

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 23, 1973  
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

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

The Invocation was delivered by REVEREND A. R. ANDERSON, Chaplain,  
Conference of Churches.

## PROCLAMATION - SUPPORT KLRN WEEK

Mayor Butler presented a proclamation to Dr. and Mrs. Greenwood Wooten, and Linda Galloway of KLRN, proclaiming the week of August 26 - September 1 as Support KLRN Week and urging all residents to take advantage of the excellent programming of this public television station.

## PROCLAMATION - HIRE A STUDENT WEEK

Mayor Butler presented a proclamation to Mr. Ed Carpenter, Director of Student Financial Aids of the University of Texas, proclaiming the week of August 27 - August 31 as Hire a Student Week in Austin and encouraging all residents to help put education to work by hiring a student. He also presented the official memorandum of the Governor of Texas proclaiming the same week on a state level as Hire a Student Week. Mr. Carpenter accepted the proclamations and expressed his appreciation for the support received in the hiring of students attending the University of Texas.

## APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meeting of July 26, 1973. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Out of Room at

Roll Call: Mayor Butler

## ALCOHOLIC BEVERAGE SALE ORDINANCE DENIED

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council deny the ordinance. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been denied.

## HEARING ON 1973-1974 ANNUAL OPERATING BUDGET

At 10:00 A.M. Mayor Butler opened the hearing scheduled for that time on the 1973-1974 Annual Operating Budget. In response to Councilman Friedman's suggestion, Mayor Butler stated that the Council would hear citizens with regard to the requests in the Special Services area.

Mr. G. E. Williams, representing the Austin Association for Retarded Children, requested \$12,500 for the Operation Sunshine Camp for which \$8,500 was budgeted in 1972-1973. He stated that the additional funds were requested because of the increased number of youngsters participating in the program which was offered every summer. The Austin Association for Retarded Children merely sponsored the program, while three divisions of the Mental Health-Mental Retardation Service in cooperation with the City Parks and Recreation Department operated it. In response to Mayor Butler's question, he noted that funds already appropriated by the Council under the Revenue Sharing Program were for Citizen Advocacy, an entirely different program. He further stated that the requested increase in funds would go entirely to staff who were employees of MH-MR. He stated that for a 10-week camp, the cost was about \$10 per week per student.

In response to Mayor Butler's question, Mr. Williams noted that the Young Men's Business League sponsored the Sunshine Camp which was an entirely different camp. He further responded that approximately 150 youngsters were being served during the current year, for which \$8,500 failed to cover the \$10 a week cost. In response to Councilman Friedman's question, he stated that all avenues of federal funding had been pursued with little possibility of federal moneys. In response to Mayor Butler's question, he stated that their request to the County for funds had been refused. He discussed with Mayor Butler why this request was not made by MH-MR. In response to Councilman Friedman's question, he estimated the staff to be hired at 30 to 35.

Dr. Stan Burnham, representing the Austin Cerebral Palsy Center, whose current budget was \$12,500, requested \$25,000 for the following year. He reported that the previous year the patient load was 82 with a waiting list of 30, with 3 1/2 therapy hours provided per week per patient. Increased funding had increas-

ed the patient load to 100 with 4 1/2 hours of therapy per week, and the waiting list was now at 28. Additional funds were requested to bring the patient load to 130. In response to questions from the Council, he stated that the age of patients ranged from 1 - 23 years, the parents of all but one were from Austin, and they were referred to the Center by private and public agencies. Councilman Dryden pointed out that families of patients already contributed what they could, and Mr. Burnham noted that they were primarily a United Fund agency with some support from Easter Seals. In response to Mayor Butler's question, he stated that the total budget for the following year was \$152,000.

Mr. John Weimer, Administrative Director of Mental Health-Mental Retardation Center, whose current budget was \$110,000, requested \$360,000 for 1973-1974. Mr. Dave Williams, in charge of Program Evaluation, reported on the services of the Center which served from 8,000 to 10,000 people during the current year, 99% of whom were Austin-Travis County people. The National Mental Health Drug Abuse Section had just given the center a good review. Services provided by the Center included Homemaker Services, drug abuse counseling, divorce adjustment counseling, 24-hour hospital care, day treatment, big buddies, work in Darrell Royal Workshop, a work activity center, methadone treatment for heroin addicts, camping services, recreation therapy, detoxification, early childhood intervention project, out-patient clinics, human relations training to the Police Department and intervention calls for people who called in distress to the Hotline. In response to Mayor Butler's question, he stated that the Revenue Sharing money received would last only through September. He further explained the nature of MH-MR's support of the Hotline which had already been funded \$10,000 by the Council and explained the training program for the Police Department.

Mr. Williams reported that random questionnaires and interviews of clients since 1971 revealed ratings of 90% effectiveness. Random sampling of 1,000 current clients was also consistent with these earlier findings. He noted that for every dollar invested by the Council, the Center matched with \$10. He reported that \$240,000 of the request was for the program which was requested by Model Cities, an agency of Austin, and which the Council had already committed itself to maintain. The other \$120,000 requested was for maintenance plus a 10% increase. He stated that funds were not requested for development of new programs but maintenance of existing ones which served both poverty areas and businessmen. Without the funding, programs would have to be cut back.

In response to Councilman Friedman's question, Mr. Williams stated that the programs of the center could be monitored every month or every two months with up-to-date reports to the Council on procedures and activities. In response to Councilman Dryden's questions, Mr. Larry Goodman, Business Director, stated that staff size was about 275 and that 5% of the funds requested would go for administrative staff.

