

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 20, 1974  
1:00 P.M.Electric Auditorium  
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilmen Binder, Friedman, Handcox, Lebermann,  
Mayor Butler

Absent: Councilman Dryden, Mayor Pro Tem Love

The Invocation was delivered by CHAPLAIN ARTHUR R. ANDERSON, Austin Area Conference of Churches.

## NATIONAL SAFE BOATING WEEK IN AUSTIN

Mayor Butler read and then presented a proclamation to U. S. Coast Guard Commander Joe Dennison and Vice-Commander Andy Anderson proclaiming the week of June 30-July 6, 1974, as "National Safe Boating Week in Austin," and urged all who use the waterways to acquire those skills essential to the safety of themselves and others and to apply them carefully. Commander Dennison thanked the Council and noted that Flotilla 75, as a member of the National Safe Boating Committee, would mark the event with extra patrols on all area lakes to help boaters in trouble as well as answer questions on boating legislation. In addition, he stated that the Flotilla would have teams on Lake Austin and Town Lake to conduct a free vessel examination and free equipment checks to insure boating safety. He indicated that the examination would be free, made only by request, and that decals would be awarded boaters who pass all requirements.

## INVITATION TO SPECIAL EVENTS

Mr. C. B. Smith, Sr., Chairman of arrangements and publicity for the upcoming U.S.A./U.S.S.R. track and field meet, appeared before the Council to announce that Sunday evening, June 23, at 11:30 p.m. would mark a full week of international sports programs to be held in Austin and that on that day 80 men and women from the Soviet Union, who would be on the Russian track and field

team that would compete against a selected team from the U. S., would be arriving in Austin. He noted that they had made inquiries as to what the visitors would like to see while in the United States and the response was a Texas rodeo, a Texas department store, and cowboy and country music. In conjunction with that, he indicated that part of the entertainment would be a R.C.A. rodeo at the Sheriff's Posse Arena on Lockhart Highway, which would be open to the public with tickets on sale at \$3.00 for adults and \$1.00 for children under 12.

Mr. Charles Snable, Jr., Secretary of the Texas Senate, appeared to invite the Council and City Manager Davidson to attend a fish fry on Monday night on the 11th floor of Memorial Stadium with Willie Nelson performing afterward. He extended an invitation to the Council from Governor Briscoe to attend a reception at the Governor's Mansion on Wednesday night for the guests from Russia as well as the American team. He asked that the Council join with the State government in extending this welcome to the guests.

#### RECOGNITION

Mayor Butler read and then presented a resolution signed by the Council to Mr. Henry B. Tippie, II, a senior at Anderson High School, in recognition of his being elected state chairman of one of the two mock political parties at the 1974 Boys State gathering on the University of Texas campus. Mr. Tippie thanked the Council and indicated that Boys State deserved all the recognition it could get because he felt that those who had attended went home as better Texans because of the program.

#### APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Special Meeting Minutes of June 13, 1974 (12:00 noon) and the Regular Meeting Minutes of June 13, 1974 (1:00 p.m.). The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

#### APPEAL OF SPECIAL PERMIT

Mayor Butler opened the hearing scheduled for 1:00 p.m. on an appeal to the decision of the Planning Commission to grant a Special Permit to Mrs. Carola Howard for the purpose of building a night club (Case No. C14-74-016). Mr. Don Butler, City Attorney, explained to the audience that this was an appeal and not a case where the Council might be granting or denying a permit as in a zoning case; and therefore, it would require four votes of the Council in order for the decision of the Commission to be reversed. Because there were only five Council members present, Mayor Butler asked if there should be a postponement of the appeal. In response to this, MR. LEE YEAKEL, attorney representing Ms. Howard, wanted to proceed with the hearing because there had been such a delay in getting the contract signed to proceed with the building. In response

to Mayor Butler's question, Mr. Yeakel stated that Mrs. Howard was the owner of the land. He briefly reviewed what was proposed by noting that the night club would be called Eli's and had been previously located several blocks south of the proposed location before it burned down in March of this year. He felt that the proposal (located at 6526-6540 North Lamar Boulevard and 801-807 Brentwood Street) merited the Commission's decision for the following reasons:

