

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 15, 1973
7:00 P.M.

ELECTRIC AUDITORIUM, 301 WEST AVENUE

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 HARWELL NORRIS, St. Andrews Presbyterian Church.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Regular Meeting held on November 1, 1973. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

PROCLAMATION - NOLA SMITH DAY

Mayor Butler read and then presented a proclamation to Mrs. Bob Wilkes, proclaiming November 19, 1973, as Nola Smith Day, and he urged all residents in joining the City Council in recognition of Mrs. Smith's outstanding accomplishments and contributions to City, State, and Federal governments.

HEARING ON AMENDMENT TO ZONING ORDINANCE AND PASSAGE OF ORDINANCE

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on the amendment to the text of the zoning ordinance. No one appeared to participate in the hearing.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY PROVIDING THAT LAND LOCATED WITHIN "B" RESIDENCE, "O" OFFICE, "LR" LOCAL RETAIL AND "GR" GENERAL RETAIL USE DISTRICTS MAY, BY SPECIAL PERMIT, BE USED FOR TOWN HOUSES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

HEARING ON AMENDMENT TO ZONING ORDINANCE AND PASSAGE OF ORDINANCE

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on the amendment to the text of the zoning ordinance. No one appeared to participate in the hearing.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY PROVIDING NEW STANDARDS FOR THE ESTABLISHMENT OF VETERINARY HOSPITALS OR CLINICS BY SPECIAL PERMIT IN "LR" LOCAL RETAIL AND "GR" GENERAL RETAIL USE DISTRICTS; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ 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 effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING - ZONING DENIED

Mayor Butler opened the following zoning hearing at 7:00 P.M. (postponed from October 18, 1973).

A. C. BRYANT, INC. By Tom Curtis C14-73-183	Rear of 2711 Exposition Boulevard (locally known as 2719 on bldg.)	From "C" Commercial to "C-2" Commercial (for a limited area) RECOMMENDED by Planning Commission for a limited area
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Mr. Tom Curtis represented Mr. Dunning Bright, who wished to lease the property which was "C" Commercial. The application had been amended from "C-2" Commercial to "C-1" Commercial since "C-1" Commercial was unavailable at the time the application was filed. They had stated the use was for a package store. It was their purpose then as well as now not to prohibit any on-premises consumption at the location about 400' east of Casis Elementary School. Councilman Handcox was interested in any agreement with the PTA's and the interested people who were to get together and work out a reconciliation. Mr. Curtis stated they were about half-way. Mayor Butler had letters indicating their consent to the application; however, they did not live in the neighborhood. The letters were from tenants in the shopping center and area business neighbors. Mayor Butler stated under the law it was not necessary to notify tenants, even though the lessees of the property have indicated an interest. Mr. Bryant was the owner from whom those people rented.

Mr. Curtis gave a resume of the PTA board meeting held with 17 or 18 members present, who discussed the merits of this zoning for about 30 to 45 minutes. By an 8-2 vote, the PTA voted to retain the zoning as "C" which would not permit a package store. Mr. Curtis said the Planning Commission unanimously recommended this request stating "they did not feel this request would be incompatible with the existing church and school since packaged beer and wine were already being sold at the grocery store located in the shopping center." Mr. Woodrow Sledge, representing the Austin Independent School District, conveyed the opposition of the school district to the increase in zoning, either "C-2" Commercial or "C-1" Commercial as amended. Mr. Sam Kimberland, President of the Casis School PTA, reported on the discussion and results of an hour and a half meeting at which the PTA went on record as objecting to this change in zoning. After everyone had adequate time to comment, the PTA voted unanimously in opposition to the change of zoning. Mr. Kimberland stated this zoning was not compatible with this very nice, small shopping area with the schools and the churches located nearby.

In answer to Councilman Handcox, Mr. Kimberland stated the feeling of the group was that beer and wine sales at Rylanders were a very minor part of their business and that people did not enter that store with a sole purpose of purchasing beer and wine. Mrs. Carolyn Growley spoke in opposition, stating that people bought their homes years ago and did not want to see the zoning changed in Casis Village. They too disliked having a package liquor store across the street from an elementary school. A packaged liquor store across from an elementary school would be a "turn-off." This would be the only school in the City that would have a package liquor store directly across from it. Miss Hardy Thompson, on behalf of the women of the United Methodist Church in Tarrytown, had a petition to present their position.

