

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 24, 1972

10:00 A. M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND PHIL KENNERMER, Shettle Methodist Church.

COMMENDATION

Councilman Nichols read a resolution signed by all members of the Austin City Council recognizing and honoring Major Burch Biggerstaff for his devotion to good law enforcement and his efficiency in criminal investigation, in the uniform division, and in activities in the community, including the South Austin Rotary Club of which he was President in 1963-64, Texas Police Association, Capital Area Law Enforcement Association, and the Masonic bodies. The Council took special note of Major Biggerstaff's contributions; in serving 35 years as a member of the dedicated corps of the Austin Police Department, and of his dedication and devotion to duty. All citizens were called upon to recognize his outstanding record of service.

LICENSE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with MISSOURI PACIFIC RAILROAD COMPANY to relay an existing 8-inch sewer pipe with an 8-inch ductile iron pipe beneath the Townes Lane underpass to a point 1011 feet south of Mile Post 177. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll called: Mayor Butler, Councilman Lebermann

APPOINTING ELECTION OFFICIALS

A list of judges and clerks who worked at the last election in the City of Austin were brought before the Council for approval for the coming Municipal Bond Election, September 9, 1972. It was suggested that the list be considered and it could be checked by the City Clerk, who will call each individual on the list and bring back an amendment at the following Council meeting. Mr. Dan Davidson, the City Manager, explained that the Council should select an Alternate Presiding Judge for each precinct, as well as the Clerks.

The City Manager stated the Council would also need to designate some officials to canvass the absentee ballots. The Canvassing Board was to include Presiding Judge Nash Moreno; James Means; and Joe C. Wheeler, who were presiding judges at the last May 1 run-off election. Councilman Nichols moved these people be appointed by the Council. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Mayor Butler introduced the following ordinance:

AN ORDINANCE by the City Council of the City of Austin, Texas, making provision for and appointing election officials for the forthcoming municipal bond election; and declaring an emergency.

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

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

The Mayor announced that the ordinance had been finally passed.

SALE OF HOUSES

Councilman Nichols moved the Council adopt a resolution authorizing the sale of houses as follows:

Accept negative bids - houses to be demolished:

SOUTHWEST RATHGEBER	5204 Lott Avenue	\$272.27
OTIS CALVERT	1132 Northwestern	\$175.00
OTIS CALVERT	1135 (c) Berger	\$175.00
OTIS CALVERT	2101 Pennsylvania	\$175.00

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Bulter, Councilman Lebermann

Councilman Nichols moved the Council adopt a resolution authorizing the sale of the following house:

Accept Positive Bid - house to be demolished:

RONALD NEVE	5114 Lancaster	\$7.50
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The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber When Roll was called: Mayor Butler, Councilman Lebermann

RELEASE OF EASEMENTS

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

Sixteen (16) public utilities easements out of Lots 1 through 8, Block D, SOUTHRIDGE SECTION 2.

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

Ayes: Councilmen Friedman, Handcox, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler, Councilmen Lebermann, Dryden

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

Two (2) portions of an existing public utilities easement out of that certain 99 acre tract of land owned by W. L. Mayfield on Balcones Drive, south of Cima Serena Drive.

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

Ayes: Councilmen Friedman, Handcox, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler, Councilmen Lebermann, Dryden

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

Three (3) public utilities easements out of Lot B, DAYTON PLUMBING ADDITION.

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

Ayes: Councilmen Friedman, Handcox, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Mayor Bulter, Councilmen Lebermann, Dryden

LEASE AGREEMENT

Councilman Handcox moved the Council adopt a resolution authorizing a lease agreement for certain space in Rosewood Village, a shopping center located at Rosewood and Hargrave Streets, to be used as office space by the Health Department. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

ELECTRIC EASEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the condemnation of an electric 138 KV transmission line easement on F. M. Road 969. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

GRANTS FOR PUBLIC LIBRARY

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to apply for grants for public library development under the Federal Library Services and Construction Act, Title I, and the State Library Systems Act, administered by the Texas State Library. Specific amounts of grants will be determined by the State. There is no City matching requirement. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Bulter.