Dr. Thomas Oakland, former President of the Board of the Austin Child Guidance Center, whose current appropriation was \$41,136, requested \$43,398. He stated that the Center currently worked with 2,300 parents and children in about 6 locations in the City. The Center also provided services to families with dependent children and children in foster homes, consultation with schools, Juvenile Court, and MH-MR, and a summer camp in Austin-Travis County. In response to Councilman Dryden's question, he estimated support from the school administration at \$25,000, and support was also received from United Fund. Mayor Butler inquired why more was requested of the City than of the School District, and

Dr. Oakland replied that some students served were not associated with the Austin Independent School District, and the Austin Guidance Center was unique in the state and perhaps the nation in receiving funds from the schools. He expected the School District to grant their request.

Mr. Raymond Krueger, Administrative Director for the Austin Evaluation Center, whose current appropriation was \$3,000, requested the same amount for the following year. He noted that the Center evaluated and diagnosed children with handicap problems before referring them to the proper sources of care. He stated that referrals were received primarily from the Austin Independent School District who had granted them \$5,000 for the current year and from whom \$15,000 was requested for the following year.

Mr. Jere Burrus, Director of the Middle Earth Program, whose current appropriation was \$3,700, requested \$5,500. He stated that Middle Earth involved three separate programs of drug education for psychedelics, speed, and barbiturates. He noted that for its first three years, Middle Earth was a totally volunteer organization with no paid staff; the current year was the first time funds had been requested of and received from the City. He discussed the hours the program was open and the size of the staff and stated that over 1,000 persons were seen during a year. Over 100 programs of free drug education were provided the previous year, and a sunrise to sunset mobile drug ambulance was maintained. He stated that there had been a shift in clientele from first-time experimenters to people with longterm problems. He noted that coordinators who worked seven days per month were currently paid \$20 per month. The reason for the increase requested was to pay coordinators who would work one day every eight days for \$40 per month.

In response to Councilman Friedman's question, Mr. Burrus stated that the "Y" contributed \$8,700 for the current year, of which \$1,200 went for remodeling. For the coming year, the "Y" would contribute \$6,700. In response to Mayor Butler's question, Mr. Burrus stated that he was aware of no recent complaints from citizens although a booklet printed at one time had caused some complaints. Councilman Friedman noted that several officers in the Austin Police Narcotics Squad had commended the work being done by Middle Earth. Mr. Burrus thanked the Council for having allowed Middle Earth to exist. In response to Councilman Dryden's question about referrals to agencies for regular treatment and counseling, Mr. Burrus stated that the policy of preserving anonymity of people seen prevented an accurate follow-up study of the people seen.

Mr. Elliot Zashin, of the Executive Board of Youth Emergency Services, whose current grant was \$3,000, requested \$4,500. In response to Councilman Friedman's question, he stated that the primary reason for the increase requested was to pay the Executive Coordinator \$75 instead of \$50 a week. Funds were not requested for a runaway house, because the minimum budget to do the job adequately would be \$12,000 to \$15,000. The new programs which were planned centered around the Switchboard office.

Mrs. Doris Merz, an outreach worker for the Austin Rehabilitation Center Probation Services, whose current grant was \$19,800, requested \$41,506. She stated that the additional funds were requested because they would no longer be funded by the Criminal Justice Council as they had been for the past three years.

The grant was for a three-year plan, and now it was necessary for the City or County to take over funding. Mayor Butler noted that the \$19,800 grant had been provided on a mid-year emergency basis and with the representation that the request for funds would not be repeated. Mrs. Merz stated that no funds had been received from the County but \$41,506 was requested of them. In response to Mayor Butler's question, she stated that their clients were primarily from the Travis County Jail, although many were sent by the City with a DWI. She discussed the staff, location, staff salaries, number of clients, and budget breakdown of the program. She stated that the cost per person counseled was steadily decreasing. In response to Mayor Butler's question she stated that there was no overlap between this program and the MH-MR alcoholic abuse program. Councilman Friedman suggested the City matching whatever the County might provide and inquired if County funding was expected. Councilman Lebermann suggested the Council determine what was a fair portion of the cost for the City to pay.

Mr. Richard Arnett, Chairman of the Fund Raising Committee of the Austin People's Free Clinic, reported that \$29,000 in additional funding was required to continue full-time operation of a complete range of services. He stated that programs had expanded during its three years of existence including general medical services as well as the original family planning services. Eighteen thousand patient visits were anticipated during the following year. He stated that HEW totally funded the Family Planning Service and funds were requested of the City for the general medical facilities. The total budget was \$102,000 of which \$49,000 came from the HEW grant for Family Planning Services. In response to Mayor Butler's question, he introduced some of the personnel in the organization. He stated an audited budget could be given the Council periodically.

Mr. Arnett discussed the programs conducted by the Clinic, noting that they treated a clientele which lacked access to other sources. In response to Mayor Butler's question, he stated that doctors wrote paid prescriptions for drugs at any pharmacy. He stated that the program did not conflict with private sources of health care and in fact patients generally followed up by seeing a private doctor. He noted the other sources of funds being solicited and the staff size and staff salaries of the organization. Patient visits were expected to triple in number. Mayor Butler and Councilman Dryden discussed whether a similar program was in operation. In response to Councilman Binder's question, Mr. Arnett stated that the total amount requested was \$15,000.

Mr. Tracy, representing the Zachary Scott Theatre, requested \$18,000, the same amount as appropriated for the current year. He noted in response to Mayor Butler that they were paying their own utilities for which the Council had increased their funding the previous year.

