

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 9, 1973  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

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

The Invocation was delivered by MR. ED. KIRKHAM, Fire Chief.

## APPROVAL OF MINUTES

Councilman Friedman moved the Council approve the Minutes of the Regular Meeting of July 19, 1973. The motion, seconded by Councilman Binder, carried by the following vote:

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

## ANNEXATION HEARING

Mayor Pro Tem Love opened the public hearing scheduled for 10:00 A.M. on the following annexation. No one appeared to participate. Mayor Pro Tem Love moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

Total of 57.91 acres of land out of the Theodore Bissel League:

21.33 acres of land - WHISPERING OAKS IV. (requested by Jeryl D. Hart, Jr., Engineer for the owner, Caroline Realty Company)

36.58 acres - CHERRY CREEK PHASE III, SECTION FOUR and unplatted land. (initiated by the City of Austin)

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

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

#### PROCLAMATION

Mayor Pro Tem Love read a Proclamation citing the Northwest Little League as one of the top four Little League Teams in Texas. Mayor Butler has called on all residents to join in recognizing the accomplishments of this organization and the young men. The Council recognized Mr. Irby who commended these eleven and twelve year old boys.

#### APPOINTMENT ANNOUNCED

Mayor Butler announced the appointment of Mr. Robert Howell as the new Associate Municipal Judge of the Municipal Court. Mr. Howell expressed his appreciation for the vote of confidence the Council has bestowed upon him.

#### SPECIAL PERMIT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the City Manager to issue a special permit to the AMERICAN BANK for construction of ten (10) tree wells in the sidewalk area in front of the new AMERICAN BANK building on West 6th Street between Colorado Street and Lavaca Street. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 10:00 A.M., August 23, 1973, to consider annexing the following:

554.29 acres of land out of the John Applegait and Willis Avery Surveys - LANSFORD SUBDIVISION, unplatted land, and portions of RUTHERFORD LANE and CAMERON ROAD. (initiated by the City of Austin)

162.88 acres of land out of the Santiago Del Valle Grant - unplatted land and a portion of PARKER LANE. (initiated by the City of Austin)

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

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

#### EASEMENTS RELEASED

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

A portion of an existing drainage easement out of Lot 5, Block G, HERMAN BROWN ADDITION NO. 2, SECTION 5. (requested by the owner, James M. Patterson)

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

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

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

Three (3) portions of an existing fifteen (15.00) foot drainage easement out of Lot 6, AVAN SUBDIVISION. (requested by Hal D. Brown, representative for the owner Jack Peevey)

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

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

## CONTRACTS AWARDED

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

AUSTIN ROAD COMPANY  
Austin, Texas

Capital Improvements Program Project  
No. 8631 0  
For Garrison Park, Parking Lot and  
Access Road Improvements, Contract  
Number 73-PARD-125 - \$32,638.00

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

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

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Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

AUSTIN PIPE & SUPPLY CO.  
Austin, Texas

Bid Invitation #3-1521  
1500 Traffic Sign Posts - \$10,185.00

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

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

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Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

GOODWILL INDUSTRIES OF AUSTIN  
Austin, Texas

Bid Invitation #3-1409  
Reconditioning of 1576 Auditorium  
Theater Seats - \$25,373.60 plus \$1.05  
per chair requiring new foam cushion.

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

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

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Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

LEHIGH STRUCTURAL STEEL  
Allentown, Pa.

Bid Invitation #3-1499  
32 each Steel Transmission Line  
Towers - \$138,035.00 - for a 138 KV  
line between South Lamar Boulevard  
and Commons Ford Substation.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

RIVERSIDE INDUSTRIES, INC.  
Fort Worth, Texas

Bid Invitation #3-1397  
32 each Steel Transmission Line  
Structures - \$178,991.46 - for a 138  
KV line between Hi-Cross Substation  
and South Lamar Boulevard.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

MUNICIPAL CODE CORPORATION  
Tallahassee, Florida

Bid Invitation #3-1471  
Prepare and Print Supplements to City  
Code Book - Two (2) year Supply Agree-  
ment with authorization for City  
Manager to exercise one (1) year  
extension - \$11.00 per page.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contracts:

Displacement Type Cold-Water Meters and Compound Type Cold-Water Meters - Supply Agreement:

ROCKWELL MANUFACTURING CORP.  
Houston, Texas

Bid Invitation #3-1405  
Bid Item No. 1.1: 2800 @ \$ 21.74 each  
Bid Item No. 1.2: 50 @ \$ 51.74 each  
Bid Item No. 1.3: 150 @ \$102.00 each  
Bid Item No. 1.4: 50 @ \$168.74 each  
Bid Item No. 2.3: 5 @ \$1,810.00 each  
Bid Item No. 2.4: 1 @ \$2,763.90 each  
TOTAL: \$99,009.90

HERSEY PRODUCTS, INC.  
Dallas, Texas

Bid Invitation #3-1405  
Bid Item No. 2.1: 12 @ \$519.15 each  
Bid Item No. 2.2: 15 @ \$875.05 each  
TOTAL: \$19,355.55

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

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

COST DIFFERENCE

Councilman Dryden moved the Council adopt a resolution authorizing payment to Jerry N. Wallace for cost difference of 12"/8" water main in Quail Creek, Section IV, Phase III - \$1,483.13. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

LICENSE AGREEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the Missouri Pacific Railroad Company to install a 12 inch ductile iron water main beneath the Missouri Pacific's railroad tracks at Engineer's chainage station 204+50 in southeast Austin, Texas for the Overmeyer Warehouse project. Cost to the City of Austin: \$100.00. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## CASH SETTLEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing 60/40% cash settlement with Buford Stewart for the installation of water and wastewater utilities in Crockett Heights, Section 1, Resub. of Lot 1, Block C. Estimated cost of water service installation is \$218.00, owner's share @ 40% is \$87.20; City's share @ 60% is \$130.80. Estimated cost of sewer main extension is \$175.00, owner's share @ 40% is \$70.00, City's share @ 60% is \$105.00. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## SALE OF STRUCTURE

Councilman Handcox moved the Council adopt a resolution authorizing sale of structure as follows:

Accept positive Bid - To be Moved

CHARLES CARLOW      3608 South First Street      \$1,268.00

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

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

## GRANT APPLICATION

Mayor Pro Tem Love moved the Council adopt a resolution authorizing submission of a grant application to the United States Department of Agriculture from the City-County Health Department to implement a diet supplement program for Women, Infants, and Children (WIC). The total cost is \$386,400 to be provided by the United States Department of Agriculture for the 10 month program. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## EQUAL EMPLOYMENT OPPORTUNITY

Councilman Friedman moved the Council adopt a resolution authorizing the Personnel Department to contract with the Texas Department of Community Affairs for the operation of the Equal Employment Opportunity Compliance Project through June 30, 1974. Total cost of the Project is \$24,874, (\$17,531 of Federal funds and \$7,343 in-kind services). The motion, seconded by Councilman Handcox, carried

by the following vote:

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

#### RESTRICTIVE COVENANT

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to execute a restrictive covenant stating that from and after such time as the City owned property located at Pershing Drive and Redwood Avenue is no longer used by Junior Achievement of Central Texas, Inc., that no use shall be made of said property except as provided under "A" Residence 1st Height and Area Classification of the Zoning Ordinance. This covenant was a condition to granting "C" Commercial zoning for Case C14-73-070 on May 10, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

#### ARTS AND CRAFTS FAIR

Councilman Friedman moved the Council grant the usage of Auditorium Shores on Town Lake on September 22, 23, 1973, for the seventh "Sertoma Poor Boy Arts and Crafts Fair" as requested by Mr. Ronald Bird, President, and Members of the Northwest Sertoma Club. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### HEARING SET

Mrs. E. E. Watkins, representing her mother, Mrs. G. E. Emmons, asked the Council to schedule a tax appeal hearing as soon as possible on the tax evaluation on properties located at 1004 and 1006 West 31st Street.

Councilman Lebermann moved the Council set the hearing at 2:00 P.M., September 13, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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



## 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 22.27 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 9.18 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE WILLIAM BARTON LABOR AND PARTLY OUT OF AND A PART OF THE HENRY P. HILL LEAGUE; 118.91 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE; AND 48.25 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.

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

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

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 7, BLOCK 2, EDMONT ADDITION; LOTS 6-9 AND VACATED AREA BETWEEN LOTS 5 AND 6, BLOCK 1, EDMONT ADDITION; LOTS 16-21 AND NORTH 45 FEET OF LOT 23, BLOCK 17, PEMBERTON HEIGHTS, SECTION 8; LOT 29 AND SOUTH 36 FEET OF LOT 27, BLOCK 17, PEMBERTON HEIGHTS, SECTION 8; LOTS 5-10, BLOCK 12, FIRST SECTION OF PEMBERTON HEIGHTS; LOTS 1, 2, 7, 10 AND WEST 40 FEET OF LOT 3, BLOCK 3, FIRST SECTION OF PEMBERTON HEIGHTS; LOTS 1-5, PEMBERTON HEIGHTS, SECTION 4; LOT 16, PEMBERTON HEIGHTS, SECTION 11; LOT 3, DARSEY SUBDIVISION, RESUBDIVISION OF LOTS 3, 4, 5 AND 6, AND A PORTION OF LOT 2, BLOCK 3, PEMBERTON HEIGHTS, SECTION 1; LOTS 4-25, OUTLOT 10, DIVISION "Z", SHOAL TERRACE SUBDIVISION; LOTS 26-35, OUTLOT 10, DIVISION "Z", SHOAL TERRACE SUBDIVISION; LOTS "A" AND "B", BEN H. POWELL SUBDIVISION; A 13,504 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2919-2923 WOOLDRIDGE DRIVE; A 26,136 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1409-1411 WOOLDRIDGE DRIVE; A 37,026 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1107 GASTON AVENUE; A ONE ACRE TRACT OF LAND, LOCALLY KNOWN AS 1109 GASTON AVENUE; AN 18,281 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1200-1202 GASTON

AVENUE; AND A 19,602 SQUARE FOOT AND A 1,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1201-1203 CLAIRE AVENUE, FROM "A" RESIDENCE DISTRICT TO "AA" 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.

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

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

- (1) LOT 14, SECTION 3, WILLIAMSON SUBDIVISION, LOCALLY KNOWN AS 511-517 KREBS LANE; 3813-3817 SOUTH 1ST STREET; AND 512-518 FORT McGRUDER LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
  - (2) LOT 10, RESUBDIVISION OF LOTS 21, 22 AND 23, BLOCK "A," NORTH GATE ADDITION, LOCALLY KNOWN AS 1013 AGGIE LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,
  - (3) A 3,900 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3428 GREYSTONE DRIVE, FROM "LR" LOCAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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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:

A 41,040 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4108-4112 SOUTH 1ST STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 4, BLOCK 3, PLEASANT GROVE ADDITION, LOCALLY KNOWN AS 3903-3905 PETERSON AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 8, WENDLANDT'S SUBDIVISION, LOCALLY KNOWN AS 1807-1809 KINNEY

AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT;  
SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;  
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE  
SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

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

(1) LOTS 7, 8, 9 AND 10, BLOCK 13, HYDE PARK SUBDIVISION NO. 2,  
LOCALLY KNOWN AS 303-305 WEST 39TH STREET; 302-306 WEST 38 1/2  
STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B"  
RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,  
(2) A 1,673.5 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5700  
BURNET ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL  
DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY,  
TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES  
ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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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, SHELL SUBDIVISION, LOCALLY KNOWN AS 8212-8220 NORTH  
INTERSTATE HIGHWAY 35 AND 700-708 EAST POWELL LANE, FROM INTERIM

"A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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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 13,397 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2611-2613 WESTERN TRAILS BOULEVARD; 4600-4608 SAGEBRUSH TRAIL, FROM "BB" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### ITEM POSTPONED

The Council postponed at this time the consideration of proposed Revenue Sharing Budget.

#### SUBSTANDARD STRUCTURES

Mayor Pro Tem Love moved the Council approve the recommendations from the Building Standards Commission and authorize the Legal Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

- |                                |                                    |
|--------------------------------|------------------------------------|
| a. 1204 East 3rd Street        | Raymond F. Foster                  |
| b. 1303 (A) East 6th Street    | James W. Whiteaker & S. O. Gourley |
| c. 2409 Santa Rosa Street      | Lewis & Robert Quintero            |
| d. 1702 South 6th Street       | Charles J. Bauser                  |
| e. 2207 (Rear) East 9th Street | Mrs. Olin M. Harrell               |
| f. 1623 (B) West 12th Street   | Mildred Bartels                    |

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

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

#### ENCLOSURE OF SWIMMING POOLS

At the appointed hour, Mayor Butler opened the hearing on enclosure of swimming pools.

Mr. Schwarzwald, Managing partner and General Manager of the Villa Capri Hotel, stated they operated two pools at the Villa Capri classified as semi-private pools. This ordinance concerns the pools of the hotels and motor hotels, and he wanted to express opposition to the ordinance, because fences around the pools would detract from the appearance and he believed the fences are unnecessary. The experience they had with their pools would justify consideration from the Council in this matter. He stated, to his knowledge, there had never been a child fatality in the City of Austin in a swimming pool of a hotel or a motor hotel. Their employees were instructed to closely observe these pools. Representatives from the Ramada Inns and Chariot Inn were of the same views. As to a retroactive ordinance, he personally was of the same attitude; and in fairness to those who build motor hotels in the future, he stated the ordinance would create problems to those people.

Councilman Friedman added there were many cities in Texas requiring this protection, naming Midland, Dallas, Pasadena, and Waco.

Mr. Ken Zimmerman, Austin Association of Builders, commended Councilman Friedman and members of the Council on this ordinance. Architects, planners, and builders had said the enclosure could be designed in an attractive manner and would protect the public in general. He said they were behind anything to improve the safety of homeowners or apartment dwellers.

Mayor Butler inquired if anyone had any facts on any sort of accidents, or if the ordinance would be preventing something that does not happen in the first place. Councilman Handcox stated he had planned to ask for a delay of any kind of decision, as he had requested his aide to seek out this kind of information. At this time, he had not been able to come up with such information.

Councilman Binder asked if the four foot height would be measured from the inside or the outside of the fence. Brief discussion followed. Councilman Friedman stated the justification was in the safety and welfare of the community.

After different ones in the audience had expressed their opinions, Councilman Friedman stated he did not believe it should be retroactive, thus putting no one to any hardship.

Motion

Councilman Friedman moved the Council pass this ordinance with the exception of applications to hotels and motels because of their proven safety record.

Substitute Motion

Mayor Pro Tem Love offered a substitute motion, that this matter be delayed until final decision on September 13, and secure as much information and support as possible. Later Mayor Pro Tem Love withdrew his motion.

Substitute Motion

Councilman Handcox moved the delay be for one week. The motion was seconded by Councilman Lebermann.

Substitute Motion

Mayor Pro Tem Love offered a substitute motion to compromise and asked for the information to be brought back on August 30. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler announced the hearing would be resumed at 10:00 A.M. on August 30, 1973.

AN APPEAL FROM THE DECISION OF THE  
PLANNING COMMISSION

Mayor Butler opened the public hearing at the scheduled hour on an appeal from the decision of the Planning Commission granting Doyle Hickerson and E. J. Revell a Special Permit to build five two story townhouse units called "Glenview Gardens" located at 2900 Glenview, Jefferson Street and 29th Street. The appeal was filed by Rosanne G. Potter, Esta Land and Lucette Sharp, postponed from July 19, 1973.

Mr. Joe Lading reported they had worked with Mrs. Revell and Mr. Hickerson and that he was the spokesman for the neighbors, some 150 or so families who had signed the petition against this. Two meetings were held, and Mr. Hickerson and Mr. Revell, with the aid of a City planner, modified their site plan which calls for the construction of four townhouses which will look very much like two-story houses instead of the five townhouses all on a row. Mr. Lading stated he need not say anything further except at their meeting. No one voted against the permit and it has been a happy compromise. He stated they do not oppose the granting of the special permit along the lines of the site plan under consideration--four lots and four townhouses.

Planning Director Lillie stated the Council would approve the site plan as revised, and he recommended that a copy should be on file with the City Clerk's Office as well as with the Planning Department, and also the Council would want to reduce the building setback on Glenview from 25 feet to 20 feet. The plan has been verified and checked with the Legal Department and the Building Inspection Department for compatibility.

Councilman Handcox moved the Council approve the Special Permit with requirements to approve the site plan as revised, and that a copy be filed with the City Clerk's Office as well as with the Planning Department, and to reduce the building setback on Glenview from 25 feet to 20 feet. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ORDINANCE TO ALLOW LATER HOURS FOR THE  
SALE OF ALCOHOLIC BEVERAGES

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; 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 was seconded by Councilman Binder.

Mayor Butler stated this was not a public hearing, as the hearings were held sometime before; however, he recognized those who wanted to be heard.

Ms. Barbara O'Chester spoke in opposition to extended hours, pointing out many problems and bad effects.

Mr. Warren Smith, spoke for 25 members of his immediate family who were against the drinking.

Ms. Vicky Hickman addressed her remarks to the three objectors. She listed other cities who were able to extend the hours due to the required population. Ms. Hickman spoke for the passage of the ordinance and the extended hours.

The Council members discussed the ordinance and the viewpoints heard from the audience.

Councilman Dryden addressed himself to Ms. Hickman, since she had directed her remarks to the three Councilmen that on many occasions had discussed and voted against this. He suggested that this extended hours would affect the citizens of Austin to such an extent that he thought when the Council is passing something of



this magnitude, that the citizens should have an opportunity to vote on it.

Substitute Motion

Councilman Dryden offered a substitute motion that this issue be taken to the people of Austin and let them judge. The motion was seconded by Councilman Lebermann.

Discussion was held briefly on a time to set such an election, noting the earliest possible opportunity would be with the bond election, which probably would be held in the fall. City Attorney Don Butler pointed out that this issue would be a straw vote.

Councilman Dryden's motion failed to carry by the following vote:

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

Original Motion

Mayor Pro Tem Love's motion carried by the following vote:

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

AMENDING SECTION 21-37 - AUSTIN CITY CODE

The Council had before it an amendment to Section 21-37, Austin City Code of 1967 to determine locations for the prohibition of right turns on red movements at signalized intersections as well as the prohibition of left turns on red movements at the signalized intersection of two one-way streets where left turns would otherwise be permissible by direction of traffic flow upon the streets.

Councilman Binder asked if the high traffic intersections were taken in or if only selected intersections among high traffic intersections were included. Mr. Joe Ternus, Director of Traffic and Transportation, explained how the various changes were chosen. Extensive discussion was held on the various intersections.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967, BY ADDING TO CHAPTER 21, ARTICLE III, SECTION 21-37, A NEW SUBSECTION "X"; PROVIDING ADDITIONAL AUTHORITY TO THE TRAFFIC ENGINEER TO PROHIBIT CERTAIN TURNS ON RED SIGNALS AT INTERSECTIONS CONTROLLED BY TRAFFIC DEVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### ACQUISITION OF LAND

Councilman Dryden moved the Council adopt a resolution authorizing the acquisition of certain land for the Commons Ford Electric Substation and for an easement in relation thereto:

1.82 acres of land out of and part of the Isaac Perkins Surveys  
No. 37 and No. 38 and a strip of land out of and part of a 548.98  
acre tract.

F.M. 2244 - Southwest Auto Chlor Systems, Inc. - Partial Acquisition.

Councilman Binder expressed concern about the wires and their exact locations. It was explained that this area is existing right of way at this time and they are utilizing it as much as possible to keep from duplicating the right of way. Councilman Binder stated that was good, as this is a beautiful area. It was stated that Mr. DeFord and members of the Arts Council had been very helpful in reaching some of the recommendations and he wanted each member of the City Council to know that they appreciated these people.

Councilman Dryden's motion, seconded by Councilman Binder, carried by the following vote:

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

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN  
REFUND CONTRACTS WITH FOREMOST LIFE INSURANCE COMPANY AND CLEAR  
CREEK PROPERTIES, INCORPORATED; SUSPENDING THE RULE REQUIRING THE  
READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN  
EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN  
REFUND CONTRACTS WITH NORWAL, INCORPORATED; SUSPENDING THE RULE  
REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND  
DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Dryden  
Noes: Councilmen Binder, Friedman  
Present But Not  
Voting: Mayor Butler

#### STREET VACATION

Mayor Butler introduced the following ordinance:

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

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 Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### 1973-74 ANNUAL OPERATING BUDGET

Mayor Butler stated this is a presentation of the 1973-74 Annual Operating  
Budget which the Manager gave the Council last night. The Council agreed to  
review this with the staff next Wednesday.

City Manager Davidson stated last week the Council had approved the major policy documents for the City of Austin, and that is the Capital Improvements Program for the next five years, which is the major plan of action for the City of Austin during the coming fiscal year. He stated he was very proud of the work done by the Department heads, the Administrators, Mr. Liro and his Budget Staff, Deputy City Manager Reed, and Mr. Cootes and his Department who are responsible for the design of the cover and printing. He stated as the Council gets into the work sessions with those department heads and administrators, it would find they are prepared to discuss the budget and to relate their recommendations to existing City Council policy. City Manager Davidson stated the budget does not require a tax increase nor is one recommended. It does include a cost of living increase for city employees currently on the payroll. That increase reflects a new increase of about 13% over last year's budget, and this represents the lowest percentage increase in an annual budget for Austin in more than four years. He was pleased with the recommendation as it comes to the Council, and they are now prepared to answer questions and to await the decisions the Council makes in connection with any or all of the recommendations.

Mayor Pro Tem Love moved the Council set August 23, 1973, 10:00 A.M. for hearing the Budget. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### WATER AND WASTEWATER POLICY ALTERNATIVES

Mayor Butler announced that this is the second hearing on the water policy outside the City limits.

City Manager Davidson recognized the interest of those particularly affected by this policy, as well as the concern of the Council in making its decision. He recommended that the Council consider three aspects:

- (1) Whether or not utility districts are to be allowed; if so, under what conditions.
- (2) Continuation of annexing on to water districts and under what conditions. This could be a second policy covering a trunk line charge.
- (3) As the Council had indicated, it wanted to stop refund contracts outside the city limits; and if this is the case, he suggested that this be expressed as a policy of the Council.

Mayor Pro Tem Love called attention to having a specific cut-off date if the policy is to be changed. A number of applications are pending and in order to be fair to everyone, he suggested today's date, August 9, 1973, as the cut-off date; and whether or not it would be granted would be whether or not the final plat had been recorded prior to this date.

Motion

Councilman Friedman moved that the Council direct the City Manager to prepare and submit for Council approval an amendment to the City's Utility Refund Policy providing that utility lines constructed and added to the City's utility system outside the City limits shall not be eligible for refund contracts unless the final subdivision plat of the area being served was recorded before August 9, 1973. The motion was seconded by Councilman Binder.

In discussion to the motion, a gentleman from the audience, representing his client, pointed out his final plat is approved with all necessary paraphernalia input subject to the August 14 meeting of the Planning Commission. This decision would put the client in a real bind. He believed there were others in the same position. Another question arose that if a subdivision is subsequently annexed, would there be no refund contracts provided. Deputy City Manager Reed replied the refund policy inside the City limits, as it reads, would make available to developers a refund on a depreciated basis at the time it comes into the City limits, depreciation at a rate of 3% per year.

Lengthy discussion ensued. Mayor Butler stated this policy would seem to be in line with the overall viewpoint of not subsidizing or encouraging development outside the City and creating other problems.

Amended Motion

Councilman Friedman amended his motion concerning the plats that are approved for submission, changing the date to August 14 instead of August 9.

Mayor Pro Tem Love stated the firm date for cut-offs would be Tuesday night, August 14. Mr. Reed said it would be those which had been approved but where all improvements had not yet been made. If the necessary bond or letter of credit had been posted, it would qualify. Councilman Friedman concurred.

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

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

Deputy City Manager Reed stated that the five items dealing with Municipal Districts or Utility Districts, had been discussed with the Council and developers, as to whether or not the Council would decide to disallow a district because it is within an area to be annexed by the City; or if the district does not fall into that category, as to what conditions would be allowed in the creation of such a district.

Councilman Binder brought up for discussion costs chargeable to the district and its inclusion of the necessary engineering and construction required for installation of water and sewer systems, etc., by bond sale. He inquired if the City would then be picking up those costs. He stated at least the engineering and construction should be paid by the developer. This question was discussed in detail with Councilman Binder, City Manager Davidson, and Mr. Tom Curtis, who had

suggested that the engineering and construction costs be included within the bonds, and the engineering directly relating to the construction of water and sewer be included in the same manner in which the City does. City Manager Davidson stated the first option under this policy was that requests for water or utility districts would be denied in areas which can be provided with City water supply and sewer services within three years. If an annexation is to come about within a short period of time, the creation of the district should never be favorably considered.

City Manager Davidson observed that the Council has accomplished the purpose it had asked the Administration to design. After discussing it with Mr. Curtis, Mr. Hooper, and others, he believed the Council has a policy before it that is acceptable and is a step to correct problems outside of the corporate limits. Since they now have a freeze on certain applications, City Manager Davidson asked that the Council consider the broad policies so that they could proceed to the next step.

Councilman Binder brought up for discussion the amount of open space or park land that should be dedicated to public use and title placed with the district. He asked about the percentage amount.

Mayor Butler pointed out the disadvantage of handling the open space on a percentage, as some of the land might be up and down hills or gulleys that qualify percentage wise, but would not make useable park sites. Mayor Pro Tem Love reiterated each case would have to be dealt with in its peculiar fashion.

#### Motion

Mayor Pro Tem Love moved the Council approve the policy as recommended by the Staff and City Manager. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### Water Policies Outside the City Limits

##### 1. Water or Utility Districts

Motion: It is the policy of this Council:

a. That request for water or utility districts will be denied in areas which can be provided with City water supply and sewer services within three years;

b. That requests for water or utility districts will be individually studied in areas which cannot be served by the City's established water and sewer system within three years, and a course of action will be developed to provide utility services to the area in the manner which is most equitable to present and future residents of both the City and the area requesting service;

c. That, where a water or utility district is considered to be the most equitable method of providing water and sewer service, a contract be entered into with the owner or developers with the district as a third party beneficiary providing that the owner or developers will provide for the payment of all items of expense that are not directly connected with the provision of water and sewer services within the area to be served;

d. That any water or utility district which is approved be limited in size to the area deemed by the City Council to be a logical first phase of development; and,

e. That individual contracts developed in accordance with this motion be prepared and submitted to the City Council for final action.

## 2. Trunk Line Charge

Motion: That the City Manager be instructed to prepare and submit for Council approval the necessary ordinance to establish a trunk line charge for the extension of water service to new structures or developments outside the City Limits, in accordance with the rates and other provisions outlined in Law Department Memorandum #2.

## 3. Refund Contracts Outside the City Limits

Motion: That the City Manager be directed to prepare and submit for Council approval an amendment to the City's utility refund policy providing that utility lines constructed and added to the City's utility systems outside the City Limits shall not be eligible for refund contracts unless the final subdivision plat of the area being served was approved by the Planning Commission no later than August 14, 1973.

## 4. Other Recommendations

All other recommendations contained in the report on out-of-City water service relate either to the administration of existing contracts and City-owned districts or to new requests for the purchase of wholesale water. Recommendations on these items will be prepared in the proper form and will be placed on an early agenda for action.

Deputy City Manager Reed announced a considerable number of requests pending for annexation to water districts, and this is the only way now of permitting service to connect to the City services outside the City limits other than by individual contract. He expressed the need of a general statement of policy, and suggested the approval of the trunk line charge. In line with the formula developed, Mr. Reed's suggestion was that the charge for the trunk line be based on a cost per living unit of \$21.00 per 1,000 feet up to 1,250 houses or living units. In the event a development exceeds 1,250 houses or living units, the fee would be determined on the actual cost for the larger lines above 16 inches. The cost per unit decreases, but the fee should not exceed the actual cost.

Mr. Reed noted the \$21,00 figure would apply to about 98% of the subdivisions. In answer to Mayor Butler's inquiry, Mr. Reed, as an example, stated The Anderson Mill had been calculated to be 12,000 feet. This multiplied by 21 would be about \$250 per residential unit. Anderson Mill was large enough that if the developers wanted a contract on the entire tract, they would get a reduced rate, which is \$10.77 or \$11.00.

Councilman Lebermann noted if there were an extension of three miles for 100 dwelling units, that would be uneconomical; and in those cases, the Council would obtain and exercise the option to deny.

Mayor Butler was concerned that the City made enough profit from this. Mr. Reed made a comparison of the policy now with refund contracts with the developer's putting in the mains. Under this formula, the City would run the lines and this would produce adequate revenue on a cash flow basis to take care of the City's need for additional expenditures. This policy outside the City limits provides that the developer or property owner pay for the lines.

Councilman Lebermann brought up the rates outside of the City. Mr. Reed stated the cost of running the approach main or trunk lines out to the subdivision would not be profit making; but any profit should come through the rate for the use of water, and this is under study now.

City Manager Davidson said the charge should be adequate to recover the total costs, including everything that would normally be charged in the total cost. For the rates, they could charge their total operating and maintenance cost plus a normal expense required to benefit, and to protect the assets of the system and the equity of the ownership of the system. Mr. Davidson pointed out the water systems were currently operating in the red, and he emphasized these recommendations are committed to correct that situation included in the rate study. Mr. Davidson also stated the pro-rata share of the operation of the finance department was being figured in. Discussed also was a fair rate of return.

Mr. Tom Curtis had not discussed these procedures with the developers and there were some situations he would like to study further. Several others asked for more time on these items. Mr. Davidson called attention to the applications on hand ready to annex to the water districts, and they cannot be released until the policy is approved.

Councilman Friedman moved the Council instruct the City Manager to bring back an ordinance that would set up the trunk line charge based on the cost considered and at the City Manager's convenience. The motion, seconded by Councilman Binder, carried by the following vote:

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



## TRAVIS COUNTY COURT HOUSE PARKING

Councilman Friedman had asked that the item of Reserved Parking on West 11th Street for the Travis County Court House be placed before the City Council. Deputy Sheriff Woody Stein and Sheriff Frank requested that the parking meters on the north side of 11th Street be eliminated.

Deputy Sheriff Stein requested 10 parking spaces on the north side of the Court House for patrol cars only for the City, the Sheriff's Department, and also for the Department of Public Safety. He pointed out the hazards and inconvenience at this time. As to the completion of the Garage, Deputy Sheriff Stein stated the project was running behind now, but it is to be completed this fall. Deputy Sheriff Stein told Mayor Butler this proposal is only temporary, and the spaces would be released when the garage was ready for occupancy.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-31 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO SUBSECTION (1) PROVIDING FOR A NO PARKING AREA EXCEPT FOR MARKED POLICE, SHERIFF AND DEPARTMENT OF PUBLIC SAFETY VEHICLES ALONG A DESIGNATED PORTION OF THE SOUTH RIGHT-OF-WAY LINE OF GUADALUPE STREET; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

## INCORPORATION OF LAKEWAY

At the scheduled hour, Mayor Butler opened the item regarding the incorporation of Lakeway, Mr. Jack McCreary made the presentation.

Mr. Jack McCreary, representing Lakeway Civic Association and the 167 property owners at Lakeway, stated they had petitioned the Council to hear this application for permission to incorporate by virtue of provisions in the Statutes.

The developers of the Lakeway subdivision own about 5,000 acres. Their application contained basically the original 18 sections in Lakeway which is a developed area with 1200 lots encompassing virtually all of the established homes, the Inn, the Marina, and the Lakeway Golf Course.

Mr. McCreary is a resident of Austin, but he has a home at Lakeway. He pointed out the great growth of Lakeway over the past years. By subsequent sales and creation of some problems, he personally believed the time is right to receive

permission to incorporate Lakeway in order to protect the people and the investment of their property rights. By the City's annexing areas on both sides of the lake, Lakeway falls within the Austin territorial jurisdiction. According to officials in the Planning Department, it would be from 10 to 20 years before there would be annexation scheduled for the Lake Travis area. He reviewed the organization and procedures. A straw vote was taken to see how the people would respond; and of the registered voters at Lakeway, the vote was 178 to 71 in favor of incorporation. The non-resident property owners and non-residents voted 229 to 73 in favor of incorporation. Now they have a mandate to come before the Council from the people petitioning for permission to incorporate.

Mr. McCreary emphasized that these people are not petitioning to incorporate to evade taxation or avoid being taken in by the City of Austin, but on the contrary, he stated this was a fine community with fine homes of substantial investments of people who have retired. They want to retain benefits and protection as the residents of Austin. They need better police protection, more fire protection, street maintenance, sanitary and environmental needs. The appointed committee made a thorough study, followed by a unanimous conclusion that incorporation would afford the only vehicle that the Committee had found that would provide a central management with legally conferred powers, law enforcement, revenue collection, etc. Mr. McCreary added that the Lakeway Civic Corporation is a non-profit corporation similar to a Chamber of Commerce.

Mr. McCreary pointed out another great problem, stating that on one of the golf courses there was a beautiful lake. When the Municipal District was approved, the district started pumping sewage from the Inn up and putting it in this lake so they could pump it back on the golf course. The lake has spillways; and when rains fill this lake, the waste goes down the creek about a half mile down on into Lake Travis.

Other problems were being experienced since the MUD was created, in that the water rates had increased; the Church is limited only to religious worship unless there was written authority; if food were sold it would have to be catered by Lakeway or the property would revert back to the grantor.

Mr. McCreary pointed out the advantages, that as a township they would be in a better position to work with the City on their own water supply. He stated that water in Lake Austin comes out of Lake Travis and as a township, there would be five more miles up the lake where they could help put regulations in to control the water in Lake Travis also. Mr. McCreary urged the Council to let them proceed and ask the County to call the election to incorporate. If they were an incorporated township, the City would have a legal entity with which it could contract with Lakeway Corporation.

City Manager Davidson had been approached by others in that area interested one way or another in this application. He said this application comes to the City Council on the same day that they were trying to straighten out some 20 years of inequities in dealing with other incorporated cities, villages, water districts, or Municipal Utility districts.

He had some observations to make; first the problems outlined by Mr. McCreary would not necessarily be solved through the creation of a village. Secondly, some problems that have not been outlined, either exist or will exist

in the very near future, and cannot be solved through the creation of a village. He said that the area recommended for incorporation at this time does not include all of the section that is to be developed in the near future. If this incorporation should be allowed, regardless of any extraterritorial jurisdiction that incorporation may have in the future, there will be a large number of requested and proposed incorporated villages and cities along Lake Travis, depending on the delineation of the developments, and land ownership involved. He stated if he and his staff had to make a recommendation on this today, they could not recommend approval of this request. He said the City was in advantage in that they do not have many incorporated cities around Austin, and for that reason the Staff believes it will be able to maintain the kind of quality that this Council wants as the City grows.

Mayor Pro Tem Love stated the City Manager's observations are in depth and make good sense.

In answer to Mayor Pro Tem Love and Councilman Binder, City Manager Davidson said he would be in no better position in 90 days to make any commitments than he is as of now. Some of the policies that are being considered this afternoon would affect the growth, the rate of incorporation and many areas. His recommendation today would be to deny the request with no time factor involved.

Mayor Butler was aware of the problems in Harris County with various Water Districts, MUD's, Incorporated Villages, and Townships, and said they had been a source of continual problems to the governments in that area.

Mr. McCreary stressed the need for police protection.

City Attorney Don Butler pointed out possible alternatives. If they do not have the permission to incorporate, they could request annexation through a petition filed by half of the residents of the area in question, owners of half the land; and if the City did not deny that, the petitioners would have some right to proceed and incorporate.

It was stated that the City Manager would have results of his study in about four months, the first part of 1974.

In conclusion, City Manager Davidson stated if the Council desires to delay a decision on this for four months, they would do their best to address themselves to this business of planning and trying to relate to that area being another incorporated section. They would have a little more to go on at the time they are asked to make a decision, and they would have a study back in four months.

Councilman Lebermann said they were talking about good sound regional planning with Austin necessarily the hub. He recommended that Mr. McCreary be in touch with the Capital Planning Council also.

Mr. McCreary stated he would like to have a memorandum of the areas they have overlooked so that they could get their study going at the same time.

ADJOURNMENT

The Council then adjourned.

APPROVED: \_\_\_\_\_

*Ray Butler*  
Mayor

ATTEST: \_\_\_\_\_

City Clerk