1. Presently zoned "C-2" Commercial.
2. In compliance with parking requirements.
3. Doorman to check identification.
4. Band would not begin playing until 8:30 p.m.; and the crowd would not arrive until 9:00 p.m., which would create no problems by adding to traffic congestion during the rush hour.
5. Clean up after each closing.
6. Never had liquor violation nor problems with the Police Department.
7. No noise problems due to composition of building (8" of concrete and steel).
8. Would employ 20-30 college students in the community.
9. As per Urban Transportation's recommendation, all ingress and egress would be via Lamar Boulevard (as opposed to ingress on Lamar and egress on Brentwood).
10. Night watchman when not in operation.

In conclusion, he requested that the Council uphold the Planning Commission's decision to grant this special permit.

MR. RON BOWERS, designer of the building, reviewed the design of the building:

1. Steel frame building with 8" concrete block walls on the exterior.
2. Stripping and sheet rock with sound board to help inside acoustics.
3. Two different levels of the floor for acoustics.
4. Variation of ceiling heights for acoustics, with the ceiling consisting of acoustic tile and 6" blown insulation.
5. Sprinkler system for precautions.

In response to Councilman Binder's question, Mr. Bowers indicated that the new club would be similar in structure to the previous one except that this one would be bigger and nicer. In response to Mayor Butler's question as to what age group Eli's would appeal, Mr. Bowers noted that it would be primarily college age. In conclusion, Mr. Bowers felt that the new club would be two or three times better than previously.

MS. TRICIA FOX appeared in support of the club's being built in that she felt it had been very much a part of people's night life. She noted that Eli's had been a clean club and that there had never been any serious problems. She stated that there were many people interested in Eli's reopening and hoped the Council would uphold the Commission's decision.

MR. RICHARD BARRY, former entertainer and club owner, indicated that there had not been many problems in connection with racial disputes and that everyone had enjoyed himself at Eli's. He spoke affirmatively of its reopening by noting that it had "kept people off the street."

MR. JOE SULEMAN, owner and operator of Eli's, noted that they had had problems in the parking facilities at the previous club and that was the reason they moved the location. He further noted that there would be a P.A. system installed to control the volume of the music and that no other club had done this. He indicated that he conducted the operation in cooperation with the Austin Police Department. He stated that he had donated the club for any civic activities. He hoped the Council would give him permission to open his club again.

MR. C. S. BOATNER, 901 Brentwood, indicated that he had filed a petition with the City Clerk's office of the property owners within 200 feet of the proposed site who were in opposition and that he had filed a petition with the Planning Commission of 180 signatures in opposition. He felt that there were enough traffic problems on their street and hoped the Council would overturn the Commission's decision.

MS. NANCY G. HICKS, 1006 Karen Avenue, noted that she had expedited the petition and talked with the people and found that they were opposed to the building in that it would be close to Capitol Roll Arena skating rink, a youth-oriented establishment. She felt that the control of customers at Eli's would not be as idealistic as stated. She noted that there were 189 who had signed the petition and hoped this would represent something to the Council.

There was discussion by Mr. Boatner, the City Attorney, and Mr. Dick Lillie, Director of Planning Department, with reference to the present "C-2" zoning for the area. In response to Mayor Butler's question, Mr. Lillie noted that the zoning had been established in 1941 when zoning was first adopted and had been unable to determine any changes in the zoning since that time. He anticipated that this was the original zoning.

MRS. LEONARD G. HARRIS, 902 Brentwood, felt that the neighborhood in question would always be youth oriented because of the proximity of three schools. Her main objection was the parking in that she felt the people would be parking along Brentwood. She indicated that she had lived at this address for twenty years and did not mind people having fun as long as it was not in her front door.

MS. JOYCE RUMSEY, 1203 Choquette Drive, felt that this club was immoral, the noise was a problem, and that this would create traffic problems. She noted that she could double the amount of signatures on the petition.

MR. LEONARD G. HARRIS, 902 Brentwood, felt that regardless of good intentions, the owner of Eli's would not have any control over what might happen. Because of this, he felt that it would be a public nuisance and added that there were already 74 other night clubs listed in the Yellow Pages and felt that Austin did not need one more.