Mrs. W. W. Coates, representing the Arts Council, stated that the Arts Council endorsed the requests of four groups yet to appear: the Austin Civic Ballet, Laguna Gloria Art Museum, Austin Ballet Theatre, and Austin Civic Chorus. She noted that these groups had small budgets and involved many hours of volunteer work and private money.

Mr. Norman Farmer, representing the Austin Civic Ballet, requested \$7,000 which was an increase of \$2,500 over 1971-73. This additional funding would permit three additional performances. Approximately 7,200 people were expected to

attend these free performances which meant a unit cost of less than \$1 per person. He indicated that 700 children would be given free admission to dress rehearsals and performances. Support in the community came from over 200 dues-paying subscribers, and ticket admissions took in \$9,800. A total of \$7,500 was paid to the Austin Symphony Orchestra for performances not supported by City contract.

Mr. John DeFord, representing the Austin Symphony Orchestra, requested \$11,500, which was the same request as for the past 5-7 years. Of this amount, \$1,500 was intended for creation of a Youth Orchestra. The \$1,000 of the current budget intended for that use would be returned to the City since the program had not gotten under way. Similarly, the \$1,000 appropriated for a free public concert which was not accomplished would revert back. Seven thousand dollars of the amount requested would continue the Young Persons Program in the schools and the other \$3,000 would be allocated to assist with the Civic Ballet.

Mr. Mack Stoeltje, representing Laguna Gloria Art Museum, requested \$30,000, the same as requested for the past year and twice as much as actually received. He believed that expanded programs justified this request. Mayor Butler stated that part of the request--exemption from paying water and electrical bills--could not be granted. Mr. Stoeltje explained that the reason for keeping one year's operating funds on hand was as protection in case Fiesta, which was the main source of income, should be rained out. The pre-committed funds to Fiesta amounted to \$20,000 or \$30,000 and the rain insurance was only for \$8,000. In response to Mayor Butler's question, he stated that the cost of obtaining additional insurance was prohibitive.

Mrs. Barbara Miller, representing the Austin Ballet Theatre, noted that the organization had been in existence a little over a year. She noted that about 30 dancers and 20 behind-the-scenes volunteers were involved. She mentioned their monthly performances at Armadillo World Headquarters and the dancers' school, the latter being self-supporting. Their goal was to pay their dancers and to be able to tour as a professional company. They were requesting \$1,000. In response to Councilman Friedman's question, she differentiated the Austin Ballet Theatre as a professional repertory company from the Austin Civic Ballet which had different objectives. Similar services were provided to the schools. Councilman Friedman suggested funding one agency to include both organizations.

Mr. Bob Jackson, representing the Austin Civic Chorus, requested \$9,000, the same amount as the previous year. Mayor Butler noted that the Arts Council had reviewed the budget request of the Civic Chorus and had taken no action to approve or disapprove it. Mr. Jackson noted that the only change being requested was from an allocation under the auspices of the Parks and Recreation Department to a service contract with the City. In response to Mayor Butler's question, Mr. Jackson stated that of the current allocation, \$6,900 was cash and the remainder was in-kind. Cash was requested to replace the in-kind since the Chorus would be taking over what Parks and Recreation was doing in promotion and would take care of performing the in-kind services themselves. In response to Mayor Butler's question, he stated that the reason for the request to move from Parks and Recreation was to enhance their own identity.

Councilman Lebermann spoke for the Capital Area Planning Council and recommended continued funding. He also recommended funding of Comprehensive Area Health Planning. Councilman Dryden spoke on behalf of the Humane Society.

Ms. Ann Hexamer, Austin Community Television Coordinator, discussed the communication services available through Austin Community Television. She stated that this was a new, non-profit corporation and that funding was requested basically for equipment. She stated that funds had been received from other sources including the Urban League and the Presbyterian Council. Assistant City Attorney Richard Tulk stated that the Texas Constitution prohibited gifts of public funds, and that all of the other agencies funded were actually being paid for performances rendered. He stated that some comparable agreement would be necessary to provide funds to this program. Councilman Lebermann expressed his enthusiasm for the program and believed that there was a sound basis for contractual arrangements requisite to funding. Mayor Butler discussed with Ms. Hexamer who would do the programming. Mayor Butler expressed his opposition to use of taxpayers' money for programs of a political and partisan nature.

In response to Councilman Lebermann's question, Ms. Hexamer discussed the operation of a similar program in Florida. In response to Mr. Tulk's question, she stated that an alternative proposal would be for the City to provide City equipment for ACTV use when not being used by the City. Councilman Friedman stated that the City had similar arrangements with KUT-Radio. There was further discussion among the Council and Mr. Tulk on the possibility of contractual arrangements. Ms. Hexamer stated that the amount requested was \$8,242, most of which was for equipment.

Ms. Janet Trevino, Program Director of United Action for the Elderly, stated that a request had originally been submitted for Revenue Sharing funds but had been withdrawn, and a proposal was being re-submitted for funds out of the City General Operating Budget. She explained the reasons for this change. One thousand five hundred fifty-two dollars and three cents was requested from the City, which money would be matched.

In response to Councilman Dryden's question, she stated that 70 persons were currently being served with 25 more expected. She also stated that the amount requested had been decreased from between \$12,000 and \$16,000 to the \$1,552 figure.

#### COUNCIL RECONVENES

After a recess, the Council re-convened with Mayor Pro Tem Love presiding, as Mayor Butler was absent.

#### ANNEXATION HEARINGS

Mayor Pro Tem Love opened the hearing scheduled for 10:00 A.M. to consider the annexation of and directing the administration to institute annexation proceedings to annex the following:

554.29 acres of land out of the John Applegait and Willis Avery Surveys - LANSFORD SUBDIVISION, unplatted land, and portions of RUTHERFORD LAND and CAMERON ROAD. (initiated by the City of Austin)

City Manager Davidson noted that this item was a segment of what had been recommended previously to the Council for annexation but the Council had not agreed to annex this segment. It was now resubmitted in light of other annexations and developments in the area.

Mr. Joseph stated that he owned about 300 acres of the 554 acres under consideration. He believed that an area of approximately 200 acres would be appropriate for annexation, but he objected to the remainder being annexed. There was discussion among the Council and Mr. Joseph as to the exact boundaries of the property he owned. In response to City Manager Davidson's question, Mr. Joseph stated that he understood that Wallace Johnson was going to participate with the City under the subdivision ordinance in connection with the dedication of right-of-way and participation in paving costs for the extension of Rundberg Lane.

The reasons for Mr. Joseph's objections were excessive taxes and no services from the City as he was not a subdivider and did not want street lights and other required services until someone might buy the property to subdivide it. Councilman Lebermann noted that when property was brought within the corporate City limits, its value automatically increased because of the potentiality of services. In response to Mayor Pro Tem Love's question, Mr. Joseph stated that none of the land was under contract of sale at that time.

Mr. Dick Lillie, Planning Director, explained the overall project involved which included bringing some of the streets up to standard through the Capital Improvements Program, some problems of land uses being developed in the area that were in conflict with anticipation of residential use, the zoning case on Rutherford in which the Council was interested in bringing Rutherford up to some higher standard of development, and the possibilities of other public facilities such as the elementary school being placed there. He believed that annexation would encourage development in this location as opposed to further out to areas where there were no utilities at the present time and the City would have to extend them.

Mr. Walter Nitsche, who owned 2.57 acres in the area, questioned how soon Cameron Road would be widened if the area were annexed. City Manager Davidson stated that this would be checked into. In response to Councilman Dryden's question, Mr. Joseph pointed out the boundaries of the area which he did not want annexed which included about 60 acres. City Manager Davidson believed that the portion in question was about 200 acres. Mr. Joseph stated that it would be about 100 acres, including property which he did not own.

#### Motion

Councilman Handcox moved the Council close the hearing, and uphold the recommendation of the staff to direct the administration to institute annexation proceedings. The motion was seconded by Councilman Lebermann. Councilman Dryden commented that if only 225 acres of the entire 554 acres were annexed, there would not be an unannexed area surrounded by areas incorporated within the City. Mr. Joseph expressed his willingness to sign a letter that he would not violate any City ordinance in zoning or building while this area might remain unannexed.



Substitute Motion

Councilman Dryden offered a substitute motion that the administration be directed to institute annexation proceedings for only the 225 acres to the west of the proposed park site and south to 183 with the requirement that Mr. Joseph enter into an agreement with the City not to develop or build on the land not annexed unless it was in accordance with its current "A" Residence zoning. The substitute motion was seconded by Councilman Friedman. In response to Councilman Lebermann's question Assistant City Attorney Tulk stated that such an agreement with Mr. Joseph would not be legally binding on the next owner should the land be sold and would amount to an unenforceable gentleman's agreement. Mr. Joseph offered to include in the agreement that the land would be subject to annexation before it could be sold. There was further discussion of how binding this would be.

Vote on Substitute Motion

The substitute motion, seconded by Councilman Friedman, failed to carry by the following vote:

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

Vote on Original Motion

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

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

Mayor Pro Tem Love opened the hearing scheduled for 10:00 A.M. to consider the annexation of and directing the administration to institute annexation proceedings to annex the following:

162.88 acres of land out of the Santiago Del Valle Grant - unplatted land and a portion of PARKER LANE. (initiated by the City of Austin)

Councilman Friedman moved the Council close the hearing, and direct the administration to institute annexation proceedings. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## HEARING ON VACATING STREETS AND ALLEYS - PASSAGE OF ORDINANCES

Mayor Pro Tem Love opened the hearing scheduled for 10:00 A.M. on vacating the following streets and alleys:

WHITE ROCK DRIVE, from the east line of Balcones Drive, easterly 170 feet, more or less to the west line of Mo-Pac Boulevard. (initiated by the City of Austin)

EAST 13TH STREET, EAST 12TH STREET ALLEY, EAST 13TH STREET ALLEY and EAST 18TH STREET ALLEY from Trinity Street to Neches Street. (requested by Leon Lurie, Executive Director, Urban Renewal Agency. Brackenridge Area)

MARIPOSA DRIVE, from Interstate Highway No. 35, easterly 398 feet, more or less. (requested by Robert L. David, attorney for the owners Mrs. Edna Duffy, John F. Thomas, and E. R. Youngblood)

FLORENCE STREET, from West 29th Street to West 30th Street. (requested by the owner of the Kirby Hall tract of land, David B. Barrow, and joined by the City of Austin as owner of all other adjacent property.)

Councilman Friedman noted that there had been a request to postpone the third item: MARIPOSA DRIVE, from Interstate Highway No. 35, easterly 398 feet, more or less. City Manager Davidson stated that the item had been withdrawn from the agenda in accord with that request.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WHITE ROCK DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF EAST 13TH STREET, EAST 12TH STREET ALLEY, EAST 13TH STREET ALLEY AND EAST 18TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; SUSPENDING THE

**RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.**

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

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

The Mayor Pro Tem announced that the ordinances had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

**AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF FLORENCE STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.**

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

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

**STREET NAME CHANGES**

Councilman Handcox moved the Council approve street name changes on the following two (2) streets out of Mesa Park Section Six:

- a. Change from Toledo Drive to MURCIA DRIVE
- b. Change from Murcia Drive to TOLEDO DRIVE

(requested by S. A. Garza Engineers, Inc., as representative for the owner, Austex Development Company, Ltd.)