Councilman Handcox stated the staff had denied this request but there were similar types of beverages sold in the center now. Mr. Lillie, Planning Director, answered that selling beer and wine in the store were secondary to the primary use of the store. He stated there were five schools that have "C-2" Commercial zoning adjacent or across the street. Mr. Curtis stated there were eight or nine "C-2" Commercial locations across the street from schools. He stated also that the school board had a policy of opposing new zoning adjacent or close to a school more permissive than local retail. The center had existed there for 20 years. He said the school did not evaluate each case by case. Mr. Curtis had a petition with 115 signatures in favor. He stated they were not talking about escalation zoning but whether or not this was good zoning; he did not believe the "C-2" zoning would interfere with the church.

Mrs. Hannon, parent and a resident in the neighborhood, stated that people

in the neighborhood did not want to see an escalation or change in the present zoning. Councilman Dryden stated the businesses in this neighborhood were doing well, the neighborhood has been doing nicely as well as the shopping center, and the zoning had been all right and he saw no point in changing it.

Motion

Councilman Dryden moved that the Council uphold the recommendation of the staff to deny change from "C" Commercial to "C-2" Commercial (for a limited area). Councilman Handcox discussed the merits on the opposite side and pointed out the Planning Commission voted unanimously in saying this was a proper use in view of the fact there was at least one other operation within that complex selling basically the same kind of goods and services. The staff had asked to deny the application and the commission had unanimously approved. One petition was filed against the zoning and another for it.

Substitute Motion

Mayor Pro Tem Love offered a substitute motion that the Council grant the change from "C" Commercial to "C-2" Commercial (for a limited area). He stated that he believed the matter had become a moral issue, moving beyond the area of zoning itself. The motion, seconded by Councilman Binder, failed to carry by the following vote:

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

The Mayor announced that the change had been DENIED.

EASEMENTS RELEASED

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

A portion of the public utilities easement along the northeast line of Lot 63, TARRY-TOWN 6, five (5.00) feet in width. (requested by Paul James & Associates, as engineer for the owner Evelyn K. Livingston)

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

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

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

Twenty (20.00) foot drainage easement across Lots 2 and 3, Block 11, ST. JOHNS COLLEGE ADDITION (requested by The Engineering Department of the City of Austin)

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

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

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

The twenty (20.00) foot drainage easement across Lots 6, 7 and 8, Block 14, ST. JOHNS COLLEGE ADDITION. (requested by the Engineering Department of the City of Austin)

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

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

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

Five (5) public utilities easements seven and one-half (7.50) feet in width out of Lots 11 - 14, NORTHGATE TERRACE SECTION ONE, as follows:

- (1) The west seven and one-half (7.50) feet of the south 173.33 feet of Lot 11,
- (2) The west seven and one-half (7.50) feet of Lot 12,
- (3) The west seven and one-half (7.50) feet of Lot 13,
- (4) The east seven and one-half (7.50) feet of the south 553.33 feet of Lot 14,
- (5) The west seven and one-half (7.50) feet of the south 553.76 feet of Lot 14,

(requested by Marlton O. Metcalf, as agent for the owners, Jack Snyder and Jim Raffa)

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

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

CONTRACTS AWARDED

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

ALLIED CHAIN LINK FENCE
COMPANY
8400 Highway 290 East
Austin, Texas

- Construction of approximately 2,200 L.F. of
6 foot chain link fence at Hornsby Bend
Wastewater Treatment Plant and Ullrich
Water Treatment Plant - \$17,267.39.
(Capital Improvements Program Project Nos.
4935 0 and 5918 0)

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

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

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

BESCO, INC.
1616 West Fifth Street
Austin, Texas

- Cluster Mounted Capacitor Banks and
Capacitors - \$63,990.00
Bid Invitation 4-0048

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

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

Councilman Handcox moved the Council adopt a resolution awarding the follow-
ing contract:

GRAYBAR ELECTRIC COMPANY
7426 North Lamar
Austin, Texas

- Three Phhase Pad Mounted Transformers -
\$131,174.00
Bid Invitation 4-0024

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

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

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

TOM FAIREY CO.
5005 East Seventh
Street
Austin, Texas

- Construction Equipment
Item 18, 8 each @ \$ 9,403.13
Item 19, 1 each @ \$ 9,403.13
Item 20, 1 each @ \$ 9,403.13
Item 21, 2 each @ \$14,619.17

