

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 16, 1974

1:00 P.M.

Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

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

Absent: Councilman Handcox, Mayor Butler

The Invocation was delivered by DOCTOR HAROLD KILPATRICK.

MENTAL HEALTH MONTH

Councilman Dryden read and then presented a proclamation to Mr. Fred W. Day, President of the Austin Mental Health Association, proclaiming May 16 - June 16, 1974, as "Mental Health Month," and encouraged all residents to support the Austin Mental Health Association's annual Bell Ringer Drive, in which 2,000 persons would be attempting to raise \$17,000 for the Association, a non-profit corporation totally dependent on citizen donation. Mr. Day thanked the Council and indicated that in contributing toward the fight for mental health and against mental illness, the Association maintained an information and referral center in their office, distributed mental literature through the City, and conducted seminars and workshops for professionals.

PEARL HARBOR SURVIVORS ASSOCIATION DAYS

Councilman Binder read and then presented a proclamation to Messrs. Bill Harris and Joe Staley proclaiming May 18 and 19, 1974, as "Pearl Harbor Survivors Association Days," and called on all residents to join the Council in recognizing the Pearl Harbor Survivors Association and the members efforts in its patriotic role. He noted that the state-wide convention would be held on those days at the Chariot Inn.

APPROVAL OF MINUTES

Councilman Friedman moved the approval of the Special Meeting Minutes of May 9, 1974 (11:00 a.m.) and the Regular Meeting Minutes of May 9, 1974 (1:00 p.m.). Councilman Dryden seconded the motion.

Councilman Binder requested that the approval of the Special Meeting Minutes be postponed until May 23, 1974. Therefore, Councilman Friedman withdrew his motion, and Councilman Dryden withdrew his second.

Councilman Binder moved that the Council approve the Regular Meeting Minutes of May 9, 1974 (1:00 p.m.). The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

Not in Council Chamber when roll was called: Councilman Lebermann

HEARING ON REVOCATION OF
SAINT JOHN'S NEIGHBORHOOD DEVELOPMENT PROGRAM

Mayor Pro Tem Love opened the public hearing scheduled for 1:00 p.m. on the revocation of the Saint John's Neighborhood Development Program. Councilman Friedman noted that the revocation of the Neighborhood Development Program would not prevent the improvements in the area but would simply put them under another application. Mr. Jim Miller, Community Development Administrator, added that the revocation was primarily to speed up the improvement program which was in the design phase and should be ready to go to contract before the summer ended and would cost approximately \$1,400,000 in improvements. He further indicated that this would be revoking all HUD guidelines which the City would have to go through to do any kind of work in this neighborhood. Mr. Homer Reed, Deputy City Manager, noted that the plan had been adopted under federal guidelines and that there were no more Urban Renewal funds available for this project. He stated that the City needed to get "out from under the red tape" so that they could proceed with the project.

Mr. Gilbert Easley, Saint John's Neighborhood Group, stated that they accepted all the plans that had been presented to them and were willing to go along with the City.

Mrs. Sarah Hendricks, Saint John's Neighborhood Group, approved of the plans but wanted to know if all the streets were going to be closed. Mr. Miller indicated that the plan only specified that Bennett Avenue and Meador Avenue would not go through to Highway 183 because they were not open at the present. He added that there were three other streets that would open to 183.

Councilman Friedman moved that the Council close the public hearing and approve the revocation of the Saint John's Neighborhood Development Program with assurances that the program would continue under City auspice. The motion, seconded by Councilman Dryden, carried by the following vote:

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

RELEASE OF EASEMENTS

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

A portion of a public utilities easement five (5.00) feet in width in LOT 6 of the RESUBDIVISION NO. THREE OF BLOCK TWO, JAMESTOWN SECTION FOUR. (Requested by W. Harvey Smith, Registered Public Surveyor, agent for Don Becker, owner.)

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

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

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

A portion of the public utilities easements five (5.00) feet in width in LOTS 55, 56, 57 and 58 of the GRAY AND BECKER INDUSTRIAL SUBDIVISION. (Requested by Gray and Becker, Inc., owner.)

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

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

LICENSE AGREEMENTS

It was noted that the Council had before it consideration of the following license agreement: which had been postponed from May 2, 1974:

MR. FRANK G. NEWMAN - Permitting encroachment of structural columns and foundations of apartment buildings into a drainage easement of varying width in the west portion of LOT 2, BLOCK A, TOWNLAKE PLAZA, a subdivision. (Requested by Bob G. Wade, Architect, as agent for Frank G. Newman, owner.)

Mr. Reed indicated that a letter had been received from Mr. Martin Boozer, representing Mr. Newman, requesting that this be deferred for one week and added that the applicant had revised the proposal, and the staff was studying this and would present Council with a report the next week. In response to Mayor Pro Tem Love's question as to whether the alternate proposal had to do with the easement or with the construction of the fittings of the apartments, Mr. Reed indicated that it had to do with some possible modification of the easement to make it comply with City policy.

Councilman Friedman moved that the Council postpone this request until May 23, 1974. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

It was noted that the Council had before it consideration of the following license agreement which had been postponed from May 2, 1974:

AUSTEX DEVELOPMENT COMPANY, LTD. - Permitting encroachment by wooden-deck patios cantilevered over portions of a drainage and public utilities easement fifty (50.00) feet in width in the rear of LOTS 6, 9, 10, 11, 13 and 14, BLOCK N, FIRST RESUBDIVISION OF BLOCK N, QUAIL CREEK, PHASE 2, SECTION 3, (requested by Nash Phillips-Copus Company as agent for Austex Development Company, Ltd., owner.)

In response to Councilman Binder's question, Mr. Reed noted that these patios were overhangs from a balcony which extended over a portion of a drainage easement 50 feet in width; and the applicant was proposing the utilization of 5 feet for the balcony overhangs, with one of the units utilizing 8 feet. In response to Mayor Pro Tem Love's question, he indicated that there would be no construction within the easement. He further added that the staff recommended approval of this request.

Councilman Friedman moved that the Council adopt a resolution granting this license agreement. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

CONTRACTS AWARDED

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

LARSON-PUGH, INC. P. O. Box 5156 Austin, Texas	- For West Gate Boulevard Bridge over Williamson Creek in Cherry Creek, Section V, Phase I - \$139,359.00
--	--

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

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

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

BRUCE LUCKIE CONSTRUCTION COMPANY 6735 Highway 290 East Austin, Texas	- For street and drainage improvements assessment paving consisting of 10 units - \$315,915.80
---	--

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

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

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

WINKO-MATIC SIGNAL COMPANY 659 Miller Road Avon Lake, Ohio	- Flasher, Traffic Signal Equipment Urban Transportation Department Item 10 - \$5,049.00
--	--

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

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

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

B. L. HENDERSON & SON 1200 National Houston, Texas	- Fertilizer Parks & Recreation Department Item 1 - \$6,200.00
--	--

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

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

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

TRANS-TEX SUPPLY COMPANY, INC.	- 30" Butterfly Valves
4618 East 7th Street	Water Distribution Division
Austin, Texas	Item 1; 2 ea. @ \$2,881.83/ea.
	Total - \$5,763.66

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

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

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

WESTINGHOUSE ELECTRIC CORPORATION	- Modernization of Holly Unit No. 2
201 North St. Mary's Street	Turbine Rotor - \$81,490.00
San Antonio, Texas	

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

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

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

UARCO, INC.	- Continuous custom form paper -
P. O. Box 879	one part for Data Processing
Paris, Texas	Department; 4,000,000 forms @
	\$8.98/thousand F.O.B. delivered -
	Total - \$35,920.00

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

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

BRACKENRIDGE HOSPITAL DEVELOPMENT CONTRACT

The Council had before it the following contract for consideration:

B. L. McGEE CONSTRUCTION COMPANY	- For Phase II Development
AND B. L. McGEE, INC., a joint	Brackenridge Hospital
venture	

It was noted that a letter had been submitted to Council by Mr. David Deeds, member of the Brackenridge Hospital Board, requesting a week's delay on this matter. It was further noted that a report had been submitted to Council from the City Manager's office in regard to this recommending that the Council authorize a contract with the low bidder, B. L. McGee Construction Company and B. L. McGee, Inc., joint venture. Mr. Homer Reed, Deputy City Manager, noted that he had been present at the Hospital Board meeting on Tuesday, May 7, 1974, when the Phase II Development Program had been discussed in great detail. He added that the recommendation before Council represented the feeling of the Hospital Board, which, to his knowledge, had voted almost unanimously, and the feelings of the Brackenridge architects. He stated that the Board after considering four alternative methods of proceeding and after some discussion of some variations of those methods finally concluded that this was the best proposal and was the one that they recommended to Council at that time. He pointed out that the recommendation was a more or less contingent recommendation that the Council authorize the execution of the contract with the low bidder, B. L. McGee Construction Company and B. L. McGee, Inc., subject to some negotiations for deductions that had to be made for mechanical and electrical items to adjust for the deduction of the 10th Floor from the original bid as well as the deduction of the "ready foods" equipment. He indicated that the architects would negotiate with the low bidder concerning priority in establishing a final contract price with the understanding that the staff (in this case represented by the architects) would be authorized to negotiate on that basis. In response to Mayor Pro Tem Love's question, Mr. Reed indicated that the B. L. McGee firms were willing to accept the conditions such as those stated and added that it was merely a matter of working out some final details. He noted that the architects felt that some of the other economics could be obtained for the City without sacrificing any basic hospital facilities that were going to be built.

With regard to the request for a week's delay, Councilman Binder felt that a delay might be beneficial in order that certain questions might be answered. Councilman Dryden noted that he and Mr. Reed had been present at the Hospital Board meeting which had lasted approximately two hours, at which time discussion had been held on the contract bids. He complimented the Board for the hours spent on this project. He felt that this was the most practical program for the Council to accept and that a week's delay would cost the City a lot of interest. He believed that the staff and the Chairman of the Hospital Board Building Committee could answer the items in question.

Mr. H. C. Carter, Chairman of the Building Committee and Vice Chairman of the Hospital Board, noted that they had received three different bids on May 7, of which there was almost \$1 million difference between the two higher bidders and the third lowest bidder. He could not see why there was any need for a delay and asked the Council to approve this contingent upon their being

able to work this out in a satisfactory manner with the low bidder. In response to Mayor Pro Tem Love's question, Mr. Carter indicated that the Building Committee was unanimously in favor of presenting this proposal as stated.

Mr. David Deeds, member of the Hospital Board, noted that even though he was not a member of the Building Committee, he had requested to be invited to the various meetings in order that he might have his input into the meetings. However, he added that he had not received an invitation to the meeting in question. He felt that the proposal would be in the neighborhood of \$5.7 million which was \$1.7 million over what had been allocated for this portion of the budget. His proposal was that they consider estimating to determine if it would be economical to finish work on Floor 7 because plans were already in existence and consider the cost of adding elevators and putting in the central plant, already in specifications. He felt that this work would be well within the \$4 million allocated to this portion. He realized that this would require some additional work and would take the architects about five months to compile all the previous specifications to get a bid and that a six-month delay at 1% a month would cost \$240,000. In response to Mayor Pro Tem Love's question, Mr. Deeds asked that other things be done in connection with staying within the allocation on this portion of the budget. He felt that a week's delay would not cost anything because the bid was already in and asked that certain portions of the bid be omitted that they could not afford. In response to Mayor Pro Tem Love's question, Mr. Deeds stated that he was in opposition to the recommendation as presented to Council. In conclusion, he noted that the City should not be confronted with a \$30 million proposal when there was only \$19.8 million to be spent.

Mr. J. J. Seabrook, member of the Hospital Board and former chairman, noted that he had not seen the written request for a week's delay and added that work had been in progress for months and thought action was ready to begin. He felt that a delay would lead to a longer period of time which would cost more. In conclusion, he stated that the citizens wanted the building and hoped that the Council would vote to have it done at this time.

Mayor Pro Tem Love noted that the staff recommended this with the assistance of all citizen groups that had worked with the staff to approve this. Councilman Dryden moved that the Council approve the recommendations in regard to bids and the contract on the Brackenridge Hospital for B. L. McGee Construction Company and B. L. McGee, Inc., as presented by the staff. The motion, seconded by Councilman Friedman, carried by the following vote:

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

COST DIFFERENCE PAYMENTS

Councilman Lebermann moved that the Council adopt a resolution authorizing cost difference payment as follows:

Authorizing payment to the HORSESHOE BEND JOINT VENTURE the cost difference of 12"/8" water mains in Horseshoe Bend Subdivision - \$4,777.24.

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

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

Councilman Lebermann moved that the Council adopt a resolution authorizing cost difference payment as follows:

Authorizing payment to JONES AND LAKE DEVELOPMENT COMPANY the cost difference of 12"/8" water mains in The Creeks Subdivision - \$2,493.54.

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

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

SOIL INVESTIGATION AND ENGINEERING TESTING SERVICES

The Council had before it for consideration the selection of soil investigation and engineering testing services in connection with a Capital Improvements Program project. In response to Councilman Binder's question with regard to utilizing staff's ability, City Manager Davidson noted that this required very specialized work for which the City did not have the personnel or the equipment to perform the kind of tests that would be needed. In response to Mayor Pro Tem Love's statement, City Manager Davidson indicated that he would furnish him with a breakdown for the number of personnel for each recommended firm. Councilman Friedman moved that the Council select Trinity Engineering Testing Corporation for soil investigation and engineering testing services in connection with the following Capital Improvements Program Project:

U. S. 290 Reservoir (Capital Improvements Program Project No. 4055 1).

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

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

CONTRACT FOR PROGRAM APPROVED BY CRIMINAL JUSTICE COUNCIL

Councilman Friedman moved that the Council adopt a resolution authorizing a contract between the City of Austin and Development Assistance Rehabilitation, Inc., for conducting the Development Assistance Rehabilitation Employment/Education program approved by the Criminal Justice Council. Total funding will be \$74,568 with 100% provided by the Criminal Justice Council. Contract period will be from April 1, 1974, through March 31, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Lebermann, Mayor Pro Tem Love

Noes: None

Absent: Councilman Handcox, Mayor Butler

Not in Council Chamber when roll was called: Councilman Dryden

ACQUISITION OF LAND FOR RUNDBERG LANE

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 930 East Rundberg Lane (3,980 square feet of land out of the John Applegait Survey No. 58), Trinity Evangelical Free Church, for widening and paving Rundberg Lane. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

Not in Council Chamber when roll was called: Councilman Dryden

AGREEMENT FOR HANDICAPPED PROGRAM

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into an agreement with Texas Rehabilitation Commission for the City's participation in the New Careers for the Handicapped Program. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

Not in Council Chambers when roll was called: Councilman Dryden

ACTION TAKEN ON BONDS AND COUPONS

It was noted that the Council had before it consideration of bids opened on May 13, 1974, for a Paying Agent for the City of Austin General Obligation and Revenue Bonds issued on or after May 1, 1974, and a Destruction Agent to account for and destroy City of Austin Obligations issued on or after May 1, 1974. In response to Councilman Binder's question, Mr. Norman Barker, Finance Administrator, noted that this was a function which called for additional employees; and normally it was only the larger banks that handled this type of business, a very specified type of business of accounting for and paying off bonded indebtedness of the City. He added that for years the City had

specified in its bond sales themselves just one New York City bank and would let the purchaser of the bonds designate the City of Austin Bank, limiting it to these four banks because they had the capitalization and size necessary. Councilman Lebermann remarked that given the spread of the interest between the banks in their bids, apparently one or two of the large banks did not want it either. Mr. Barker felt that they did but added that the cost of this service was \$1.25 per bond and \$.10 per coupon; and it was the sheer size of the proposed issues in the future that made some people "sharpen their pencils." He indicated that the last bond and coupon would mature 30 years from now. In response to Councilman Lebermann's question, Mr. Barker stated that the low bidder for the combination of both services was \$.53 for bonds and \$.09 for coupons; and the high bidder was \$2.50 for bonds and \$.12 for coupons.

Councilman Friedman moved that the Council adopt a resolution accepting the bids opened on May 13, 1974, and authorized the American Bank as Paying Agent for City of Austin General Obligation and Revenue Bonds issued on or after May 1, 1974, and as Destruction Agent to account for and destroy City of Austin Obligations issued on or after May 1, 1974. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

POSSIBLE DISPOSITION OF PROPERTY

The Council had before it for consideration the possible disposition of 819 West 10th Street and 15A Chicon. In response to Councilman Binder's comments in connection with the property located on 10th Street, Mr. Joe Morahan, Director of Property Division, noted that this was the last house in the area and was a vacant house fronting on 10th Street. He added that the house had been bought in December, and the people had moved out around the first of April and had gone through bid procedures. He indicated that the controversy had been more connected with the extension of 9th Street which was not in existence rather than the widening of 10th which was already there and very narrow. He further stated that regardless of what happened to the land or the streets, that was the only house in that area and was in the middle of a tract of land surrounded by City-owned property.

With regard to the property located at 15A Chicon, Councilman Friedman requested that action be postponed on this until after June 6, 1974. Councilman Friedman moved that the Council adopt a resolution authorizing disposition of property as follows:

Accept negative bid - to be demolished only

Ralph Hudson, Jr.	819 West 10th Street	\$150.00
-------------------	----------------------	----------

and postpone action on the following:

Clarence Cullen Company	15A Chicon	\$191.00
-------------------------	------------	----------

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

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

ACTION TAKEN ON PARCELS FOR URBAN RENEWAL PROJECTS

Councilman Lebermann moved that the Council authorize the following in connection with Urban Renewal Projects:

1. Authorizing sale of structure at 307 East 16th Street, Parcel 15-14. (Brackenridge Urban Renewal Project, Tex A-11-4.)
2. Authorizing disposition of Parcel R-77-A together with improvements consisting of a rehabilitated single-family residence. (Glen Oaks Urban Renewal Project, Tex A-11-4.)

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

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

SELECTION OF RATE ANALYST

Mr. Dan Davidson, City Manager, stated that the City was anticipating that Southern Union Gas would approach the City Council requesting further adjustment and an increase in retail gas rates to Austin customers. In order that the City properly analyze this request and provide information to Council in a manner that would help Council reach a decision, he noted that Mr. Don Butler, City Attorney, had assembled names of three consultants, which had been submitted to Council, who were all capable of doing this task. He requested that Council select one of these to provide the expertise needed at that time.

There was discussion held with regard to one of the recommendations. It was noted that Mr. George Hess had worked with the City very closely on the Lo-Vaca matter. In response to Mayor Pro Tem Love's question with regard to the estimated costs for the service, Mr. Butler indicated that this would be difficult to anticipate and would depend upon the extent of the investigation and the degree to which the matter would be contested. On the low side he estimated \$10,000; and on the high side, \$25,000. He added that under City Charter, the cost of the analyst would be charged to Southern Union and would ultimately be charged back to the rate payer.

Councilman Lebermann moved that the Council select Mr. George Hess of Hess & Lim as consultant with regard to this matter. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

REQUESTED LEASE OF CITY-OWNED PROPERTY

Dr. Lester Kitchen, representing Delwood Northeast Optimist Club, appeared before Council requesting permission for the Delwood Northeast Optimist Club to lease City-owned property. He presented maps to the Council, diagramming the location of the requested property. They requested 22,000 square feet or more which was bounded on the north by East 51st Street, on the south by Old East 51st Street, and on the east by trees adjacent to a creek. He noted that they had submitted a letter to Council requesting a lease option for this land in order to put a Club house on it. He added that they had been offered a building by a local church which was a temporary structure, and they were in the process of trying to move it. In speaking with City Manager Davidson, he stated that new ideas had been brought up which might be more beneficial both to the area of the City and the Club as well.

Mr. Davidson indicated that as had been done in the past, he sent the afore-mentioned letter out to City departments and several came up with ideas the City should explore before Dr. Kitchen made any final proposal to the Council. He noted that the alternates involved something that might be beneficial to the Club on more of an immediate basis through the possible use of a new facility at the park acquired in the northeast area, the Dottie Jordan Park. He also wanted to look at several alternate sites possibly even across the road, adjacent to, and in connection with some other proposed City facilities at Bartholomew Park. He suggested that Dr. Kitchen meet with Mr. Joe Morahan, Director of Property Division, and Mr. Jack Robinson, Director of Parks and Recreation, for the purpose of exploring these alternates; and when they were ready, they would come back later to Council and help Dr. Kitchen make a proposal.

Mayor Pro Tem Love explained to his colleagues that this was not a vague observation because Mr. Davidson did have specifics in mind which would be contiguous to the Park itself and which might be more beneficial to both parties. He added that the conditions under which an agreement might be worked out were important and should be stated at that time. Mr. Davidson stated that an additional building was needed in Bartholomew Park, which he thought was the type of building the Club was talking about. He wanted to develop a cooperative agreement whereby the Club would raise and put up with the City a certain percentage of construction funds toward a new standard park building of which they could make use, and the City could use for various recreation programs that would need this kind of facility. He felt that 20 years from then both parties could look back and be pleased that they went after a more permanent facility in a more ideal location.

Mayor Pro Tem Love asked Dr. Kitchen if he had seen the agreement which Council approved that had been initiated for the Junior Achievement which was a 10-year lease. Because Dr. Kitchen had not, Mayor Pro Tem Love asked that he be provided with a copy of this agreement. In response to Councilman

Lebermann's question, Dr. Kitchen indicated that he was in agreement with the suggestions and recommendations that had been made. In response to Mayor Pro Tem Love's question, Mr. Bill Morris, President of the Optimist Club, felt that this was an excellent suggestion and that the area could use the facilities as described.

Councilman Lebermann moved that the Council instruct the City Manager to expedite in conversation with the Club and Dr. Kitchen the plan as outlined in relation to the Bartholomew Park building. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Councilman Handcox, Mayor Butler

CONSIDERATION OF LAKE AUSTIN DEVELOPMENT PLAN

Mr. Charles C. Cleland, President of Save Our Lake Association, appeared before the Council in reference to a request for consideration of a Lake Austin Development Plan. He submitted a letter to Council from the Association from which he read. Because they believed that a comprehensive plan for land use and development within the drainage basin of Lake Austin was needed, they thought it imperative that immediate action on a more limited scale be taken to prevent irreparable harm to the Lake. They requested that serious consideration be given with regard to the following steps:

1. Amend pertinent ordinances so as to assure that development of land near the shores of the Lake (perhaps to a distance of 2,000 feet) would be low-density. A Lake Shore Zoning District should be established and applied at once to suitable land on the Lake within the City's territorial limits and extended later as annexation were to occur. Only detached single-family dwellings should be permitted in this district. Minimum lot size standards should be upgraded. Building set-back lines such as those now applicable to streets should be established to prevent building too close to the Lake shore. Special attention should be paid to provisions to lessen pollution of the Lake as land were to develop.
2. Adopt a policy that no subdivision or planned unit development near the shores of the Lake (perhaps within 2,000 feet) be approved until completion of a Lake Austin development plan.
3. Annex a strip of land (perhaps 2,000 feet wide) encircling Lake Austin in order that all of the City's powers may be brought to bear on this problem.
4. Adopt a flood plain ordinance in conformance with federal regulations.

He noted that the afore-mentioned had been approved unanimously by members of the Association attending a meeting on May 7, 1974. He thanked the Council for the opportunity to present this.

On behalf of the Council, Councilman Lebermann thanked Mr. Cleland for his early and continued interest and for the excellent recommendations. He reported that he would be meeting with the City Manager's office and with department heads in relation to about three projects:

1. Some review and study which he hoped would result in some policy declarations and action in relation to strip annexation and annexation policies generally.
2. Inclusion of all or part of Lake Austin in the Lake District Zoning.
3. Highland Lake land use and environmental impact statements on the order of magnitude which Mr. Cleland had set out in this instance.

Because of the impetus of this group and others, he noted that there would be a policy before Council on this matter in the very near future. Mr. Cleland thanked Councilman Lebermann and the other Council members for their interest in this very important issue.

REQUEST FOR ABANDONMENT

It was noted that Mr. Martin Boozer, representing Mr. Frank Newman, had requested to appear before the Council with regard to a request for abandonment of a portion of the right of way of South Lakeshore Boulevard contiguous to Lot 2, Block A, Town Lake Plaza Subdivision. In response to Mr. Boozer's written request, this matter was postponed until May 23, 1974.

AMENDMENT TO SOUTHERN UNION GAS FRANCHISE

Upon the request of City Attorney, Don Butler, the following item was postponed until May 23, 1974:

First reading of ordinance amending the Southern Union Gas Franchise, Section 3, to provide that the Grantee of the franchise shall retain ownership and control over and access to all pipelines conveying unmetered gas; providing for Grantee to install yard line gas pipes carrying unmetered gas at an estimated actual cost per lineal foot; providing for certain filing of cost data to support the estimated actual cost; and providing that Grantee shall maintain all pipes installed by Grantee.

Councilman Handcox entered the Council Chambers at this point.

ZONING ORDINANCES

Mayor Pro Tem Love introduced the following ordinance:

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

- (1) A 122,956 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 8231-8305 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND,
 - (2) A 1.94 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8526-8542 BURNET ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (3) LOT 1, McCULLOUGH PLACE SUBDIVISION, LOCALLY KNOWN AS 6008-6026 MANOR ROAD AND 2819-2829 WHELESS LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Stark Roofing Co., Inc., C14-74-033; Sam Robinson, C14-74-039; Clarence McCullough, et al, C14-74-043)

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

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

Noes: None

Absent: Mayor Butler

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

Councilman Dryden announced that the ordinance had been finally passed.

The following ordinance was introduced to the Council:

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

THE EASTERNMOST TWENTY-SIX FEET OF LOT 2, LESS THE NORTH FIVE FEET, OF THE RESUBDIVISION OF LOT 19, BLOCK B, NORTHGATE ADDITION, LOCALLY KNOWN AS 901 TAULBEE LANE, FROM "B" 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. (Jackson T. & Mary E. Bayless, C14-74-047)

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

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

Noes: None

Absent: Mayor Butler

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

Councilman Dryden announced that the ordinance had been finally passed.

The following ordinance was introduced to the Council:

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

(1) LOTS 4, 5 AND 6, BLOCK 11, ALTA VISTA SUBDIVISION, LOCALLY KNOWN AS 4205-4209 MARATHON BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(2) TRACT 1: LOTS 1 AND 2, R. E. AUSTIN SUBDIVISION, SAVE AND EXCEPT, THE SOUTHERNMOST ONE HUNDRED FEET, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE SOUTHERNMOST ONE HUNDRED FEET OF LOTS 1 AND 2, R. E. AUSTIN SUBDIVISION, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT;

LOCALLY KNOWN AS 830-854 EAST ANDERSON LANE; AND,

(3) LOTS 7 AND 8, BLOCK 10, HYDE PARK 2 SUBDIVISION, LOCALLY KNOWN AS 3909 AVENUE "C," FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Mrs. James L. Rice & Emelia W. Vickland, C14-74-045; Republic National Life Insurance Company, C14-74-040; Stephen P. Anderson, C14-74-034)

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

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

Noes: None

Absent: Mayor Butler

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

Councilman Dryden announced that the ordinance had been finally passed.

TROLLEY CAR STUDY

It was noted that a report had been submitted to Council from the Urban Transportation Department on the preliminary analysis of a trolley system in the central area, which was in response to Council's inquiry. The Council accepted the report; but because Councilman Lebermann requested additional time for further review and discussion, this was postponed until May 23, 1974, so that the entire Council might be present.

ANNUAL AUDIT REPORT

Mr. William Harrison, Director of Finance, appeared before Council and presented the City's Annual Financial Report for 1972-73 which had been audited by the Council-appointed auditors, Main LaFrentz & Company. He introduced two representatives of the firm, Messrs. J. B. Carter and Jim Tom Barton. He noted that the report had in it a copy of the Certificate of Performance which was received last year based on the annual report for 1972 which was a joint effort of the City and the auditing firm. He indicated that the City was very

grateful to them for their assistance in Austin's getting this award. In conclusion, he stated that he was presenting this report to Council for their consideration.

CASH SETTLEMENTS

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

C. L. R. DEVELOPMENT, INC. - C. L. REEVES, President - for 60%/40% cash settlement for water and wastewater services in Resubdivision of Parker Heights, Section 1-A. Estimated cost of installation - \$1,380.00. City's share at 60% - \$828.00.

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

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

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

JONES AND LAKE DEVELOPMENT COMPANY - for 60%/40% cash settlement in lieu of refund contract for water main installed in The Creeks Subdivision. Total cost - \$4,935.00. City's cost at 60% - \$2,961.00.

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

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

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

PARKSHIRER, LTD. - MARY LOU SHIRER AND TED J. PARKS - for 60%/40% cash settlement for water and wastewater service in Parkshirer Addition. Estimated cost of installation - \$1,280.00. City's share at 60% - \$768.00.

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

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

REFUND CONTRACTS - FIRST READINGS

Mayor Pro Tem Love 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 THE HORSESHOE BEND JOINT VENTURE; GRAY AND BECKER, INCORPORATED; AND SPRING CREEK ESTATES, INCORPORATED. (Horseshoe Bend Subdivision, Gray & Becker Industrial Subdivision, Spring Commercial Park)

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

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

APPROACH MAIN CONTRACT

Mayor Pro Tem Love brought up the following ordinance for its first reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JONES AND LAKE DEVELOPMENT COMPANY. (The Creeks Subdivision)

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

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

REFUND CONTRACTS - SECOND READINGS

Mayor Pro Tem Love brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD.; JESS WEBB AND BILL DAVIS; AND BURBA-CLARKE DEVELOPMENTS. (Royal Oaks Estates, Section III-A; Austin Highlands, Section 3; Angus Valley Annex, Section 3)

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

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

HEARING SET REGARDING FIESTA GARDENS AREA

Consideration of the possibility of setting a hearing with regard to homes in the Fiesta Gardens Area being acquired by the City was now before Council. Councilman Friedman appreciated the fact that the staff was preparing a report on this but felt that the Council needed to hear what the citizens had to say about this project. He added that there had been some concern about the City's purchasing homes and land from some people around Fiesta Gardens for expansion to the effect that some were wondering if these people needed to be moved at all; and if so, were they being moved with all the help the City could give. City Manager Davidson noted that as a result of these inquiries, the staff had been working on the problem and that there might be a number of questions Council would want to look at, such as:

1. Is the full extent of the plan to extend the park area around Fiesta Gardens?
2. Is the estimated cost of completing the plan under the Capital Improvements Program?
3. What could be available to citizens who were being relocated as a result of this acquisition?
4. What other governmental assistance might there be, if any?

He felt that to hold a public hearing without Council's at least being provided this information ahead of the hearing might create some handicap that could be avoided. He noted that the report could be completed by May 30, 1974, and suggested that Council receive the report and decide at that time whether or not a public hearing should be held. There was discussion by Councilman Friedman to the effect that he wanted the hearing regardless of what the report determined. Mr. Davidson noted that the City had agreed at the request of the Council to delay any additional acquisitions until this matter could be resolved. There was further discussion by Councilman Dryden with regard to the number of people involved. It was determined that there were 15 or 20 home sites involved. There was discussion as to the different points that would be presented at the hearing.

After further discussion, Councilman Friedman moved that the Council set a public hearing for a Special Called Meeting on June 6, 1974, at 7:00 p.m. in the Electric Building Auditorium for the purpose of discussing the Fiesta Gardens matter. The motion, seconded by Councilman Binder, carried by the following vote:

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

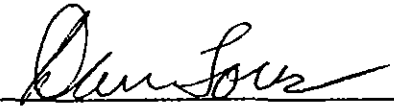
GOLF FEE ORDINANCE

Upon Councilman Handcox's request, consideration of the Golf Fee Ordinance was scheduled for May 23, 1974.

ADJOURNMENT

The Council adjourned at 2:50 p.m.

APPROVED


Mayor Pro Tem

ATTEST


City Clerk