

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 26, 1973
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: Councilman Friedman

The Invocation was delivered by R.A. Miles, Chief of Police.

APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meeting of July 12, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Present but not Voting: Mayor Pro Tem Love

Absent: Councilman Friedman

APPOINTMENTS TO SAVE MUNY COMMITTEE

Mayor Butler reported much concern from many citizens in as to the status of the Municipal Golf Course. The Chairman of the Board of Regents of the University, Mr. H.E. McNeise, had suggested that the problem be pursued on a committee basis; and towards that end he had appointed former GOVERNOR SHIVERS, Chairman; Ambassador ED CLARK, and MR. FRANK ERWIN to meet with an equal delegation from the City Council. Mayor Butler announced the appointment of COUNCILMAN BOB BINDER and COUNCILMAN LOWELL LEBERMAN to serve along with himself on this committee.

DISTINGUISHED SERVICE AWARD

Councilman Lowell Lebermann made a presentation to Mr. Leon Lurie, presenting him a Distinguished Service Award, directly from the Austin City Council, in appreciation and recognition of his untiring efforts and service to the Austin Texas Community. Councilman Lebermann addressed himself personally to Mr. Lurie stating this award had to do with his continued efforts in the face of what had to be regarded as economic adversity in regard to his program, and the special and unique service and efforts he had made in behalf of the park surrounding a specific "Symphony Square".

Ms. Peggy Brown, along with others from the Symphony group, stated Mr. Lurie had managed to preserve the concept of Symphony Square for the City of Austin.

Mr. Lurie expressed appreciation to the Mayor and Council.

RECOGNITION

Mayor Butler and the Council greeted and welcomed a visiting government class from McCallum High School, Mrs. Perez, teacher. Mayor Butler recognized a distinguished young lady, Dana Davidson, the City Manager's daughter.

PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 10:00 A.M., August 9, 1973 to consider annexing the following:

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

- a. 21.33 acres of land - WHISPERING OAKS IV. (requested by Jeryl D. Hart, Jr., Engineer for the owner, Caroline Realty Company)
- b. 36.58 acres of land - CHERRY CREEK PHASE III, SECTION FOUR and unplatted land. (initiated by the City of Austin)

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

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

Noes: None

Absent: Councilman Friedman

EASEMENTS RELEASED

Mayor Pro Tem Love moved the Council adopt a resolution authorizing release of the following easement:

Existing five (5.00) foot public utilities easement along the north line of Lot 1, Block B, WESTLAKE HIGHLANDS, SECTION 2. (Requested by James Bryce, attorney for the owners, Dr. and Mrs. Sidney Monas)

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

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

Noes: None

Absent: Councilman Friedman

STREET NAME CHANGE

Councilman Lebermann moved the Council adopt a resolution approving change of street name from Airole Way to WESTRIDGE DRIVE. (Requested by B.F. Priest, agent for the adjoining property owners, James E. Turner and Joe E. Gilbert) The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

CONTRACTS AWARDED

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

LONGHORN WIPING MATERIALS CO.
5120 East 5th Street
Austin, Texas

Wiping Rags Supply Agreement
65,000 lbs.
\$16,835.00
Bid Inv. 3-1446

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

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

Noes: None

Absent: Councilman Friedman

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

TEXACO, INC.
P.O. Box 36292
Houston, Texas

Supply Agreement for No. 1
Diesel Fuel - 78,000 gallons
@ \$0.1785
\$13,923.00
Bid Inv. 3-1272

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

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

Noes: None

Absent: Councilman Friedman

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

MEMOREX CORPORATION
2000-M Governors Circle
Houston, Texas

Magnetic Tapes Supply
Agreement
\$10,875.00
Bid Inv. 3-1436

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

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

Noes: None

Absent: Councilman Friedman

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

Oil Circuit Breakers:

ALLIS CHALMERS CORP.
310 S. St. Mary's Street
San Antonio, Texas

Bid Item 1, 7 ea.
@ \$26,500.00
Bid Item 3, 3 ea.
@ \$12,000.00
Total: \$209,500.00
Bid Inv. 3-1347

ITE IMPERIAL CORP.
303 Jackson Hill
Houston, Texas

Bid Item 2, 7 ea.
@ \$19,900.00
Total: \$139,300.00

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

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

Noes: None

Absent: Councilman Friedman

Councilman Handcox moved the Council adopt a resolution rejecting the following bid for construction of street and drainage improvements consisting of curb and gutter and storm sewer on Burnet Road from White Horse Trail to Anderson Lane, Contract Number 73-Pa-119.

AUSTIN ROAD COMPANY
Austin, Texas

\$74,186.00

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

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

SALE OF LAND

City Manager Davidson said these parcels were in order. Mr. Leon Lurie, Urban Renewal Agency stated these two parcels were before the Council for its consideration. The Texas Employees Association is being displaced because of State action in the Brackenridge Area. The Vocational Agriculture Teachers Association is in the same category.

Councilman Lebermann moved the Council adopt a resolution approving sale of land in the Brackenridge Project, Tex. A-11-1, as follows:

Parcel Nos. 13a Texas Public Employees \$306,660.00
and 15a Association

Minimum acceptable sales price: \$306,660.00

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

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

Councilman Lebermann moved the Council adopt a resolution approving sale of the following land:

Parcel No. 10a Vocational Agriculture \$ 44,200.00
 Teachers Association
(lot 4, block 143, Original City)

Minimum acceptable sales price: \$44,200.00

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

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

SALE OF STRUCTURE

Mayor Pro Tem Love moved the Council adopt a resolution approving the sale of structures as follows:

Blackshear Project, Tex. A-11-2:

Parcel No. 15-7 907 Concho Carlos J. Klutts \$700.00

Minimum acceptable sales price: \$400.00

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

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

Noes: None

Absent: Councilman Friedman

CASH SETTLEMENTS

Councilman Lebermann moved the Council adopt a resolution authorizing a 60/40% cash settlement as follows:

FRANK WORTHAM - for the installation of water and wastewater services in the Frank Wortham Subdivision. Estimated cost of water service installation is \$369.50 - Owner's share @ 40% is \$147.80, City's share @ 60% is \$221.70. Estimated cost of sewer main extension is \$2,025.00 - Owner's share @ 40% is \$810.00, City's share @ 60% is \$1,215.00.

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

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

Noes: Councilman Binder

Absent: Councilman Friedman

Councilman Lebermann moved the Council adopt a resolution authorizing a 60/40% cash settlement as follows:

WILLIAM J. SCUDDER - for the installation of water and wastewater services in Chula Vista Subdivision. Estimated cost of water service installation is \$1,050.00 - Owner's share @ 40% is \$420.00, City's share @ 60% is \$630.00. Estimated cost of wastewater service installation is \$488.00 - Owner's share @ 40% is \$195.20, City's share @ 60% is \$292.80.

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

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

Noes: Councilman Binder

Absent: Councilman Friedman

CHANGE ORDER

Councilman Handcox moved the Council adopt a resolution approving change order in the amount of \$17,418.25 for Model Cities Program - 2nd Action Year, Capital Improvements Program Project No. 4078 1. Current Contract is for \$83,236.65 with Bland Construction Company. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

APPLICATION APPROVED

Councilman Dryden moved the Council adopt a resolution approving an application submitted by First Federal Savings & Loan for the temporary use of 5 foot 6 inches of public right-of-way to install soldier-piling to retain an earthen embankment around an office building site while the building is being constructed. The soldier-piling will be removed by the time the building is completed. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

AMENDMENT TO CONTRACT

Councilman Lebermann moved the Council adopt a resolution authorizing amendment in the amount of \$59,517 to Community Action's contract with Child, Incorporated to incorporate supplemental grants from Department of Health, Education and Welfare to City of Austin for Child Development services; total federal share changes from \$923,675 to \$988,192. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

GRANT AUTHORIZATION

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to seek a grant from the Criminal Justice Council to support an expanded Police Community Relations program in the amount of \$54,811.00 to cover the period from October 1, 1973 through September 30, 1974. This grant would involve city support of the program in the amount of \$18,014.00.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

MODEL CITIES PROPOSALS

Councilman Handcox moved the Council adopt a resolution authorizing the following:

The Model Cities Department to contract with the Traffic and Transportation Department for Traffic Control Improvements Project #30920. Total cost of the project is \$66,893 - 100% Model Cities funds.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

Councilman Handcox moved the Council adopt a resolution authorizing the following:

The Model Cities Department to contract with the Public Works Department for Street Improvements Project #31021. Total cost of the project is \$432,813 - 100% Model Cities funds.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

Councilman Handcox moved the Council adopt a resolution authorizing the following:

The Model Cities Department to contract with the Public Works Department for Sidewalk Construction Project #31022. Total cost of the project is \$24,312 - 100% Model Cities funds.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

Councilman Handcox moved the Council adopt a resolution authorizing the following:

The Model Cities Department to contract with the Water and Wastewater Department for Water and Sewer Relocation Sidewalk Project #31023. Total cost of the project is \$9,117 - 100% Model Cities funds.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

Councilman Handcox moved the Council adopt a resolution authorizing the following:

The Model Cities Department to contract with the Water and Wastewater Department for Water and Sewer Relocation streets Project #31024. Total cost of the project is \$189,555 - 100% Model Cities funds.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

REINSTATING ZONING CASE

Councilman Dryden moved the Council grant the request of Mr. Robert L. Davis that the following zoning case, scheduled to be heard by the Council on August 2nd, be referred back to the Planning Commission:

David Davenport
Dolores P. Heston
C14-73-156

3507-3511 West Avenue

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

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

Noes: None

Out of Room at Roll Call: Councilman Handcox

Absent: Councilman Friedman

WITHDRAWAL OF ZONING CASE

Mayor Pro Tem Love moved the Council grant the request of Mr. William F. Kemp to withdraw Zoning Case C14-73-109, scheduled to be heard by the Council on August 2nd. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

STREET BANNER

Councilman Handcox moved the Council grant permission for the installation of a banner at the intersection of 2nd and Corta, August 1st through August 12, 1973, at the request of Rev. Dan Villanueva, Pastor of Cristo Rey Parish. The motion, seconded by Councilman Binder, carried by the following vote:

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

STREET BANNER

Mayor Pro Tem Love moved the Council grant permission for the hanging of a school banner on West Koenig Lane, west of Sunshine Drive, for the months of September through November as requested by the McCallum High School Cheerleaders. The motion, seconded by Councilman Binder, carried by the following vote:

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

SECTION 21-37 AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE DUTIES AND AUTHORITY OF THE TRAFFIC ENGINEER BY ADDING A CLAUSE TO SECTION 21-37 OF THE AUSTIN CITY CODE OF 1967, AUTHORIZING THE TRAFFIC ENGINEER TO DESIGNATE REVERSIBLE LANE STREETS, THEIR MARKINGS, LANES TO BE REVERSED AND TIME OF REVERSAL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

DELETION OF ONE-WAY STREETS

Councilman Lebermann moved the Council adopt a resolution authorizing deletion of the following one-way streets:

<u>On</u>	<u>Direction</u>	<u>From-To</u>
Hampton Road	Southbound	Harris Avenue to East 32nd Street between 7 A.M. and 9 A.M. and between 2 P.M. and 4 P.M. on every day except Saturday and Sunday
Guadalupe Street	Northbound	Guadalupe Street to West 29th Street

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

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

AUTHORIZATION OF ONE-WAY STREET

Councilman Lebermann moved the Council adopt a resolution authorizing the following one-way street:

<u>On</u>	<u>Direction</u>	<u>From-To</u>
Hemphill Park	Northbound	Guadalupe Street to West 29th Street

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

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

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 14.59 ACRES OF LAND; SAME BEING OUT OF AND A PART OF THE JAMES BURLESON LEAGUE; 274.54 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON LEAGUE; AND 678.00 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JAMES BURLESON LEAGUE AND PARTLY OUT OF AND A PART OF THE J.C. TANNEHILL 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.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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 246.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 11.42 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 176.45 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 102.54 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 10.95 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 64.68 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; AND 17.84 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL 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.

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

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilmen Friedman

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD. AND CLEAR CREEK PROPERTIES, INC.; AND DECLARING AN EMERGENCY.

The ordinance was read the third time and Councilman Dryden moved that the ordinance be finally passed. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: Councilman Binder

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT

Mayor Butler brought up the following ordinance:

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

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

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

Noes: Councilman Binder

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

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

TRACT 1: A 4.59 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 22.72 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; AND,

TRACT 3: A 26.72 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

LOCALLY KNOWN AS 1800-1940 RUTLAND DRIVE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

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 Binder, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Dryden, Binder

Noes: None

Present but Not Voting: Mayor Butler

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

CIP POSTPONED

The Council postponed until August 2nd at 2:00 P.M., the consideration of 1973-78 Capital Improvements Program and appropriation of funds for FY 73-74.

PUBLIC HEARING

Mayor Butler opened the public hearing scheduled for this time on the following annexation. No one appeared to participate. Councilman Dryden moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

- a. 22.27 acres of land out of the Santiago Del Valle Grant - PEPPERTREE PARK SECTION FOUR and commercial tract. (Requested by S.A. Garza Engineers, Inc. for the owner, Farm and Home Savings Association)
- b. Total of 176.34 acres of land:
 - (1) 118.91 acres of land out of the Henry P. Hill League - unplatted land. (Requested by the owner, Tom W. Bradfield)
 - (2) 9.18 acres of land out of the Henry P. Hill League and the William Barton Labor - unplatted land. (Initiated by the City of Austin - Tract 1)

- (3) 48.25 acres of land out of the Henry P. Hill League - unplatted land. (Initiated by the City of Austin - Tract 2)

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

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

Noes: None

Absent: Councilman Friedman

ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

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

LOT A, TRIPLE "R" SUBDIVISION, LOCALLY KNOWN AS 1406-1412 WHEELS LANE, 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 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 Binder, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

A 58,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2401-2415 PARKER LANE, 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 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 Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

- AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 40,824.73 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2403-2417 PARKER LANE AND THE NORTH END OF BIGGS DRIVE, 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 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 Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

COMMUNITY IMPROVEMENT PROGRAM

Mayor Butler brought before the Council and a number of people in the audience a specific program under the leadership of Councilman Handcox. Councilman Handcox stated this new approach is one of the greatest things that has happened in Austin in its entire history, especially for the residents of the East Austin Community along with many others.

City Manager Davidson reported on discussions held as to an alternate that the Council could use to meet demands that had been described primarily in the East Austin area--on a method to undertake to upgrade the East Austin segments, pointed out on the bus tour; but also a program that could be utilized throughout the City.

Mr. James Miller, Community Development Administrator, filed with the Council members a packet summarizing the problem and presenting the information on population and how the program could be operative.

Mr. Tony Ojeda, Director of Model Cities, said the statement covered what they had found, a statement of conditions, an inventory of conditions, and an estimate of costs of what it would take to bring this area in East Austin up to the standards of the rest of the City. He displayed charts showing the locations of the areas under concern--Manor Road area, Ed Bluestein Boulevard, Town Lake, and the Montopolis Community areas, which were deteriorating. The area was analyzed, and divided into 12 community developing districts. The districts were small to accommodate management, planning implementation within a reasonable time. The area has to be divided into smaller neighborhoods in terms of costs. He had charts locating the unpaved streets, lack of sidewalks, and miles of replacement of water and sewer lines. In addition, the area needs cover traffic devices. The estimated cost to carry out the program amounts to over \$12,000,000.

Mr. Ojeda stated they were presenting a proposal which would divide the area into 12 community developing districts of equal population, representing areas sufficiently large but also small enough to prepare a program cost that could be implemented within a City's fiscal year. Model Cities, a large area, had been receiving Federal funds for three years. Mr. Ojeda said it was likely there might be additional federal funds in the future; but the Model Cities area would be kept separate for identifying the funding.

Councilman Lebermann congratulated Councilman Handcox, on his initiative in this direction, and the City Manager and his staff for their assistance.

City Manager Davidson stated that while the programs were being worked out, possibly two areas each year until finished, items on the area wide basis could begin immediately--the removal of 850 junk cars existing in the area, the cleaning of vacant lots; housing inspections made to make certain the shacks are removed, hog pens demolished and taken away, and that the people be asked to bring their homes up to the minimum housing code. While they are planning and carrying out the concepts under these improvement districts, there would be other things happening that the citizens in that area would see almost immediately.

In response to Mayor Pro Tem Love's inquiry, Mr. Davidson reported the plan did not include St. John's, Clarksville, and some areas in South Austin that should be planned in this same manner. He suggested that this is a place to begin. At the end of a year's plannings, the Council would be asked to add this area and eventually the same techniques could be applied to other areas. He asked if the Clarksville, St. John's and other surrounding areas could not be a continuing and simultaneous project with this particular area, thus eliminating a priority concept. City Manager Davidson listed some consideration--what federal funds would be available for St. Johns; whether or not the Crosstown expressway will be built to Clarksville. If those answers were available, in the six months, the Council would be asked to add those areas. Councilman Handcox urged starting the program, as many interested citizens had come forward to emphasize this program. He concurred with the City Manager's suggestion that the paving, underground utilities would take longer to complete, but while that is going forward, the junk cars and weeded lots could be eliminated.

MOTION

Councilman Handcox moved the Council approve the Development Plan and direct the City Manager to include necessary funding within the CIP to take the program forward as follows: 1st year, Areas 3 and 4; 2nd year, Areas 1 and 2; 3rd year, Areas 5 and 6; 4th year, Areas 7 and 8; 5th year, Areas 9, 10 and 11. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Councilman Lebermann stated this is a monumental step forward, and East Austin is an area that needs help.

MOTION

Councilman Handcox moved the Council establish a new City policy which would eliminate the necessity for waiting for petitions to pave streets and providing for a selection by the City Council of the streets to be paved under the City Assessment Paving Program. Councilman Lebermann seconded the motion.

AMENDMENT TO MOTION

Mayor Butler offered an amendment that the Council name the policy "The Handcox Paving Policy." The motion, as amended and seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Councilman Handcox recognized Mrs. Crawford, Mr. Hawkins, Dr. E. Seabrook, Mr. Youngblood, Mrs. Lampkin, and others interested in this program.

Mr. Hawkins was impressed as to the street paving, sidewalks, drainage and numerous other typical programs in the sections enumerated. Their special committee had worked with the Council and the City Manager's Office regarding these proposals. The Committee had other things in mind in addition to what has been proposed today such as housing, a more comprehensive level of community development. Mr. Hawkins expressed interest in upgrading the people, referring to those in the eastern most tract (Hogg Hill) noting some proposals should be available for them. His committee had been working under a broad scope dealing not only with alleviating physical problems but with the social and economic problems. He suggested that the City acquire land or make land available so that better rental houses could be made available. Councilman Handcox acknowledged other problems associated with the social-economic problems, and he hoped the Council would go forward with those.

RENEWAL OF LEASE AGREEMENT

Mr. Joseph Morahan, Public Property Manager, stated the lease was a one year agreement for the fourth and fifth floors of the Travis Building for office space which is 5,250 square feet net on each floor at 26.66 cents per square foot per month. He reviewed the leases on different floors entered into since 1972. The Council studied the various points in this lease--square footage, amount per square foot and comparison with other leases or rented. Mayor Pro Tem Love asked the City Manager to submit a report on this particular matter, covering administrative use only--not libraries or other services in setting out the amount being paid for square foot averaged out, and the tentative expenses averaged out to the location of the space outside the 42,000 of the Travis Building.

City Manager Davidson stated the Council would have some further recommendations for either leasing additional space, possibly considering either purchasing property or constructing some.

Mayor Pro Tem Love moved the Council adopt a resolution authorizing renewal of lease agreements for the fourth and fifth floors of the Travis Building for office space for City departments - 5,250 square feet net on each floor @ 26.66 cents per square foot per month and includes utilities and janitorial service. The motion, seconded by Councilman Handcox, carried by the following vote:

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

PROFESSIONAL COLLECTION AGENCY

Councilman Binder inquired why collection agencies were considered in lieu of law firms. Considerable discussion ensued as to high fees; although a law firm has the option of going to Court where a collection agency does not. It was brought out that any legal work along that line would be handled by a fully staffed City Attorney's office. Mr. Will Brown, Administrator Brackenridge Hospital, stated that about a year ago there were 150,000 accounts. Emphasis was given to the 35,000 active accounts nine months old or less, accounts that have legal jurisdiction or settlement in estates, or of auto liability, that are worked on diligently. About 120,000 accounts are listed as "Special Accounts", needing specialized attention. His recommendation that 15,000 of those accounts, amounting to \$4,000,000 was to place them in the hands of a competent collection professionals. The County Judges in the 10 counties stated the City should have employees in the county working on those accounts. Mr. Brown stated this was another attempt to approach the business of Brackenridge Hospital as a business, and this is a continuing recommendation to the Council for improvement of business practice. He stated this route would be a parallel effort to what the present four full time employees are doing plus the Legal Department at Brackenridge. The Collection Agency would work those accounts of long standing, and the active accounts would be handled by Hospital employees.

Councilman Binder stated it would seem to be advantageous in the collection process to send the debtors a short notice and go to Court.

Mayor Pro Tem Love stated there was a note from the Saxet Company from Mr. Doyle Hobbs asking a postponement of their decision. He would prefer going along with its decision today and refer any future potential business to Mr. Hobbs on the way of a bid basis.

Councilman Lebermann moved that the Merchants and Professional Bureau, Inc. Mr. Boyce Hornsburg, President, be accepted. He noted it was members of this firm that made their presentation to the Council a year ago, and he believed the Council could be assured of equality production and professional effort. In discussion, Mayor Pro Tem Love asked for a report on this firm's efforts. Mr. Will Brown stated he would appreciate keeping the Council informed on a quarterly basis. Mr. Bob Shear speaking for the Merchants and Professional Bureau, Inc. stated their proposal to Brackenridge Hospital was less than the 35% to 50%, and in their procedure of collecting, they use a system of letters, and do not use the personal contact. They specialize in the medical field of collection. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

LEASE OF CITY PROPERTY

Mr. Delano Womack, South Central Division Manager of 7-Eleven Food Stores, asked approval of an additional three year option of a lease of City property at Koenig Lane and North Lamar Boulevard. The City Manager recalled the first time this request was before the Council and that he directed that if the property were to be leased in the future, it should bring a minimum of \$500 per month. The company is requesting again an agreement of \$450 per month for a three year term and an additional three year option, making a six year term so that they could amortize their investment. He stated the three year lease was satisfactory, but he could not recommend the additional three years.

Mayor Pro Tem Love moved the Council approve the lease at \$450 per month for three years and \$500 per month on a one year option, based on Mr. Womack's commitment to go along with the landscaping, install their Mansard canopy, eliminating the sign, and improve the inside of the store. City Manager Davidson stated the Council would require that plans come before the Council, indicating how the landscaping and the front of the building were to be, and that personnel from the City would inspect the job once constructed. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: Councilmen Dryden, Binder

Absent: Councilman Friedman

REPORT BY HOSPITAL ADVISORY BOARD

Mr. H.C. Carter, Chairman of the Building Committee of the Hospital Advisory Board, presented a progress report on the Brackenridge Hospital construction. After talking with doctors, the nursing staff, consultants, and the administration of the hospital and taking into consideration how this will save money in terms of Brackenridge Hospital, the Board presented its report.

An example of the things the Board considered was the "no-nursing station concept", of working with nursing teams on quadrants. Other hospitals with working concepts were studied. This will make a 14% savings in the nursing staff. By starting preliminaries on both the ancillary portion and the nursing floors at the same time, it would allow the City to put out for bids in 6 months and then go into a 15-month construction program for a total of 22 months on the nursing floors. At the same time the ancillary care would be drawn up with preliminaries which would result in a contract overlap from the time of bidding. Therefore in 22 months they would have the nursing floors of the hospital and in 47 months they would have the ancillary space.

The Board would continue working with the architects and bring progress reports from time to time, to keep the Council up to date. Mayor Butler asked if the City will get as much hospital for the dollars as anticipated previously, and at the time the bonds had been sold. Mr. Carter said that the hospital would be running from 525 to 550 beds with ancillary facilities. Councilman Dryden asked if the original architects could bring their plans up to date, as they were 73% complete. In the last year the firm of Page, Southerland and Page, etc. was hired as a joint venture with the other firm. Also at this time, Dr. Gordon Friesen has also been consulted and some of his work was looked at in other hospitals, and the Hospital Board and the doctors and Mr. Brown were interested in using some of Dr. Friesen's concepts in building the hospital. Mr. Carter explained that many of the original architects' ideas, such as an automatic cart system to get supplies from Central Supply up to the floor, were good and were being used. There has not been that much variance from the schematic basic floor plans. The Board felt that by bringing in more time and more thought, the City will have a better hospital, that will function at a lower operating cost to the people and that will function better for the doctors in the City. Mr. Carter noted that last month there were 701 transfers of patients to patient rooms, which cost \$40.29 per move, and it was felt that more private beds might result in fewer transfers. Councilman Dryden felt the longer the City waits to let the contract, the more it will cost. Mr. Carter pointed out with bidding in two stages, some time would be saved, about 8 months. One of the architects pointed out that the supply process distribution systems, incorporated in the ancillary block, will of necessity move things, and therefore, he did not see how they could use the previous plans. Councilman Dryden, with Councilman Lebermann's agreement, suggested that the architects and the Hospital Board Building Committee get everything started, and one of Dr. Friesen's people have an office in Austin, where he will be available for consultation every day. The City Manager will prepare a report how the work is proceeding and also provide information as to the dates with a time-flow chart, who has authority for what, and a time table on what can be expected. The Council congratulated the Hospital Board. Mr. Carter invited the Council to a Board meeting the next day.

MASS TRANSIT PRESENTATION

Mr. Jim Phillips, on behalf of Mr. Lyndon Henry and the Texas Association for Public Transportation, presented results of the study they had made of the feasibility of a rapid transit system for Austin. He introduced the Dial-a-Ride mini-bus service, an express bus service and other transit proposals as well as the redevelopment in the downtown area. This presentation had a number of alternatives and the recommendations drafted would provide a series of options. He presented Slides showing examples of traffic congestion, which will grow worse. Energy shortage is a critical problem, and it points to more public transportation.

In recent years, electric rapid transit has had considerable success, as it is fast, quiet, clean and comfortable. Investments would be high, but cheaper to operate in the long run.

If a transit line was used for Austin, the City would clear more than \$900,000 over annual operating costs. Another cost reducing concept would be the light rail rapid transit, thus reducing the initial cost in construction time. Not only is the capital investment less, but rightsoffways could be landscaped for green areas.

The main routes would provide rapid access into the central Austin area. The north end of the line to downtown would take about 16 minutes, and about 7,000 parking stations would be available in outlying areas. The line would use existing rail corridors. The overall routes were described, and the system could be operating within two years after the start of construction. An aerial viaduct would be used for parking at the Municipal Auditorium. Another line would cross the River through a tunnel directly to the central areas as a two-mile subway under Congress Avenue in down town Austin.

In discussing costs, it was pointed out the project construction cost per mile for the proposed rapid transit would be a million and one half dollars less per mile than the current costs of double decking IH 35, and half the cost of a comparable six-lane highway. Of the total cost of \$144,000,000, 2/3 or \$96,000,000 would be contributed by the Federal Government under existing Urban Mass Transportation Programs, the local share to be paid from revenues generated by the system. It was estimated that a fleet of 75 cartrains would be needed. The cartrains were described as climate controlled, comfortable and appealing interiors. The trains would run 24 hours a day; and at peak times would be a little over four minutes apart. Mr. Phillips pointed out environmental benefits, minimized land uses, preservation of green belts, and by taking cars off of the streets, 46,000 pounds of air pollution would be eliminated per day. Other advantages would shape urban development with more desirable patterns in their growth; highrise and multiple unit developments would leave land for other things; and that cartrains would increase property values by over \$200,000,000 generating over \$5,000,000 in additional tax revenues.

Mr. Phillips listed other concepts by the use of light rail vehicles extensions to Georgetown and to San Marcos. Such a system would avert over 300 automobile accidents a year; would save over \$2 million per year in road maintenance;

eliminate the need for \$130 million in future highway lane construction and parking facilities. Their study indicated the benefit to cost ratio of 3 to 1 on the total investment and about 7 to 1 on the local investments would be obtained. Another point would be that with a fixed transit, city development could be controlled better.

Mr. Phillips' recommendations would be an engineering study by a consultant firm, experienced in rapid transit planning; a special project set up to coordinate rapid transit planning in the metropolitan area; supervision of an engineering study and further planning; and to set up a liason with other official transportation agencies. Alternatives include the study of the "light rail" entailing a lesser initial capital investment; and as patronage develops that ultimately a full-scale transit line would be used.

Mr. Phil Sterzing who had worked on the transportation plan currently being used, stated it called for a central expressway. The route chosen for the transit system was based on work that had been accomplished by the City and by the Bureau of Public Roads, and by the Highway Department. It appears a central expressway will not be funded for a long time ahead. An alternate would be to get transportation funds that would serve basically the same purpose.

Mr. Lyndon Henry, Texas Association for Public Transportation, explained the use of the light rail concept, overhead wire type distribution, or a third rail.

Mayor Butler complimented Mr. Henry on the presentation of this concept. He stated Mr. Henry would like an indication from the Council; if it would agree to apply for Federal funding on the study and to hire the engineering firm in the neighborhood of \$50,000. Mayor Butler suggested, if the Council agrees, that the City Manager and his staff, along with Mr. Henry, study what is required in the application and if the City's share could be funded out of current funds; make the application. If so, then the City could proceed. City Manager Davidson stated he would like to confer with Mr. Henry, and along with the Council's newly appointed Committee to serve in cooperation with the Highway Department, prepare a report for the Council. Councilman Lebermann is Chairman of this Committee. Councilman Handcox preferred to apply for the federal funds for the consultant and also to apply for federal funds to engage an engineering firm to issue a study. Mayor Butler stated if the study worked out and if it were feasible, than an application could be made for the whole package.

City Manager Davidson stated before they applied for a grant that within the C.I.P. there are other transportation items on which they would anticipate filing for federal funds and they would not want to jeopardize those. He asked for four weeks to make a report on this.

Mayor Butler stated the Council and City Manager would be in close touch with Mr. Henry.

REQUEST TO LEASE THE COLISEUM

Mr. Perry Rose appeared before the Council stating he had applied for a lease of the Coliseum, and was informed there had been a decision in the past not to lease the facilities for commercial uses. It appeared this was brought about by a person outside of the City wanting to lease the Coliseum for some type of sale, and local businessmen objected to such commercialization, to which he had also agreed. Mr. Rose's theory was that this property is owned by the City, built by the City tax payers for the use of those tax paying citizens, and he requested the privilege of leasing the Coliseum if he desired. Councilman Dryden recalled that the policy made referred to leasing the auditorium to businesses outside of the City of Austin. Mayor Pro Tem Love pointed out this is a businessman who is paying taxes on Austin property and yet at the same time he can not utilize the coliseum, although a promoter who is paying no taxes whatsoever may rent the coliseum on a profit basis and makes perhaps from \$5 to \$7,000 on a given night. Councilman Lebermann referred to the City Attorney's views previously. City Manager Davidson clarified the policy in that there could be a cooperative sale by all antique dealers in Austin--or Garden Clubs or whoever wished to get together in one sale--those would be allowed, but one furniture dealer or one automobile dealer would not be permitted to have an individual sale in the building.

Councilman Handcox suggested that the City Attorney be asked to take another look at this and see how they could accommodate the citizens of Austin.

Mr. Rose said he was a tax payer of Austin with several businesses here, and he would like for someone to tell him why he could not rent public facilities. He just wanted one big sale. City Attorney Harris stated the coliseum could be rented for certain purposes, but there is a classification, or type of activity that would not be allowed and everyone engaged in that same type operation would have to be treated equally--taxpayer or not.

Mayor Butler suggested that the City Attorney review this again and report back, on the basis of a renter holding a store tax for a certain time before he asked to rent the facility. The City Attorney stated they would try to find something that would hold up. The Mayor told Mr. Rose that they would check back with him.

WATER AND WASTEWATER POLICY STUDY

Mayor Butler opened the public hearing scheduled for this time on the Water and Wastewater Policies.

Mr. Homer Reed made a short overview presentation of the various alternatives studied by the staff and administration. The first item listed was authorization for new utility districts. This would have more advantage for the City than any privately operated system would in the immediate vicinity of the City. There was some question as to disadvantages in that there would be less demand for land in the City than for land in the new utility districts. There would be a higher cost for urban services, and encouragement of a leapfrogging pattern of development. Alternatives would be (a) to deny all requests; (b) to annex the area adjacent to the City and preclude district creation; and (c) to give some limited approval, limiting by some contractual arrangement or other device the purposes for which a district could expend funds. If, as under present policies, territory is annexed

to already existing districts, these would grow out as the City grows, and they would be perpetuated. There was a question as to whether or not that is good. If districts are financially sound, as are 4 of the present ones, they can be abolished and this was recommended. Three existing districts have a need for higher rates, and the City would be a loser if it abolished districts 1, 8 and 13. Certain districts which are not now owned by the City have a growing deficiency of revenue and it would not be profitable to purchase them. It was noted that District 1, owned by the City had been developing increasing revenue deficiencies, and the recommendation was made to continue annexing property to the district, but to develop a fee based more in line with costs.

On extension of service to undeveloped areas, both within districts and outside the districts and outside the City limits, the recommendation is that outside the water districts, the same fees for annexation be paid for extension of the line as in annexation to the district. There is an outstanding indebtedness for refund contracts of \$900,000 incurred outside the City limits, with the greatest indebtedness in District 1. There was a recommendation that refund contracts outside the City be discontinued, in City owned districts.

Mayor Butler then asked if anyone would like to speak to Water Control Districts and Municipal Utility Districts (MUD). Mr. Elbert Hooper was the first speaker, representing Lumbermen's Investment Corporation and National Housing Industries, which has a joint venture northwest of the City. Part of the tract lies within the City's extraterritorial jurisdiction and part lies outside. If the City should decide the district approach was not acceptable, it might force people to go beyond the City's extraterritorial jurisdiction, which would not contribute to orderly development of the City and its environs. He was in favor of a district with proper financing. This would protect the City's water supply, provide public park land at no cost to the City, prevent large capital outlays by the City, and postpone annexation until it is fully developed. He endorsed the Municipal Utility District approach, and would be agreeable to limiting the expenditure of bond funds to actual construction cost of the water and sewer facilities and such other costs as the City may specifically approve. In general he felt that one of the key benefits of the district is that it will provide for utility facilities which are built to the City standards and under City inspection. Extending water and sewer lines is applicable in some areas; however his people preferred the approval of a district with limits on what items bond funds could be spent for.

Mr. Ken Zimmerman with the Austin Association of Home Builders, representing 70 developers, introduced Mr. Tom Curtis, their attorney, to present their views. He agreed with Mr. Hooper that the district with limitations on spending was best from both the City's and the developer's point of view. Mr. Curtis mentioned several costs to be included. Mayor Butler noted there was quite a difference between their concept and the City's, as Mr. Curtis included engineering costs and allocable attorney's fees. Mr. Curtis explained that engineering costs would be limited to costs for plans and specs; and attorney's fees for issuing bonds. Mayor Butler agreed.

The City Manager's recommendation regarding the creation of districts was to have Water Districts or Municipal Utility Districts with limited spending approved by the Council; and retain the option to deny one in category "b", no matter what the policy statement is.

Mr. Don Butler, City Attorney, said it would be difficult to ask any governing body to contract away their rights. Also at the time of creation of a district, there would be no governing body to contract with, because it would not have been created yet. Also it is doubtful that one Board could contract away the right of future boards to do the things that are beyond what the statute says the City can limit them to. Probably what the City can do, similar to the arrangement with Lost Creek, is to have some agreement with the developers, giving personal indemnification or corporate indemnification against bonds being expended for organizational and operational expenses. Mr. Curtis noted that House Bill 807 prohibits anyone associated with the developer from serving on the Board. The City always has annexation, subject to the bonds outstanding, to fall back on.

Mr. Jay Stern, with Southern Living and Leisure, Incorporated, which is a general partner and developers of the property of East Ranch, located outside Austin City limits, was the next speaker. The company had submitted a request to the City to establish a Water Control and Improvement District to provide for water, sewer, and sewerage improvements. Mr. Stern saw the establishment of a district as a partnership between municipal government and private developer. This way the developer is interested in providing quality systems that can be integrated with the City of Austin when trunk lines are extended at the time property is annexed. He pointed out where the City is concerned, that there are costs within the different City departments similar to those incurred by the districts. He felt that the district should cover costs directly related to management, operation and maintenance of these facilities.

A representative from Lost Creek Municipal Utility District, Secretary to the Board, Mr. Jim Crozier, noted that his people had reached an agreement with the City to form their district, and he believed the district with limitations on spending was the best way to go.

At this time, Mayor Butler inquired as to how the East Ranch development would discharge effluent not used on the golf course. Mr. Carl Ensizer of Carter, Rawlins, and Scott said it would have tertiary treatment and be held in holding ponds and be used to irrigate the golf course. Mr. David Barrow asked about the present policy of annexing areas adjoining the City where facilities are available, whether it would be the same. The City Manager said it would be the same, to annex rather than to create a Municipal Utility District. Councilman Binder asked about the first alternative, no districts, and asked what alternatives there might be in that area. The City Attorney noted that if the district were turned down, then the City would by a "mutually agreeable" contract provide the services. If there were no agreement, then the area would be able to go ahead with the district. Of course, the City could annex the area, and would then have to provide services within 3 years. If this did not occur, the area could petition to be deannexed.

In Water districts that are owned by the City, the City Manager's recommendation was that these be allowed to annex, but at a more equitable annexation fee. There was also a recommendation to discontinue refund contracts outside the City for the reason that it works in reverse to the logic that has been used for granting them within the City. This recommendation by the City Manager relates only to City-owned districts. Mayor Butler said the consensus of opinion among those represented is the concept of "c" with strings, districts with limited spending. The Council agreed that the City Manager should bring back a perfected "c" category in two weeks.

Councilman Lebermann moved the Council set a public hearing at 2:00 P.M., August 9, 1973 to consider Water and Wastewater Policies. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

HEARING ON VACATING STREETS AND ALLEYS

Mayor Butler opened the public hearing scheduled for this time on vacating various streets and alleys.

Mr. Mike Gilmore appeared to be heard, stating his law firm represents Mr. Miller in this connection, and he was sent to ask the Council to approve the vacation of EDGECLIFF STREET from Manlove Street westerly. (Mr. Bob G. Wade, Architect, was acting as agent for the adjoining property owners, Phil Miller and Ramada Inns) The City Manager stated this vacation was recommended. He reported that the \$100.00 filing fee had been paid, and the Planning Commission was recommending the waiver of the per square foot cost due to the fact this was an old application that had been reinstituted before the Council. Mayor Butler stated on a prior case the Council had compromised and had accepted a \$30,000 fee. City Manager Davidson explained that in this case the check for the \$100 was received, and the Law Department advised that since the vacation of this portion of Edgecliff Street was requested prior to the dates that the City Council had adopted the present procedure which was on June 2, 1973, that the adjoining property owners should not be subject to the charge of the processing fee and the charge of the square foot of street area to be acquired, as set by the present policy.

Councilman Dryden was not in favor of "giving this street" as these people should pay just as the others do.

Mr. Mike Gilmore's understanding was that the application was made prior to the time this policy was in force, and it is their position that they should not be subject to the provision, as this type of provision should not be retroactive.

City Manager Davidson reviewed the two cases--the Daugherty application preceded the Council policy by six months. The Edgecliff Street application has been pending for a long time, and the basis of the Council's option is the applicant could have pursued this and brought it to a conclusion.

Mr. Gilmore stated one of their problems was in connection with the exact status of the zoning. The City Manager suggested that Mr. Gilmore meet with his clients, and that he would meet with Mr. Gilmore. He asked that this item be delayed.

Councilman Lebermann moved the Council grant a two week's delay on the vacation of the following street so that this matter can be reviewed for Mr. Gilmore's clients and with the Legal and Land officers;

EDGECLIFF STREET from Manlove Street westerly 90 feet, more or less, to termination of street. (requested by Bob G. Wade, architect, as agent for the adjoining property owners, Phil Miller and Ramada Inns, Inc.)

Mayor Pro Tem Love inquired as to the advantage of granting this delay. City Manager Davidson stated he was not sure that Mr. Gilmore and the applicant had up to date and accurate information as to what the square foot charge would be, what the total price is, and that he would like to review these.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

The Council had before it the vacating of nine streets and alleys in the Brackenridge Urban Renewal Project, included in the public hearing at this time. No one appeared to be heard.

At this point Councilman Dryden asked that it be a matter of Record and in the Minutes, that the City or the Hospital would like to have the opportunity to negotiate or talk with the Board of Regents at the proper time to discuss parking immediately north of the Hospital on 15th Street. The Hospital employees and visitors are using that square block from 15th to 16th, Interregional and Sabine most often at this time. It is not paved, because it has been in the Urban Renewal area.

Councilman Handcox moved the Council close the hearing and approve the vacation of the following streets and alleys:

EAST 16TH STREET - from Trinity Street to Red River Street Relocation.

EAST 16TH STREET - from Red River Street to Red River Street Relocation.

EAST 16TH STREET - from Red River Street to I.H. 35.

SABINE STREET - from East 15th Street to East 16th Street

NECHES STREET - from East 15th Street and Red River Street Relocation to East 16th Street

EAST 15TH STREET ALLEY - from Trinity Street to Neches Street

EAST 15TH STREET ALLEY - from Neches Street to Red River Street Relocation

EAST 15TH STREET ALLEY - from Red River Street to Red River Street Relocation

EAST 15TH STREET ALLEY - from Red River Street to Sabine Street

(requested by Frank C. Erwin, Jr., Chairman of the Buildings and Grounds Committee, Board of Regents, The University of Texas System)

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF EAST 16TH STREET, NECHES STREET, SABINE STREET AND EAST 15TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Pro Tem Love moved the Council close the public hearing and approve the vacation of the following street:

GEORGIAN DRIVE - West side of the road from West Powell Lane northerly 545'±. (requested by the adjoining property owner, Floyd Goodrich, Jr.)

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

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

Noes: None

Absent: Councilman Friedman

July 26, 1973

CITY OF AUSTIN, TEXAS

756

Mayor Butler introduced the following ordinance:

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

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

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

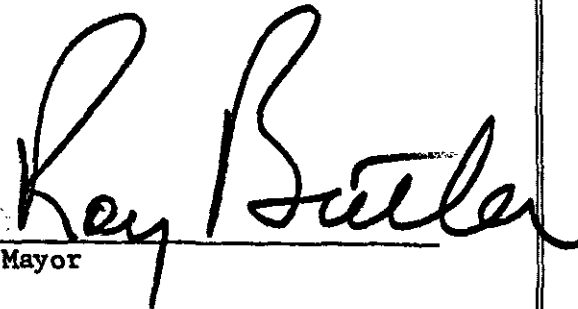
The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Mayor



ATTEST:

City Clerk