Item 22, 1 each @ \$14,619.17
Item 23, 2 each @ \$14,619.17
Total: \$167,127.15
Bid Invitation 3-1849

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

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

PAYMENT OF COST DIFFERENCE

Mayor Pro Tem Love moved the Council adopt a resolution authorizing payment of cost difference as follows:

PLEASANT VALLEY ESTATES, INC. - J. Robert Connor, Representative -
Cost difference of 12"/8" A. C. water main in Shearer, Baldwin &
Stevens Subdivision - \$2,448.18.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution authorizing payment of cost difference as follows:

AUSTEX DEVELOPMENT COMPANY, LTD. - Nash Phillips, Attorney in Fact -
Cost difference of 12"/8" A. C. water main in Cherry Creek
Commercial II - \$4,344.48.

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

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

AUTHORIZATION OF CASH SETTLEMENTS

Councilman Lebermann moved the Council adopt a resolution authorizing cash settlement as follows:

H. R. BENTLEY - For wastewater approach main to Glenclyff subdivision. Estimated cost of wastewater approach main is \$13,835.00. Owner's cost @ 25% is \$3,458.75; City's cost @ 75% is \$10,376.25.

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

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

Councilman Lebermann moved the Council adopt a resolution authorizing cash settlement as follows:

JAGGER PROPERTIES, INC. - for water and wastewater mains in Village South, Phase 1, Section 1. Total cost of mains is \$7,293.56. City's cost @ 60% is \$4,376.14; Owner's cost @ 40% is \$2,917.42.

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

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

Councilman Lebermann moved the Council adopt a resolution authorizing cash settlement as follows:

MELTON & ASSOCIATES - for water mains in Phase IV, Section 1 of Northview Hills. Cost of water mains is \$8,359.05. City's cost @ 60% is \$5,000.00; Owner's cost @ 40% is \$3,359.05 with the understanding that all costs in excess of \$5,000.00 or 60% would be absorbed by the Developer.

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

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

SELECTION OF ENGINEERING SERVICES

Mayor Pro Tem Love moved the Council select NATIONAL ENGINEERING COMPANY, INC. as the Professional Engineering Services in connection with the following 1974 Capital Improvements Program Project for the Public Works Department:

Foster Lane at Shoal Creek Bridge easterly of Shoal Creek
Boulevard - Project No. 6514 2.

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

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

Councilman Friedman moved the Council select LOCKWOOD, ANDREWS, AND NEWMAN
as the Professional Engineering Services for the following 1974 Capital Improve-
ments Projects for the Public Works Department:

Jain Lane at Boggy Creek Bridge* westerly of Johnston H. S. -
Project No. 6314 3.

Webberville Road at Boggy Creek Bridge* north of East 7th Street -
Project No. 6224 1.

Manor Road at Little Walnut Creek Bridge north east Austin area -
Project No. 6219 0.

*Revenue Sharing Project.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

SPECIAL SERVICES FUND CONTRACT

Councilman Friedman moved the Council adopt a resolution authorizing the
following Special Services Fund Contract:

AGENCY	ALLOCATION	CONTRACT TERM
People's Free Clinic	\$7,500.00	November 1, 1973 - October 31, 1974

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

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

APPROVAL OF CHANGE ORDERS

Councilman Friedman moved the Council adopt a resolution approving Change
Order Numbers 1, 2 and 3 as additions to the scope of work of Austin Road Company's
existing contract approved October 4, 1973, for the Access Road and Parking Area
Paving Improvements at Jimmy Clay Golf Course, for the following descriptions and
amounts:

- a. Change Order No. 1 - Maintenance Building Driveway - \$3,427.20
and Compound Area
- b. Change Order No. 2 - Cart Barn Driveway Paving - \$2,590.05
- c. Change Order No. 3 - Cart Path Paving - \$4,377.50

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

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

APPROVAL OF LAND SALE IN GLEN OAKS PROJECT

Mayor Pro Tem Love moved the Council adopt a resolution approving sale of land in Glen Oaks Project, Tex A-11-4, to Joe Hoffman, as follows:

