

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 21, 1973

10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: Mayor Pro Tem Love

The Invocation was delivered by A. R. ANDERSON, Chaplain of Conference of Churches.

PROCLAMATION - RENT-A-KID WEEK

Mayor Butler read and then presented a proclamation to Father Joe Zanolis of St. Julia's Church, proclaiming the week of June 24-30, 1973, as Rent-A-Kid Week in Austin and urging citizens of Austin to find jobs for 600 young people involved in the program. Father Zanolis expressed his appreciation to the Council and mentioned the special phone number for interested citizens to call.

PROCLAMATION - SALUTE TO WALT DISNEY PRODUCTIONS

Mayor Butler presented a proclamation to Mr. Bobby Sipovida, King from Ricky Guerrero Park, and Miss Angela Harris, Queen from Norman Park, proclaiming June 22-28 as a salute to the 50th Anniversary of Walt Disney Productions.

SPECIAL PRESENTATION

Mr. Don Chapman, representing the Boys Club of Austin and Travis County Incorporated, made a special presentation to Councilman Lebermann, in appreciation for his work for the Boys Club, of an engraved plaque. Councilman Lebermann expressed his gratitude.

APPROVAL OF MINUTES

Councilman Dryden moved the Council approve the Minutes of the Regular Meeting of March 29, 1973, and the Special Meeting of May 29, 1973. The motion,

seconded by Councilman Friedman, carried by the following vote:

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

MAYOR PRO TEM NAMED

Councilman Friedman moved the Council name Councilman Dryden as Mayor Pro Tem in an absence of Mayor Pro Tem Love. The motion, seconded by Councilman Handcox, carried by the following vote:

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

SPECIAL PRESENTATION

Councilman Lebermann presented Mayor Butler with a gavel at this time.

ZONING HEARING

At 10:00 A.M. Mayor Butler announced that the Council would hear the zoning case scheduled for public hearing at that time. Pursuant to published notice thereof, the following zoning application was publicly heard:

RICHARD DORRELL by Robert Norris C14-73-024	8315-8505 Balcones Drive	From Interim "A" Residence 1st Height and Area to "C" Commercial 1st Height and Area as amended NOT RECOMMENDED by the Planning Commission RECOMMENDED by the Planning Commis- sion "GR" General Retail 1st Height and Area subject to a 150' building setback from the west property line
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Councilman Friedman moved the Council grant the change from Interim "A" Residence 1st Height and Area to "GR" General Retail 1st Height and Area as recommended by the Planning Commission subject to a 150' building setback from the west property line. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover,

EASEMENTS RELEASED

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

The Southeast seven and one-half (7.50) feet of the northeast 70.03 feet of an existing seven and one-half (7.50) foot public utilities easement out of Lot 1-B, First Resubdivision of CORONADO HILLS SECTION THREE. (Applicant: Morris Hohmann, owner)

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

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

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

A five (5.00) foot public utilities easement and a 10' x 25' down-guy easement out of Lot 1, Block 10, BARTON TERRACE SECTION FOUR, and a seven and one-half (7.50) foot public utilities easement out of Lot 46, Block One, BARTON HOLLOW. (Applicant: Oscar Holmes, agent for the owner Charles H. Hughes)

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

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

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

Blanket waste water easement covering Lot 27, SPEEDWAY HEIGHTS. (Applicant: Theo Keelen, owner)

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

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

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

The south 80.65 feet of an existing five (5.00) foot public utilities easement out of Lot 30, Block Y, CORONADO HILLS SECTION THREE. (Applicant: Lt. Col. James O. Hivner, owner)

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

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

CONTRACTS AWARDED

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

CENTRAL TEXAS EQUIPMENT COMPANY P. O. Box 116 Austin, Texas	One (1) each 175 CFM Air Compressor - \$5,062.00 Bid Inv. 3-0824
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

UTILITY STEEL COMPANY P. O. Box 9607 Tulsa, Oklahoma	Galvanized Steel Structures - \$16,560.00 Bid Inv. 3-0988
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

THOMAS BROTHERS CONSTRUCTION COMPANY 3400 East 1st Street Austin, Texas	For the construction of the "South Austin Regional Branch Library" - \$366,449.00. (Capital Improvements Program Project No. 8507 2)
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

BID REJECTION

Councilman Handcox moved the Council adopt a resolution authorizing consideration of rejecting bids for construction of Street and Drainage Improvements for East 1st Street/East 2nd Street Connection at Tillery Street, Contract Number 73-Pb-120.

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

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

CONTRACT CHANGE ORDERS

Councilman Friedman moved the Council adopt a resolution approving Change Orders for the following contract:

Police and Courts Building Addition - for ceiling and foundation changes - \$4,979.00. (Everhard Construction Company) (Capital Improvements Program Project No. 8702 0)

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

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

Councilman Friedman moved the Council adopt a resolution approving Change Orders for the following contract:

Austin Transit System Maintenance Facility - several changes - \$7,652.00. (Anken Construction Company) (Capital Improvements Program Project No. 9001 0)

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

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

CASH SETTLEMENTS

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

CENTRAL INSURANCE AGENCY, INC., for a sewer main extension in Aurora Circle Easement. Estimated cost of construction is \$1,800.00 - Owner's cost @ 40% is \$720.00; City's cost @ 60% is \$1,080.00.

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

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

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

MUTT BOLDING for the extension of a sewer main in Durwood Street. Estimated cost of construction is \$1,031.00 - Owner's cost @ 40% is \$412.40; City's cost @ 60% is \$618.60.

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

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

SALE OF STRUCTURE

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

Accept negative bids - structures to be demolished:

Ronald P. Neve	3012 Prado Street	\$189.00
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The motion, seconded by Councilman Friedman, carried by the following vote:

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

ITEM WITHDRAWN

Councilman Handcox moved the Council approve withdrawal of the following

sale of structure:

Ronald L. Kinney 1112 Juniper Street \$100.00

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

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

GRANT APPLICATION

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to submit a grant application to the League of Cities - U.S. Conference of Mayors for a Summer Youth Transportation Program. Total cost is \$9,335: League of Cities/U.S. Conference of Mayors - \$7,000; City of Austin (inkind) - \$2,335.

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

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

ELECTRIC UTILITY RATE STUDY

Councilman Handcox moved the Council select EBASCO Services, Inc., as the Consulting Firm to conduct an Electric Utility Rate Study for the City of Austin.

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

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

FEASIBILITY STUDY - COAL AS AN ENERGY SOURCE

Councilman Lebermann moved the Council authorize Bovay Engineers Inc./ Burns & McDonnell Eng. Co., to conduct Feasibility Studies for using coal as an energy source for Decker #2 Power Generating Unit.

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

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

CONTRACT CONSIDERED

The Council had before it for its consideration entering into a contract with Manville Water Supply Corporation. City Manager Davidson suggested that any contract to sell water to the Manville Water Supply Corporation be subject to the results of the rate study to be considered at the next Council meeting and that the price be subject to adjustment pending Council receipt of the total rate study of water and wastewater rates in four to six months. In response to Councilman Lebermann's question, he stated that a price increase of 35 to 40¢ per thousand gallons was recommended. Councilman Friedman expressed a concern for indicating to the citizens involved that some contract would be written within the next week or so.

Mr. Vernon Pfluger, representing the Manville Water Supply Corporation, was agreeable to the 40¢ rate. In response to Councilman Handcox's question, Mr. Pfluger did not know if a higher rate would be acceptable as they were subject to approval of the Farmers Home Administration. He also stated that they could not proceed with the project until a contract was agreed to, setting up a definite rate. In response to City Manager Davidson's question, Mr. Pfluger stated that they would entertain a provision in the contract for a reasonable and equitable adjustment in rates based on a comprehensive rate study and submit it to the State office of the FHA for approval. Mayor Butler discussed with Mr. Pfluger whether the contract would comply with the minimum acreage rule and the septic tank requirements. In response to Mayor Butler's question, City Manager Davidson stated that there was a provision in the contract whereby the water could not be resold.

Motion

Councilman Friedman moved the Council authorize the City Manager to work out a contract and bring it back to the next week's meeting for final consideration.

In response to Councilman Lebermann's question, City Manager Davidson stated that the line extension costs as outlined in the water extension study would not be applicable since this was not a case of annexation, and he also replied that water would be supplied only between 9:00 P.M. and 6:00 A.M.

Mr. Gordon Carlson, of the Texas Water Development Board and former Mayor of Manor, stated that the Council had previously committed itself to sell water to the City of Manor, and the City of Manor had gone into debt a few thousand dollars on the basis of that commitment. He requested that any other application for water, such as the one under consideration, be considered in light of the commitment to Manor. Councilman Friedman expressed his opinion that every attempt would be made to supply them with water.

Mr. William Thompson, resident in the Manor area, expressed his concern that time was running out for the project of the Manville Water Supply Corporation.

Vote

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

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

Councilman Friedman noted that his action did not freeze out the group represented by Mr. Carlson from consideration as well.

MODEL CITIES PROPOSAL

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to accept a grant of \$2,727,488 from the U.S. Department of Housing and Urban Development for the Model Cities Program Third Action Year, June 1, 1973 to June 30, 1974.

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

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

AUSTIN AQUA FESTIVAL - STREET CLOSING ORDINANCE

Mr. Joe Manor, President of Austin Aqua Festival, requested use of City facilities and assistance in conducting several events in conjunction with the 1973 Austin Aqua Festival. City Manager Davidson recommended approval of the request which included approval of the use of various City facilities like Fiesta Gardens and the Auditorium and the use of some City streets. Mr. Manor stated there was also a request for a parade permit. There was discussion among the Council concerning the boat races to be held.