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

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

## CONTRACTS AWARDED

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

BILL GASTON BOATS  
AND MOTORS, INC.  
Austin, Texas

Bid Invitation #3-1413  
Two (2) each 1973 Tri Hull Patrol  
Boat - \$8,200.00

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

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

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

GIRARD MACHINERY CO.  
San Antonio, Texas

Bid Invitation #3-1399  
Tractor Mounted Crane - \$38,376.00

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

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

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

DITCH WITCH OF SOUTH TEXAS, INC.  
New Braunfels, Texas

Bid Invitation #3-1404  
Two (2) each Wheel Mounted Trenching  
Machines - \$11,151.00

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

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

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

COOPER EQUIPMENT COMPANY  
San Antonio, Texas

Bid Invitation #3-1403  
Boom-Mounted Pneumatic Hammer -  
\$5,857.00

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

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

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

TEXAS BATTERY ASSOCIATES,  
INC.  
Austin, Texas

Bid Invitation #3-1544  
Automotive Batteries Supply  
Agreement effective August 24, 1973  
through August 23, 1974 - \$16,622.10

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

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

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

WALLACE & TIERNAN DIVISION  
Dallas, Texas

Bid Invitation #3-1528  
One (1) each 1000 lb. per hour Lime  
Slaking System and one (1) each 2000  
lb. per hour Lime Slaking System -  
Item 1 @ \$12,760.00/ea. and  
Item 2 @ \$14,100.00/ea. less Trade-In  
Allowance of \$2,500.00 - Total  
\$24,360.00

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

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

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

DORR-OLIVER INCORPORATED  
Stamford, Connecticut

Bid Invitation #3-1170  
Repair Parts for Dorrco 80' Square  
Type SZ-7 Clarifier at Davis Water  
Treatment Plant - Total \$6,660.00

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

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

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

AUSTIN ROAD COMPANY  
Austin, Texas

Capital Improvements Program Project  
Nos. 6286 6, 7035 4 and 6201 0  
For Street and Drainage Improvements  
on Burnet Road from White Horse Trail  
to Anderson Lane, and Exposition Blvd  
from Windsor Road to 122'  $\pm$  south of  
Northwood Drive, Contract No.  
73-Pb-126 - \$189,249.30

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

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

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

BILL TABOR CONSTRUCTION CO.  
Austin, Texas

Capital Improvements Program Project  
No. 5077 9  
For the installation of approximately  
4273 feet of 8" wastewater main and  
appurtenances in Macmor Acres -  
\$44,367.05

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

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

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## CASH SETTLEMENTS

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

DAVID A. STEINBACK - for water and sewer service installation in the Steinback Addition. Estimated cost of water service installation is \$320.00 - Owner's share @ 40% is \$128.00, City's share @ 60% is \$192.00. Estimated cost of sewer service installation is \$260.00 - Owner's share @ 40% is \$104.00, City's share @ 60% is \$156.00.

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

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

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

H. D. MOTSENBOCKER - for the installation of water services in Motsenbocker Subdivision. Estimated cost of water service installation is \$1,065.00 - Owner's share @ 40% is \$426.00, City's share @ 60% is \$639.00.

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

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

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

JOSEPH G. DRAPER - for water service installation in Joseph Draper Subdivision. Estimated cost of water service installation is \$300.00 - Owner's share @ 40% is \$120.00, City's share @ 60% is \$180.00.

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

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

## CHANGE ON AUSTIN TRANSIT SYSTEM MAINTENANCE FACILITY

Mr. Al Eldridge, Construction Engineering Director, reported that this item was brought on by a requirement of the industrial waste ordinance that a washing facility be covered to keep out the rain. The proposed change was for a canopy or building over the wash rack in keeping with the facility. In response to Councilman Friedman's question, he stated that it was approved by Urban Mass Transit.

Councilman Friedman moved the Council adopt a resolution approving a change on the "Austin Transit System Maintenance Facility" in the amount of \$26,563.00. (Capital Improvements Program Project No. 9001 0). The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## CHANGE ORDER

Councilman Friedman moved the Council adopt a resolution authorizing an additional expenditure for a Change Order in the amount of \$5,650.00 on the contract for Lime Sludge Removal and Disposal at the Ulrich Water Treatment Plant. (Capital Improvements Program Project Nos. 4917, 4918, and 4919). The motion, seconded by Councilman Handcox, carried by the following vote:

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

## LICENSE AGREEMENT

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

HYDE PARK BAPTIST CHURCH - encroachment of proposed construction of four (4) concrete benches and four (4) light poles in the sidewalk area in front of their building on the northwest corner of the intersection of East 39th Street and Avenue "F". (Applicant: William T. Guy of the Building Committee for Hyde Park Baptist Church)

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

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



## GROUP HEALTH AND LIFE INSURANCE

The Council had before it for its consideration authorizing six improvements in the City's Group Health Insurance Program and authorizing the City Manager to renew the policy with Connecticut General Life Insurance Company for a period of one year. Councilman Friedman questioned renewing the contract with Connecticut General without a bidding process, noting that originally Connecticut General had not been low bidder but had been low bidder when a rebid was held. City Manager Davidson reported that Finance Administrator Norm Barker and Personnel Director Andrea Beatty had been working with Mr. Flint of Connecticut General to secure adequate changes in the employees' program. A study by an insurance committee had recommended the changes before the Council. City Manager Davidson believed that the current policy in operation for a year should be continued. In response to Councilman Lebermann's question, he believed that Connecticut General was competitive.

Councilman Handcox moved the Council adopt a resolution authorizing six improvements in the City's Group Health Insurance Program and authorizing the City Manager to renew the policy with Connecticut General Life Insurance Company for a period of one year. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## OPERATION MAINSTREAM PROGRAM

Councilman Friedman moved the Council adopt a resolution authorizing contract with Department of Labor to operate the Operation Mainstream Program, a manpower training project which will provide 63 training slots to chronically unemployed poor adults at a cost of \$190,528 (DOL) and a non-federal requirement of \$22,113 in-kind services. The term of contract is from September 17, 1973, through June 20, 1974. The program will be delegated to Williamson-Burnet Counties Opportunities, Inc. (CAA) for operation. (Total cost - \$212,641)

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

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

## GOLF COURSE PRO-MANAGERS

The Council had before it for its consideration authorizing the City Manager to enter into a contractual agreement with Pro-Managers for the following:

Jimmy Clay Golf Course  
Morris Williams and Municipal Golf Courses

City Manager Davidson reported that the Task Force on this matter had met with several golf professionals. Mr. Beverly Sheffield of the Task Force introduced Mr. George Hannon who had been serving since 1961 as the professional in charge of the Morris Williams and Municipal Golf Courses. He introduced Mr. John Joseph Ballender, currently assistant pro at Municipal, who was recommended as the professional to be in charge of the new Jimmy Clay Course. City Manager Davidson noted that some changes had been recommended in Mr. Hannon's contract which would increase revenue and decrease the expense to the City. With respect to Mr. Ballender, he expected to return to the Council at periodic intervals for evaluation of his contract.

Councilman Handcox expressed his opposition to the proposed contract. After consulting with a number of golfing people and members of the Task Force, he concluded that it was not in the best interests of golf to have one golf pro serving as the professional of two golf courses, and he recommended that there be an independent pro at each of the courses. In response to Councilman Handcox's question, Mr. Hannon felt that he did a good job, but that splitting the courses would be fine. Mr. Hannon did not know who would operate Municipal on a day-by-day basis if the combination recommendation were approved. City Manager Davidson noted that the recommendation was for a one-year agreement with annual options for renewal because of uncertainty as to how long the City would be operating Municipal. Should agreement be reached with the University of Texas for longterm operation by the City, additional capital investment would be required to improve Municipal, and the desirability of splitting the contract into two separate agreements would need to be considered. Councilman Handcox disagreed with City Manager Davidson's view that a professional should not be hired for Municipal now without assurance of longterm operation. Councilman Handcox knew of individuals willing to take that chance, make the necessary investment, and compete with Mr. Hannon and Mr. Ballender.

Councilman Handcox again voiced his concern with giving service to the public which could not best be accomplished by one pro handling two courses. He also objected to that portion of the contract concerning retrieval of balls from lakes and water hazards for all of the courses in the City. Mayor Pro Tem Love suggested acting now on the Jimmy Clay contract and deferring a decision on the other two courses. Councilman Handcox suggested also deciding on Morris Williams but postponing action on Municipal. In response to Councilman Handcox's question, Mr. Hannon stated that he would prefer Morris Williams to Municipal. There was discussion as to whether an immediate decision on the Jimmy Clay contract was required. In response to Councilman Friedman's question, Mr. Sheffield stated that the omission of the ball-retrieving privilege from the Jimmy Clay contract was an unintentional omission.

Motion

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to enter a contractual agreement with Mr. Ballender as the professional of the Jimmy Clay Golf Course with the right of retrieval of lost golf balls, under the terms of the proposed contract. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### Second Motion

Councilman Handcox moved the Council adopt a resolution authorizing the City Manager to enter into a contractual agreement with Mr. Hannon for Morris Williams and to operate Municipal on a month-to-month contract until a professional was named for that course. Councilman Handcox stated that it was the intent of his motion that a search be started at this time for a pro to operate Municipal which City Manager Davidson did not recommend.

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

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

#### LICENSE AGREEMENT

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with Matthews Enterprises, Inc. for the use of a portion of East Riverside Drive right-of-way until required by the City. (postponed from August 16, 1973) City Manager Davidson noted that by the proposed agreement, the applicant would pay \$150 per month, as recommended by the Property Management Director.

Mr. Joe Garrison made a counter-offer of \$90. Mr. Garrison and Councilman Lebermann discussed the appropriateness of the \$150 figure. City Manager Davidson reported that the recommended \$150 figure had been computed after checking into the formula and with other cities. Mr. Garrison stated that an increase of 15 parking spaces was planned which amounted to \$10 per space per month at the \$150 figure. Additionally, an outlay of \$5,651 was planned for paving it. There was a likelihood of the licensing agreement being terminated when the street widened and would come into the parking area and the land would be returned to the City as improved property. He stated that the formula should be flexible and that they had been operating upon the assumption that the top price charged would be \$90 per month. Councilmen Handcox and Binder expressed their concern that the applicant would have no security with such an agreement, yet would be charged top dollar. Councilman Lebermann and Mr. Garrison discussed the capital improvements to be made in paving the additional area.

#### Vote

The motion to authorize the agreement at \$150 per month, seconded by Councilman Dryden, failed to carry by the following vote:

Ayes: Councilmen Lebermann, Dryden  
Noes: Councilman Handcox, Mayor Pro Tem Love, Councilman Binder  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Butler

In response to Councilman Handcox's question, Mr. Joe Morahan, Public Property Manager, stated that widening of Riverside Drive was anticipated to be two years away, but there were no plans ever to use this right-of-way for the widening of the street. He stated that a license agreement was renewable on a year-to-year basis and cancellable on 90-day notice. In response to Councilman Handcox's question, Mr. Garrison stated that the lease on the coffee shop was a 5-year lease.

#### Second Motion

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with Matthews Enterprises, Inc. for the use of a portion of East Riverside Drive right-of-way until required by the City, at the rate of \$115 per month. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes:	Councilman Handcox, Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes:	Councilman Lebermann
Out of Room at	
Roll Call:	Councilman Friedman
Absent:	Mayor Butler

#### MODEL CITIES PROPOSAL

Councilman Handcox moved the Council adopt a resolution authorizing the Model Cities Department to contract with Parks and Recreation Department for a Recreation Facilities Project. Total cost of the project is \$91,750 - Model Cities provides 100% of the funding. The motion, seconded by Councilman Binder, carried by the following vote:

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

#### ITEM POSTPONED

The Council postponed until August 30, 1973 the item of Mr. Elbert Hooper, representing National Housing Industries, Incorporated, and Lumbermen's Investment Corporation, requesting permission for consent to the creation of Williamson County Municipal Utility District No. One.

#### ITEM NOT TAKEN UP

The Council did not take up the item of Mrs. F. A. McNiel, requesting to appear before the City Council to present a petition opposing the sale of alcoholic beverages until 2:00 A.M. nightly.

## AMENDMENT TO CHANGE NAME IN ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730726-J, ENACTED BY THE CITY COUNCIL ON JULY 26, 1973, BY CHANGING THE NAME OF THE OWNER FROM WALTER CARRINGTON TO DEVELOPMENT ASSOCIATES, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mr. Curtis Johnson, Water and Wastewater Director, noted that this was simply to correct a clerical error in which Mr. Carrington's personal name rather than the name of the group developing the tract had been used in the contract.

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

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

## ORDINANCE ESTABLISHING WATER RATES

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM FOR TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 5 FOR ALL USES OF SUCH WATER, CONNECTIONS AND SEWERAGES; SIMILARLY REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective on billings of October 1, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM FOR TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 6 FOR ALL USES OF SUCH WATER, CONNECTIONS AND SEWERAGES; SIMILARLY REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective on billings of October 1, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM FOR TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 8 FOR ALL USES OF SUCH WATER, CONNECTIONS AND SEWERAGES; SIMILARLY REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective on billings of October 1, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM FOR TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 13 FOR ALL USES OF SUCH WATER, CONNECTIONS AND SEWERAGES; SIMILARLY REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective on billings of October 1, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

#### ANNEXATION ORDINANCE

Mayor Pro Tem Love 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 36.58 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE, AND 21.33 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.

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

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 2.54 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2604 SOUTH LAMAR BOULEVARD; THE REAR OF 2606-2614 SOUTH LAMAR BOULEVARD, AND ALSO BOUNDED BY

DICKSON DRIVE, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Mayor Pro Tem Love announced that the ordinance had been finally passed.

#### EMERGENCY PURCHASE OF FUEL OIL

City Manager Davidson reported that in response to the advertising for bids to purchase 16 million gallons of fuel oil, the only bid received was at a price of over 26 cents per gallon. Acceptance of this bid was not recommended. Instead, he recommended the Council authorize purchase on an emergency basis of 1.25 million gallons from Tesoro Petroleum Company at a price of 18.3 cents per gallon, and from Coastal States Marketing Company 4 million gallons to be delivered beginning in September at a price of 20.238 cents per gallon.

In response to Councilman Lebermann's question, Electric Utility Director R. L. Hancock reported on the status of delivery of the 40 million gallons purchased six months earlier, which was a separate purchase from the proposed purchase. He further reported on the progress in preparing the new storage tanks, the first of which they would probably start filling in mid-September. Mr. Hancock noted that since January 1, 1973, the City had burned 23 million gallons of oil, while the figure for the entire year of 1972 was 6.2 million gallons.

Councilman Handcox moved the Council adopt a resolution approving the recommended purchase of fuel oil. The motion, seconded by Councilman Dryden, carried by the following vote:

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



## PUBLIC HEARING SET

Councilman Lebermann moved the Council adopt a resolution setting a public hearing at 2:00 P.M., September 6, 1973, to consider annexing the following:

Total of 247.51 acres of land out of the Theodore Bissel League:

a. 223.89 acres

- (1) 204.37 acres - CHERRY CREEK, PHASE IV, SECTION ONE and unplatted land. (requested by Bryant-Curington Inc. for the owner Austex Development Company, Ltd.)
- (2) 19.52 acres of land - unplatted. (initiated by the City of Austin)

b. 23.62 acres

- (1) 2.66 acres - unplatted land. (requested by owners, D & J Properties, Inc., Dan Pruitt, President)
- (2) 20.96 acres - unplatted land. (initiated by the City of Austin)

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

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

## ITEM POSTPONED

The Council postponed for one week the item of Mr. Forrest Breyfogle III requesting to appear before the City Council on behalf of the North Austin Civic Association regarding the covering of the drainage creek at the park adjacent to the Wooldridge Elementary School.

## LBJ BIRTHDAY SET AS HOLIDAY

Councilman Lebermann moved the Council adopt a resolution authorizing the City to observe the birthday of the late President of the United States, Lyndon Johnson, August 27, as a City holiday for the current year and to substitute that holiday for Veterans' Day, the fourth Monday in October. The motion was seconded by Councilman Dryden. Councilman Binder inquired about declaring the holiday without substituting it for Veterans' Day. City Manager Davidson reported on the number of holidays observed yearly by local business, the Federal Government, State, and County. Councilman Binder thought the City should have more holidays, as the

County observed 11 and the State observed 15; the City observed 9. Councilman Dryden stated that the spirit of the motion was an emergency sort of basis rather than a permanent substitution for Veterans' Day. Councilman Friedman expressed his support for simply adding the holiday and postponing the decision to delete Veterans' Day. The Council discussed with City Manager Davidson the significance of the \$200,000 loss from an additional holiday. City Manager Davidson responded affirmatively to Councilman Lebermann's request to develop a general review of the holiday structure as an overall policy matter.

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

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

#### REPORT ON RENTAL OF AUDITORIUM FOR COMMERCIAL SALES

City Manager Davidson recommended that if the Council desired to authorize Perry Rose Firestone to utilize the Auditorium for commercial sales purposes, it should repeal the resolution adopted on March 30, 1972, establishing the existing policy concerning retail sales in the Auditorium. He noted that this would permit businesses other than Mr. Rose's to rent it for similar purposes. There was some discussion of the advisability of a public hearing on the matter. Councilman Friedman expressed concern that when an out-of-town business should come in, the Council would find the same people complaining who had asked for the original resolution, and this could lead to the Council passing and repealing the resolution every six months.

There was discussion among the Council as to legal channels for permitting usage by local businesses only. Mr. Tulk stated that residency requirements could not be a condition for a permit to use the Auditorium; by Federal law, the Auditorium had to be open to everybody or closed to an entire identifiable group, without any favoritism toward particular segments of that group. City Manager Davidson reported that no avenue had been found for permitting exclusion of out-of-town businesses.

In response to Councilman Binder's question, Mr. Carl Gandy, Auditorium Manager, stated that there were periods of congestion for current rentals which would be exacerbated if Council recinded the existing resolution.

#### Motion

Councilman Dryden moved the Council adopt a resolution recinding the resolution adopted on March 30, 1972, with regard to this matter. Councilman Binder opposed the resolution since it would add to the congestion problems. There was discussion as to whether a permit was required to use the Auditorium, and City Manager Davidson pointed out that no permit would be required.

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

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

## REPORT ON CONTRACT WITH CEDAR PARK WATER SUPPLY CORPORATION

Mr. Donald Wolf, Assistant City Attorney, reported that discussions had been held that morning with the attorney for the Cedar Park Water Supply Corporation who had a counterproposal to the \$10,000 bond. Mr. Sidney Purser, attorney for the Cedar Park Water Supply Corporation, was in agreement with the proposal with a few exceptions: the regulator for 100 gallons a minute which could not handle that amount and the requirement of a \$10,000 bond. He believed that the bond requirement would make the agreement prohibitive because this was a non-profit corporation which did not have the \$10,000 to obtain a bond. They could agree to a bond of a lesser amount. He also requested that they be able to hookup with people who were out there under present construction. He stated that there were approximately 540 taps in the Cedar Park Water District, of which 60 or 70 were outside the City of Cedar Park limits.

Councilman Lebermann stated that the City of Austin should not be obligated to sell their water to a Water District and then the Water District to customers within the corporate City limits of another community. Councilmen Dryden and Handcox felt it was the consensus of the Council to assist the City's neighbors for a period of 6 or 8 months, but wanted some assurance that the 60 wouldn't grow to something like 160. Mr. Purser stated that they had no objection to be penally bound in the event of a default, but they objected to having to put up the bond. In response to Councilman Dryden's question, Mr. Wolf stated that the reason for the bond requirement was to insure that the Water District would move as rapidly as possible because there was a great deal of development in that area and the City was going to need the water. Councilman Friedman suggested that they might get a performance bond from the contractor and objected to the likelihood that a court would uphold the City cutting off the water supply 8 months hence. Mr. Homer Reed summarized the situation, stating that the Council did not feel the City of Cedar Park had acted in good faith with the City of Austin by giving no notice of their intent to incorporate in violation of their contract, and that the City of Austin was obligated to provide Cedar Park only with the water that was reasonable to meet their essential needs. The contract called for 50 gallons per minute which was about the amount they used two years previously, and they averaged about 75 gallons the past year. Councilman Lebermann concurred with the extent of the City of Austin's obligation.

Mr. Purser and Mr. Reed disagreed on the amount of water used by the Cedar Park Water Supply Corporation for the past two years. Mayor Pro Tem Love suggested that Mr. Purser and other representatives of the organization meet with members of the City Attorney's office to investigate what kind of bond they might be prepared to offer. Mr. Purser estimated that they could put up \$2,500. Councilman Friedman suggested that the directors of the corporation might be willing to become personally responsible, putting up a percentage of the \$10,000 individually. Mr. Purser voiced objections to the suggestion. Mayor Pro Tem Love requested that this item be placed on the agenda for the following week's meeting.

Mr. Purser concurred with Councilman Friedman's suggestion that there be no new construction starts or that any new starts be given no assurance that they could get water. Mr. Purser agreed to get together with the City Attorney's office

as soon as possible. In response to Councilman Dryden's question, Mr. Purser stated that last month the Water District paid the City of Austin \$1,700 for water and that the District had collected about \$4,500.

## ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler  
Mayor

ATTEST:

Grace Monson  
City Clerk