<u>Parcel No.</u>	<u>Rosewood Village Section 8, Block B</u>	<u>Amount</u>	<u>Minimum Acceptable Price</u>
R-114	Lot 16	\$2,550.00	\$2,450.00
R-17	Lot 19	\$2,600.00	\$2,500.00
R-124	Lot 1	\$2,600.00	\$2,500.00
R-127	Lot 4	\$2,450.00	\$2,350.00
R-129	Lot 6	\$2,500.00	\$2,400.00
R-132	Lot 9	\$2,600.00	\$2,500.00
R-134	Lot 11	\$2,600.00	\$2,500.00

Mayor Butler inquired about there being only one bid. Mr. Robert P. Noton of the Urban Renewal Department reviewed the procedure and stated there were 15 or 17 others showing interest in purchasing lots in the Glen Oaks area, and they were sent notices for bids. Mr. Noton stated the bidder was not permitted to resell the lot, and must build on the lot within a limited time. These details were not in the specification, but were in a bid packet which included all provisions, limitations and federal regulations, etc. Mayor Butler discussed the qualifications of the builder and the funding.

Councilman Handcox suggested rejecting these bids and resubmitting so that there might be other bidders. Mayor Butler was concerned why the one bidder bid the "checker board" instead of continguously.

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

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

Mr. Noton stated that he would supply each member of the Council with one of the packets which were sold to each of the bidders.

PUBLIC HEARING SET FOR AMBULANCE SERVICE BIDS

City Attorney Don Butler noted that application had been made for a franchise for Emergency Ambulance Service, and a public hearing should be set within fifteen days after receipt of the application. Mayor Pro Tem Love moved the Council set a public hearing on November 29 at 7:00 P.M. The motion was seconded by Councilman Lebermann. Mayor Pro Tem Love withdrew his original motion and moved the Council set a public hearing on December 13 at 7:00 P.M. The motion seconded by Councilman Lebermann, carried by the following vote:

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

AGREEMENT CONCERNING SEWER LINE EASEMENT

City Manager Davidson reported that an agreement with Austin Country Club, Inc. regarding a sanitary sewer line easement, and working schedules within the Country Club's Golf Course boundaries, for temporary damages in construction, had been under negotiation for about five years. It had been negotiated by personnel within the Water and Waste Water Department, and now this particular item was recommended by the City Attorney after many months of discussion with the property owners.

Councilman Binder was concerned about the costs of \$1000 a month. Mr. Curtis Johnson, Director of Water and Waste Water, reviewed the situation and the City's position, stating he was aware of the problems and the concern of the Golf people. He stated this was a fair arrangement.

Councilman Friedman noted that when curb lines and lawns are torn up for tearing up a street there is no payment to the owners for any loss other than the City's replacing the improvement. He asked why the City did not enter into an agreement whereby it would put the golf course back into shape. Mr. Curtis Johnson explained that in most cases no property was taken from the owner; in some cases easements were required; and in some cases, there might be temporary damages or loss. In new areas, properties were being enhanced and services extended into areas that did not have them and people were glad to have the facilities.

Councilman Friedman asked why there was no agreement entered into whereby the golf course would be placed back in its shape, after paying \$600 for the easement. He asked for clarification for the taking of the easement and for temporary damages in construction.

Motion

Councilman Lebermann moved the Council authorize the City Manager to enter into agreement with Austin Country Club Inc. concerning sanitary sewer line easement and conduct and times of work within the Country Club's Golf Course boundaries. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

DISCUSSION OF HISTORIC ZONING ORDINANCE

Mr. Don Rhodes drew the Council's attention to a publication "Austin, Texas, City of the Violet Crown" published by the Chamber of Commerce in 1916 and sent to all parts of the United States, inspiring the building of beautiful homes and landscapes. He feared that this past was vanishing rapidly. Several historic homes had been lost, most recently the Houghton House at 12th and Guadalupe. These homes were doomed because taxes would be too high if they were made functional, but the owner of Hunnicutt House was a church and thus, tax exempt. He suggested that Hunnicutt House could be used as a day care center which the church planned to build and there would be room for parking and a playground area.

Councilman Lebermann reported that the Historic District Zoning Ordinance was now before the Planning Commission for its consideration. He said he and the Council were disappointed about any destruction of the house, and the Council would use all means available to see that the house was not destroyed before an ordinance might protect it. Councilman Friedman suggested that the ordinance would come before the Council for consideration with "all due speed."

THANKS FROM RED CROSS

Judge James Denton, Chairman of the Central Texas chapter of Red Cross, expressed his thanks to the City for providing the chapter house, free of charge, for seven years at 1225 Red River. Mayor Butler expressed his appreciation for Judge Denton's comments.

CONGRESS AVENUE RENAMED

Mayor Pro Tem Love moved the Council grant the request of the Austin Professional Chapter of Women in Communications, by Barbara Langham, Vice President-Elect, Writers Roundup, that Congress Avenue be renamed "Writers Avenue" for one day, November 16, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

AMENDMENT TO SCHOOL SPEED ZONE ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41(d) OF THE AUSTIN CITY CODE OF 1967, MAKING A CHANGE TO THE SCHOOL ZONE CONTROL AREA FOR DOSS SCHOOL; REPEALING ALL ORDINANCES IN CONFLICT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE AMENDMENT FOR TRANSFER OF FUNDS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING BUDGET ORDINANCE NO. 720927-A FOR FISCAL YEAR OCTOBER 1, 1972 THROUGH SEPTEMBER 30, 1973; PROVIDING FOR TRANSFERS OF UNENCUMBERED APPROPRIATED FUNDS FROM CERTAIN ACCOUNTS TO OTHER ACCOUNTS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO CIP ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730802-E CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR OCTOBER 1, 1973 THROUGH SEPTEMBER 30, 1974, PROVIDING APPROPRIATIONS FOR ADDITIONAL CAPITAL IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE AMENDMENTS

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 1B AND 2B, RESUBDIVISION OF A PORTION OF LOT 1, BLOCK "M", RIDGETOP ADDITION, LOCALLY KNOWN AS 1003-1005 EAST 52ND STREET; 5101-5103 HARMON AVENUE; THE REAR OF 5107-5109 HARMON AVENUE AND 1000 EAST 51ST STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 2,915 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5718-5722 MANCHACA ROAD, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) A 4,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 917-919 WEST ANDERSON LANE, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND,
- (2) LOTS 4, 5 AND 6, BLOCK 135 OF THE ORIGINAL CITY OF AUSTIN, AND THE SOUTH ONE-HALF OF THAT CERTAIN ALLEY WHICH TRAVERSES BLOCK 135 OF THE ORIGINAL CITY OF AUSTIN LOCALLY KNOWN AS 1100-1110 COLORADO STREET; 200-210 WEST 11TH STREET AND 1101-1111 LAVACA STREET, FROM THIRD HEIGHT AND AREA DISTRICT TO FOURTH HEIGHT AND AREA DISTRICT; AND,
- (3) A 4,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1926 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (4) A 2,600 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 8030 MESA DRIVE, FROM "LR" LOCAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; 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.

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

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING ON PUBLIC MARKET PLACES SET

The Council had before it for its consideration establishing temporary public market places on the sidewalk areas along the north side of 23rd Street from Guadalupe west to the mid-block alley and the south side of 23rd Street from San Antonio west to the mid-block alley. City Attorney Don Butler pointed out that the City ordinance required that a public hearing be conducted to amend or establish any new market area. In response to Councilman Lebermann's question, he stated that 15-day notice was not required. Councilman Friedman questioned whether the ordinance could be passed immediately, dispensing with a hearing. City Manager Davidson reported that the appropriate people stated they would appear before the Council on November 29. The Council discussed whether the use of San Antonio Street could also be considered in the hearing.

Councilman Lebermann moved the Council call a public hearing on the temporary public market places for November 29, 1973, at 7:00 P.M. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CONSIDERATION OF AUDITORIUM-COLISEUM FEES

The Council had before it for consideration amending the ordinance establishing fees and charges for Municipal Auditorium-Coliseum. (Postponed from November 8, 1973)

Mr. Joe Liro, Budget Director, after meeting with interested individuals concerned about the proposed rate, explained that the present rates at the Auditorium had been in effect since 1958 with costs having risen 56 or 57%. He stated that the greatest concern was with the 10% clause which applied only to the Auditorium and excluded cases of non-profit cultural organizations, including the Cultural Entertainment Committee at the University of Texas.

General discussion was held as to definition of costs to the performing arts and criteria for what was cultural and what was not. According to Mr. Carl Gandy, Auditorium Manager, only four organizations doing business with them met the criteria--The Civic Chorus, Civic Ballet, Symphony, and the Cultural Entertainment Committee. Councilman Friedman noted that the proceeds of the University of Texas Cowboys were donated to charity, but under the proposal, they would pay 10% of the gross which would eliminate a substantial portion of money allocated to charity. Since both the Cultural Entertainment Committee and the Cowboys brought in similar entertainment for similar audiences, he questioned one group being classified "cultural" and the other not.

Mayor Pro Tem Love noted that the Jaycees sponsored the traditional underprivileged children's Christmas show and objected to their being taxed with the surcharge. Councilman Dryden pointed out that the Cowboys spent a lot of time with underprivileged and mentally retarded children, and they were a nonprofit organization. Whatever they received was placed back into the community. His suggestion was that the Council find another category, leaving out the term "cultural."

Messrs. Gandy and Liro had met with most of the local organizations that used the Auditorium and nearly all of them except Mr. Rod Kennedy were pleased with the proposal. They discussed the following alternate proposal:

3000 seat house	\$400 or 10%, whichever is greater, maximum of \$700
6000 seat house	\$900 or 10%, whichever is greater, maximum of \$1500

Auditorium rental for exhibits limited to \$1,000 on a per square foot base per day.

Councilman Handcox suggested deleting the \$700 fee. Mr. Gandy stated there was a \$250 labor fee inherited if they moved from a 3000 to 6000 seat auditorium.

In response to Mayor Pro Tem Love's request, City Manager Davidson reported that efforts had been made to contact each group in the categories, and that offers had been extended to meet with them including Mr. Kennedy. He explained the basis of the recommended increases. He stated there was some misunderstanding about the Jaycees and that Mr. Gandy's proposal took care of most of the objections to the new rate structure.

In response to Mayor Butler's question, Mr. Gandy noted groups which were not satisfied.

Motion

Mayor Pro Tem Love moved the Council postpone this item for two weeks.

Councilman Dryden expressed reservations about charging 10% of the gross. In response to Councilman Handcox's question, City Manager Davidson stated that a reasonable formula could be established for the number of police required for police protection and that could be changed without Council action. In response to Councilman Friedman's question, he further stated that reservations were currently being taken and held pending Council action, and those reservations could be cancelled by the other party at no cost should a fee increase be prohibitive for them.

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

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

SPECIAL COUNCIL MEETING SET

Councilman Friedman moved the Council set the meeting for canvassing the bond election votes at 11:00 A.M. on Monday, November 19, at City Hall. The motion seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None
Councilman Binder stated that he would be unable to attend.

ZONING DAY CHANGED

Councilman Lebermann moved the Council move the Zoning day from December 6 to December 13 in light of the proposed Council trip to the League of Cities Convention. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler announced that immediately after the City Manager's report, the Council would meet in Executive Session with the City Attorney relative to a real estate matter.

CITY MANAGER REPORT ON IMPLEMENTATION OF
TENNIS FACILITIES

Mr. Jack Robinson, Director of Parks and Recreation, summarized the recommendation in connection with the Tennis Facilities Plan. The recommendation of the Parks and Recreation Board was to budget \$300,000 for the development of eight

lighted tennis courts in the Wilshire area. He detailed more specifically the proposed locations of the courts. He further proposed that the study be presented at the next CIP hearing of the Planning Commission for funding for future development,

Mayor Pro Tem Love commended Mr. Robinson and his staff on the work they had done. Mayor Pro Tem Love then moved the recommendations of the report be implemented as soon as possible. In response to Mayor Butler's questions, Mr. Robinson described the kind of surfacing to be used for the courts.

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

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

Mr. Tom Ezell, Vice-Chairman of the Recreational Task Force, expressed his full support for the recommendations just made and urged the Council to authorize the City Manager to hire a consultant to design and complete the facilities. He concluded by expressing his appreciation to the Council.

ADJOURNMENT

The Council then adjourned,

APPROVED:

Ray Butler
Mayor

ATTEST:

Grace Monroe
City Clerk