

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 29, 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 FATHER MC CABE, Catholic Charities.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Special Meeting held on November 19, 1973. 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

PROCLAMATION - HELP YOUNG AMERICA WEEK

Mayor Butler read and then presented a proclamation to Mr. Mike Piansic, proclaiming the week of November 25 through December 1 as Help Young America Week, sponsored nationally by the Colgate-Palmolive Company, and he urged all citizens locally to join in this salute to the youth of America and tomorrow's leaders.

Mr. Piansic thanked the Council and accepted the proclamation.

SAVING OF HUNNICUTT HOUSE

Councilman Binder moved the Council request that the destruction of Hunnicutt House be deferred until after Council action on the Historic Zoning ordinance.

Mayor Butler reported that a demolition permit had already been issued. City Manager Davidson reported that a meeting with the officials of the church owning the property had been requested to ask for a delay of demolition. Councilman Dryden opposed requiring such a delay in light of the uncertainty of passage of the Historic Zoning ordinance. Mayor Butler commented that he felt the motion appropriate in showing the Council's concern with saving the house, and Councilman Lebermann added that the only tool which the Council had was moral suasion.

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

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

HEARING ON TEMPORARY PUBLIC MARKET PLACES AND PASSAGE OF ORDINANCES

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on 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 on the south side of 23rd Street from San Antonio west to the mid-block alley.

The Mayor introduced the following ordinance:

AN ORDINANCE ESTABLISHING TWO TEMPORARY PUBLIC MARKET AREAS; ONE ON A PORTION OF THE SIDEWALK AREA LOCATED ON THE NORTH SIDE OF WEST 23RD STREET BETWEEN GUADALUPE STREET AND THE ALLEY BETWEEN SAN ANTONIO AND GUADALUPE STREETS; AND THE SECOND ON A PORTION OF THE SIDEWALK AREA LOCATED ON THE SOUTH SIDE OF WEST 23RD STREET BETWEEN SAN ANTONIO STREET AND THE ALLEY BETWEEN SAN ANTONIO AND NUECES STREETS; ESTABLISHING NAMES THEREFOR; REGULATING THE HOURS OF OPERATION THEREOF; PROVIDING AN EXPIRATION DATE; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Randy Turner stated that in the vendors' opinion the proposed ordinance would go a long way toward alleviating the anticipated overcrowding problems for the period of December 1 through December 24. In response to Mayor Butler's question, Councilman Handcox stated that he had received one objection from what he believed to be a property owner on the north side of 23rd Street.

Mr. Bruce Lane reported that by a majority vote the Congregational Church congregation had agreed to allow the vendors to use the space in front of the Church (1/2 block west from the alley to San Antonio on the north side of 23rd Street). During the week when their day care center was in operation, the church wanted the vendors to use only the half of the property in front of the church itself, but on Saturday, they agreed to the use of the entire frontage. Mr. Lane had promised that he would be personally responsible to make sure that the vendors did not go beyond the limiting point during the week.

The Council discussed whether this additional request was appropriate since the public hearing concerned specific areas, and the people involved in the additional area might not have been notified of the public hearing.

Mr. Roland Denoie objected to the inflexibility of the proposed ordinance, in that boundaries were still set and there would continue to be a problem of overflow. He stated that the increase in the number of vendors had been about fourfold while the proposed ordinance would allow for an increase by a factor of 1.5. Councilman Handcox and Mr. Denoie discussed the types of merchandise to be sold on the Drag.

MOTION

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 was seconded by Councilman Dryden.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ESTABLISHING A TEMPORARY PUBLIC MARKET AREA ON A PORTION OF THE SIDEWALK AREA LOCATED ON THE NORTH SIDE OF WEST 23RD STREET BETWEEN SAN ANTONIO STREET AND THE ALLEY BETWEEN SAN ANTONIO AND GUADALUPE STREETS; ESTABLISHING A NAME THEREFOR; REGULATING THE HOURS OF OPERATION THEREOF; PROVIDING AN EXPIRATION DATE; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Assistant City Attorney Jerry Harris expressed the legal opinion that this item went impermissably beyond the agenda, that an emergency could be declared so long as it was placed on the bulletin board prior to the meeting.

Substitute Motion

Councilman Friedman offered a substitute motion that the Council waive the requirement for three readings, declare an emergency and finally pass both ordinances effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: Councilman Dryden, Mayor Pro Tem Love

The Mayor announced that both ordinances had been finally passed.

