

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 7, 1974

1:00 P.M.

Electric Auditorium  
301 West Avenue

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The meeting was called to order with Mayor Butler presiding.

## Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND ARTHUR R. ANDERSON, Austin Area Conference of Churches' Chaplain to Travis County Jail and Gardner House.

## AUSTIN DISTRICT SPECIAL OLYMPICS DAY

Mayor Butler read and then presented a proclamation to representatives of the University of Texas Cowboys proclaiming Saturday, March 9, 1974, as "Austin District Special Olympics Day." He indicated that once a year nearly 700 mentally retarded students from 20 Austin schools participate in athletic competition and that this event was the project of many organizations including the Darrell Royal Workshop, the Austin-Travis County Mental Health-Mental Retardation Center, and the Cowboys. The University of Texas Cowboys thanked the Council for the proclamation and invited them to attend the competition on Saturday, March 9, at 9:00 A.M. at the Veteran's Field.

## RECOGNITION - RESOLUTION

Mayor Butler read and then presented a resolution signed by himself and the other members of the Council to representatives of the Knights of Columbus of Austin and the Masonic Orders of Austin, who joined together to form the Austin Hospitality Organization. He stated that the Organization had voluntarily staffed the Brackenridge Hospital Emergency Room each Friday and Saturday nights from 7:00 P.M. to 1:00 A.M. since February, 1968. He urged everyone to extend a salute to the Austin Hospitality Organization as it starts its seventh year of service to the Hospital and the community. Mr. Russell Rowland,

one of the chairmen of the Austin Hospitality Organization, and Mr. B. H. Bland, representing the Ben Hur Temple, accepted the resolution and thanked the Council. Councilman Dryden expressed his appreciation to the Organization. (The City Clerk's Office failed to receive a copy of this resolution.)

#### RECOGNITION - UNIVERSITY OF TEXAS BASKETBALL TEAM

Councilman Dryden wanted the University of Texas basketball team to be officially recognized for their conference championship and indicated that this was a great honor to the University and to the City of Austin. He stated that he would pass on this appreciation to the team.

#### APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Regular Meeting Minutes of February 28, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

#### SOUTHERN UNION RATE ORDINANCE

Mayor Butler opened the continued hearing from February 28, 1974, on the amendment to Southern Union Rate Ordinance scheduled for 1:00 P.M. Mr. A. S. Granier, Vice President and General Attorney for Southern Union, appeared requesting that something be done to give them some relief from the deficit which had been a result of increased gas costs from LoVaca Gathering Company. He spoke of the meeting among Messrs. Don Butler, Jim Boyle, Frank Ivy, Rich Ellmer, and himself and expressed the opinion that it was a generally productive meeting. He reviewed the basic intent of the ordinance passed in May, 1971, as being one whereby Southern Union should be able to adjust its rates so as to make up for any increases in cost of gas which might be experienced during the three-year moratorium period established at that time. He also discussed the drafting of the original ordinance and the procedure involved in approaching the large deficit amount. He mentioned that in the first hearing they had requested an inclusion of an element for taxes, 2% payable to the City and 1.997% payable to the State; and it was the feeling of the majority of the Council that they did not feel that it was proper to pass this on to the public. He understood that there was some dissatisfaction with the way Southern Union had drafted their proposed ordinance. He submitted a redraft of this proposal eliminating the taxes and the lost and unaccounted-for charges.

Mr. Don Butler, City Attorney, was requested to give his opinion of this redraft. He felt that it did eliminate the undesirable elements but that it still did have a surcharge catch-up which would provide the mechanism

for becoming more current in their collections. He presented a summary of his recommendations, in which he mentioned the following alternatives:

- A. Mr. Granier's proposal - would eliminate the lost and unaccounted-for charges, eliminate the taxes but allow the surcharge and catch-up.
- B. Would net out the difference between the overcollections and undercollections and provide for a catch-up on that net amount only.
- C. Would provide that the undercharges which were failed to be collected in December would not be collected and Southern Union would refund the amount which they overcollected in the past months.

He thought that some account must be made of these past overcharges in some form or the other and, as suggested by Mr. Granier, felt that an audit of Southern Union's books to establish the definite amounts of over and undercollections should be conducted.

Mr. Granier mentioned that on March 6 they did file another report with the City reducing their rates so that they would be collected on a strict "fair bones" method contemplated by the ordinance. He agreed that there should be something done about the overcharges but was in question as to the method to be used. He stated that if cash refunds were made, they would not be able to take care of the deficit. He stated that if there was a refund, the way to do it would be by credit against future bills and should be done as promptly as possible. He indicated that they were suggesting a 10¢ per mcf charge to work off this back log; and if it were begun in April, it would probably be accomplished in September, but he could not speculate as to whether or not LoVaca's costs would fluctuate. He compared this to Mr. Butler's suggestion of a 5¢ per mcf charge. This would not accomplish the catch-up until January. In response to Mayor Butler's question as to whether LoVaca had any liability to Southern Union because of the low estimate given, Mr. Granier felt that LoVaca tried to give them the best estimate available and had not thought of bringing suit against them. Discussion was held on the possibility of Southern Union's holding back payment to LoVaca. Councilman Binder was in question about the possibility of this happening again.

