perform if they did not get their allocation after August. In response to this, Mr. Davidson wanted to know if Mr. Musgrove could assure the City that his firm and the other firms connected with the proposal would always have the same kind of guaranteed allocation. Mr. Musgrove felt that past performance alone should suffice.

There was further discussion by the Council in connection with Coastal States' sister company not having the desired reputation. Councilmen Binder and Dryden expressed their doubts, and Mayor Pro Tem Love stated that he could not support the Coastal States people because of their reputation. City Manager Davidson indicated that it had been his hope that the Council could give consideration to the fact that this subsidiary of Coastal States, who happened to represent different officers, had a track record of dependability for the City of Austin; and it had been for this reason that the staff came to the Council with this particular proposal. In response to Mayor Pro Tem Love's question, it was established that Mr. Oscar Wyatt was associated with the subsidiary.

The possibility of a postponement of consideration was discussed by the Council in order that Coastal could appear before the Council and to give Mr. Davidson time to verify some of the statements made by Mr. Musgrove. In response to Mayor Pro Tem Love's question, Mr. R. L. Hancock, Electric Utility Director, felt that Coastal Marketing had done an excellent job in servicing the City and

had gone above and beyond the line of duty, but he felt that they would not want the public display and would probably prefer not to have the business than to get involved in a public controversy.

In response to Mr. Davidson's question with regard to a postponement, Mr. Musgrove indicated that their price would remain the same with no variations. Mayor Pro Tem Love moved that the Council postpone consideration of the aforementioned contract until August 22, 1974, to give the City Manager and staff adequate time to invite the Coastal States' representatives and for an evaluation by the staff of those statements and claims made by Mr. Musgrove earlier. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

Councilman Binder wondered if it could be possible to use a universally agreeable index which would be consistent. It was determined that this question could be answered within the two-week postponement.

(Transcript of this on file in the City Clerk's Office.)

PERFORMANCE OF EXPEDITING SERVICES

It was noted that the Council had before it the possible authorization of an agreement for Bovay Engineers, Inc., and Burns & McDonnell Engineering Company, to perform expediting services for the Decker Creek Power Station Unit #2 under the additional services section of the Engineering Services Agreement. In response to Councilman Binder's question as to why a City engineer could not handle this, Mr. R. L. Hancock stated that this would require visits to the facilities and inspecting the product in the production line and dealing with the people at the particular plants. He added that there was a variety of apparatus associated with the plant and the development of Decker Unit #2 and that those devices were under fabrication in the manufacturing facilities all over the State. He stated that this was commonly done when schedules were tight and as a matter of economics.

In response to Mayor Butler's question as to why this could not be performed by the firm that got the contract, Mr. Hancock indicated that it depended upon the scope of the contract; and in this case, expediting was not included. In response to Councilman Lebermann's question, Mr. Hancock felt this was a professional approach and very essential. In response to Mayor Butler's question, Mr. Hancock indicated this would not cost the City more had it been included in the contract and that it was just a matter of man hours.

Councilman Friedman moved that the Council adopt a resolution authorizing Bovay Engineers, Inc., P. O. Box 8098, Houston, Texas, and Burns & McDonnell Engineering Company, P. O. Box 173, Kansas City, Missouri, to perform expediting services for the Decker Creek Power Station Unit #2 under the additional services section of the Engineering Services Agreement. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Friedman,

Lebermann

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilman Dryden

HEARING SET ON GLEN OAKS URBAN RENEWAL PLAN

Councilman Friedman moved that the Council set a public hearing for September 12, 1974, at 1:00 p.m. to amend the Glen Oaks Urban Renewal Plan. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Binder, Dryden

HEARING SET ON BRACKENRIDGE URBAN RENEWAL PLAN

Councilman Friedman moved that the Council set a public hearing for September 12, 1974, at 1:00 p.m. to amend the Brackenridge Urban Renewal Plan. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Binder, Dryden

POSTPONEMENT OF SOUTHERN UNION GAS COMPANY'S REQUEST FOR HEARING

It was noted that setting a public hearing for September 12, 1974, at 1:00 p.m. on the request of Southern Union Gas Company's requested gas rate increase was before the Council at this time. However, this item was postponed.