HEARING ON STREET CLOSING AND PASSAGE OF ORDINANCE

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time on closing the following street:

MARTIN AVENUE, from Delmar Avenue northerly 150.00 feet to termination. (requested by Malcolm Robinson, attorney for the owner of all adjoining property, Henna Chevrolet, Inc.)

No one appeared to participate in the hearing.

Mayor Butler introduced the following ordinance:

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

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 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.

ANNEXATION HEARING

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time to consider the annexation of and directing the administration to institute annexation proceedings to annex the following:

Total of 163.08 acres of land out of the John Applegait and George W. Davis Surveys:

- a. 91.96 acres - unplatted land (requested by Robert L. Davis, representative for the owners, M.M. Brinkley and Emile Jamail)
- b. 71.12 acres - unplatted land. (initiated by the City of Austin)

No one appeared to participate in the hearing. Councilman Handcox moved the Council close the hearing and direct the administration to institute annexation proceedings. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

HEARING ON AUDITORIUM-COLISEUM FEES

At 7:00 P.M., Mayor Butler opened the hearing scheduled for that time to consider amending the resolution establishing fees and charges for Municipal Auditorium-Coliseum. (Postponed from November 15, 1973)

Mr. Carl Gandy, Auditorium Manager, explained the changes in the recommendation submitted over the last proposal that had been before the Council: a ceiling placed on the percentage of the rental which would be applied against \$400 for a 3000 seat house; a 10% against \$800 for a 6000 seat house; and eliminating the word "cultural." He stated that these changes squared with most of the objections that had been raised.

In response to Councilman Lebermann's question, Mr. Gandy stated that the 10% charge would not apply to non-profit organizations solely for the purpose of providing entertainment to the citizens of the community; but there would be no exemption if the proceeds merely went to charity. He further stated that the proceeds over and above exact expenses going to charity were nominal in so many cases. In response to Councilman Friedman's question, concerning a 50% increase on the 3000 seat house and a 300% increase on the 6000 seat house, he stated that the figures were based upon ability to pay.

Mr. Rod Kennedy discussed his opposition to the proposal. He noted that 24 shows produced during the past 3 years had net profit of less than 10%. He further stated that the rent being recommended was equal to or higher than any other city in Texas researched, and for an inferior building. He commented that the 10%, even at a maximum of \$750, would curtail the entertainment that they had been presenting. Mr. Gandy disagreed, expressing the view that the recommended fee schedule increase would not reduce the number of people using the auditorium.

In response to Councilman Lebermann's question, Mr. Gandy noted that the rental income and hotel tax netted just enough to offset the deficit in operating the Dallas Memorial Auditorium.

Mr. Joseph Liro, City Budget Director, stated that without tapping the General Fund or some source of tax-supported bonded debt, capital improvements at the auditorium could not be provided without some additional source of income, at some point two or three years in the future. In response to Mayor Pro Tem Love's question, Mr. Liro doubted that the recommended increase would place the auditorium in a profit making position, although operationally the auditorium was currently at a break-even point. Mayor Butler, Councilman Friedman, and Mr. Liro discussed the recommended fees vs. other sources of funds for Capital Improvements.

City Manager Davidson commented that in most City budgets, an auditorium is an enterprise-type fund, and there was no reason why the City of Austin should not pass its cost on to its customers. Mayor Pro Tem Love differed, citing cultural events which might be priced out of the market even though the auditorium might be used for commercial purposes as well. Mr. Kennedy concurred that some cultural activities might have to skip Austin.

In response to Mayor Butler's question, Mr. Gandy stated that there had been adjustments in charges but no overall increase since 1958. Mr. Kennedy reiterated that rent was already higher than for similar buildings in other Texas cities larger than Austin.

Mr. Joe Miller, representing a San Antonio company presenting entertainment in the State, stated without reservations that the increase in rent would curtail major entertainment in Austin a great deal. In response to Mayor Butler's question, Mr. Kennedy stated that the City Manager's recommendations were acceptable with the exception of the 10%.

Ms. Charlotte McDaniels, secretary of the Austin Musicians' Union, stated that any increase in overhead would for the future prohibit the kind of entertainment that had been brought into Austin in the past.

Mayor Butler and Councilman Lebermann further discussed means of assisting charitable organizations.

The Council accepted Mayor Butler's suggestion that the item be delayed for two weeks with a report back then from the City Manager. Councilman Dryden added that he believed that organizations which deserved to be classified as charitable could be distinguished from those that did not.

PROPERTY SALE PRICE REDUCTION

Mr. Leon Lurie presented a resolution recommended by the Board of Commissioners of the Urban Renewal Agency of the City of Austin relative to a reduction of price in the sale of Parcel No. 11 in the Brackenridge Project Area, that the price be reduced by \$2000.

Councilman Lebermann moved the Council adopt the resolution as recommended. The motion, seconded by Councilman Dryden, carried by the following vote:

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

RELEASE OF EASEMENTS

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

Two (2) portions of a forty (40.00) foot drainage and public utilities easement across Lots 9 and 10, KRAMER LANE INDUSTRIAL PARK - I. (requested by Billy F. Priest, as agent for the owner L.E.M. Corporation)

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

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

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

That certain public utilities easement retained when WINDSLEY DRIVE was vacated, from Windrift Way westerly 100 feet, more or less. (requested by the owner, Jess Webb)

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

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

Noes: None

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

A portion of the fifty (50.00) foot drainage easement across Lot 3B-1, Resub. of Lot 3-B, AUSTIN MALL, and across Lot 3-D, Resub. of Lot 3-C, AUSTIN MALL. (requested by Bryant-Curington, Inc., as agent for the owners, Bridewell Development Co. and Austin Mall, Inc.)

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

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

Noes: None

APPRECIATION FOR LAND DONATED

Mayor Pro Tem Love expressed the Council's appreciation on behalf of the City for dedication of park land by Nash-Phillips-Copus at Little Elm Park and Viking Drive. City Manager Davidson indicated that an appropriate resolution from the Council expressing appreciation to NPC would be framed. Mr. Jack Robinson stated that the area was under study as a possible open space and was already being used as a picnic area. (Resolution prepared and presented under date of December 13, 1973)

CONSTRUCTION OF DIVING WELL

Councilman Friedman moved the Council adopt a resolution approving Change Order No. 1 to the contract with Seaside Pools, Inc., Mesquite, Texas, for the construction of a diving well addition to the:

Northwest Area Jr. Swimming Pool
Capital Improvements Program Project
No. 8652 0.

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

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

Noes: None

CONTRACTS AWARDED

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

MATHEWS CONSTRUCTION COMPANY	-	For construction of the Jimmy
6511 Burnet Lane		Clay Municipal Golf Course
Austin, Texas		Cart Barn - \$18,512.00
		(Capital Improvements Program
		Project No. 4627 4)

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

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

Noes: None

Councilman Lebermann moved the Council adopt a resolution awarding the following contracts:

Sprinkler Parts:

(1) MODEL SERVICE COMPANY	-	Items 1 - 15 - \$8,906.88
2714 West Avenue		
Austin, Texas		
(2) ALAMO MACHINERY COMPANY	-	Items 16, 18-45, 47-52, 74,
946 Coliseum Road		79-91, 98-100, 103-111
San Antonio, Texas		\$6,058.74
(3) ALSTON CONSTRUCTION	-	Items 46, 53-73, 75-78, 92-97,
COMPANY, INC.		101, 112-115 - \$1,372.81
2518 Dellana		
Austin, Texas		

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

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

Noes: None

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

LONGHORN STONE COMPANY	-	Granite Aggregate - \$5,450.00
6601 Bradley Drive		(5.45 per cu. yd.)
Austin, Texas		

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

JOSTEN'S LIBRARY SUPPLIES
4070 Shirley Drive S.W.
Atlanta, Georgia

- Book Jacket Covers Annual
Supply Agreement
\$5,318.64

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

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

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

GEORGE WARREN COMPANY	GloGlobalValves	Qty.	Unit Price
1019 West 39th Street	Bid Item 1	12	\$124.35
Austin, Texas	Bid Item 2	12	\$124.35
	Bid Item 3	12	\$174.20
	Bid Item 4	12	\$238.10
	Total:		\$7,932.00

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

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

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

DALMARK, INC.	-	Electric Ductline and
Rt. 1, Box 86		Transformer Foundation at
Buda, Texas		Lakeshore Substation -
		\$14,810.00 (Capital Improve-
		ments Program Project No.
		3517 8)

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

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

CLINICAL AND LABORATORY EXPERIENCE FOR STUDENTS IN CLINICAL-BIOMEDICAL ENGINEERING EDUCATION

Councilman Lebermann moved the Council adopt a resolution approving an agreement between the City of Austin for Brackenridge Hospital, and the Board of

Regents of the UNIVERSITY OF TEXAS at Austin, College of Engineering, to provide for clinical and laboratory experience for students in Clinical-Biomedical Engineering Education. The motion, seconded by Councilman Friedman, carried by the following vote:

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

TRANSFER OF LIEN

Mr. Jerry Harris and Mr. Homer Reed discussed the nature of the transaction requested, noting that it was a routine transaction which the City had a blanket ordinance to do on tax liens. Councilman Lebermann moved the Council adopt a resolution authorizing execution of a transfer of the lien of Special Assessment Certificate No. 7007-4597-69-40(b) P-3074(b) for the improvement of East Live Oak Street for the amount of \$406.32 to Mutual Savings Institution of Austin.

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

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

ONE-WAY TRAFFIC FLOW

Councilman Lebermann moved the Council adopt a resolution, installing one-way traffic flow:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Direction</u>
E. 30th Street	Speedway	Duval Street	East

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

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

SALE OF SUBSTANDARD HOUSE

Mayor Pro Tem Love moved the Council adopt a resolution approving sale of a Sub-standard House, on a Court Order, to abate a nuisance:

Accept Negative Bid - House to be Demolished

Bill Cartwright 1313 Alameda \$250.00

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

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

Noes: None

RECOMMENDATIONS OF BUILDING STANDARDS COMMISSION

Councilman Lebermann moved the Council approve the recommendations from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

a. 6909 Carver Street	Harvey Hemphill, Jr.
b. 6115 Atwood Street	Andrew J. Anderson
c. 1208 Eleanor Street	Mid-State Homes, Inc.
d. 1915 Holly Street	Julian L. Hernandez
e. Holly Street	Benny Garza

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

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

Noes: None

APPLICATION FOR NUTRITION FUNDS

Councilman Friedman moved the Council adopt a resolution authorizing submission of an application to the Governor's Committee on Aging for funds to implement a nutrition program for the elderly. The annual cost is \$129,600, of which \$116,640 (90%) will be federal funds from the Administration on Aging (HEW) and \$12,960 will be provided locally in in-kind services. The contract period will be December 31, 1973 through December 30, 1974.

Mr. Tony Ojeda stated that this program would be operated by the City of Austin Parks and Recreation Department as an expansion of the current Meals on Wheels Program.

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

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

Noes: None

SPECIAL SERVICES FUND CONTRACT

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

AGENCY	ALLOCATION	CONTRACT TERM
Austin Civic Ballet	\$4,500.00	December 1, 1973 - November 30, 1974

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

APPLICATION FOR MANPOWER PLANNING FUNDS

Councilman Lebermann moved the Council adopt a resolution authorizing the Mayor to make application to the Department of Labor requesting the sum of \$28,000 to finance the Manpower Planning Program from December 1, 1973, through June 30, 1974.

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

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

Noes: None

Mayor Butler noted that the program was without a Director, and Mayor Pro Tem Love urged members of the Council to submit recommendations. In response to Councilman Friedman's question, Councilman Handcox stated that a meeting had been set for December 17 to discuss the Community Development Office report with Father Underwood.

PUBLIC HEARINGS SET

Councilman Lebermann moved the Council set a public hearing at 7:00 P.M. December 20, 1973, to amend the Zoning Ordinance to allow carports to be constructed within fifteen feet of the front property line. (Amendment not recommended by Planning Commission)

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

Councilman Lebermann moved the Council set a public hearing at 7:00 P.M. December 20, 1973 for the following amendment to the Austin Development Plan:

An area of approximately 59 acres requested by Mr. Elmer Cullers for a change in the land use designation from Suburban Residential to Commercial Service and Semi-Industrial - located in southeast Austin along Dalton Lane between State Highway #71 and Hergotz Lane. C2-73-1(J)

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

SELECTION OF PROFESSIONAL ENGINEERING SERVICES

Mayor Pro Tem Love moved the Council select the professional engineering services of the firm of Peran and Shellmeyer of Dallas in connection with the following 1974 Capital Improvements Program projects for the Parks and Recreation Department:

Wilshire Tennis Center - Wilshire Blvd. at Airport Blvd.
Project No. 8648 0.

Neighborhood Tennis Court Improvements
Joslin (2), South Austin Recreation Center (2),
Northwest (2), Wooldridge (2) and Alamo (2)
Parks Project No. 8658 0.

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

RENEWAL OF LEASE

Councilman Lebermann moved the Council adopt a resolution renewing the lease agreement with the Austin Civic Ballet for the use of the second floor of the Fire Station Building at 30th and Guadalupe. The motion, seconded by Councilman Handcox, carried by the following vote:

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

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH CLEAR CREEK PROPERTIES, INCORPORATED AND POINT VISTA LINK, INCORPORATED; 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 Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH WHITTAKER COMMUNITY DEVELOPMENT CORPORATION; 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 Mayor Pro Tem Love, carried by the following vote:

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

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 731018-A, ENACTED BY THE CITY COUNCIL ON OCTOBER 18, 1973, BY CORRECTING AN ERROR IN THE FIELD NOTES OF SAID ORDINANCE; 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: 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.

ANNEXATION ORDINANCE

Mayor Butler 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 208.63 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE T.J. CHAMBERS GRANT AND PARTLY OUT OF AND A PART OF THE JAMES M. MITCHELL 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; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENTS TO ZONING ORDINANCE

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 1, 2, 3, 4, 5, 6, 7, and 8, BLOCK 21, THE HIGHLANDS SUBDIVISION, LOCALLY KNOWN AS 5201-5207 EVANS AVENUE AND 600-602 EAST 52ND STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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: LOT 2, TIMBERLINE ADDITION, LOCALLY KNOWN AS 1318-1512 SPYGLASS DRIVE, FROM "BB" 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 Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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:
LOTS 1, 2, and 3, RUTLAND DRIVE BUSINESS PARK, SECTION 1, LOCATED ON RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

REINSTATEMENT OF ZONING APPLICATION

Mr. Martin H. Boozer, Attorney for Ed Padgett, requested that Zoning Application No. C14-72-100 filed in the names of T.F. Attebury, George F. Miller, and Ernie L. Miller, which was dismissed on May 10, 1973, be reinstated. In response to Mayor Butler's question, he stated that the zoning was for Local Retail to a depth of 150' off South Congress, and for "B" Residence 1st Height and Area for the remainder of the tract, the rest of the depth. This zoning pattern was passed in accordance with both the staff recommendation at that time and the Planning Commission recommendation, and no one appeared in opposition in any of the public hearings to this request. He further stated that failure to meet the required conditions stemmed from misunderstanding of the time requirements and that reinstatement, rather than re-application, would save time and money. Mr. Dick Lillie stated that the application if resubmitted would be recommended as it was in 1972 and that he had no objection to reinstatement.

Councilman Dryden moved the Council reinstate the zoning case. 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

PROPOSAL FOR REMATCH ON PARTICIPATION IN NUCLEAR PLANT

Mr. Thomas H. Wolfe, President of the Institute for Advanced Environmental Studies, requested consideration of a proposal for a conclusive 3rd round rematch, preceded by a well-rounded 6-week long community education program, on Austin's

participation in a nuclear fission generating plant in 1982 as a response to the current general energy crisis. He stated that the Institute as an independent and unbiased source of third party evaluations provided an independent sounding board important for a healthy community. He proposed a third round rematch on an issue which had been brought to the attention of the Austin public on two previous occasions without producing evidence of a broad-based community support after either occasion. This rematch would take place within 90 days and would be preceded by a 6-week long period devoted to community education on key topics including need for considering alternative sources of fuel, sound projections of demand, economic justification, operating legal questions, and the humanistic issue. The results anticipated were as follows: resolving confusion regarding fundamental factors, providing the leadership with a more reassuring mandate for action than was presently regarded to be the case, and arousing community interest. Mr. Wolfe further stated that Mr. George Oprea, Group Vice-President of Houston Lighting and Power overseeing the South Texas Nuclear Project, indicated that he would consider a formal request from the Council for the additional extension, assuming of course that this would bring the matter to a more conclusive outcome.

Councilman Dryden commented that he believed all of the topics enumerated by Mr. Wolfe had been discussed in the community and that the anticipated results had already been achieved. Mr. Wolfe responded that he believed substantial progress had been made but that there was more progress yet to achieve. He further responded that he was not satisfied with the election outcome on September 9 in that he felt it had been based upon insufficient information.

There was discussion between Mayor Butler and Mr. Wolfe as to whether he was representing the 11 members of the Board of Trustees of the Institute for Advanced Environmental Studies. Mr. Wolfe noted that no vote had been taken among the Board but that was not required for his appearance before the Council. Mayor Pro Tem Love stated that he did not believe within 6 weeks or 90 days the Austin electorate was going to become better informed and he believed that the citizens by the democratic process had already spoken, and Councilman Binder concurred.

REPORT ON PROGRESS OF ENERGY CONSERVATION PROGRAM

Councilman Friedman reported on the progress of the Energy Conservation Program. He reported that meetings had been held with the Energy Conservation Commission, representatives from both sides of the South Texas Nuclear Power Project, and representatives from the Electricians Union, Building Trades Council, the AFL-CIO, COP delegates from the labor unions, and the Austin Association of Builders. He stated that upcoming meetings were planned with University of Texas student leaders, the Austin Apartment Association, the Austin Chapter of the American Institute of Architects, the Association of General Contractors, and there were tentative plans to meet with the Chamber of Commerce, Austin Neighborhood Council, and various retail merchants in the community.

Councilman Friedman requested the City Manager to ask the Electric Department to furnish the Council with information on who were the largest consumers, what communities, neighborhoods, commercial and industrial areas, used what amounts of energy and when, to be submitted to the Council in as short a time as possible to use for the formulation of future programs. City Manager Davidson replied that the information could be obtained.

MOTION

Councilman Friedman moved the Council approve the following Energy Conservation Impact Statement:

"The City Council of Austin, recognizing the profound influences of City population and high density urbanization, combined with the awareness of the need to conserve and protect our energy resources, thereby declares that it is the continuing policy of the City of Austin, and the City administration of the City of Austin, in cooperation with concerned public and private organizations and citizens to use all practicable means and measures designed to conserve our energy supply while preserving and protecting our environment. It shall be our goal to conserve the maximum amount of power without decreasing the quality of life and to fulfill the social, economic and other requirements of present and future generations of Austin citizens. It is the continuing responsibility of the Austin City Council to achieve a balance between population and energy resources management which would permit a high standard of living and an equitable sharing of resources. It shall further be our continuing responsibility to encourage citizen input and participation in the processes of City government in seeking out alternative and additional means of conserving energy and protect our environment."

Mayor Butler questioned whether the statement was sufficiently specific to be meaningful. Councilman Dryden commented that he felt the Council had been doing all along what the statement recommended.

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

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

Noes: None

SECOND MOTION

Councilman Friedman moved the Council approve the policy of notifying the public that the presently favored all-electric status of commercial and residential use was not guaranteed after January 1974, and upon completion of the present rate study, all-electric-status might well be eliminated. The motion was seconded by Councilman Binder. Mayor Butler and Councilmen Friedman and Handcox discussed the necessity of the motion as saying anything new.

AMENDMENT TO MOTION

Councilman Friedman amended the motion to change the date from January, 1974 to November 29, 1973. Councilman Dryden asked for a day or so to study the wording of the motion; Mayor Pro Tem Love indicted it for being too much of a red alert. Councilman Handcox agreed with the intent of the motion but believed it was a little premature.

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

Ayes: Councilmen Binder, Friedman, Lebermann, Mayor Butler

Noes: Councilmen Dryden, Handcox, Mayor Pro Tem Love

Councilman Friedman then requested that the Legal Department draft an ordinance to be placed before the Council in approximately 3 weeks for public hearing and Council discussion to set up a citizens' Task Force on Conservation to replace the Energy Conservation Commission and charged with the responsibility for coordination among the existing City facilities and departments, making recommendations for contractual awards to study conservation issues, and submitting final proposals to the City Council for appropriate action. The Task Force would operate with a permanent membership of 9 citizens unless death or resignation occurred and at such time the Board would submit recommendations to the Council for new members. It would have four salaried positions for a full-time staff (coordinator at an annual salary of approximately \$15,000; two research assistants at an annual salary of approximately \$10,000 each; and a secretary at a monthly salary of approximately \$500) to operate at the discretion of the Board. The Task Force would have office space in the City of Austin and an operating budget.

In response to Mayor Pro Tem Love's question as to why the proposed body would replace the Energy Conservation Commission, Councilman Friedman stated that there was need for re-organization into a smaller body with a highly paid and professional staff. Mayor Butler spoke against dissolving the existing Energy Conservation Commission.

Dr. Barry Kitto of the Energy Conservation Commission agreed with the suggestion of increased staff for the energy conservation effort. He suggested as an alternative an Executive Committee of the Energy Conservation Commission to serve essentially as a Task Force. Councilman Friedman suggested withdrawing temporarily the issue of replacing the Energy Conservation Commission until there could be further consideration of that item. Dr. Kitto suggested that there be more Council input into the selection of members of the committee.

THIRD MOTION

Councilman Binder moved the Council instruct the Legal Department to prepare an ordinance prohibiting business display lighting except when businesses were actually open and prohibiting lights for billboards at all times. The motion was seconded by Councilman Friedman.

Mayor Butler stated that he believed there was insufficient data on which to base a belief that this action would result in a significant conservation of energy. Councilmen Friedman and Binder stated that the act would be symbolic even should it not save much energy. There was discussion among Mayor Butler and Councilmen Friedman, Binder, and Lebermann as to whether piecemealing was the way to get the job done. Mayor Butler and Councilman Binder discussed whether other outdoor lighting, such as for front porches and tennis courts, should be included. Councilman Dryden concurred with Mayor Butler that the motion was premature and based on insufficient data.

Dr. Jared Hazleton concurred with Mayor Butler that the proposal would save little in terms of energy but concurred with Councilman Binder that it would have a beneficial effect in obtaining voluntary cooperation from the public. In response to Mayor Pro Tem Love's question, he favored the motion over a request for voluntary curtailment of outdoor lighting. City Manager Davidson noted that an ordinance could not affect lighting outside the corporate limits of the City.

AMENDMENT TO MOTION

Councilman Binder offered an amendment to the motion that the report be made back to the Council on December 13 and that the ordinance restrict Christmas lighting to indoors. The motion, as amended, and seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

In response to Councilman Binder's question, City Manager Davidson noted that a study was planned to include proposals for carpooling in connection with the use of City vehicles and in connection with private vehicles used by employees to get to work. Councilman Binder concluded with the suggestion that small cars be purchased for the City; he and Mayor Butler discussed the greater mileage of small cars and recent actions of the States of California and Texas.

REQUEST REGARDING EBASCO STUDY OF
ELECTRIC RATES

Councilman Handcox moved the Council direct the City Administration to obtain a special report from Ebasco that would describe how their recommended new electrical rates would encourage customer conservation of energy, that this special report be available to the Council at the time the new rate proposal is presented, and that a public hearing be set with representatives of Ebasco and other interested citizens on Wednesday, December 12. There was discussion among the Council as to whether Ebasco had the information to suggest ways of conserving energy in addition to charging the proper rates.

Councilman Handcox offered an amendment to the motion that the City Manager visit with Ebasco representatives in advance of the December 12 meeting and ask them to bring in other consultants or suggestions should this area not be in their field of expertise. The motion, as amended, and seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was Called: Councilman Dryden

CITY MANAGER REPORT ON ENERGY CONSERVATION

City Manager Davidson reported on actions taken by the City Administration in conserving on the utilization of gasoline. He stated that the program which had begun in June had already produced a 20% decrease in the utilization of gasoline by City vehicles, and the program now being reported on was aimed to achieve an additional 15% conservation effort. He reported that vehicles were being regularly checked should there be a drop in their gasoline mileage, and there were steps being taken to conserve electrical energy within City buildings, activities, and facilities.

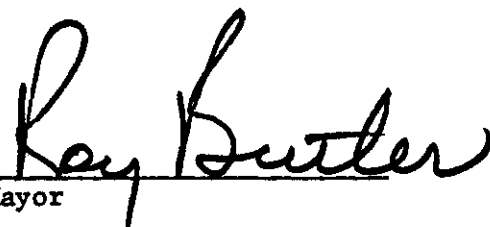
In response to Councilman Binder's question, he stated that the 50 mph maximum speed limit for City-owned vehicles would result in no legal changes in the State's 55 mph maximum. The Council concluded with discussion of the desirability of traveling five miles per hour less than the rest of highway traffic.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Mayor



ATTEST:

City Clerk