REFUND CONTRACT

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH BATTLE BEND SPRINGS, INC.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen
Lebermann, Handcox
Noes: Councilman Friedman
Not in Council Chamber when Roll was called: Mayor Butler

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

ZONING ORDINANCES

Mayor Pro Tem Love introduced the following ordinances:

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 5.30 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 3442-3512 GREYSTONE DRIVE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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

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:
LOT 1, A. I. DOW ADDITION, LOCALLY KNOWN AS 1605 WEST 39½ STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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

ANNEXATION ORDINANCE - 1ST & 2ND READINGS

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 111.06 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Nichols moved the Council pass the ordinance through its first reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been passed to its second reading.

Councilman Nichols moved the Council pass the ordinance through its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem Love announced that the ordinance had been passed to its third reading.

Mayor Pro Tem Love brought up 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 35.75 ACRES OF LAND, SAME BEING OUT AND A PART OF THE JAMES BURLESON SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Nichols moved the Council pass the ordinance through its first reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been passed to its second reading.

Councilman Nichols moved the Council pass the ordinance through its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been passed to its third reading.

SOUTH AUSTIN OPTIMIST CLUB

Councilman Nichols moved the Council grant the request from South Austin Optimist Club for the use of City of Austin property at Lamar and West Riverside Drive for the sale of Christmas trees, November 1, 1972, through December 31, 1972. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler, Councilmen Friedman, Handcox

MODEL CITIES PROPOSALS

In answer to Councilman Friedman's inquiry, Mr. Tony Ojeda, Director of Model Cities, stated the City must first contract with the Department of Public Welfare to receive the major funds, \$102,845; then it contracts with the other agency to add to its share of the funds the money that comes from HEW. It is a two tier project in one resolution.

Councilman Nichols moved the Council adopt a resolution authorizing the following:

(1) The Austin Model Cities Department to contract with Child and Family Service, Incl, for the services for the Elderly Project #22400. The total cost of this project is \$147,545 - Model Cities share is \$44,700 and Department of Public Welfare (DPW) share is \$102,845.

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution authorizing the following:

(2) The Austin Model Cities Department to contract with the Department of Public Welfare (DPW) for the Services for the Elderly Project #22400. The total cost of this project is \$147,545 - Model Cities share is \$44,700; and DPW share is \$102,845.

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Nichols moved the Council adopt a resolution authorizing the following:

(3) The Austin Model Cities Department to contract with C & L Investment Company for leasing of center for Model Cities Child Care Project #10400. Total cost of this lease is \$10,200 - Model Cities Share is \$3,060; and Department of Public Welfare share is \$7,140.

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Bulter

STREET & ALLEY VACATION

At 2:00 P. M., Mayor Butler opened the hearing on closing portions of various streets. Councilman Lebermann noted on the applicable vacations, the new ordinance would impact those transactions, for payment of the land. The City Manager reported he would bring back to the Council one or more of these vacations for clarification.

Councilman Nichols brought up for discussion the vacating of a portion of Sabine Street from East 12th Street to East 12th Street Alley. The City Manager reported this portion of Sabine Street falls within the Brackenridge Urban Renewal Project, and under its plan, this request is in conformance with the Urban Renewal Plan. Mrs. Davis, with the agency, applied for a street vacation in November 1971, and was denied on the recommendation of the Traffic and Transportation Department, based on maintaining the access for the emergency facilities at the hospital. The traffic and Transportation Department also recommended no vacation of the street until Red River was relocated and the hospital construction completed. The Planning Commission recognized the need for access to the hospital, but it felt the applicant had experienced some financial loss because of the delay. The Commission recommended the vacation of the street subject to retention of the easements.

Councilman Dryden stated emphatically he was not in favor of closing this street, as it would not help the traffic in that area; and such closing of this street would not help the Brackenridge Hospital Emergency Room. He said this action should not be taken until the hospital and emergency room are situated.

Mr. Leon Lurie reviewed consideration of this matter as far back as 1967 when the original Urban Renewal Plan was approved, and the closing of this street was made a part of the approved plan. He also reviewed the status of the street in that a contract had been entered into with Mrs. Davis, in which she agreed to remove the old structures from her property and redevelop the property in accordance with the plan. She entered into the contract in good faith to vacate that street as it had been approved by the Council. He stated the Urban Renewal Agency had morally obligated itself to work out those details based on the plan which had been approved, and that is why they were back before the Council for final

disposition. Mr. Lurie also discussed the area between 10th and 11th Streets; and 11th and 12th on Sabine. This area was turned down likewise at the same time, and this will constitute a change to the plan which will be brought back to the Council shortly.

City Manager Davidson suggested deferring this item until the Council could see the plan -- not only the one that was approved in 1967, but also the plan that ties in with the architect's plan for the new complex.

Mayor Butler asked about the closing of Neches from 11th to 12th. Mr. Lurie reported this closing was in line with the approved plan, and the reasoning for this request was to assemble land in the area for again redevelopment. Discussion was held on vacating those streets in line with the Council policy. Mr. Lurie stated there would be no payment for the vacated footage; however, this development. Discussion was held on vacating those streets in line with the Council policy. Mr. Lurie stated there would be no payment for the vacated footage; however, this development would offset the City's cost of the project 100%.

Mayor Butler suggested that Mr. Lurie and other pertinent officials go over this at the Wednesday study session and review the entire plan.

Mayor Pro Tem Love moved this item be postponed until 2:00 P. M., Thursday, August 31st. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

It was pointed out that the motion covered the total package as follows:

- a. A portion of the Hancock Drive - North Loop Blvd. intersection
- b. Grassland Circle, from Stassney Ln. southerly to termination.
- c. A portion of Sabine St. from E. 12th St. to E. 12th St. Alley.
- d. A portion of Neches St. from E. 11th St. to E. 12th St.
A portion of E. 11th St. Alley from Trinity St. easterly 414 feet.
- e. A portion of Colorado St. Alley from W. 15th St. to W. 16th St.

APPEAL - SPECIAL PERMIT - DAY CARE CENTER

It being 2:00 P. M., the Mayor opened the public hearing for appeal of the decision of the Planning Commission denying TOMMY W. NEEL AND MINNIE NEEL a special permit for a Day Care Center at 1703 East 38 ½ Street. The Neels were represented by Mr. Teddy Henderson, attorney, who stated that this was not for a new permit but to enlarge a presently existing day nursery to add 20 children of school age. He stated there was no entrance to the nursery on 38½ Street, but the entrance would be on Cherrywood. There would be 5 permanent parking places and a circle drive. Most of the children would walk from nearby Maple School, or be picked up by Mrs. Neel. He felt this would not hurt any property values, and although the traffic situation would increase the number at the nursery from 30 to 50. These 20 school age children would be kept at the house next door, which would enable them to play ball without disturbing the pre-school children. There would also be a 6 foot privacy fence.

Opposition was expressed by Mr. Ed Callahan, who is directly behind the present nursery. He believed his property value would go down if the nursery

were enlarged, and there would be a traffic problem on Cherrywood in the evenings. He pointed out that Wylshire Presbyterian Church served children as an after school center, 2 blocks down, and there was no need for the Neel's day care center to enlarge. Mr. McCracken, who lives 4 houses down, felt the circular drive would create a traffic hazard. Mr. Francisco Vela, at 3817 Cherrywood, also expressed opposition.

It was noted by Mr. Lillie that the maximum number of children without a permit was 12 per house, but that the nursery was already in existence before the current regulations took effect. Mrs. Minnie Neel stated they had 30, because they are allowed 10 children per bathroom. Several mothers spoke in Mrs. Neel's behalf.

Councilman Handcox moved to close the hearing and to deny the special permit as he felt that this was an intrusion into a residential neighborhood. Councilman Friedman seconded the motion.

Mayor Pro Tem Love made a substitute motion that the special permit be granted. This motion, seconded by Councilman Nichols, received the following vote:

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

The motion carried by 4 to 3 vote since this was a special permit and not a zoning hearing and a simple majority allowed the granting of the permit. The special permit was granted, specifying 5 parking spaces, a circular drive, and a 6 foot privacy fence.

REPORT FROM NAVIGATION BOARD

The report from the Navigation Board was received and the proposed ordinance to regulate use of the lakes in the City of Austin was discussed. It was noted that the name of the Board was changed from the Lake Austin Navigation Board to the City of Austin Navigation Board. Mr. Dick Jordan, Building Official, explained that the requirements for no boating and no swimming in Town Lake had not been changed, and that there was no swimming in Decker Lake except in places designated by the Department of Recreation.

The most obvious change in the new ordinance was the inclusion of Decker Lake. Section 29-21 was amended to include a new system of lighting with a light at the bank, every 10' intervals down the dock, and a light at the end of the dock. Mayor Butler inquired if the double filament bulb or long life bulb would be required, also whether photo-electric cells or a time switch would be needed. Mr. Jordan explained that according to the National Electric Code that there has to be a conduit and a two-way wire, where if one light goes out the others won't, and they have to be amber lights. After further discussion, the Council agreed the ordinance should include 1) some sort of an automatic on and off device and 2) a long-life or double filament type bulb.

Mr. Jordan noted one other change in the ordinance, that piers 30' or less if not hazardous would not come to the City Council. They would go to the Navigation Board for approval, then to the Building Department for a permit, with appeal rights to the Council. Possibly hazardous docks would still come before the Council, even if they were less than 30'. Licensing provisions were discussed to take care of the docks that were unsafe or unsightly. Mr. Jordan explained that there is the right to condemn any docks which are not safe, and they could

be repaired or demolished the same as substandard houses, but licensing was not included. He noted that a man went up the lake twice a week, with additional trips were a permit was required. There was also a provision allowing concrete piers.

The use of plastic wiring cable versus the use of conduit type wiring was discussed. Mr. Jordan explained that either Greenfield or thinwall type of conduit was considered safe and approved by the National Electrical Code. Mr. Jordan would report back on this. There was discussion of a fee to cover the cost of the inspections. Mayor Butler believed \$100 would cover the necessary inspection trips.

Mr. Allen Searight, a member of the Navigation Board, asked that the property owners along the lake be notified of the new regulations; as there have been several times when docks were already built before the people were aware of the need for inspections. He also noted that the wording in regard to the conduits would be "a conduit that is weather resistant."

As far as esthetics, Councilman Lebermann suggested that the term "neatness" might be used. Mr. Jordan stated that a mpa was being made of the lake, and when it is finished new docks will be added, so that all docks could be located. He also suggested that the ordinance be written to include a regular building permit for the docks. Councilman Lebermann requested a copy of the Minutes of the Navigation Board meeting, and also that a continuing study be made. It was requested that the revised ordinance be brought back August 31st for Council approval.

CONTRACTS AWARDED

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

MILLER CONCRETE, INC.
(Austin, Texas)

- Two reinforced concrete multiple box culverts and storm sewers in Rutland Drive at Little Walnut Creek and a tributary, Contract No. 72-Cc-116--\$81,714.96. (70 working days for completion; Capital Improvements Program Project No. 6531 0 and 7023 1.)

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler, Councilman Dryden

Councilman Lebermann moved the Council grant the following contracts by resolution: Annual Office Supply requirements for issue by Office Services to the various City Department - Total \$25,065.45:

MAVERICK-CLARKE
(Austin, Texas)

- \$14,046.06

ABEL STATIONERS (Austin, Texas)	- \$5,160.60
L. L. RIDGWAY ENTERPRISES, INC. (Austin, Texas)	- \$1,068.78
MILLER BLUE PRINT COMPANY (Austin, Texas)	- \$1,231.36
BAIR AND SON, INC. (Austin, Texas)	- \$ 841.68
BURROUGHS CORPORATION (Austin, Texas)	- \$ 763.20
PRINTING SERVICE & OFFICE SUPPLIES (Austin, Texas)	- \$ 577.98
AUSTIN PAPER COMPANY (Austin, Texas)	- \$ 551.23
BANCROFT PAPER CO. OF TEXAS, INC. (Austin, Texas)	- \$ 441.60
INDUSTRIAL OFFICE PRODUCTS (Austin, Texas)	- \$ 382.96

Councilman Nichols asked for information on the low bid and its unacceptable quality, and the second low bid's many complaints.

City Manager Davidson stated this grouping of items is one from which good cooperation from the suppliers in Austin have provided, and it would be his intent where there were complaints about a brand of a particular product or a type unit that this information be given to the people that supplied it and given them an opportunity to present additional information. In this case it did not work out and the departments had complaints. They are recommending that this product not be used again, but they would accept the judgment of the Council. Councilman Handcox asked in the light of not getting the desired service why are the people permitted to bid. It was stated the supplier represent several brands, and could bid a brand that would comply. The intent is to recommend that bidder considered to be lowest and best.

Councilman Lebermann moved the Council grant the contract as he previously moved. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The contract to be awarded for a centrifugal pump unit was discussed before acceptance of the bid was moved. Mr. Curtis Johnson explained the method of analyzing the bids is standard in the industry. He stated the pump would be used in the water Distribution Booster Station at the Center Street Reservoirs just off South 1st Street. Their recommendation along with that of Purchasing is that the second low bid be accepted, as the low bid item which was approximately \$600 lower than their recommendation had an overall efficiency of this unit of approximately five percentage points less efficient. When the efficiency is considered in the overall operation cost of the units, one percent of efficiency would be approximately \$2,000 to the City. An evaluated type cost or real cost to the City instead of comparing the actual bid prices, they would be comparing cost of approximately \$28,000 - \$38,000. The City would be about \$10,000 better off over the life of the pump as opposed to the \$600 difference in the bid price.

He stated further that there was no way of knowing the efficiency until the bids were received.

Councilman Lebermann moved the Council award the by resolution as follows:

WORTHINGTON PUMP INTERNATIONAL (Houston, Texas)	- 10,000 GPM Centrifugal Pump Unit - \$23,272.00
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

Councilman Handcox moved the Council adopt a resolution awarding the following contracts: Motorized Golf Course Maintenance Equipment:

GOLDTHWAITES OF TEXAS (San Antonio, Texas)	- 1 each 5 Gang Rough Mower; 1 each Riding Greensmower; 1 set Thatching Reels - \$4,590.00.
WATSON DISTRIBUTING CO. (San Antonio, Texas)	- 3 each Turf Trucksters; 1 each 7 Gang Reel Type Mower - \$12,676.13.
AUSTIN FORD TRACTOR (Austin, Texas)	- 1 each Flail Mower - \$561.75
TOM FAIREY CO. (Austin, Texas)	- 2 each LCG Tractors - \$6,320.30.
RIVER CITY MACHINERY CO. (Austin, Texas)	- 1 each medium size Tractor-Loader-Backhoe - \$8,500.00

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

OUTSIDE CITY SEWER CONNECTION CHARGES

City Manager Davidson, in addressing himself to the item regarding sewer connection charges outside the City and from mains constructed under participation agreements, explained that after reviews of portions of the Council's policy concerning sewer connections outside the City, the Staff understands the intent of the Council in this matter and the Water and Waste Water Department does have a policy that they can follow which is in accordance with that understanding. In view of this, there would be no action necessary from the Council today.

CONTRACT - U. T. GRADUATE SCHOOL OF SOCIAL WORK

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the City Manager to renew a contract agreement between the City of Austin Health Department and the University of Texas Graduate School of Social Work. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

ZONING HEARING

Mayor Butler opened the hearing at 10:00 A. M. on the following zoning which was postponed from August 17th.

KAYS MEARS MURCHISON
TRUST

By Wroe Owens
C14-72-115

3509 Lawton Avenue

From "A" Residence to
"GR" General Retail
NOT Recommended by
Planning Commission

Mr. Wroe Owens stated they had been before the Council with an application for "C" Commercial zoning, but this is an application for "GR" General Retail. There have been no changes in the facts or situation in the neighborhood. The upholstery shop is located in the neighborhood now. The Community was established in 1932. His concern is a small wooden frame building with 900 to 1,000 square feet which use is not residential. The area is surrounded by commercial uses. The restrictive covenant will expire in 1979, but the covenant is not against the use, but against construction.

Mr. Mueller was present in opposition stating he, the Danforths, and their families developed the area and kept the property up. He discussed the restrictive covenant briefly, but his point was this location is north and just outside of the business area that faces Jefferson and 35th. He wanted the area to remain "A". Councilman Nichols questioned the use of a certain lot for parking, Mr. Mueller stating at the time the lot was used for parking the zoning ordinance permitted such use in "A" Residence in connection with a community center or commercial district. Mr. Mueller stated the proposed use in question would reflect adversely his center.

Mr. Conway Taylor, a realtor, owns an adjoining tract across the street from the subject tract at 1801 and 1803 West 36th Street. He had observed the transition of this area over the first nine years — the building of the Medical Center, the Rehabilitation Center, the Jefferson Building, and general expansion in the area to a rapid transition from "A" to Commercial or retail types of retail uses.

Councilman Dryden moved that the change be granted to "GR" General Retail. The motion, seconded by Councilman Nichols, received the following vote;

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

Mayor Butler announced the zoning was denied as it failed to receive the six votes necessary to over-ride the recommendation of the Planning Commission.

The Building Official, Mr. Dick Jordan, stated the Department had notified the applicants they needed to have a zoning change to continue the use. The fact the zoning failed to pass makes it necessary that they move their operation as it is a non-conforming use. Mayor Pro Tem Love stated Mr. Owens would have to move the upholstery shop, but Mr. Mueller can continue to park cars on his property right next to Mr. Owen's. Mr. Jordan stated Mr. Mueller's lot was a conforming use and not a violation.

ANNEXATION HEARING

Mayor Butler opened the hearing on annexation of certain tracts of land as follows:

- a. 24.32 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTION 4. (requested by owner)
- b. 48.55 acres of land out of T. J. Chambers Grant, James Jett Survey, Robert Foster Survey, M. D. Williams Survey, James Coleman Survey, Thomas Toby Survey and William Bell Survey - BULL CREEK PARK and Portion of LAKEWOOD DRIVE. (initiated by City)
- c. 40.80 acres of land out of the Santiago Del Valle Grant - a portion of SOUTH CREEK SOUTH, SECTION TWO and AUSTIN INDEPENDENT SCHOOL DISTRICT tract of land. (request initiated by the owner and the City)
- d. 27.03 acres of land out of the T. J. Chambers Grant - proposed VISTA WEST III. (requested by owner's representative)
- e. 59.73 acres of unplatted land out of the John Applegait Survey and the George W. Davis Survey. (29.75 acres requested by owner's representative; 29.98 acres initiated by City)
- f. 147.41 acres of land out of the Santiago Del Valle Grant - REISSIG HEIGHTS NO. 2, REISSIG HEIGHTS NO. 3, Resubdivision of a portion of Lot 2, Block A, REISSIG HEIGHTS NO. 3, AUSTIN INDEPENDENT SCHOOL DISTRICT tract of land, unplatted land and portions of PLEASANT VALLEY ROAD, BURLESON ROAD AND TERRILANCE DRIVE. (A & B - 106.37 acres - requested by owner; C - 41.04 acres - initiated by City).

Mr. Jack Lloyd filed a petition of 13 signatures opposing the annexation of the (f) 147.41 acres of land under consideration.

Mr. Dick Lillie, Director of Planning, stated the 106 acres (A & B) are the Reissig Heights addition along Pleasant Valley Road. Mayor Butler noted a letter from Mr. Steiner indicating out of the 106 acres, 90 were his. Mr. Lloyd's petition covered 41.04 acres (C) about 26 acres on the west side of Burleson Road, of which he owned three and one-half acres and the petitioners owned the remaining land.

Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex a. through e. above. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Regarding the annexation of (f) 147.41 acres out of the Santiago Del Valle Grant, Mr. Jack Lloyd stated annexation would work a hardship on the property owners under petition in this area, as far as taxes and sewer connections were concerned. They have good septic tanks. He has livestock and horses which he would have to dispose of.

Mayor Butler suggested that the Council act on Tracts A & B (106.37 acres) and continue the hearing on Tract C (41.04 acres).

Councilman Lebermann moved the Council close the hearing and direct the administration to institute annexation proceedings to annex Tracts A & B (106.37 acres requested by owner) and continue the hearing on Tract C (41.04 acres initiated by City) for two weeks. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

ADJOURNMENT

The Council then adjourned.

APPROVED: Ray Butler
Mayor

ATTEST: _____

City Clerk