In response to Mayor Butler's question about Council's not taking action and leaving the present ordinance in effect and Southern Union's possibility of ultimately getting this undercharge back, Mr. Granier felt that they could not. Councilman Dryden was of the opinion that the Company could. He again stated that the Council's responsibility was not only to the Company but also to the citizens. Mr. Granier stated that if there were no need for fair and equitable relief, they would not be there. He added that they had in mind to come back at annual intervals to request small percentages of increase so that it would become part of the ordinary run of business. He indicated that if the ordinance were not amended, they would request something written in so as to provide for additional working capital. He stated that they were proposing to swallow a flat amount of taxes and that this was a development of a situation over which none of them had any control, and they felt that they had worked hard to protect the people of Austin and that they should not be asked to bear this much of the burden of the failure of their efforts. In closing, he stated

that they recognized that the present ordinance was very poorly drawn and that they probably made a mistake in approving it.

Mr. Jim Boyle, President of Texas Consumer Association, wanted to make the following points:

1. Appeared that Southern Union was asking for equity, fairness and justice.
2. Question as to whether or not the Council should amend the ordinance at the present.
3. Southern Union had been notified by the City that as far as the unaccounted-for amount was concerned, this was outside the ordinance; but they continued to charge for it.
4. Southern Union had been notified that they were collecting for taxes which were not provided for in the ordinance.
5. Southern Union had been notified that the surcharge was outside of the ordinance.

It was the feeling of the Association that Southern Union had not come before Council in terms of "clean hands" and had taken money to which they were not entitled. He discussed Schedule 8 of the information which had been submitted to Council by Southern Union on February 28, 1974. Because of the fact that LoVaca could lower its rates, he felt that it would be important that the Council not take any action along the lines suggested by Southern Union and stated that he concurred with Option C.

Mr. Frank Ivy, student's attorney at University of Texas, stated that Mr. Butler's figures were excellent and that by passing the proposal the Council would waive its right and the citizens' rights to stop Southern Union from requesting a rate increase until May 12. Mr. Butler stated that his position was that they could file anytime they wanted to but that the entire ordinance would have a "gentleman's agreement" in it in that they would not request an increase again until May 12. Mr. Granier wanted to state for the record that they would not regard any action taken by Council at this time to have any bearing at all on their part to come back until May 12; and if the Council wanted to insert this as part of the ordinance, it would be perfectly agreeable with them.

Mr. Rich Ellmer, representing Austin Apartment Association, thought that the citizens should get their \$215,000 back and Council should not do anything under a crisis mode and should wait until May 12 and then study the matter. He felt that doing things without proper authorization did not seem right.

Mr. Granier mentioned that Mr. Boyle had misinterpreted Schedule 8, and he felt that the comparisons which Mr. Boyle had made between what had been done and what had been proposed were not valid. He stated that if they did not get relief, they would consider how refunds should be made. If no relief were the wish of the Council, he felt that Option C would be a reasonable way to do it in that it could be worked off over a period of time spreading it briefly but effectively and would not call for cash refunds. In reference to

Mr. Boyle's mentioning "clean hands," he confessed that when they came to Council they knew they were not following the precise letter of the ordinance but did feel that what they were doing was within the essential contemplation of the ordinance and what they were asking for in doing so was sufficiently reasonable and right and represented the true costs in a way that would receive Council's approval. He added that they had tried to get their hands as clean as possible and sincerely regretted not having had a "meeting of the minds."

#### Motion

Mayor Pro Tem Love moved that the Council close the public hearing and pass through all three readings the ordinance incorporating Option B, which would net out the difference between the overcollections and undercollections and provide for a catch-up on that net amount only. Councilmen Dryden seconded the motion.

Mayor Butler stated that the agreement was to let Southern Union pass on only the rate increase of the gas - the difference between what they paid at that time and what LoVaca would later charge them. He felt that the Council should not penalize Southern Union for what LoVaca had done.

Mr. Ivy stated that during the course of Southern Union's attempt to recover this deficit, they relied on an estimate from LoVaca that Mr. Granier had stated was an estimate he knew was not meant to be relied upon. He added that they had filed that estimate and put a loss on the citizens of Austin and now sought to recover it. He did not think that the City should be responsible for Southern Union's mistake.