REVISED BUDGET IN CONNECTION WITH MODEL CITIES

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the City Manager to submit a revised budget for the Third Model Cities Action Year to the Federal Department of Housing and Urban Development. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Binder, Dryden

CONTINUATION GRANT APPLICATION IN CONNECTION WITH STREET CRIME PROJECT

Councilman Friedman moved that the Council adopt a resolution approving a second-year continuation grant application for the Metropolitan Austin Treatment Alternatives to Street Crime Project from September 19, 1974, through September 18, 1975. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Dryden, Binder

NEW PARKING METER ZONES

Councilman Lebermann moved the Council adopt a resolution establishing new parking meter zones in the vicinity of the Municipal Annex. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilmen Dryden, Binder

COST DIFFERENCE PAYMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing payment to SPICEWOOD DEVELOPMENT COMPANY, INC., William B. Cotton, President, for the cost difference of 12"/8" water mains appurtenances in Spicewood at Balcones Village, Sections 3 and 5, in the amount of \$10,227.00. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Dryden, Friedman

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilman Binder

CASH SETTLEMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing a cash settlement as follows:

P & H ENTERPRISES, RANDELL HOOD, President - For 60%/40% čashsh settlement in lieu of a refund contract for the installation of water mains serving Hood and Pendergras Subdivision in the amount of \$3,890.25. City's cost at 60% will be \$2,334.15 and the owner's cost at 40% will be \$1,556.10.

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilman Dryden
Noes: Councilman Friedman
Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilman Binder

ALTERATION AND EXTENSION OF PARK AND RIDE SERVICES

Councilman Friedman moved that the Council adopt a resolution altering and extending Park and Ride services of the Austin Transit System; adding a southern route; changing the hours of operation; and providing special transit service for the Brackenridge Hospital Area. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Lebermann

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilman Binder

REQUEST IN CONNECTION WITH POOR BOY ART FAIR

Councilman Friedman moved that the Council approve a request by Mr. Ron Bird, representing Northwest Sertoma Club of Austin, for the use of the site adjacent to the Gazebo on Town Lake on September 21 and 22, 1974, for the 8th Semiannual Poor Boy Art Fair. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler

Noes: None

Absent: Councilman Handcox

Not in Council Chamber when roll was called: Councilman Binder

REQUEST BY SER CONCERNING CAPITAL AREA MANPOWER PLAN

It was noted that Ms. Annabelle Valle, Project Director of SER, had requested to appear before the Council to request approval of modification to include SER for \$218,000 in the Capital Area Manpower Plan. However, it was noted that Ms. Valle requested that this be postponed until August 15, 1974.

AMENDMENT TO PLUMBING CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 42-2, 42-15, 42-20, 42-84, 42-85, 42-86 AND 42-87 OF CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967 REQUIRING GAS YARD LINES TO BE INSTALLED IN ACCORDANCE WITH FEDERAL STANDARDS; PROHIBITING THE PERFORMANCE OF PLUMBING WORK ON GAS YARD LINES BETWEEN THE MAIN AND THE METER, EXCEPT AS AUTHORIZED BY CAS DISTRIBUTING COMPANIES; REQUIRING INSPECTIONS OF THE CONVERSION FROM LIQUIFIED PETROLEUM GAS TO NATURAL GAS, AND PROVIDING A FEE THEREFOR; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor

Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS - FIRST READING

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH SPICEWOOD DEVELOPMENT COMPANY, INCORPORATED, AND PRINGLE REAL ESTATE, INCORPORATED. (Balcones Village; Mesa Park)

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

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

Noes: Councilmen Friedman, Binder

Absent: Councilman Handcox

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:

LOTS 7-13, BEN WHITE COMMERCIAL SUBDIVISION, LOCATED IN THE 800 AND 900 BLOCKS OF WEST BEN WHITE BOULEVARD AND BANISTER LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIFTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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. (Odas Jung, C14-73-119)

Councilman Lebermann moved that 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 Friedman, Lebermann, Mayor Butler, Mayor Pro Tem

Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

TRACT 1: THE EASTERNMOST PORTION OF LOT 6, THEODORE LOW SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 1,524 SQUARE FOOT TRACT OF LAND, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

LOCALLY KNOWN AS 2906-2910 SAN GABRIEL STREET; 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. (Ralph Danysh, C14-74-077)

Councilman Lebermann moved that 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 Friedman, Lebermann, Mayor Butler, Mayor Pro Tem

Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOT 8, BLOCK 16, ST. JOHNS COLLEGE ADDITION, LOCALLY KNOWN AS 7314 BENNETT AVENUE AND 919-923 BLACKSON AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" 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. (Earl O. Forester, et ux, C14-74-030)

Councilman Lebermann moved that 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 Friedman, Lebermann, Mayor Butler, Mayor Pro Tem

Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

TRACT 1: A 21.3 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT, SAVE AND EXCEPT A 100 FOOT STRIP OF LAND ON THE WEST, NORTH AND EAST BOUNDARIES WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 10.0 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT, SAVE AND EXCEPT A 100 FOOT STRIP OF LAND ON THE WEST, SOUTH AND EAST BOUNDARIES, WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

LOCALLY KNOWN AS 6701-7005 SOUTH INTERSTATE HIGHWAY 35 AND 1601-1619 NORTH BLUFF DRIVE; 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. (Sterling Holloway, et ux, C14-74-060)

Councilman Lebermann moved that 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 Friedman, Lebermann, Mayor Butler, Mayor Pro Tem

Love, Councilmen Binder, Dryden

Noes: None

Absent: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JAGGER ASSOCIATES, INCORPORATED. (Oak Hollow Subdivision)

APPROACH MAIN CONTRACT - SECOND READING

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 Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilman Dryden

Noes: Councilmen Binder, Friedman

Absent: Councilman Handcox

REFUND CONTRACTS - SECOND READING

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH W. W. PATTERSON AND JAGGER ASSOCIATES, INCORPORATED. (Loyola Center, Timberline Subdivision, Oak Hollow Subdivision)

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 Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilman Dryden

Noes: Councilmen Binder, Friedman

Absent: Councilman Handcox

PRESENTATION OF 1974-75 OPERATING BUDGET

City Manager Davidson presented the 1974-75 Operating Budget to the Council, noting that copies would be on file at each municipal library. It was noted that this would be for \$163 million with no increase in the tax rate. City Manager Davidson commended the work done by the staff. Mayor Pro Tem Love moved that the Council set a public hearing for August 29, 1974, at 1:00 p.m. on the Budget. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,

Councilmen Binder, Dryden, Friedman

Noes: None

Absent: Councilman Handcox

CONCEPT FOR ENCLOSED SWIMMING FACILITIES

It was noted that the proposed concept for providing enclosed swimming facilities in Austin was before the Council. Mayor Pro Tem Love indicated that there had been a great deal of research and hard work done by the staff. He hoped to get back to Council with this along with other plans for recreation for the handicapped.

PROPOSED ORDINANCE PROHIBITING BEGGING

Mayor Pro Tem Love moved that the Council postpone consideration of the proposed ordinance prohibiting begging in public places until August 22, 1974. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler

Noes: None

Absent: Councilman Handcox

AFFIRMATIVE ACTION POLICY STATEMENT

Consideration of the Affirmative Action Policy Statement was postponed.

CONSIDERATION OF FINANCIAL SUPPORT

Councilman Lebermann noted that KMFA radio station (Klassical Music For Austin) was in a difficult financial posture at this time. He wondered if funding should be considered at the time of the budget hearing. It was noted that there were some questions that needed answering with regard to programming and the size of the listening audience, which they felt would determine the amount of the contribution. After discussion, it was determined that this be considered with the budgeting process.

REQUESTS FOR STUDIES CONCERNING CLARKSVILLE AREA

Mayor Pro Tem Love requested that the Landmark Commission conduct a comprehensive study at its convenience of the Clarksville area for the purpose of determining if structures or facilities exist that should be preserved for the future. He further requested that the City administration conduct a survey of the Clarksville area for the purpose of determining how the "Handcox Plan" for paving streets and upgrading municipal facilities could be utilized to bring Clarksville into acceptable standards. Mayor Pro Tem Love asked the City Manager to make a report on this.

ADJOURNMENT

The Council adjourned at 4:15 p.m.

CITY OF AUSTIN, TEXAS August 8, 1974 ATTEST: