

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 21, 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, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Absent: Mayor Pro Tem Love

The Invocation was delivered by DR. RACHEL HENDERLITE.

APPROVAL OF MINUTES

Councilman Dryden moved that the Council approve the Regular Meeting Minutes of February 14, 1974. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

PUBLIC HEARING - HISTORIC LANDMARK PRESERVATION

Mayor Butler opened the public hearing scheduled for 1:00 P.M. on amending the Zoning Ordinance by adding a new Article IV entitled "Historic Landmark Preservation."

Councilman Lebermann indicated that he was extremely gratified that after long and very careful writing by the Ad Hoc Committee, that the proposed ordinance was now before the Council, and that it was a new beginning. He was convinced that they would arrive at a suitable, concrete ordinance that would

be enforceable and applicable. He informed everyone that the Governor's office announced that the Old Bakery, after being saved by the Heritage Society, was saved once again and that the Governor, the Attorney General of Texas, and Mr. Charles Coates, who comprise the Building Commission of Texas, have agreed that the building will be used for the Austin and State Bicentennial and that the State Highway Department has agreed to expend an additional \$10,000 toward restoration.

Ms. Roxann Williamson, member of Ad Hoc Committee that drafted original ordinance under the chairmanship of Roy White and the vice chairmanship of Emma Linn, and Chairman of Advisory Task Force that has continued with the ordinance, appeared before the Council. She showed slides discussing the basic philosophy behind zoning ordinances. She emphasized some of the economic aspects of preservation with statistics mentioned in Fortune Magazine in 1967.

1. At that time 80 American cities had historic zoning ordinances.
2. By 1973, 190 American cities now in process of considering or have added historic zonings.

She discussed the types of people who are now involved in preservation. She stated that the most important reason for preservation was a deep need for psychological roots and that restoration renews civic pride. She quoted from Fortune Magazine, 1967, specifically referring to new city ordinances, as saying "...In all cases, land values have risen as a result of the preservation effort ..." Ms. Williamson indicated that through the zoning ordinance there would be created a skilled Landmark Commission empowered by the Council to set up a plan to designate worthy structures, to regulate exterior alterations, and to place an "H" zoning on these buildings all through proper channels. It also would give them the initiating power on stays of demolition and would encourage the Commission to seek economically profitable alternatives whether there were a case where a building were under consideration for demolition. This Commission would set priorities, recommend sources of funds, suggest alternate uses, make recommendations for specific City purchases, and act as an Advisory Board to the citizens and Council. It could propose to the Council such ideas as facade easements, revolving funds, tax abatements, and homesteading. In conclusion, she requested that the Council seek as much expertise as possible in setting up the first Landmark Commission, with the recommendation that 6 out of the suggested 11 members be spelled out as professionally able.

Mr. Michael Smith, representing Save Austin's Valuable Environment, asked if the ordinance under discussion would have saved the Hunnicutt House. In general, he requested the preservation of all the houses in Austin that would be necessary to save. He indicated that there was not a City fund for the purchase of houses supplied by this ordinance or tax incentive for the individual owners of these houses. He asked about not only restoring the exterior but also the interior of the houses. He expressed the feeling that he would like to have residential neighborhoods on these historical positions rather than business neighborhoods. In conclusion, he urged the Council to add the recommendations he had made to the proposed ordinance.

Dr. Frances Nesmith, coordinator for secondary social studies for Austin schools, indicated that there was a teaching aspect to old buildings in the respect that things that go on in those buildings actually place before young people in a concrete form the values that are talked about.

Mrs. Julian Reed, member of the Texas Historical Commission, commended the Council for appointing the Historic Zoning Study Committee and read a resolution unanimously passed by the Commission and filed it for the record:

WHEREAS, the cultural heritage of countless communities across the United States of America is being sacrificed upon the altars of an undeterred progress unmindful of the aesthetic, educational and economic values of cultivated historical environments; and

WHEREAS, the City of Austin, Texas, which has the distinction of being one of two cities in the United States of America - the other, Washington, D.C. - founded for the express purpose of serving as the capital of a free and independent Republic, has a long and distinguished heritage, reflected by cul-de-sacs of historical landmarks worthy of utilitarian preservation; and

WHEREAS, the historical character of the City of Austin is being eroded methodically as the islands of historical inheritance fall in the path of the afore-mentioned procession of blind progress; and

WHEREAS, the historical personality of the City of Austin is not beyond salvage;

NOW, THEREFORE, BE IT RESOLVED that the Texas Historical Commission render full support to the Austin City Council's innovative Proposed Historic Zoning Ordinance (#73), in its original entirety, which calls for public intervention in all matters concerning historic properties in the City of Austin through the establishment of an Historic Landmarks Commission, and support, without qualification, the declaration of policy, embodied in the proposition, stating that "the protection, enhancement, preservation, and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, and general welfare of the people." DONE at Ft. Worth, Texas, this 26th day of October, 1973, A.D.

Dr. Emma Linn, representing the Travis County Historical Survey Committee and the Heritage Society of Austin, indicated her disturbance about Section 45-51 of the ordinance, which as submitted would not provide any method for denial of demolition in any case. It would simply provide for a 90-day suspension period of the demolition permit, which could be increased to 240 days by the Council. She stated that many of those who worked on the ordinance felt that there should be some type of substitute section which would permit a denial of demolition in some cases.

Mr. Joe Crow expressed his sincere appreciation of the dedicated work that the Council performed. He wanted to qualify himself as a very interested historic person and interested in the preservation of historical buildings. It seemed to him that if one were to interfere with the use, possession, and enjoyment of private property, he would be apt to constitute in effect a taking of that person's property and damage it seriously. He also did not think that a person has the right to spend tax monies on a matter of personal preference

and that this would constitute serious interference with the use and enjoyment of a person's personal property and would enter the domain of being unconstitutional.

Councilman Lebermann indicated that the full intent of the ordinance would be to prevent the destruction of a house of the sort described and that it was in the public interest, the extant public interest, and the future citizen's interest of other communities to do so. He announced that he was going to recommend to Council to instruct the City Manager to come back within two weeks with a specific recommendation for a revolving fund which would be an additional ancillary tool to this ordinance so that the City would be able to purchase these structures which were indicated by the Landmark Commission which in no way could be saved. The revolving fund would anticipate full market value.

Mr. Bob Fowler, member of the Historical Society, believed that an ordinance of this sort could be very helpful, but he thought there were certain specific provisions that needed a lot more consideration. He felt that there needed to be a great deal of encouragement for people who were willing to restore old buildings, but private investors could be driven off by an ordinance such as this. He suggested that this ordinance be studied further. He discussed the possibility of the Padgett House being purchased for parkland by the City and the high price of downtown land. He stated that he could not go along with the idea of maintaining as a residence and would discourage any private investor from buying an old building. It immediately would decrease market value very seriously.

He discussed the composition of the Landmark Commission:

1. Recommended more flexibility of Commission.
2. Instead of members serving 3 years, he recommended that they serve at the pleasure of the Council. He thought the Council should have the right to change members of the Commission if the ordinance were not working out right.
3. Stated that the requirement for 2 copies of all detailed plans, elevations, perspectives, specifications, and other documents pertaining to the work was a vastly increased requirement.
4. Objected to timing requirements. He stated that it did not say when the Landmark Commission had to act on most cases.
5. If Landmark Commission were to recommend disapproval, the only appeal would be to the Council.

Mr. Bill Perry, representative of Save University Neighborhoods, wanted to support the ordinance with certain qualifications:

1. Adoption of Councilman Lebermann's proposed revolving fund.
2. Input into plan from neighborhood organizations.
3. Possible policy for tax incentives to help owners.

In conclusion, he hoped that the Council would continue to take even stronger steps in this direction and hoped for the adoption of the ordinance.

Mr. Jay Johnson indicated that he was undecided. He discussed the renovation of a condemned building and the expenses and that it was not economically feasible to renovate with the present system. He expressed a desire to see "shot gun" houses saved.

Mrs. D. J. Sibley, Jr., expressed the opinion that recycling of old buildings could be of great value and stated that she had had experience in this matter. She encouraged the Council to take the necessary steps.

Ms. Anna Drayer, member of Ad Hoc Committee, was in favor of placing the original requirements for the members of the Landmark Commission into effect. She indicated that Councilman Lebermann's suggestion regarding a revolving fund was excellent, but the City could not buy all the houses that are historically significant or which have been determined to be historically significant by the Landmark Commission. She discussed the proposed alternative, Section 45-51 (demolition or removal). She indicated that what they were suggesting would be a perfectly legitimate regulation of private property.

Councilman Lebermann moved that the Council continue the public hearing for two weeks and instruct the City Manager and staff to come back with alternative structures to a revolving fund idea and with the change in wording in Section 45-51 concerning demolition. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

ANNEXATION HEARING

Mayor Butler opened the public hearing to consider annexation. No one appeared regarding this annexation. Councilman Handcox moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the following:

Total of 275.18 acres of land out of the Henry P. Hill League:

42.59 acres - Portion of HORSESHOE BEND, SECTION TWO.
(requested by Bryant-Curington, Inc., agent for Vintage
Hills, Inc., owner)

232.59 acres - BARTON CREEK PARK and unplatted land.
(initiated by the City of Austin)

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

Not in Council Chamber when roll was called: Councilman Dryden

PUBLIC HEARING - SALE OF INTOXICATING LIQUORS

Mayor Butler opened the public hearing on amending Section 14.4 of the Code of the City of Austin regarding the sale of intoxicating liquors within 300 feet of a church, school, or hospital. Mr. Frank C. Erwin, Jr., member of the University of Texas Board of Regents, appeared before the Council requesting an amendment to the ordinance. He indicated that the Board had passed a resolution that all necessary permission be obtained to permit the sale of alcoholic beverages in the Union Building on the campus. He asked that the ordinance be amended in the least possible way to permit action. The Board suggested that the ordinance be amended to indicate no intoxicating liquors be sold within 300 feet of a church, hospital, or elementary or secondary school. The proposed ordinance would not apply to the university or college level.

Mr. Frank Fleming, student member of the Union Board of Directors, appeared supporting the request by Mr. Erwin. He made the following comments:

1. Legislature passed a law indicating that persons 18 years or older be allowed to consume alcoholic beverages. Only 500 of the University of Texas students would not meet this requirement.
2. Dobie Center sells alcoholic beverages, making this readily available. Under proper control, they could possibly provide better atmosphere for sale of beverages in the Student Union Building.
3. Alcoholic beverages would be sold only in designated area of Student Union Building, designated dining areas.
4. On-site consumption - not allowing anyone to take beverages out of the Student Union Building.

Rev. Fred Bomar, St. Peter The Apostle Church, urged the Council to protect the Austin churches by retaining this ordinance. He spoke about the recent opening of a club near his church and having to employ a guard during the club's late hours in spite of the operator's cooperation. In closing, he indicated that he was strongly opposed to intoxicating beverages being available near churches. In answer to Mayor Butler's question about the Board of Regents' proposal, he was not in objection.

Mr. Bob Humphrey, representing hospital administration, appeared only in opposition to the ordinance effecting the hospitals. He indicated that they felt that this would not be conducive to hospital and patient care.

Rev. Edward Lott, Assistant Pastor of Allandale Baptist Church, appeared in opposition stating that the community did not need this. He stated that alcoholism was a malignant disease and eliminating this ordinance would allow for more possibilities of alcoholism.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 14-4 OF THE AUSTIN CITY CODE OF 1967, BY LIMITING RESTRICTIONS OF THE SALE OF ALCOHOLIC BEVERAGES WITHIN THREE HUNDRED FEET OF ANY PUBLIC ELEMENTARY OR HIGH SCHOOL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

After discussion, Councilman Dryden moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, amending Section 14.4 of the Code of the City of Austin prohibiting the sale of intoxicating liquors within 300 feet of a church, hospital, or elementary or secondary school (eliminating university and college level). The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

COASTAL STATES NEWS RELEASE

Mayor Butler announced at this time that there had been an update of the status of the Coastal States Gas matter. He submitted a release to the press in which was contained information as to an agreement reached among various parties. It stated that there had been a meeting attended by Mayor Butler, District Attorney Smith, City Attorney Don Butler, and representatives of the Attorney General's Office and the San Antonio District Attorney's Office. All concerned had agreed that there would be no further press releases or comments regarding the Coastal States matter.

NAMING OF SOFTBALL COMPLEX

Councilman Friedman moved that the Council name the Pleasant Valley Road Softball Complex after Monroe E. "Lefty" Krieg. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

Mr. Bill Ball appeared on behalf of Dr. Ralph Smith, Hyde Park Baptist Church. He felt that the present ordinance was a good ordinance for Austin and changing it would not benefit the greatest number of people and saw no advantage in this change. Mr. Ball stated that Dr. Smith had not heard Mr. Erwin's proposal.

Rev. Pat Everett, South Austin Baptist Church, indicated that Rev. Bomar had expressed this very well. Rev. Everett was opposed to use of liquor in any way.

Mr. Woodrow Sledge, Austin Independent School District, limited his opposition only to any amendment which would weaken the ordinance from the secondary to the elementary level and hoped that the Council would protect the hospitals and churches.

Mr. Jerry Smith was in favor of making sure that Austin did not have intoxicating liquors that close to schools, churches and hospitals and stated that he was not that involved in the University. He hoped that the Council would file a strong opinion and should not make a compromise.

Dr. Gerald Mann, University Baptist Church, concurred with the restriction added by Dr. Erwin but was opposed to any changes in the 300 foot limitation of churches.

Mr. William Heck, on behalf of Dr. W. E. Denham of the First Baptist Church, spoke in opposition of the amendment as stated and felt that the ordinance should not be amended in any way.

Rev. Norman W. Bacon, Jr., Greater Mt. Zion Baptist Church, inquired if the amendment being discussed would effect a church that was near a school, and it was stated that it would not apply to a church.

Rev. Ronnie Marley, Cameron Road Baptist Church, discussed the number of alcoholics in the United States and indicated his opposition to the ordinance as proposed by the University of Texas. He stated that he had letters from most of the members of his congregation in opposition.

Mr. Bill Burns, taxpayer for 25 years in Austin, stated that he was a father of a college boy and requested that the Council leave the liquor alone on the campus.

Mr. Richard Barrett had originally appeared before the Council February 7, 1974, requesting approval for the sale of beer and wine in conjunction with the operation of his restaurant located at 413 West 23rd Street, which is located within 300 feet of the Congregational Church of Austin. On January 27, 1974, Mr. Barrett had obtained written approval from the Church. He stated that he was in sympathy with the churches and requested that possibly the Congregational Church could be the only church exempted.

CONSTRUCTION OF AERIAL PASSAGEWAY

Councilman Friedman moved that the Council adopt a resolution approving the application by the University Baptist Church to construct an aerial passageway spanning the alley between Guadalupe and San Antonio Streets south of West 22nd Street, subject to satisfying the departmental requirements and subject to a license agreement. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

CONTRACTS AWARDED

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

P. A. STARK COMPANY
Route 8, Box 369-B
Austin, Texas

- Parking Lot Improvements - Brackenridge
Hospital Parking Lot - \$15,200.15

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

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

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

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

HOBBS TRAILERS
6700 South Flores
San Antonio, Texas

- One (1) each Semitrailer, Hydraulic
Dump - \$16,215.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

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

LONGHORN STONE COMPANY
6601 Bradley Drive
Austin, Texas

- Granite Gravel - \$5.45 per cu. yd. -
\$5,450.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

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

Bid Award

- 4-Door Compact Sedan, Administrative:

LEIF JOHNSON FORD
501 East Koenig Lane
Austin, Texas

- Three (3) each @ \$3,347.77 - \$10,041.93

HENNA CHEVROLET, INC.
7522 North Interregional
Austin, Texas

- Three (3) each @ \$3,416.00 - \$10,248.00

JAY SMITH CHRYSLER
PLYMOUTH
841 West 6th Street
Austin, Texas

- Two (2) each @ \$3,493.00 - \$6,986.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Absent: Mayor Pro Tem Love

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

CALGON CORPORATION
3925-D Dacoma
Houston, Texas

- Anthracite Filter Material Supply
Agreement. 325 tons @ \$47.67/ton -
\$15,492.75 (\$28.95/ton and transportation
costs estimated at \$18.72/ton)

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

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

CONTRACT DELAYED

At the request of the City Manager, the following request for contract to be awarded was delayed until February 28, 1974.

THE CLEAN SWEEP COMPANY	- Custodial Cleaning and Window Washing
3906 North Lamar	Service Contract for one (1) year and
Austin, Texas	authorization for City Manager to exercise one (1) year extension - \$57,444.60

RELEASE OF EASEMENTS

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

Public utilities easements, five (5.00) feet in width in Lots 2, 5 and 6 of ENFIELD G, a subdivision of the City of Austin. (Requested by Ronald S. Driver, Attorney at law, who is one of the owners.)

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

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

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

Several of the public utilities easements, ten (10.00) feet and five (5.00) feet in width, remaining in Lot 6a of the seventh resubdivision of Lot 2, FRONTIER VILLAGE, SECTION 3. (Requested by Snowden and Meyer, Inc., Consulting Engineers.)

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

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

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

The five-foot public utilities easement along the west property line of Lot 1402, LAKEWAY SECTION 16.

The five-foot public utilities easement along the east property line of Lot 1403, LAKEWAY SECTION 16.
(requested by William M. Brooks as agent for the owners, James H. Huff, Lot 1402; and James Hunter Thompson and wife, Lot 1403.)

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

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

PROFESSIONAL SERVICES

Councilman Lebermann moved that the Council select Ecology Audits, Inc., as professional services for making an environmental analysis and report in connection with the following project for the Electric Department:

Circuit 862-69KV Transmission Line (Seaholm P.P. to West Substation). Capital Improvements Project No. 1511 2, and modification of two substations.

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

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

GRANT FOR MODEL CITIES FAMILY PLANNING CLINIC

Councilman Friedman moved that the Council adopt a resolution authorizing application to apply to Department of Health, Education and Welfare for a grant for fourth year operation of the Model Cities Family Planning Clinic. The total grant will be \$95,826, of which \$71,869 will be federal funds and \$23,957 will be local matching funds from Model Cities. Contract period is from March 1, 1974 through February 28, 1975. The motion, seconded by Councilman Dryden, carried by the following vote:

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

GRANT FOR AUSTIN TOMORROW GOALS PROGRAM

Councilman Friedman moved that the Council adopt a resolution authorizing application to apply for a 701 Planning Grant to the Department of Housing and Urban Development for the purpose of extending the Austin Tomorrow Goals Program an additional ninety days. The total grant will be \$15,144, of which \$10,096 will be federal funds and \$5,048 will be required in cash from the current Planning Department budget. The motion, seconded by Councilman Dryden, carried by the following vote:

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

GRANT FOR COMMUNITY WORKSHOP PROJECT

Councilman Friedman moved that the Council adopt a resolution authorizing application to apply to the Governor's Committee on Aging for a continuation grant to operate the Community Workshop Project for its third year. The total grant will be \$15,850, of which \$9,510 will be federal funds and \$6,340 will be in-kind services provided by the Parks and Recreation Department. The contract period will be from April 1, 1974 through March 31, 1975. The motion, seconded by Councilman Dryden, carried by the following vote:

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

AGREEMENT WITH MANPOWER DIVISION

Councilman Friedman moved that the Council adopt a resolution authorizing the Community Development Office to enter into an interdepartmental agreement with the Manpower Division of OEO Manpower Coordination. Funding is 100% OEO - \$43,929. Contract period is from February 1, 1974 through September 30, 1974. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CAPITAL IMPROVEMENT GRANT

Councilman Friedman moved that the Council adopt a resolution authorizing the submission of an application to the U. S. Department of Transportation, Urban Mass Transportation Administration for a Capital Improvement Grant. (\$750,560 Federal Grant and \$187,640 Local Share - Total \$938,200.) The motion seconded by Councilman Dryden, carried by the following vote:

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

GOLF PROFESSIONAL SERVICES

Councilman Handcox moved that the Council authorize a contract with Mr. Lloyd Morrison for golf professional services at Hancock Golf Course. The motion, seconded by Councilman Friedman, carried by the following vote:

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

TRANSIT GRANT APPLICATION

Mr. Dan Davidson, City Manager, announced that a transit grant application had been proposed and supplied the following comments:

1. Council agreed to take over the operation of the transit system in Austin about a year ago.
2. Patronage increase per month of ridership on these new buses in the new system initiated by Council has been very successful. For this reason that this application was being submitted asking for authority to apply for additional funding to expand the services to offer to public.

Mr. Joe Ternus, Director of Traffic and Transportation, indicated that the application would be funded in the following manner: \$750,000 federal funds and \$187,000 local funds to purchase the following:

18 new 45-passenger buses
20 fare boxes
19 radios
400 route markers and bus-stop signs
20 bus shelters
200 bus-stop benches

In closing, he indicated that there would be a 3-month processing period and 9-month delivery period.

DRAINAGE - ST. JOHN'S AREA

Rev. F. E. Bragg, representing St. John's Community Association, appeared before the Council concerning drainage and street payment in connection with the N.D.P. Program. He indicated that the sewer had been promised them about a year ago and wanted to know about a time table on this project and when this would be underway. He felt that they were in worse condition now than before the project began because of Central Freight's project and the Post Office in that area, which caused excess drainage.

City Manager Dan Davidson informed Rev. Bragg that the following action had been taken by Council to initiate this project:

1. Approved acquisition of park land as promised in February, 1973.
2. Selected consultant to design drainage and street improvements that were requested by residents in this area.
3. Approved acquisition of right of way which is required before the City can begin construction of any of the drainage facilities.

He stated that residents in this area had been told that twice the amount of right of way would be required for the expansion of Buttermilk Creek than originally thought. Instead of needing 40 feet of right of way, 90 to 100 feet of right of way would be required. He indicated that the Property Acquisition Department had already started proceedings on this right of way. Mr. Davidson explained that his staff had composed a summation of this proposal and a graph. He submitted this information to members of the Council and expressed the desire to send this information to the property owners in the area. He hoped that this would clear up most of the questions, and he indicated that he wanted to meet with them if there were further questions and would provide additional information as required. He stated that almost all the contracts that had to be awarded would be presented to the Council during 1974, and some of the projects would have to continue under construction during early and mid 1975. He explained that costs had expanded and that the City was now talking about \$1,400,000 worth of work including all utility work and expansion of Buttermilk Creek project, which consultant had designed; and the City would have to request some additional funding.

Councilman Friedman wanted to assure Rev. Bragg and the residents that this matter would take top priority.

Councilman Lebermann indicated that the Council was on record as being and continuing to be consistent with support of these projects regardless of additional expenditures.

Mr. Davidson stated that he had received communication from the Urban Renewal Commission indicating that the public hearing scheduled to come before Council on March 21, 1974, would not be required. He informed everyone that he would come before Council in the next 10 days or 2 weeks with an updated report explaining why this hearing would not be necessary and that he wanted the opportunity to explain this to Rev. Bragg and others before coming back to Council. He further added that no urban renewal monies were being expended in this area.

Councilman Dryden asked that if the Association were to get written release of some sort from the adjacent property owners approved by the Legal Department, could the City bulldoze this creek to some degree to take care of the present problem. Mr. Davidson thought this could be considered if the City were not able to obtain the right of way within a period of time to have all work under construction this year. He stated that it would be much better if the City could get all the right of way in hand and award a contract. He thought it might be possible that by doing the dozing, the City could very easily flood an area that does not now flood as opposed to taking care of the entire problem. Mr. Davidson indicated that he would check with Mr. Charles Graves, Director of Engineering, to see if something temporary might be helpful should it take too long to obtain the right of way.

PARADE PERMIT REQUEST

Councilman Dryden moved that the Council approve a request for a parade permit by Mr. Furley Lee Lumpkin, Allandale Baptist Church, for the National Youth Moratorium on Indecency on March 2, 1974, from 3:00 P.M. to 4:00 P.M. beginning at Second Street up Congress Avenue. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilman Friedman

Absent: Mayor Pro Tem Love

PROPOSED TREE ORDINANCE

Mr. Howard Ferguson appeared before the Council to discuss a tree ordinance for Austin. The ordinance would provide a basis for protecting the natural beauty of the City by placing restrictions on the removal of desirable trees. He filed a petition with 66 signatures from the Men's Garden Club of Austin, requesting that the Council adopt appropriate measures to foster the preservation of trees and protect such trees from unnecessary destruction. He discussed the proposed ordinance and the three classes of trees with different degrees of protection:

1. Class A - 18 inches or more in trunk diameter. Removal would be prohibited without a permit. Removal on street right of way would require a public hearing except in the case of a dead or badly diseased tree or one that would constitute a safety hazard.
2. Class B - most trees. Removal would require a permit except there would be no restriction against removal on the lot of any owner - occupied, single-family, or two-family residence.
3. Class C - those species that are fast growing or that are of questionable desirability as City shade trees because of excessive litter or undesirable growth habits. Removal would not require a permit except for those located in street rights of way and where wholesale removal would be proposed.

He also discussed the restrictions on the removal of trees:

1. Zone 1 - street and alley rights of way and easements, except vehicular traffic areas.
2. Zone 2 - set-back areas on platted lots, in accordance with current zoning.
3. Zone 3 - area not in Zones 1 or 2.

He stated that the ordinance would provide for the Parks and Recreation Department to administer. He filed other petitions totalling over 1,000 signatures.

He urged the Council to start the first steps toward protection of Austin's trees by referring this proposed ordinance to the Citizens' Board of Natural Resources and Environmental Affairs for study and further recommendations if necessary. He offered his services to the Council and the Board.

Councilman Lebermann moved that the Council accept the report and submit it to the Citizens' Board. The motion, seconded by Councilman Friedman, carried by the following vote:

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

DISCUSSION OF GOLF FEES

Mr. Mike Bennett, representing a number of interested citizens, appeared before the Council presenting a petition in opposition to the recently passed ordinance regarding golf fees. He read the petition in which was contained the following points:

1. The ordinance would deny some and severely limit most in their participation of golf.
2. City has not exceeded its budget regarding the golf courses for the last few years.
3. Ordinance, for the most part, is discriminatory against fixed and lower income segments of Austin.
4. Council has acted upon recommendations made by the Council-appointed Task Force whose recommendations were not in the best interests of the majority of the golfing population.

He, along with members of certain golf associations, wanted to express pleasure for being able to address the Council. He indicated that the fees were exorbitant, prohibitive, and unnecessary for the following reasons:

1. Exorbitant in that they are the very highest green fees in Texas. The new green fee including the surcharge is a 62.5% increase.

At this point, Mr. Bennett read a letter from Mr. David Duncan to the Council. Mr. Duncan indicated that he was an ardent golfer, but such excessive increases and unreasonable privilege limitations might cause him to play less often. He said it might cause less enthusiastic golfers to take up another sport. He felt that the new 50 cent additional charge seemed illegal and that the youth golf program might suffer due to such action. He expressed the feeling that a more moderate fee increase would be more beneficial to golf and to Austin than the rates going into effect. He stated that a man and his wife were restricted now in that they could no longer afford the privilege of playing golf with regularity and that for an avid golfer to play on a husband/wife membership, it would be an increase of over 300%.

2. Prohibitive in that it denies some and severely limits most lower and fixed income people from participation on the municipal golf courses. He expressed the belief that the majority of Austin golfers that do play golf on these municipal courses are in this lower and fixed income bracket.
3. Unnecessary in that the new fees would not produce the desired revenue for the construction of new golf courses.

He stated that their proposals were as follows:

1. Eliminate the surcharge completely.
2. The purchase of an annual membership at \$150 should warrant the playing of golf all seven days a week. (For a person to pay \$150 and play 40 weekends out of the year, it would be an increase of 400%.)
3. Husband and wife had previously paid \$150 for a husband/wife membership, but now they must pay \$150 each without the privilege of playing on weekends. (For them to pay \$150 each and then play 40 weekends would be an increase of over 600%.)

There was discussion as to the original proposal and to the effectiveness of golf becoming a self-supporting recreational activity. Mr. Dan Davidson, City Manager, did not recommend that the fees be reconsidered; however, he suggested that an accounting be submitted to Council of what could have come about with the original recommendations, what is going to come about with what the Council has adopted, and what the financial result would be pertaining to Mr. Bennett's suggestions.

Councilman Dryden moved that the Council reconsider these fees and that the ones concerned get together within two weeks with Mr. Davidson, Mr. Jack Robinson, Director of Parks and Recreation, and Mr. Berl Handcox. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

In conclusion, Mr. Bennett indicated that a lot of people had purchased memberships prior to this surcharge and upon purchase were told that they would not have to pay anything until next year. They now have to pay 50 cents extra for each round. He expressed the feeling that it would be in the best interests of these people that Council take action and release them from having to pay this surcharge plus eliminate the charge for the weekend fee. It was decided that this would also be discussed in the joint session.

REFUND CONTRACTS

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH JOE GILBRETH AND COMPANY, INCORPORATED AND EDGECLIFF REALTY COMPANY; BATTLE BEND SPRINGS, INCORPORATED; AND LAND EQUITIES, INCORPORATED AND CHEVY CHASE SOUTH, LTD.; AND DECLARING AN EMERGENCY. (Dove Springs, Section 1; Battle Bend Springs, Section 4; and Chevy South, Section 1)

The ordinance was read the first time, and Councilman Handcox moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ZONING ORDINANCES

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: AN 8,280 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 201-211 EAST 19TH STREET AND 1817-1819 BRAZOS STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" 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. (Mrs. O. P. Lockhart, C14-73-245)

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

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

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 7,460 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3408 BURLESON ROAD, FROM "A" RESIDENCE DISTRICT TO "BB" 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. (Randolph A. Haynes, Jr., C14-73-247)

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

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

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 A, PORTER HEIGHTS SUBDIVISION, LOCALLY KNOWN AS 3808-3812 MANCHACA ROAD, 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. (Eugene J. & Irene A. Jordan, C14-73-176)

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

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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

The Mayor 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 90.11 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

RECREATIONAL LIGHTING

The City Manager submitted a recommendation to the Council indicating that during spring and summer months organized recreational groups would be allowed to conduct one game per night under lights. Practice would not be permitted under this recommendation. Councilman Handcox moved that the Council approve the recommendation by the City Manager. The motion, seconded by Councilman Friedman, carried by the following vote:

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

SUNSET VALLEY

The City Attorney is presently working on matters pertaining to the City of Sunset Valley but requested more time.

POLICE DEPARTMENT COMPLAINT

Mayor Butler submitted a memo from Mr. Dan Davidson in connection with complaints rendered concerning Patrolman Rodell Roberts. It was stated that he had been involved in another brutality case in July, 1973. After investigation of this case, it was found that Officer Roberts was not involved in such a complaint. According to police personnel at the scene, Officer Roberts arrived after the incident occurred but apparently had been identified by a woman as having been directly involved. Police officers stated that he was in no way involved in this particular case.

UTILITY REFUND CONTRACTS

Councilman Friedman moved that the Council set a public hearing for March 28, 1974, at 1:00 P.M. to discuss the refund contract policy currently in effect. The present wording of Councilmen Friedman's and Binder's proposed ordinance was submitted to the City Attorney, Mr. Don Butler, for assistance in structure of rewording. Mr. Doyle Hickerson, President of Austin Association of Builders, welcomed the opportunity for a public hearing on this matter to discuss the benefits of the refund contract policy to the City and to the future home builders. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

ADJOURNMENT

The Council adjourned at 5:20 P.M.

APPROVED:


Mayor

ATTEST:


Acting City Clerk