#### Substitute Motion

Councilman Binder made a substitute motion that the Council close the hearing and pass through its first reading the following ordinance, which is Option C (which would provide that the undercharges which were failed to be collected in December would not be collected and Southern Union would refund the amount which they overcollected in the past months):

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 711014-E  
BY PROVIDING FOR CERTAIN ADJUSTMENTS TO THE RATES OF  
SOUTHERN UNION GAS COMPANY AND SUSPENDING THE RULE RE-  
QUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Mr. Don Butler stated that if the ordinance was finally passed that Southern Union would have to change their billing for the first of April to reflect the refunding of the overcharges.

## HISTORIC ZONING ORDINANCE

Mayor Butler opened the continued hearing from February 28, 1974, on the proposed Historic Zoning Ordinance. Councilman Lebermann indicated that there were two amendments to the proposed ordinance which he wanted to be approved. Councilman Friedman stated that one of the amendments would indicate that if an applicant, after applying for a demolition permit, had been denied, he would be required to delay refiling of this permit for 12 months, instead of 11 months. Councilman Lebermann stated that the other amendment had to do with the structure of the Landmark Commission. It would describe six organizations from whose membership the Council would select a citizen to serve on the Board.

Mr. Robert P. Fowler submitted a letter to the Council and made reference to one of the items mentioned in his letter. In reference to Section 45-54(b), providing a misdemeanor penalty of \$200 per day, he did not feel the ordinance should contain this policy. He urged the Council to comply with this request.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN OF 1967, AS AMENDED, BY ADDING A NEW ARTICLE IV ENTITLED "HISTORIC LANDMARK PRESERVATION"; PROVIDING A DEFINITION OF THE TERM "HISTORIC LANDMARK"; PROVIDING A DECLARATION OF POLICY; PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS BY THE CITY COUNCIL; PROVIDING CRITERIA TO BE USED IN DETERMINING HISTORIC LANDMARK DESIGNATION; PROVIDING FOR CREATION OF A HISTORIC LANDMARK COMMISSION AND PROVIDING FUNCTIONS FOR SAID COMMISSION; PROVIDING FOR ACTION BY THE PLANNING COMMISSION; PROVIDING FOR THE FILING OF HISTORIC LANDMARK DESIGNATION WITH TAXING AUTHORITIES; PROVIDING FOR THE REGULATION OF WORK ON THE EXTERIOR OF HISTORIC LANDMARKS; PROVIDING REGULATIONS AND PROCEDURES FOR THE DEMOLITION OR REMOVAL OF HISTORIC LANDMARKS; PROVIDING THAT HISTORIC LANDMARK DESIGNATION SHALL NOT EFFECT PRESENT USES; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved that the Council close the public hearing and waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, including the two amendments. Councilman Lebermann indicated that work was underway on his proposal for a revolving fund and that within the month he anticipated bringing this before Council for consideration. The motion, 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

The Mayor announced that the ordinance had been finally passed.

## ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled to be heard at 1:00 p.m. at this time. Pursuant to published notice thereof, the following zoning cases were publicly heard:

BILL MILBURN	2611-2615 Western Trails	From "O" Office
By Robert L. Davis	4600-4608 Sagebrush Trail	To "LR" Local Retail
C14-74-011		RECOMMENDED by the
		Planning Commission

Mr. Dick Lillie, Director of the Planning Department, indicated that the zoning change was requested so that a sign could be erected in the area. Mr. Robert L. Davis, representing the applicant, stated that the sign would be 22 feet high and 8 x 10 feet wide. He added that the sign would be in an area separated from any residential development.

Councilman Dryden moved that the Council grant "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: Councilman Binder

Not in Council Chamber when roll was called: Councilman Friedman

The Mayor announced that the change had been granted to "O" Office District and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. W. SAVAGE, ET UX	8300 Bowling Green Drive	From "A" Residence
By Robert L. Davis	2300-2304 Ohlen Road	To "B" Residence
C14-73-250		RECOMMENDED subject to
		restricting the tract
		to parking only; a 6'
		privacy fence on the
		north and east boundaries;
		and no access to Bowling
		Green Drive

There was a request that if the zoning were granted, that the ordinance be passed today. Mr. Lillie stated that if this were granted, there would be more requests from property owners. Mayor Butler read a letter from Dr. Richardson, in which she stated that if this were approved, she had the right to have her application granted. Mr. Lillie stated that she had not made application. Mr. Robert L. Davis, representing the applicant, indicated that this request would act as a better buffer for the property.

Mayor Pro Tem Love moved that the recommendation of the Planning Commission for "B" Residence District subject to conditions be upheld. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Dryden

Noes: Councilmen Binder, Friedman, Handcox

The Mayor announced that the change had been granted to "O" Office District, subject to conditions. The Mayor then 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 14, DIXIE TERRACE ADDITION, LOCALLY KNOWN AS 8300 BOWLING GREEN DRIVE AND 2300-2304 OHLEN ROAD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Dryden

Noes: Councilmen Binder, Friedman, Handcox

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HARDIN & CHESLEY, INC.  
By Doren Eskew  
C14-74-001

5529-5609 North Lamar  
Boulevard

From "C" Commercial  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission subject to a  
subdivision to identify this  
property and a building  
setback on North Lamar of  
45 feet to allow the City  
to purchase 1/2 the r-o-w  
(20') to expand this street  
to 120'

Mayor Pro Tem Love moved that the Council grant "C" Commercial 2nd Height and Area District as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmen Friedman,  
Lebermann



The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area District, as recommended by the Planning Commission, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN D. JONES  
C14-74-002

7905-7907 Brockman  
Street  
2209 North Plains

From "A" Residence  
To "O" Office  
RECOMMENDED by the Planning  
Commission subject to  
limiting access to Brockman  
Street

Mr. Lillie indicated that this was located on the interior of the neighborhood with no frontage on any major street. He added that once zonings were granted, it would lead to deterioration of the neighborhood through other zonings. The applicant, Mr. John D. Jones, stated that this was across the street from a open car wash and there was a lot of traffic. He felt that "O" would be a very good buffer. He added that all his neighbors wanted to see this rezoned.

Mayor Pro Tem Love moved that the Council grant "O" Office District as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office District as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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DANIEL H. GRACE &  
SANDRA S. STERZING  
(GRACE)  
C14-74-003

2313-2315 Thornton  
Road

From "A" Residence  
To "C" Commercial  
RECOMMENDED by the Planning  
Commission subject to 1/2  
the r-o-w (5') to increase  
Thornton Road to 60'

Mr. Lillie stated that this was an older area in South Austin on a very long dead-end street and was predominantly residential. The previous requests for "C" Commercial, which had been granted, had either been dismissed because of incom-pletion of requirements or their not being used for "C" purposes. He added that it was the opinion of the staff that rather than continue to zone "C", this tract should be more restrictive in its use.

Mayor Pro Tem Love moved that the recommendation of the Planning Commission for "C" Commercial District subject to conditions be upheld. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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DANIEL EDWIN LAMBERT  
C14-74-008

7904 Brockman Street

From "A" Residence  
To "O" Office  
RECOMMENDED by the Planning  
Commission, subject to a  
6' privacy fence on the  
northern boundary line

Mr. Lillie stated that this was across from Case No. 002  
and that granting this would instigate other requests.

Mayor Pro Tem Love moved that the recommendation of the Planning Commission for "O" Office District be upheld subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office District as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CLIFFORD R. THOMSON  
By William D. Lynch  
C14-74-012

7131-7137 North  
Lamar Boulevard  
721-731 St. John's  
Avenue

From "D" Industrial  
To "C-2" Commercial  
RECOMMENDED by the Planning  
Commission

Mr. Lillie requested that this be granted without conditions.

Councilman Friedman moved that the recommendation of the Planning Commission for "C-2" Commercial be upheld. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2" Commercial as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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EARL L. & LOIS  
KANETZKY  
C14-74-010

4711 Weidemar Lane

From Interim "A" Residence  
1st Height and Area  
To "D" Industrial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission subject to 1/2  
the r-o-w to increase  
Weidemar Lane to 80' and a  
subdivision

Mayor Pro Tem Love moved that the recommendation of the Planning Commission for "D" Industrial 1st Height and Area District be upheld subject to conditions. 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

The Mayor announced that the change had been granted to "D" Industrial 1st Height and Area District as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK G. BRYANT &  
H. W. CURINGTON  
By Ken Trewitt  
C14-74-005

510 West 35th Street

From "A" Residence  
1st Height and Area and  
"C" Commercial  
2nd Height and Area  
To "C" Commercial  
2nd Height and Area and  
"O" Office  
2nd Height and Area  
(as amended)  
RECOMMENDED by the Planning  
Commission as amended subject  
to 1/2 the r-o-w (5') to  
increase West 35th Street  
from 50' to 60'

Mayor Pro Tem Love moved that the recommendation of the Planning Commission for "C" Commercial 2nd Height and Area District and "O" Office 2nd Height and Area District (as amended) be upheld subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area District and "O" Office 2nd Height and Area District as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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BENNIE FOJTIK  
By C. B. Carpenter  
C14-74-007

111-203 Stassney Lane  
110-212 Sandra Street

From "A" Residence  
To "B" Residence,  
"GR" General Retail and  
"A" Residence  
(as amended)

RECOMMENDED by the Planning  
Commission as amended subject  
to a subdivision providing  
for streets (10' dedication  
and 30' purchase by the City  
on Stassney Lane)

Mr. Virgil Baker, 210 Ainsworth, wanted this to be  
delayed so that he could have more time to acquire signatures  
for a petition requesting this not be zoned to "GR". He stated  
that he would agree to "LR" Local Retail. It was noted that the  
Planning Commission had voted unanimously for this zoning change  
request.

Councilman Dryden moved that the recommendation of the Planning  
Commission for "B" Residence, "GR" General Retail and "A" Residence be upheld  
subject to conditions. The motion, seconded by Mayor Pro Tem Love, carried by  
the following vote:

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

The Mayor announced that the change had been granted to "B" Residence,  
"GR" General Retail and "A" Residence as recommended, and the City Attorney  
was instructed to draw the necessary ordinance to cover.

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The Council heard the following zoning change:

JACK L. FREY  
C14-74-006

5207 Woodrow Avenue

From "A" Residence  
To "B" Residence  
NOT Recommended by the Plan-  
ning Commission

Councilman Dryden moved that the Council close the public hearing and  
deny the above zoning request. The motion, seconded by Councilman Binder,  
carried by the following vote:

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

The Mayor announced that the change had been DENIED.

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The Council POSTPONED the following zoning changes:

P. M. BRYANT, ET UX By David C. Woodland, Jr. C14-74-009	112-114 Coleman Street	From "A" Residence To "B" Residence (as amended) RECOMMENDED by the Planning Commission as amended subject to a 6' privacy fence on the western and southern property lines; restricting the tract to parking only; and with no access to Coleman Street
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There was a request that this be postponed for two weeks. Councilman Handcox moved that the Council postpone the zoning change hearing until March 21, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilman Lebermann

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THOMSON & FITZGERALD C14-73-244	204 Stassney Lane	From "A" Residence To "GR" General Retail NOT Recommended by the Planning Commission Recommended "BB" Residence subject to a 6' privacy fence along the north and west boundaries of subject tract
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There was a request by the applicant that this be postponed. Councilman Binder moved that the Council postpone the zoning change hearing until March 14, 1974. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilman Lebermann

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The following zoning change was WITHDRAWN:

MRS. ADELE RICHTER By O. W. Richter C14-73-234	947-949 East 50th Street 4916-4918 Harmon Avenue	From "A" Residence To "O" Office NOT Recommended by the Planning Commission
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There was a request by the applicant that this be withdrawn. Councilman Dryden moved that the Council grant the request to withdraw. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilman Lebermann

#### RELEASE OF EASEMENT

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

A portion of a ten (10.00) foot sanitary sewer easement across Lots 3, 4 and 5, Block G, CIELO VISTA, SECTION ONE. (Requested by DAVIS-WEBB, Consulting Engineers, as agent for Construction Control, Inc., owner of said Lots 3, 4 and 5.)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmen Lebermann, Binder

#### RECREATION CENTER

Councilman Friedman moved that the Council name the new recreation center at 1100 Cumberland Road as the South Austin Recreation Center. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmen Lebermann, Binder

#### CONTRACTS AWARDED

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

Bid Award

- Office Furniture for Austin Transit  
System  
Urban Transportation Department

1. ABEL STATIONERS  
416 Congress Avenue  
Austin, Texas - Bid Items 3, 4, 6, 8, 10, 11, 13  
14, 16, 18, 19, 23-26, 29-34, and 42 -  
\$2,855.53
2. GENERAL OFFICE  
EQUIPMENT COMPANY  
837 West 12th Street  
Austin, Texas - Bid Items 1, 2, 5, 7, 9, 12, 15,  
17, 20-22, 27, 28, 35-41, and 43 -  
\$5,906.91

There was discussion held as to the manner in which the items were bid. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### OPENING OF TRANSIT FACILITY

The City Manager, Mr. Dan Davidson, took this opportunity to announce that the new transit facility would be officially opening about the third week in April, 1974.

#### EXTENSION OF LEASE AGREEMENTS

Councilman Handcox moved that the Council adopt resolutions authorizing the extension of lease agreements for Police Storefront No. 1 and No. 2, each for one year. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

#### ACQUISITION OF LAND FOR TOWN LAKE DEVELOPMENT

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 1905 Bergman Avenue, Parcel No. 9, (Apolinar Alvarez, et ux) for the expansion of Fiesta Gardens. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## ACQUISITION OF LAND - SPRINGDALE ROAD

Councilman Friedman moved the Council adopt a resolution authorizing the acquisition of 1118 Springdale Road (Gus V. Allen, et ux) for widening Springdale Road (East 5th Street to Airport Boulevard). The motion, seconded by Councilman Handcox, carried by the following vote:

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

## EQUIPMENT FOR NARCOTICS DRUG LABORATORY

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the City Manager to submit a grant application to the Texas Criminal Justice Division for "Supplementary Equipment for Austin Narcotics Drug Laboratory." The grant of \$25,000.00 will cover the total project cost, and there will be no local or City match required. 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

## METROPOLITAN AUSTIN CRIMINAL JUSTICE PLANNING UNIT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the City Manager to submit a revised grant application to the Texas Criminal Justice Division for the "Metropolitan Austin Criminal Justice Planning Unit." Contract period will extend from July 1, 1973, through June 30, 1974. Total project costs: \$31,400 - Criminal Justice Division support and City of Austin - \$0. 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

## ST. JOHN'S AREA NDP PLAN

The item listed on the agenda to consider rescinding previous resolutions passed on November 16, 1972, to consider designating St. John's area as an Urban Renewal Neighborhood Development (NDP) Program and to consider authorization for submitting St. John's NDP Plan to HUD as a part of Tex No. A-27 was not considered at this time.



## BICENTENNIAL APPLICATION

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing application to the American Revolution Bicentennial Administration, requesting endorsement of the City of Austin as a Bicentennial Community. 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

## HEALTH DEPARTMENT GRANT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the Health Department to accept a grant for the United States Department of Agriculture in the amount of \$192,084.00. The grant will provide funds to implement a supplemental Food Program for Women, Infants and Children (WIC). Contract period will extend from March 1, 1974 through June 30, 1974. 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

## ANNOUNCEMENT

Mayor Pro Tem Love took this opportunity to announce that his administrative assistant for almost two years, Ms. Nancy Wranitzky, would be leaving his employ to pursue a step further in her career. He expressed his appreciation for the outstanding work she had done for him and the City. He and other members of the Council presented her with roses. Nancy indicated that she had enjoyed working for Mayor Pro Tem Love and had no regrets. He then introduced her replacement, Mrs. Darlene Clemons, and mentioned that she was from El Paso and would begin on March 11, 1974.

Councilman Handcox then took this opportunity to introduce his new administrative assistant, Ms. Lois Watson, a University of Texas graduate; and he added that he was very happy "to have her aboard."

## LITTLE LEAGUE BASEBALL

Mr. Leon Hernandez, East Austin Lions, had requested to appear before the Council to discuss Little League Baseball; however, it was announced that this item had already been handled.

## GOLF FEES

Mr. Joe Liro, Budget Director, stated that since the initial presentation to Council on February 21, 1974, in reference to amending the golf fee ordinance, there had been a meeting among Messrs. Jack Robinson, Director of Parks and Recreation, Dan Davidson, Mike Bennett, representatives of the local golf associations, and himself and indicated that they were substantially in agreement as to what the request actually consisted of:

1. Lowering the basic green fees.
2. Eliminating the Capital Improvement Program surcharge.
3. Redefining the nature of the annual membership from a 5-day to a 7-day card.

He felt that these recommendations would double the deficit which the City had anticipated under the fees recently adopted by Council, increasing this deficit from some \$54,000 to over \$100,000. He added that the other important impact would be to cancel the Golf Capital Projects Fund which was set up following the establishment of the Capital Improvements Program surcharge. Mayor Butler mentioned that all the City's sports activities were not free-standing.

Mayor Pro Tem Love regretted that he was not present on February 21, 1974, due to illness, but stated that he had a transcript from a recording of this. He added that he must maintain the position that the golfing activity needed to do as well as it could within the framework of reality, and that would necessarily mean some sort of increase in fees must be applied. He stated that he and Councilman Handcox were essentially in agreement in regard to some relief to senior citizens, college golf players, and high school team players. He remarked that he had not had an opportunity to review these figures because of absence from the City and would like to have at least one week to further acquaint himself with these updated recommendations. It was decided that this would be resumed on March 14, 1974.

Mr. Bennett stated that they were in disagreement with the figures presented for the Jimmy Clay Golf Course in that they would produce considerably more revenue in fiscal 1974 than reported and wanted this to be considered in the report before next week. In reference to Mayor Pro Tem Love's question as to whether or not consideration had been given to a special 9-hole fee on an 18-hole course, Mr. Liro stated that there was not but added that there was a late-start fee. Mayor Pro Tem Love asked that this be included in the report. Mr. Bennett felt that a 9-hole fee on the other courses would be unenforceable.

It was announced that in the meantime the City would be continuing with the new rate structure.

#### 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 42.59 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, AND 232.59 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, ALL BEING LOCATED 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.

The ordinance was read the first time only, and Mayor Pro Tem Love moved the ordinance be passed to its second reading. 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

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 6, BEN WHITE COMMERCIAL SUBDIVISION, LOCALLY KNOWN AS 812 WEST BEN WHITE BOULEVARD AND 809 BANISTER LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIFTH HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, 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. (Odas Jung, C14-73-119)

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

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman  
Noes: None  
Not in Council Chamber when roll was called: 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 0.274 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1013-1015 ANDERSON LANE; 7813-7817 WATSON STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (L. D. England, C14-71-204)

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

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

Noes: None

Not in Council Chamber when roll was called: 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 HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 1 OF BLOCK "B" AND LOT 10 OF BLOCK "C," VILLAGE SOUTH SUBDIVISION, PHASE 2, LOCALLY KNOWN AS 5312-5410 PLEASANT VALLEY ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, 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. (Jagger Properties, Inc., C14-73-185)

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

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

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

#### IMPROVEMENTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS

SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Contract 74-Pa-110)

Councilman Dryden moved the Council waive the requirement for three readings, declare the necessity for and ordering of improvements to Burleson Road and other streets, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

#### CREEK ORDINANCE

Mr. C. W. Heatherly, Vice Chairman of the Planning Commission, wanted to apologize for not being at the public hearing on February 28, 1974, in reference to the proposed creek ordinance. He stated that the Planning Commission and the Citizens Board of Natural Resources and Environmental Quality were in basic agreement as to the wording of the proposed ordinance incorporating recommendations by the Planning Commission and the Environmental Board. However, he did want to make one change in the wording of Section 41-55:

"Drainage facilities in suburban subdivisions shall be installed in compliance with the regulations of the County."

He stated that as far as the intent, the ordinance was appropriate but indicated that it would have to be amended and added that there were areas that would have to be improved in the future. In reference to a recommended fee structure, the following was suggested by the City Manager, which he approved:

A permit	-	\$0
B permit	-	\$50
C permit	-	\$100

There was some discussion as to whether or not Council should adopt this fee structure at that time. Mayor Butler noted that the fees could be changed at any time.

Councilman Binder presented an amendment to Section 41-47.6 and Section 29-3.6 of the proposal which stated the following:

"That the proposed development - by itself or in combination with prior or future development - will not pose a potential environmental hazard to any lake within City jurisdiction which is used for purposes of general public recreation, or upon which the City owns public parkland, or which furnishes a portion of the public water supply."

On behalf of the Planning Commission, Mr. Heatherly felt that the wording was too general and broad in reference to "...potential environmental hazard..." Mr. Les Gage, Chairman of the Environmental Board, felt that the intent of the proposed amendment was good but thought it could be more specific in language in reference to "...prior or future development..." and "...potential environmental hazard..." He hoped that whatever was adopted the City could interpret, administer, and enforce. Councilman Binder requested the City engineer come up with another more concrete solution. Mayor Butler suggested that the Planning Commission and Environmental Board, as a group, consider and act on this proposed amendment.

The Council changed the wording from "City" to "County" in Section 41-55 and included the recommended fee structure as presented.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR THE INSTALLATION OF DRAINAGE DITCHES IN LIEU OF STORM SEWERS IN URBAN SUBDIVISIONS UNDER SPECIFIED CONDITIONS; PROVIDING DEFINITIONS FOR THE TERMS "DEVELOPMENT" AND "WATERWAY"; REQUIRING APPROVAL FOR DEVELOPMENT ON AND ALONG WATERWAYS IN URBAN AND SUBURBAN SUBDIVISIONS; PROVIDING DUTIES FOR THE DIRECTOR OF ENGINEERING; PROVIDING STANDARDS FOR THE APPROVAL OF DEVELOPMENT PLANS; PROVIDING FOR APPEALS OF DECISIONS OF THE DIRECTOR OF ENGINEERING; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING DEFINITIONS FOR THE TERMS "DEVELOPMENT" AND "WATERWAY"; PROHIBITING OBSTRUCTIONS IN WATERWAYS EXCEPT AS AUTHORIZED BY PERMIT; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; REQUIRING PERMITS FOR DEVELOPMENT ON AND ALONG WATERWAYS; PROVIDING DUTIES FOR THE DIRECTOR OF ENGINEERING; PROVIDING DUTIES FOR THE PLANNING COMMISSION; PROVIDING STANDARDS FOR THE ISSUANCE OF DEVELOPMENT PERMITS; PROVIDING FOR APPEALS OF DECISIONS OF THE DIRECTOR OF ENGINEERING AND THE PLANNING COMMISSION; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed. It was decided that Councilman Binder's proposed amendment be brought forward at a later date. Mr. Gage thanked the Council for the passage of the ordinance and wanted to acknowledge the fact that many citizens had a great deal of input into this, including the Austin Association of Home Builders.

#### BRACKENRIDGE HOSPITAL

Mr. James Pfluger, Chairman of the Brackenridge Hospital Board, appeared in connection with requesting approval of rate increases for Brackenridge Hospital, averaging 6% as approved by the Cost of Living Council. He wanted to discuss some items about the Hospital Board and some of the actions it had taken in fiscal matters. He stated that the Board felt that Council should appropriate funds in certain areas for health care and added that they were trying to itemize the various parts of the budget, thereby hoping to present Council with a realistic policy of additional fiscal matters as the Board would become more and more responsible in this arena. He indicated that they were pleased with the Hospital staff in initiating actions, policies, and guidelines resulting in a levelling off of the deficit for the first time in five years. He presented information to Council with a brief synopsis of items that were being looked into at the Hospital, all of which would result in a substantial savings.

The City Manager stated that real progress had been made at the Hospital in collections and hoped that Council would give favorable consideration to these rates as recommended.

Councilman Dryden moved that the Council adopt a resolution approving these rate increases for Brackenridge Hospital. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

## REFUND CONTRACTS

Mayor Butler brought up the following ordinance for its second and third reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CLARKE-FRATES CORPORATION, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (the Trails)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler brought up the following ordinance for its final 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; Chevy South, Section 1)

Mayor Pro Tem Love moved that the ordinance be finally passed. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.



## REVIEW OF ALLEGED POLICE MISCONDUCT

Mayor Butler presented the Council and the press with statements and recommendations on a more formal method of investigation concerning alleged misconduct by police officers and wanted the advice and suggestions of the Council. He requested that this be placed on the agenda for formal adoption on March 14, 1974. He added that in the meantime he would present this to the Austin Police Association and mentioned that he would be meeting with a number of citizens who had presented these items to Council in the past. He felt that the proposal would be fair, clear, quick, and final and should answer all problems and protect the rights of the complainant and the police officer.

Mayor Pro Tem Love felt that this was an excellent start and that the City needed to start somewhere. Councilman Handcox requested the consideration of the polygraph for the Civil Service Commission in exonerating both parties as quickly as possible, if this would be considered a constitutional tool to be used. Mayor Butler remarked that the City could not require anyone to take the polygraph test. The Mayor announced that the policy would require that these would be sworn proceedings under the penalty of perjury and the City would be obtaining the truth in the best legal manner available. He noted that the Civil Service Commission had agreed to serve and to hear these matters.

The City Attorney indicated that should this be adopted, it would establish a policy for handling these matters and would request the Civil Service Commission set this up as a part of their processes.

## TRANSIT MATTERS

The City Manager announced that a dual report would be presented covering the possible reduction of transit fares and conservation of energy in regard to transportation. Mr. Joe Ternus, Director of Traffic and Transportation, stated that his department reviewed the proposals submitted by Mr. Michael Smith, representing Save Austin's Valuable Environment, as requested by Council on February 14, 1974. He appreciated the efforts and cooperation of the group during this analysis and supported SAVE's goal of increasing ridership through low transit fares. He did not feel the necessity of conducting this fare experiment because of an additional cost of \$260,000 in operating subsidy and because of insufficient equipment. Instead, he suggested a specific program be initiated to conserve gasoline, more effectively utilize buses, and improve transit services. This program would include the following:

1. Park and Ride Program which would begin at the Fox Theatre with future sites in South and East Austin with stops at the University, State Capitol, and central business district areas. This would operate Monday through Friday from 7:00 to 9:00 A.M. and 4:00 to 6:00 P.M. with a 30 cent fare.
2. Taxi Pool Service for more direct service to Capitol and central business complex. The fare would be \$1.00 per person, with a minimum of 4 people.

3. Commuter Pass would allow for reduced fare and more efficient boarding procedures on transit system. This would operate Monday through Friday from 6:00 to 9:00 A.M. and 3:00 to 6:00 P.M. This pass would be utilized on all bus routes and would cost \$10 a month, a savings of \$2 per month.
4. Nonpeak Fare reduced from 30 cents to 15 cents. This would eliminate need for special tickets for senior citizens and handicapped persons. It would operate Monday through Friday from 9:00 A.M. to 3:00 P.M. and from 6:00 P.M. to 10:00 P.M. and all day Saturday and Sunday.

He added that this policy would allow them to recommend not just fare structure but the procedure for purchasing additional equipment and the means to provide revenue for financing of such an improvement.

In reference to Councilman Lebermann's comment pertaining to Mr. Smith's suggestions, Mr. Ternus stated that there was a substantial difference in figures.

After discussion, Councilman Lebermann moved that the Council set a public hearing on March 14, 1974, at 1:00 P.M. to further study this proposal. The motion, seconded by Councilman Binder, carried by the following vote:

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

#### SUNSET VALLEY

The City Manager indicated that although work was being conducted among the City and representatives of Sunset Valley, additional time was needed. He stated that an agreement would be presented to Council for consideration, and he hoped that he could present this on March 14, 1974.

#### NATIONAL FLOOD INSURANCE PROGRAM

A report on the National Flood Insurance Program was submitted by Mr. Jim Miller, Community Development Administrator; and copies were distributed to local engineers, home builders, architects, etc. The City Manager stated that if Council had any questions, Mr. Miller would be happy to assist in the interpretation. He requested no action be taken at this time but felt that the Council needed this report as a preliminary.

## ADJOURNMENT

The Council adjourned at 4:40 P.M.

APPROVED

*Ray Butler*  
Mayor

ATTEST:

*Grace Monroe*  
Acting City Clerk