MR. DANIEL GAY, owner of the Capitol Roll Arena, was proud of having a clean place where youngsters could enjoy themselves and felt there were other locations for this club. He felt that the people outside the club could not be controlled and believed that the owner was sincere in running a clean place. However, he felt that the club could be sold to someone else who might be just wanting to make money. In response to Councilman Friedman's question, Mr. Gay indicated that the rink was open until 10:00 p.m. on weekdays and 11:00 p.m. on weekends. He further felt that this club would hurt his business in that the parents would think twice about sending their children to the rink.

MR. PETE MYCUE, 905 West Oltorf, appeared as a concerned citizen and taxpayer, and mentioned an article he had recently read in the paper concerning a plan to contain these "so-called 'immoral places of business.'" As he understood it, the plan was to have a district similar to a red light district. He asked that the Council consider this alternate action.

In response to Councilman Binder's question, the City Attorney noted that if the Council were to take no action on this, the Commission's decision would be upheld until the Council changed it. Because there was no motion from the Council, Mayor Butler indicated that the Planning Commission's ruling would remain the same to grant a Special Permit to Mrs. Carola Howard.

#### RELEASE OF EASEMENTS

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

A portion of the Public Utilities Easement ten (10.00) feet in width in the rear of Lot 15, Block E, VISTA WEST-1, known locally as 7604 Long Point Drive. (Requested by Robert J. Kemp, Jr., owner.)

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

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

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

A portion of the Public Utilities Easement five (5.00) feet in width which was dedicated along the south line of former Lot 2, WOODLAND HILLS, SECTION ONE, and which portion now traverses the interior of the present Lot 17, WOODLAND HILLS, SECTION TWO, a subdivision. (Requested by Ronald W. Shortes, Attorney for Mrs. Ruby Smith, owner.)

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

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

#### INTERLIBRARY COOPERATION CONTRACT

Councilman Friedman moved that the Council adopt a resolution approving an interlibrary cooperation contract between the Austin Public Library and the Texas Library and Historical Commission for the period July 1, 1974, through August 31, 1975. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### DISPOSITION BY AUCTION

Councilman Handcox moved that the Council adopt a resolution approving disposition of surplus vehicles and equipment by auction during July, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

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

In response to City Manager Davidson's questions, Mr. Les Rogers, Division of Vehicle and Equipment Services, noted that the auction would be held some time around July 25, that there would be advance notice, and that it would be held at the East Service Center.

#### CONTRACTS AWARDED

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

HARPER AUCTIONEERS  
5302 Gladstone Drive  
Austin, Texas

- Auctioneer Services, Department of  
Vehicle and Equipment Services.  
4.5% of gross sales; agreement for  
three months.

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

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

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

UARCO, INC.  
1210 Nueces  
Austin, Texas

- Tax Forms, Tax and Data Processing  
Departments  
Item 1; 60M @ \$11.06/M  
Item 2; 60M @ \$11.06/M  
Item 3; 120M @ \$11.06/M  
Item 4; 220M @ \$11.06/M  
Item 5; 25M @ \$ 9.99/M  
Item 6; 25M @ \$ 9.99/M  
Total - \$5,587.10

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

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

Councilman Handcox moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Fuel Oil #2 purchased during Jan.-  
May, 1974 for production of Electric  
Energy, Electric Utility Department.

ATLANTIC RICHFIELD CO.  
240 North Broad Street  
Philadelphia, Pa.

- 490,040 gallons ranging from \$.253  
to \$.3132 per gallon - \$148,047.03

EXXON COMPANY, U.S.A.  
800 Bell  
Houston, Texas

- 213,203 gallons ranging from \$.2560  
to \$.2940 per gallon - \$58,526.46

MOBILE OIL CORPORATION  
310 North W. W. White Road  
San Antonio, Texas

- 81,596 gallons ranging from \$.2840  
to \$.2990 per gallon - \$23,780.43

TEXACO, INC.  
1121 Springdale Road  
Austin, Texas

- 78,395 gallons ranging from \$.2370  
to \$.2795 per gallon - \$19,879.16  
Total - \$250,233.08.

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

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

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

BRAUER CORPORATION	- Prefabricated Metal Building at Jett
900 West Main Street	Substation - \$7,293.54
Ingleside, Texas	

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

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

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

FOSTER-WHEELER CORPORATION	- Circulating Water Pumps for Decker
1955 Fidelity Union Tower	Unit #2 - \$373,150.00
Building	
Dallas, Texas	

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

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

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

CHICAGO BRIDGE & IRON COMPANY	- Fuel Oil Storage Tanks for Decker
2809 South Post Oak	Unit #2 - \$1,632,000.00
Suite 470	
Houston, Texas	

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

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



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

J. L. HANKEY AND COMPANY  
10000 David Moore Drive  
Austin, Texas

- For the construction of the Municipal  
Building Annex Council Chambers  
Masonry Walls - \$11,440.00

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

Ayes: Councilmen Friedman, Handcox, Lebermann, Binder

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

Not in Council Chamber when roll was called: Mayor Butler

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

BRUCE LUCKIE CONSTRUCTION  
COMPANY  
6735 Highway 290  
Austin, Texas

- For the construction of roadway improve-  
ments at Zilker Park - \$154,097.00

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

Ayes: Councilmen Friedman, Handcox, Lebermann, Binder

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

Not in Council Chamber when roll was called: Mayor Butler

#### CHANGE ORDER IN CONNECTION WITH CROSSTOWN WASTEWATER INTERCEPTOR

It was noted that a change order in the amount of \$125,000.00 was before the Council for consideration to provide for changed conditions (geologic) encountered during the construction of the Crosstown Wastewater Interceptor, Capital Improvements Program Project No. 5029 1. Mr. G. H. Nasone, Executive Vice-President of A. A. Mathews, Inc., and representing the joint venture of Mathews Leadshill Bryant-Curington (Consulting Engineers for the tunnel), appeared before the Council to review the change order. He indicated that at the request of the contractor, Peter Kiewit Sons' Company, the consultants reviewed a claim for change conditions which covered an area from Stage 8 through approximately 5,500; and the contractor claimed a complete change in conditions throughout that entire area. He stated that after some discussion, the contractor reduced the area from Station 11+18 to Station 25+54. He noted that they made a geological evaluation of the area in question and compared this evaluation to the claim made by the contractor as well as the information actually shown on the contract drawings on which the bid was based. He further added that after a thorough examination of the conditions, they found two areas where a changed condition occurred which was a change in the physical condition differing from that which was known either to the owner or to the contractor at the time of preparation of bids. He noted that the two areas were intrusions of sand and gravel into the formation that could not have been anticipated or

located except by a chance boring taken exactly at the location because there were no surface indications to indicate such a condition existed. He stated that they studied the contractor's progress and determined that it had been impeded and that they had suffered a delay and added cost flowing directly out of the intrusion of the sand and gravel. He mentioned that the total distance of the two areas was 225 feet.

In response to City Manager Davidson's question, Mr. Al Eldridge, Construction Engineer, indicated that the area involved was between Walnut Creek Plant site and Ed Bluestein Boulevard. In connection with the City Attorney's statement that this had been provided for in the contract as an adjustment matter, Mr. Nasone indicated that in the specifications they had followed recommendations of the U.S. Government in order to provide the best bid for the owner by introducing what was called a "changed conditions policy" in the contract, which would permit a contractor to bid a job on the physical conditions as they were anticipated and not add a contingency to the bid to cover conditions which might be anticipated. He noted that it was a structure clause used by the Government and recommended by the National Science Foundation to be included in all public contracts.

Mr. Nasone further added that the settlement that was recommended was a rounded figure of their calculations negotiated with the contractor and represented slightly less than what was shown in the official report given to Council, but he felt that it was a fair and equitable adjustment for the conditions as they were encountered. City Manager Davidson noted that each unit used to calculate this settlement had been well documented by the consultant with graphs, charts, etc., which would remain on file with the City in connection with this contract.

In response to Mayor Butler's question, Mr. Nasone stated that it had been stipulated in the contract that the contractor immediately notify the consultant should these conditions be encountered. Councilman Lebermann moved that the Council adopt a resolution approving a change order in the amount of \$125,000.00 to provide for changed conditions (geologic) encountered during the construction of the Crosstown Wastewater Interceptor, Capital Improvements Program Project No. 5029 1. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen  
Binder, Friedman

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

#### PROFESSIONAL ARCHITECTURAL CONCRETE CONSULTING SERVICES

Councilman Handcox moved that the Council select Architectural Concrete Consultants, Inc., of Dallas for professional architectural concrete consulting services for the following 1974 Capital Improvements Program Project for the Brackenridge Hospital:

Brackenridge Hospital Phase 2 Development. (Capital Improvements Program Project No. 8410 2.)

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

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

#### SURVEYING SERVICES

Councilman Handcox moved that the Council select Geogram Corporation for surveying services in connection with the following Capital Improvements Program Project:

Brackenridge Hospital Expansion Phase 2B. (Capital Improvements Program Project No. 8410 0.)

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

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

#### ENGINEERING TESTING SERVICES

Councilman Handcox moved that the Council select Rodgers Engineering for engineering testing services in connection with the following Capital Improvements Program Project:

Zilker Park Roadway Improvements. (Capital Improvements Program Project No. 8626 1.)

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

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

#### RESEARCH STUDY

It was noted that consideration of a request for a research study through the University of Texas in the amount of \$12,000.00 was before the Council. In response to Mayor Butler's question, City Manager Davidson recommended this study with the City working with the Energy Conservation Commission; and Mr. R. L. Hancock, Director, Electric Department, added that the funds would come from the Electric Department's operating budget through the funds allocated to the Marketing Section. He noted that the purpose of the study was to determine energy patterns and to develop more accurate computer studies for heating and cooling applications. He added that there would be a great deal of information generated from this that would be helpful in energy conservation.

Councilman Friedman moved that the Council adopt a resolution authorizing a request for a research study entitled "Residential Energy Requirements in Austin" directed through the Center for Energy Studies, University of Texas at Austin, in the amount of \$12,000.00. The motion, seconded by Councilman Binder, carried by the following vote:

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

#### CONTRACT FOR GENERAL REVENUE SHARING FUNDS

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a contract with Austin Ballet Theater for General Revenue Sharing Funds in the amount of \$1,986.00. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### AGREEMENT FOR CRIMINAL JUSTICE PLANNING UNIT

Councilman Friedman moved that the Council adopt a resolution authorizing a cooperation agreement with Travis County Commissioners Court to establish a Metropolitan Austin Criminal Justice Planning Unit. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### DISPOSITION OF PROPERTY

Councilman Friedman moved that the Council adopt a resolution authorizing disposition of property as follows:

Accept positive bid - to be demolished or moved

Frank E. Franks      7404 Meador Street      \$525.00

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

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

## CONSTRUCTION OF UNCOVERED AERIAL PASSAGEWAY

Councilman Friedman moved that the Council adopt a resolution authorizing the construction of an uncovered aerial passageway connecting the fourth floor of the Mutual Savings Office Building, 1005 Congress Avenue, to their proposed parking garage. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman, Handcox

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## RENEWAL OF LEASE AGREEMENT

Councilman Handcox moved that the Council adopt a resolution authorizing the City Manager to renew a lease agreement covering space occupied by the Health Department in the Rosewood Village Shopping Center. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## ACQUISITION OF LAND

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 913 West 38th Street and 3701 North Lamar Boulevard (Emile Jamail) for widening and improving West 38th Street. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## COST DIFFERENCE PAYMENT

Councilman Friedman moved that the Council adopt a resolution authorizing payment to BILL MILBURN the cost difference of 12"/8" water mains in Vintage Hills - P.U.D. - in the amount of \$4,278.23. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Handcox, Lebermann, Mayor Butler

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## CONTRACT WITH NEW DIRECTIONS

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a contract with New Directions of Austin, Inc., in the amount of \$5,000.00. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Councilman Binder

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## DRAINAGE EASEMENT

Councilman Friedman moved that the Council adopt a resolution authorizing condemnation of 0.31 of one acre of land out of the George W. Davis Survey for a drainage easement (William N. McElroy Estate.) The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,  
Councilman Binder

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## LEASE AGREEMENT WITH MEDICAL FOUNDATION

Councilman Friedman moved that the Council adopt a resolution authorizing the execution of a lease agreement with the Central Texas Medical Foundation. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen  
Binder, Friedman

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## HEARING SET ON APPEAL

Councilman Handcox moved that the Council set a public hearing for 1:00 p.m. on July 11, 1974, on an appeal by Michele Shaunessy, Executive Secretary, Inter-Cooperative Council, of the decision of the Planning Commission granting The Castillian a special permit. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman,  
Handcox

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

## PAYMENT OF PROBATIONARY INCREASES

Councilman Friedman moved that the Council authorize payment of 5% probationary increases for City Council Aides upon completion of six months satisfactory service. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## SER PROGRAM

It was noted that Mrs. Annabelle Valle, Project Director of SER, had requested to appear before the Council to present the SER program for the Council's approval for inclusion in the Capital Area Manpower Plan. However, Mr. Eli Barron, Chairman of the Board of Directors of SER, appeared and requested that Council recommend their plan which would involve \$218,000 and that the Executive Committee meet on Monday and that the Chairman, Mr. Jim Miller, and Mr. Tom Beck, Manpower Planner, endorse their plan and present it to the Committee for approval.

Mr. Joseph R. Benitos, National President of League of United Latin American Citizens (Lulac), appeared representing one of the national sponsors of SER and as a member of the National Board of Directors of SER. He hoped that the Council's decision would allow SER to serve the Spanish-speaking population, which he noted represented approximately 21% of the population in Austin.

Councilman Handcox moved that the Council approve the concept of SER's plan and request that Messrs. Miller and Beck go back to the Consortium with the Council's endorsement of the concept and that they ask the Consortium to reconsider the plan as presented by SER, with the stipulation that they meet no later than Monday of next week if at all possible. There was discussion by the Council as to whether or not the Consortium could meet within the time period requested. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## HONOR AMERICA DAY

Councilman Friedman moved that the Council approve a request by Mr. Ron Cartlidge, representing the Austin Jaycees, subject to certain rules through the Parks and Recreation Department, for the following in conjunction with the City's participation in "Honor America Day" on July 4, 1974:

1. Permission to use south shore of Town Lake for fireworks display.

2. Permits for water ski show on Town Lake.
3. Insurance. In reference to this, Mr. Bob Castle, representing the Jaycees, indicated this would cover insurance for the fireworks display.
4. Speakers platform and stand, fencing, and booths.
5. Police traffic and crowd control.
6. Street barricades set up.

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

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

#### APPEARANCE CONCERNING POLICE BUSINESS

It was noted that Mrs. Eva Spence had requested to appear before the Council concerning police business; however, because she was not present, this item was not considered.

#### RESCHEDULING OF BOAT RACE

Councilman Handcox moved that the Council approve a request by Mr. Danny Reed, President of Austin Boat Club, Inc., that the Austin Boat Club July 6 and 7 Boat Race on Town Lake be cancelled and rescheduled for July 13 and 14. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

#### AQUA FESTIVAL

Mr. Rowland Persons, President, Austin Aqua Festival, appeared before the Council in connection with a request for use of City facilities, temporary closing of certain streets, a parade permit, and assistance in conducting several events in conjunction with the 1974 Austin Aqua Festival. Mayor Butler noted that the Council was familiar with the activities of the Festival; and in response to his question, City Manager Davidson recommended this by adding that two staff members had attended the Festival's board meetings for the past year and everything was in order. In accordance with the recommendation and the good will the Festival's activities bring to Austin and Central Texas, Councilman Lebermann moved that the Council approve the City's participation in the Aqua Festival. The motion, seconded by Councilman Friedman, carried by the following vote:



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

Mr. Persons thanked the Council and took this opportunity to introduce this year's Commodore for the Festival, Mr. Bill Archer. Mr. Archer pledged to the Council that the 1974 Festival would provide excellent entertainment and introduced Ms. Susan Penn, 1974 Festival Queen, and Ms. Juliet Schwartzkopf, 1974 Festival Beauty, who presented the Council with Aqua Festival Skipper Pins. In conclusion, Mr. Archer thanked the City employees for their participation which, he felt, enabled Austin to have the nation's leading festival.

#### TEMPORARY CLOSING OF STREET

Councilman Friedman moved that the Council approve a request by Mr. C. Morris Davis for permission to close Scenic Hills Drive (a cul-de-sac) for the La Dolce Vita (private club) to hold a street dance on Friday, June 21, 1974, from 8:00 p.m. until midnight. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### APPROACH MAIN CONTRACT

Authorization of the following 5-year approach main contract was not considered.

NORTHWEST JOINT VENTURE	- To purchase the wastewater
Hubert J. Harrison, Trustee	approach main serving H.S.R.
	Subdivision - \$10,878.00

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

- (1) BLOCKS "G" AND "B," CHERRY CREEK COMMERCIAL III, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) BLOCKS "A" AND "C," CHERRY CREEK COMMERCIAL III, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

(3) BLOCKS "F" AND "D," CHERRY CREEK COMMERCIAL III, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;  
LOCALLY KNOWN AS 2302-2822 WILLIAM CANNON DRIVE AND 2303-2823 WILLIAM CANNON DRIVE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Austex Development Company, C14-73-240)

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 Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman, Handcox

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

The Mayor announced the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOTS 27, 28 AND 29, BLOCK 1, HYDE PARK 2 SUBDIVISION, LOCALLY KNOWN AS 4210 AVENUE B, 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. (Frank H. Milburn, C14-74-055)

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 Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman, Handcox

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

The Mayor announced the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

(1) A 7.93 ACRE TRACT OF LAND, LOCALLY KNOWN AS 821 EAST WOODWARD STREET, FROM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; AND,

(2) THE NORTH 49 FEET OF LOT 1, AND THE NORTH 49 FEET OF THE WEST 39 FEET OF LOT 2, OUTLOT 103, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 805 RIO GRANDE STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(3) LOT 25, AND THE NORTHERN 20 FEET OF LOT 26, OUTLOT 36, LOUIS HORSTS SUBDIVISION, LOCALLY KNOWN AS 2317-2321 SAN ANTONIO STREET AND 411-419 WEST 24TH STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT: AND,

(4) TRACT 1: LOT 1, SAVE AND EXCEPT A 3.40 ACRE TRACT OF LAND, AND ALL OF LOT 2, CENTENNIAL PARK, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 3.40 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, ALL OF SAID PROPERTY BEING LOCATED AT 7621-7723 CIRCLE S ROAD; 7725-8015 U. S. HIGHWAY 81 (CONGRESS AVENUE); 100-242 FOREMOST DRIVE; 101-241 FOREMOST DRIVE; AND 7718-8010 SOUTH INTERSTATE HIGHWAY 35:

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Southwestern Analytical Chemicals, Inc., C14-74-053; Austin Premium Finance, Inc., C14-74-057; Robert G. Hall, Tom F. Steele, L. W. Oehmig, & The Castilian Partnership, C14-74-063; Foremost Life Insurance Company, C14-74-056)

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 Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Friedman, Handcox

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

#### REQUEST BY 23RD STREET VENDORS

In reference to a request that had been made before the Council on May 23, 1974, by the 23rd Street Vendors for additional space, Mr. Randy Turner, Administrative Assistant, appeared before the Council. He noted that the conditions on 23rd Street had not changed a great deal since last fall but that there was a summer lag. His recommendations regarding this situation involved the following:

1. More space on the north side of 23rd between Guadalupe and the mid-block alley on Saturdays only, which would accommodate between 25 and 30 vendors.
2. Limitation of number of permits to 200 during any one quarter.
3. Permits on quarterly basis rather than annual.
4. Permit fee would be increased to \$5.00 per quarter as opposed to \$10.00 annually.

Mr. Turner noted that the advantage of placing permits on a quarterly basis was that they would all begin and end simultaneously. In response to Councilman Binder's question, Mr. Turner stated that the permit would be utilized throughout the week and not only on Saturdays. There was discussion between Councilman Binder and Mr. Turner in regard to this matter.

Councilman Friedman moved that the Council set a public hearing for July 25, 1974, at 1:00 p.m. in connection with the request. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Friedman, Handcox,  
Lebermann

Noes: None

Absent: Mayor Pro Tem Love, Councilman Dryden

ADJOURNMENT

The Council adjourned at 3:10 p.m.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk