

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 14, 1973
7:00 P.M.

ELECTRIC BUILDING

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 RABBI JUDAH L. FISH, Congregation Agudas Achim.

DALLAS CHORALETTES AND
HONORARY CITIZENSHIP FOR MAYOR BUTLER

Mrs. Florence Ushan presented the Dallas Choralettes, now touring Texas. The Choralettes brought a greeting from Mayor Wes Wise, announcing that Mayor Butler had, on this day, been made an Honorary Citizen of the City of Dallas; and under its Charter shall hold and enjoy a place of high esteem in the minds and hearts of the people of Dallas. Mayor Butler received the Certificate, stating all of the Council members are great admirers of Mayor Wise, and expressed his gratitude to the Mayor of Dallas for this great honor.

EXTENSION OF HOURS - ALCOHOLIC BEVERAGES

The Council discussed the postponement of this hearing at this time, Councilman Handcox noting it had been advertised and publicized that the hearing would not be held tonight. He stated that both sides should have the opportunity to be present and to be heard. Mayor Pro Tem Love stated he originally brought the question up, and had asked just yesterday that the item be postponed but for a short time. Since there were so few proponents who could take a position, and numerous opponents, it would be proper that there be a fair distribution.

A gentleman from the audience spoke, urging the majority to start having a voice in crucial matters instead of knuckling under to a minority.

Councilman Binder moved the Council postpone the hearing for one week, and reschedule it on June 21st at 11:00 A.M. in the City Council Chambers. The motion,

seconded by Councilman Handcox carried by the following vote:

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

EASEMENTS RELEASED

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

Two (2) easements out of first resubdivision of MESA PARK
SECTION SIX:

- (1) Ten (10.00) foot electric easement out of Lot 10-A.
- (2) Ten (10.00) foot public utilities easement out of Lot
190A. (Applicant: S. A. Garza Engineers, Inc., Agent
for Austex Development Company, owner)

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

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

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

Public utilities easement covering the south five (5.00) feet
of Lot 43, CAMELOT SECTION THREE. (Applicant: E. O. Rinehart,
Attorney for Dr. William J. Darilek, owner)

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

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

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

The south ten (10.00) feet of that certain twenty (20.00) foot
public utilities easement retained when EAST 11TH STREET ALLEY,
from Sabine Street to Red River Street was vacated. (Applicant:
Leon Lurie, Executive Director of the Urban Renewal Agency)

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

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

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

A portion of a fifteen (15.00) foot drainage easement out of Tract "A", Resubdivision of Lot 1, BLACKSON AVENUE ADDITION.
(Applicant: Gray & Becker, Inc., owner)

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

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

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

The following ten (10) drainage and public utilities easements out of the GLEN OAKS URBAN RENEWAL PROJECT - easements were retained when the streets and alleys in subject area were vacated:

- (1) Midway Street easement, from Vaiden Street easement to East 11th Street easement.
- (2) Nile Street easement, from Vaiden Street easement to East 8th Street easement.
- (3) Walter Street easement, from Border Street easement to Hargrave Street easement.
- (4) East 11th Street easement, from Midway Street easement to Wayne Street easement.
- (5) Hargrave Street easement, from Wayne Street easement to Pleasant Valley Road.
- (6) Wayne Street easement, from East 11th Street easement to Pleasant Valley Road.
- (7) Conway Street easement, from Wayne Street easement to Pleasant Valley Road.
- (8) Conway Street alley easement from Wayne Street easement to Pleasant Valley Road.

(9) Courtney Street easement, from Midway Street easement to Nile Street easement.

(10) East 8th Street easement, from Pleasant Valley Road to a line 130 feet west of and parallel to the west line of Nile Street easement.

(Applicant: Clifford Coffman, Assistant to the Executive Director of the Urban Renewal Agency)

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

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

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

Three (3) portions of an existing thirty (30.00) foot drainage easement out of Lot 6, AVAH SUBDIVISION. (Applicant: Jack Peevey, owner)

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

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

LICENSE AGREEMENT

Councilman Lebermann moved the Council adopt a resolution granting a license agreement for the use of the following:

NIGHT HAWK FOODS, INC. - proposed encroachment of preplanter boxes and trash receptacles into the sidewalk area in front of their building located on Lots 7 and 8, Louis Horsts Subdivision - 1907 Guadalupe Street. (Applicant: Victor Sumner, Vice-President of Night Hawk Foods, Inc.)

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

ANNEXATION HEARING SET

Councilman Lebermann moved the Council adopt a resolution setting a public hearing at 10:00 A.M., June 28, 1973, to consider annexing the following:

Total of 257.91 acres of land out of the James Burleson Survey:

- (1) 246.49 acres:
 - (a) 226.78 acres - COLONY PARK SECTION TWO. (requested by Jeryl D. Hart, engineers and agents for the owners, Lumbermen's Investment Corporation)
 - (b) 19.71 acres - COLONY PARK SECTION ONE, PHASES 2-A and DECKER LANE. (initiated by City of Austin)
- (2) 11.42 acres - COLONY PARK SECTION ONE, PHASES 2-A and 3. (requested by Jeryl D. Hart, Engineers and agents for the owners, Lumbermen's Investment Corporation)

Total of 289.94 acres of land out of the Santiago Del Valle Grant:

- (1) 176.45 acres - ONION CREEK PLANTATIONS SECTION ONE, AUSTIN INDEPENDENT SCHOOL DISTRICT TRACT of land, and unplatted land. (requested by John F. Campbell, Attorney for Edward R. Rathgeber, Jr., Doris Harris Warlick, Cecil Perkins and Dr. Raleigh R. Ross, owners; and Jack L. Davidson, Superintendent Austin Independent School District, owner)
- (2) 102.54 acres:
 - (a) 102.17 acres - MEADOW SPRINGS SECTION 1 and unplatted land. (requested by John F. Campbell, Attorney for Edward R. Rathgeber, Jr., Michael R. Eledge, D. L. West and John F. Campbell, owners)
 - (b) 0.37 acres - portion of COLTON ROAD. (initiated by City of Austin)
- (3) 10.95 acres - portion of NUCKLES CROSSING ROAD. (initiated by City of Austin)

Total of 10.68 acres of land out of the Wilkenson Sparks Survey:

- (1) 1.96 acres - portions of Lots 51-54, LAKESHORE ADDITION and unplatted land. (requested by Gerald Maddock Dempsey et ux, owners by Tom Curtis, Attorney)
- (2) 8.72 acres - portions of Lots 47-54, LAKESHORE ADDITION and portions of WEST LAKE DRIVE. (initiated by City of Austin)

64.68 acres of land out of the James Rogers Survey - MESA PARK SECTION SIX and MESA PARK PHASE TWO, SECTIONS ONE and TWO. (Requested by Jorge D. Perez, Engineer for the Pringle Real Estate Inc., owners)

17.84 acres of land out of the Theodore Bissel League - unplatted land. (requested by Thomas B. Watts, Engineer for Austex Development Company, owners)

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

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

CONTRACTS AWARDED

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

MOORE BUSINESS FORMS	Tax Forms - Annual Supply Agreement
Austin, Texas	Tax Department and Data Processing
	Department - \$11,124.44

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

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

GENERAL ELECTRIC COMPANY	Radio Communication Equipment -
Austin, Texas	\$35,975.00

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

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

Tractor-Loader-Backhoes:

RIVER CITY MACHINERY	Bid Item 1 - 3 each @ \$14,867.61
Austin, Texas	Bid Item 2 - 1 each @ 369.00
	Total \$44,971.83

TOM FAIREY COMPANY
Austin, Texas

Bid Item 3 - 1 each @ \$ 9,604.63
Bid Item 5 - 1 each @ \$ 9,604.63
Bid Item 6 - 5 each @ \$ 9,604.63
Total \$67,232.41

AUSTIN FORD TRACTOR
Austin, Texas

Bid Item 4 - 1 each @ \$6,856.62
Total \$6,856.62

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

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

SOUTH TEXAS EQUIPMENT CO.
Houston, Texas

Paint Striping Machine - \$13,285.00

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

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

LEIF JOHNSON FORD
Austin, Texas

Bid Item 1.1 - \$12,435.00

THOMPSON TANK & MFG. CO.
Long Beach, Calif.

Bid Item 1.2 - \$10,495.00

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

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

TECHLINE, INC.
Austin, Texas

Automatic Switches
Bid Item 1 - 2 each @ \$11,078.00
Bid Item 2 - 1 each @ \$12,856.00
Total \$35,012.00

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

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

CLEAVER-BROOKS DIVISION	Fuel Oil Auxiliary Boiler, Holly
AQUA-CHEM., INC.	Power Plant - \$24,475.00
Austin, Texas	

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

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

H. B. ZACHRY COMPANY	Fuel Unloading, Drainage and Fire
San Antonio, Texas	Protection, Decker Plant - \$412,600.00

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

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

CITY HALL SNACK BAR	Food, Drinks and Tobacco Products
Austin, Texas	Concession rights at Lake Austin Park
	for a 2 year period with 2 two year
	options for extension - Guaranteed
	annual amount of \$600.00 plus an
	additional 3% of gross receipts.

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

RAILROAD CROSSING PROTECTIVE DEVICES

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to execute an agreement with the Texas Highway Department and Southern Pacific Transportation Company to install railroad crossing protective devices at 38 1/2 Street, Manor Road, Rosewood Street, and East 53rd Street. 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, Councilmen Lebermann, Friedman
Noes: None

POSTPONEMENT OF SELECTION

The Council postponed the item of the selection of consultants for various Water and Waste Water Department 1973 Capital Improvements Program Projects.

GRANT AWARD

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to accept a grant award from the Texas Criminal Justice Council for second year continuation of the Police Legal Advisor's Program. Total cost is \$33,189.50; Criminal Justice Council - \$27,887.50; City of Austin - \$5,302.00. The motion, seconded by Councilman Dryden, carried by the following vote:

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

MAINTENANCE OF UNDEDICATED STREETS

Councilman Lebermann moved the Council adopt a resolution authorizing the City of Austin to maintain certain undedicated streets within public housing projects of the Austin Housing Authority. Total first year cost is \$8,570.00. 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

REVISED RESOLUTION FOR CORRECTION

Mayor Pro Tem Love moved the Council adopt a revised resolution correcting the property description for condemnation of a tract of land for an easement and right-of-way for establishment of transmission and distribution lines, previously authorized by the City Council on September 28, 1972. The tract of land to be condemned is as follows:

7.72 acres out of and a part of a 159.00 acre tract and a
153.50 acre tract out of the Joseph Duty No. 20 Survey,

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

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 457.9 ACRES OF LAND, MORE OR LESS, SAME BEING PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18, PARTLY OUT OF AND A PART OF THE JAMES ROGERS SURVEY AND PARTLY OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY 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.

The ordinance was read the first time and Councilman Lebermann moved that the Council waive the requirement for the second reading, and pass the ordinance to its third reading. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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: THE NORTH 45 FEET OF LOT 3 AND THE SOUTH 5 FEET OF LOT 2, GLENVIEW ADDITION, LOCALLY KNOWN AS 3408 KERBEY LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

A citizen in the audience stated she had just noticed that her property was being zoned (3408 Kerbey Lane). It was explained the zoning was granted in June, in the name of the Calcasieu Lumber Company. The Mayor suggested that she call the agent who handled the zoning to see what kind of plans he was making for this house at this location.

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 Binder, 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.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING NORTH HILLS CLUB TOWNHOUSES, LOCATED AT NORTH HILLS DRIVE, VALLEYSIDE ROAD, HART LANE AND EAST HILL DRIVE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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 Binder, 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.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING FOREST MESA SUBDIVISION, LOCATED AT STECK AVENUE, GREENSLOPE DRIVE, AND FOREST MESA DRIVE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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 Binder, 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.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING THE PARK AT BATTLE BEND, LOCATED AT FORT CLARK DRIVE AND SPANISH BLUFF DRIVE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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 Binder, 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.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING TIMBER RIDGE AT GREENBRIAR, LOCALLY KNOWN AS 1631-1741 ROYAL HILL DRIVE AND 2800-3018 PARKER LANE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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 Binder, 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.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING WOODSTONE SQUARE SUBDIVISION, LOCATED AT WEST 35TH STREET, PECOS STREET AND MAYWOOD STREET, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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 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.

REQUEST TO CONTINUE BUSINESS - DONNA JO BRIDGES

Mrs. Donna Jo Bridges stated her occupation was a Fitness Salon for Women, although it was classified as a massage parlor. She gave a resume of what had expired -- the original request before the Planning Commission was for a zoning change from "B" Residence to "O" Office for the purpose of operating an already established fitness salon. This request was not recommended by the Commission. The Council heard the case on February 8, 1973, resulting in an indefinite postponement; and it was assumed that the business could continue to operate under a non-conforming use until the case was brought up again by Urban Renewal or herself. While waiting, her license expired, and the City Health Department would not grant the renewal of her license without written approval by the Council. She requested a letter of approval for license renewal to operate until Urban Renewal is ready to proceed with its plan. Councilman Dryden moved the Council grant permission to Mrs. Bridges to continue her business.

The City Attorney explained her first issue is to obtain the "O" Office zoning for this business. She faces real problems because of the restrictive covenants placed on this land by Urban Renewal, who could waive the covenants; but her basic problem is zoning. He stated she was not operating under a non-conforming use.

The City Manager stated the Council may elect to take action on her zoning request next Thursday by setting a date for a public hearing.

As to the Urban Renewal Plan, the Assistant City Attorney explained the Council approves the Urban Renewal land plans and they had approved a plan that excludes her use.

Mayor Pro Tem Love moved the Council set this case for a public hearing on July 5, the Regular Zoning Schedule, at 10:00 A.M. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

SPECIAL PERMIT APPEAL

The Council had before it a hearing on an appeal filed by Mrs. Pat Brown from the decision of the Planning Commission in granting a special permit to Mr. Don P. Woody, for the construction of a 222 unit apartment development on property bounded by Live Oak, East Oltorf, Burleson Road, Metcalf Road, and Parker Lane (Stratford Place Apartments).

Mrs. Brown speaking as a resident and for the neighborhood organization, described the area noting the homes were in the \$40,000 bracket. "GR" General Retail and "O" Office zoning was effected in 1968. Those purchasing homes were under the impression the area would be zoned "A" Residence as indicated on the subdivision; and as was recommended by the Planning Staff. Over strong opposition the land was changed to "BB" Residence and they were told the best use for this property is a community shopping center. Now they are told the best use is for a 222 unit apartment group, but the neighborhood is being asked to give up the last vestige of "A" Residence zoning. The "A" Residence and "BB" Residence were to have been a buffer for the single family homes -- now they are having to give up two acres of "A" Residence zoning in return for the special permit.

Mrs. Brown and her group, when they appeared before the Zoning Committee, had asked that certain improvements be made -- sidewalks; fence and landscaping; fewer efficiency units; larger family-type units; more open space for children; a landscaping plan; a roll back from "GR" General Retail and "O" Office portions to "B" Residence; existing trees to remain; the three-story units to be eliminated and no access, either vehicular or pedestrian, on Biggs Drive and Parker Lane.

In addition, Mrs. Brown stated they would be willing to sacrifice the two acres of "A" Residence zoning if several reasonable requests were met, and they would want restrictive covenants attached to the special permit requiring five proposals. She submitted a list of conditions they were asking the developers to provide:

1. A six foot privacy fence to be erected and maintained along Parker Lane, the entire length of the project, the fence to be erected at the top of the grade.
2. A six foot solid privacy fence to be erected and maintained along the south property line adjacent to the residential area.
3. No access - no vehicular or pedestrian permitted from this tract on Biggs Drive or Parker Lane.
4. A landscaping plan for the area between the fence and the sidewalk along Parker Lane, designed to present an attractive appearance and visual buffer to the neighborhood, said plan to include ground cover, shrubs, and trees with potential height and foliage, to be maintained in a satisfactory condition.
5. A zoning change on the portions of this tract zoned "GR" General Retail and "O" Office to be changed to "B" Residence.

These conditions are proposed in addition to any departmental requirements approved by the Planning Commission.

Mrs. Brown reported a meeting with members of the Planning Staff, and the Assistant City Attorney, Mr. Jerry Harris, who had indicated an agreement on Items 1, 2, and 3. She stated in the interest to equity and fairness to the investors, their group offered this compromise; but in the interest of equity and fairness, the neighbors who are being intruded on by these 222 units and their 400 cars would hope that the owners would compromise to the extent of the few cosmetic treatments they request.

Councilman Dryden evaluated the case at this point, suggesting that the owners and the neighborhood could work this out. He added no Council was ever asked to enforce a particular landscaping. City Manager Davidson pointed out the maintenance of the ground cover, shrubs and trees were not enforceable. He, too, suggested that the two groups get together with the Planning Staff and decide on what should be done, and then what the applicants would do.

Mr. Steve Harris, representing the applicant, Mr. Don Woody and Mr. B. L. Mintz, stated they had been working months with the Planning Department and had met all of their requirements and requests. They are developing expenditure of money on landscaping, and he would rather not have the six foot fence, as landscaping had been planned for that area. The other fence is a requirement and would be included. He stated that after having met a number of times with the neighborhood group, he did not believe anything could be accomplished by further meetings.

As to the suggested roll back, Mr. Harris stated they are developing apartments and they do not want to roll back any zoning.

Lengthy discussion ensued covering the roll back.

Mayor Pro Tem Love asked Mr. Schuller what his recommendation to these requests would be. Mr. Schuller stated the Staff would go along with the letter from Mr. Mintz stating he would provide landscaping plans, and with all of the requests. Landscaping (item 4) could be accomplished in letter form; Item 5 could be handled in several ways -- the restrictive covenant route that if the property were developed according to this specifically identified special permit, then the property would join in and file an application to roll back his property. If the project is started, the City could institute the zoning case itself. The applicant and attorney could be asked if they would be willing to tie it down specifically, that if this project is built according to a special permit, they would then file an application to zone the property back to "B" Residential. That is the proposition, if it is done and filed of record. Mr. Mintz agreed that they would go that legal step on Item No. 5. Mr. Jerry Harris, Assistant City Attorney, stated this could be accomplished by restrictive covenant.

Motion

Mayor Pro Tem Love moved the Council accept the recommendation as presented, items 1, 2, 3, and 5, No. 5 being subject to the restrictive covenant.

The gentleman indicated that he would agree in letter form to provide the shrubbery and other necessary landscaping to provide what was described as a green belt. Councilman Friedman wanted this agreement to be part of the motion. Mayor Pro Tem Love stated that with four out of five, the community came out quite well.

Substitute Motion

Councilman Friedman offered a substitute motion that the Council grant the special permit with the inclusion of the requirements as listed in the citizens' hand-out of Numbers 1, 2, 3, and 5, and the requirement that the property owners submit to the City and to a designated representative of the neighborhood, Mrs. Brown, a letter of guarantee that the landscaping will be done in accordance with what has been discussed tonight. The motion, seconded by Councilman Binder, failed to carry by the following vote:

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

Original Motion

Mayor Pro Tem Love's original motion, seconded by Councilman Dryden, carried by the following vote:

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

REQUEST OF TASK FORCE APPROVED

City Manager Davidson reported receipt of a letter from the Recreation Task Force, requesting rest room facilities at Givens Park on a temporary basis. With Council approval, he would check this out and handle it as requested. The Council informally approved the request.

TELEPHONE RATE ORDINANCE

Councilman Binder asked what the City's status is with the Telephone Company. Mayor Butler stated he signed the Ordinance today, in accordance with Council's instructions. Assistant City Attorney Harris stated the Telephone Company would either have to accept the Ordinance or it would not go into effect, and the old rates would remain. If the Ordinance is accepted, that would hold those installation charges down at the old rate and there would be some refunds made. The Company would have to accept the Ordinance in whole, not in part. Councilman Friedman stated it was his intention to make a motion at this meeting to force a decision, but now he would wait until the time element elapses.

Councilman Binder stated under the old ordinance, the Council sets the rates of \$6.00 and \$15.00. It was his understanding the Company was charging the new rates. Mayor Butler stated the Attorney for the Company was coming over and at that time, this matter could be discussed.

PUBLIC HEARING ON GENERAL REVENUE
SHARING BUDGET

At 7:00 P.M. Mayor Butler opened the public hearing on the General Revenue Sharing Budget. He asked that City Manager Davidson begin the hearing on the allocation of Revenue Sharing Funds. He called on Budget Director Joe Liro for a brief explanation, followed by Bill Stoll, Federal Grants Administrator.

Mr. Liro stated the proposal before the Council totals 4.5 million dollars. The Federal Government has made available these funds to local governments. This particular dollar amount spans Federal Entitlements dating from January 1, 1972. Dividing these in three parts, one amounts to 1.6 million dollars. Mr. Liro stated the City is to report to the Secretary of the Treasury by June 20, its planned use for this 1.6 million dollar amount. The 4.5 million dollars is included in the City's current year. Projected is a 3.4 million dollars for the fiscal year beginning on October. Mr. Liro reviewed the regulations stating in the event

a municipality uses funds for purposes not specified in the legislation and regulations, the City is liable to refund these funds to the United States Government at 110% of the amount involved in the violation. He listed capital expenditures covering parks and recreation facilities which total slightly in excess of \$3,000,000; Public Safety Items total \$323,000; Transportation and Street Improvement projects total \$835,000. All C.I.P. items have either been approved by the Council under the current CIP, or have been considered in public hearings by the Planning Commission, recommended to the City Manager, and in turn to the Council, May 29.

Operating Items total \$304,000, including vehicle replacements and slightly in excess of \$30,000 for program development.

Mr. Bill Stoll reported the Staff had received as of today 12 requests from community agencies for social service grants from Revenue Sharing Funds. The Staff has met with each one of these agencies to review the requests and prepare the analyses now before the Council. In the present City Budget the City is budgeting \$324,000 for social services with community agencies. There are 12 requests for Revenue Sharing Funds in addition. Beginning October 1, there have been received Social Service requests from Community Agencies for approximately \$644,000.

The City Manager and Staff made a number of observations in recognition of the Revenue Sharing guidelines and requests submitted. He listed the criteria for grants made to Community Agencies for social services:

Senior Citizens Advisory Board

Ms. Alice Martinez, representing the Senior Citizens Advisory Board (Formerly a Model City activity) asked for funds to open other Senior Citizen Centers, some designed for Mexican Americans as well as for others. They want to expand to the St. John's area, and to South Austin, and West Austin. Their total request is \$43,000.

Mayor Pro Tem Love asked if the City Manager had visited with this group representing the Senior Citizens. The City Manager pointed out it was anticipated that there would be requests that had not been analyzed by the staff and this request would be referred to Mr. Stoll.

Meals on Wheels

Mr. Larry Ducer, representative of "Meals on Wheels", described their program of furnishing hot meals three times a week to invalids and the aged. This service was originally funded by HOC, but the grant expires in June. They have a request to the Community Action Agency to fund the program through October 31st. Help came from the Governor's Committee on Aging, but these programs cannot be expanded. Fifteen additional people each will be fed at one of the two sites, and the OEA cannot fund or expand any current sites. Their request is for \$16,000 and the additional amount was for extra personnel. They are in the process of building community support. Mr. Ducer emphasized the necessity of receiving funding from the City. Twelve thousand six hundred dollars was anticipated from the County Revenue Sharing Fund, but there had been no indication that this would be forth coming.

Narconon

Mr. Don Roberts, Narconon, a Drug Rehabilitation Program, stated that there was a workable crime and drug rehabilitation program in Austin. There was an 86 per cent workability rate for everyone who had gone through the program. He said what this program needs is money, people, and space. It was pointed out there was no formal request from this organization. Mayor Butler suggested that Mr. Roberts get the information and material to Mr. Stoll for study and analysis. Mr. Roberts at this time did not have the estimate of funds needed; however as an example, he stated \$10,000 would take care of 60 addicts.

Austin Association for Retarded Children

Mr. Jim Payne, Austin Association for Retarded Children, spoke in behalf of Dr. Carol Whitcraft, stating this program related with the criteria and is designed to serve young adults, mentally retarded citizens who are trying to live independently in the community. In most cases they would go through Vocational Rehabilitation and other social services and try to hold jobs, pay taxes, etc., but they need a little help. The program tries to use volunteers with these persons to give a little bit of extra help. The Federal grants have been cut drastically, and that is why they are calling for funds from the City. They too had made a request before the County Commissioners for the same amount, \$21,000.

Preserving the Quality of Life in Austin

Mr. John Stinson, with the understanding this hearing concerned Federal monies for "Preserving the Quality of Life in Austin", stated that perhaps some of the funds might be available to protect the Houghton House on Guadalupe and 11th. Councilman Lebermann reported the owner had offered the house free of charge together with some of the appointments from the interior, along with \$10,000 towards moving the house, at a cost of \$60,000. There are two groups working on this preservation. Ms. Emma Lymn is heading the Ad Hoc Committee. Mayor Butler stated he would send Mr. Stinson's name to Mrs. Lymn.

Legal Aid Defender's Society

Mr. Bobby Taylor, Acting Director of Travis County Legal Aid Defenders Society, requested funds to house attorneys, supporting staff, volunteers, and individuals who are on small salaries. The Legal Aid program is funded by the Hogg Foundation, United Fund, U.T. School, Travis County Bar Association, Federal Government through OEO, and Travis County Commissioners Court, which has provided funds since 1965. The Legal Aid is requesting \$14,500. The request is for utilities, health insurance, office equipment and janitorial assistance, now being paid by the County at the office housed at 510 W. 10th and at the office at Rosewood. They had requested money from other sources, but found they had either received less than they requested or the present sources will terminate very soon. The Attorneys and Professionals find there are many things they will not be able to do for the clientele, for expert witnesses, travel expenses, litigation costs, etc. They have lost G.S.A. privileges and there are many areas in which they need supplemental financing.

Councilman Friedman expressed concern of City's funding this entity money to sue the City, and stated more research should be done on this by the Legal Department.

Teenage Parents Council

The spokesman, in behalf of Mrs. Margaret Magness, gave a resume of the need and of the organization of the Teenage Parents Council. This program was placed within the Community Council and serves as a clearing house for 17 or 18 different groups giving services to the teenage parents. The spokesman cited examples of some of the programs. Through this counsel the girls are enabled to remain in High School with special classes.

In answer to Councilman Handcox, the spokesman stated the organization was working with girls throughout the area, and this organization is a clearing house for information, coordinating, publicity, and setting up agreements with the Austin School District.

The request is for \$18,000. He said a presentation would be made before the County Commissioners. It is estimated that there are 1,100 teenage parents each year. Mayor Pro Tem Love asked for a figure of the number of girls coming from Austin and those who come from other areas.

S A NEE

Mr. Roger Bengston, South Austin Neighborhood East, spoke for park development in South Austin as recommended in the recent budget. A petition was presented pointing out the need for this fast growing neighborhood with several apartment complexes and no park land available in that part of the City. Linder School area would yield itself to a fine park with a pond on it. The Planning Commission had considered this matter and there is \$75,000 proposed for initial development in the Revenue Sharing Budget, and he asked for favorable consideration of this request.

Austin Drug Central

Mrs. Marilyn Dursky, Austin Drug Central, spoke for two others who had to leave. Their request is for \$15,000 to continue planning and coordination in relation to all drug abuse services in the City. They are asking for funds (1) to be a clearing house for all drug abuse information and provide the general community information and (2) a planning area to bring all agencies together and try to meet the needs of the community. Federal funds will be funneled through one State Agency for drug abuse agencies, and they would like to continue the services they have provided.

North Austin Civic Association

Mrs. Frances Breyfogle, North Austin Civic Association, stated if it is assumed that the Revenue Sharing Budget and the CIP is as they saw it before, it would not be necessary to speak. In emphasis, she stated the North Austin citizens have no pool which they could use in that area. The Northwest Pool was

overcrowded and will be more so this year. They do not have the tennis or school facilities in this area; and with 15 apartments, this is a necessity. Mayor Pro Tem Love told Mrs. Breyfogle that the Council, City Manager, and Recreation Director are aware of the situations, and he stated some of the recommendations Mrs. Breyfogle was talking about would be accomplished this summer, and the others are recommended in the CIP. He said the Council would have work sessions and perhaps one public hearing on that program. He asked that Mrs. Breyfogle contact Messrs. Liro, Snyder, or himself, and one of them would tell her what is in the recommendation.

Street Improvements

Mr. Louis Stewart was interested in street improvements, specifically in Webberville Road's being repaired. The City Manager stated there was a recommendation within the CIP that would help this situation. Mr. Liro reported the CIP provides for \$250,000 for widening, bridge replacement, and crossings on Webberville Road from 7th Street north to Oak Springs. Construction will occur in 1974-75. Mr. Stewart asked the Council to look into this, as they need some adjustments.

West Austin Neighborhood Center

Mr. Wilson Wade, West Austin Neighborhood Center, stated he was representing the concerned citizens with development of West Austin Association Inc., the sponsoring agency for the West Austin Neighborhood Center which operates a food store, and are now operating a bakery. These operations are trying to make the Center self-sustaining and perhaps have some of the funds for the development of the Center. They are now constructing a Community Center Office and a Recreation building on the 1800 Block of 11th Street. They hope the \$6,750 will be available October 31st to carry them a year and to enable the bakery to operate long enough so that it can become self-sustaining. They are funded by C.A.A. until October 31.

Caritas

Rev. Richard McCabe represented Caritas and the A.R.C. Probation. Mr. Tom Spillar, Director of Caritas stated the Council had received their proposal, which met the criteria for funding and did not overlap, but did fill in the gaps of other programs trying to meet the essential emergency needs of the people in the community. They were funded \$34,320 and had made a proposal to Travis County so that this could be a county wide program. If the County joins in, this could be cut down to about \$24,000.

Mental Health and Mental Retardation

Mr. John Wymer, Administrative Director of MH-MR Center, and Mr. Ralph Shear, Director of Mid City's program, requested \$87,151, which is less than they were receiving from the Model Cities Program for adult and children's Mental Health service, as well as services to those needing alcoholism and drug abuse help. The center operates throughout Travis County, with 300 staff members and 350 volunteers.

and a case load of about 7,000 patients at this time. These particular programs will serve about 3,640 from Travis County in a 12 month period. Another request for funds is pending for the next fiscal year which will involve a request from the County for funds.

Big Brothers

Mr. Troy Phillips of the Big Brother organization requested approximately \$10,500 to be used to hire an additional case worker, which will enable them to help 85 to 100 more fatherless boys.

Child and Family Service

Mr. Vincent Bove, President of Child and Family Service requested a grant from revenue sharing funds in the amount of \$24,404. These funds are needed to provide for the continuation of a nursery program providing care and related services for infants and their teenage mothers attending public school. This is a continuation of a program that began under Model Cities and has since been discontinued because of lack of Model Cities funds. The request covers a period of 10 months, after which time it is hoped the Austin Independent School District will take it up.

Home of the Holy Infancy

Mr. Jack Puryear appeared for the Home of the Holy Infancy which maintains a home for unwed mothers, where they can have their babies and put them up for adoption. The Home is seeking funds to help them continue to operate and serve the community. It costs \$21 a day to house each of the girls. The fee for adoption is figured on a sliding scale according to what the adoptive parents can pay.

Consumer Counseling Services

Mr. Jack Kaola represented the Consumer Counseling Services. They have from one to four volunteers working, and they have been busy full time, handling consumer problems. In about 80% of the cases they have been able to reach an amicable settlement. It was found that these volunteers were able to help more people, rather than simply indicating a legal approach to the problem. For each person that can be placed on a salary, there are two to three volunteers. They would like to split their budget, with the City and County each funding half.

Parks Board

Mr. Irby Carruth appeared for the Parks and Recreation Board, thanking the Council for the appointment of \$3,034,000 for Parks and Recreation projects. This includes two golf courses.

Rosewood Center

Mrs. Tanganyika appeared requesting that more funds be given to Rosewood Center now to improve the recreational program there. The City Manager explained that although there is nothing coming out of revenue sharing for them, there were funds set aside out of the annual operating budget and also in the Capital Improvements Program, and if she would meet with Mr. Beverly Sheffield of the Parks and Recreation Department, he could explain just which funds were set aside particularly for the Rosewood Center.

Community Development Program of Model Cities

Dr. Rae Parkins, representing the Community Development Corporation, which is the housing component of Model Cities, stated this is the only agency in the City that has been providing indemnification of loans for low-income people for houses that are completely rehabilitated. Their office has been closed. They are asking for funds of approximately \$19,000 for a minimum staff of two people. Most of the services are done by volunteers. Dr. Parkins requested in addition to the funds, that the Community Development Corporation be permitted to continue using the facilities that have been provided by the City, and also that they work in conjunction with the City's housing coordinator in order to plan housing participation in the future. He noted that 32 structures had been indemnified and the Corporation has not suffered any losses.

Mr. Bill Flynn also appeared regarding land taxes, as in the Pittsburgh plan.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

City Clerk