Mayor Butler introduced the following ordinance:

AN ORDINANCE TEMPORARILY CLOSING TO PUBLIC TRAVEL PORTIONS OF RIVERSIDE DRIVE, DAWSON ROAD AND BOULDIN AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; FIXING THE DATE UPON WHICH CLOSING TO PUBLIC TRAVEL SHALL BECOME EFFECTIVE; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Dryden expressed his opinion that the water ski event should start at 12:00 noon on Sunday, July 29, rather than at 9:00 A.M. Mr. Rowland Persons, Commodore of Austin Aqua Festival, introduced Miss Melissa Owens, Aqua Festival Duchess, who presented a certificate to Councilman Binder. A presentation of gold skipper pins and regular plastic skipper pins was made to the Council.

ECOLOGY ACTION AGREEMENT

Mr. George Wyche, representing Ecology Action of Austin, requested that a one-year agreement between Ecology Action and the City of Austin be extended. He stated that the tin can recycling program involved less cost in moving cans from the recycling center to salvage than it would to move them to a city landfill.

Councilman Lebermann moved the Council continue the agreement for a period of one year or less pending the results of studies under way concerning development of alternative systems of refuse collection and disposal. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ITEM WITHDRAWN

The item of Mrs. Donald Fiegel requesting to appear before the City Council was withdrawn at this time.

TEMPORARY STREET CLOSING

Councilman Friedman moved the Council grant permission to residents of the 100 block of West Lisa Drive to temporarily close the 100 block of West Lisa Drive on Friday, June 29, 1973, from 5:30 P.M. to 10:00 P.M. for the purpose of holding a block party. The motion, seconded by Councilman Dryden, carried by the following vote:

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

REQUEST FOR STREET CLOSING

Mayor Butler introduced the item of a request from Mr. Irish Matthews, Vice-President of the Texas AFL-CIO, for the temporary closing of 11th Street between Guadalupe and Lavaca for the evening of July 11, for ground-breaking ceremonies for the new AFL-CIO building. Consideration of an appropriate ordinance was placed on the agenda for the following week.

HEARING ON ALCOHOLIC BEVERAGE SALE ORDINANCE

At 11:00 A.M. Mayor Butler opened the public hearing scheduled for that time on an Ordinance to allow later hours for the sale of alcoholic beverages, (postponed from June 14, 1973)

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; AND DECLARING AN EMERGENCY

Mr. Norman Eaton, Austin restaurant owner, spoke for the ordinance although he had no great personal interest vested in it. He did not believe it would impose a great burden on the Police Department. He did not think the ordinance pertained to the moral issue of drinking. In response to Councilman Friedman's question, he stated that he did not feel the ordinance would be a big boon to the restaurant business. Councilman Binder introduced petitions with several thousand signatures of people in favor.

Mrs. Jan Hunsaker, part-owner in Caesar's Nightclub, spoke for the ordinance. She referred to its potential for bringing new money into the City, noting that other cities with later drinking hours used it as a sales pitch in drawing conventions. She believed it would draw not only conventions, but also tourists and new businesses. As far as crime and violence were concerned, she knew of no cases where ordinances allowing later closing times had been repealed because of problems created or complaints generated.

Mr. James Greenfield, owner-manager of the Backroom restaurant and bar, spoke for the ordinance. He stated that City revenues would increase as a result of the ordinance in increased fees for liquor licenses and increased sales tax revenues from liquor sales.

Ms. Alley spoke against the ordinance. She believed that 12:00 was late enough for the sale of beverages and that later hours would be detrimental for a University town and cultural city like Austin. She requested a show of hands of those present who were also in opposition.

Ms. Mickey L. Hickman, owner and operator of a small tavern, spoke for the ordinance. She noted the estimated size of the population in Austin and Travis County in 1972, and she stated that by 1980 the later hours would be automatic under state law passed in 1969. She did not believe the City should wait until 1980. She stated that the smaller counties of Blanco and Gillespie already had the later hours permit. She estimated that in Austin there were only 85 mixed-drink licenses, probably because the establishments could not stay open later. She stated that she had customers who did not get off work until 11:00 or 11:30 P.M. She preferred that drinking after 12:00 take place in a public establishment under supervision rather than in a private home or apartment.

Mr. Frank Maloney, representing the Hunsakers and others with a vital interest in passage of the ordinance, spoke for the ordinance. He reported that 41 of 69 owners responding to a survey stated they would take out a later hour permit if the ordinance should pass. All but 4 of these stated they would be

willing to open two hours later than usual because of the energy crisis, so they would be open the same length of time. He suggested this requirement might be written into the ordinance. He noted that the additional two hours from 12:00 to 2:00 A.M. would not be during the heat of day and when there was not so much of an energy problem. Mr. Maloney believed the establishments in question should be allowed to operate in accord with the public's wishes. He stated that Austin and Travis County were now in excess of 300,000 population which the State had exempted from local option. He noted that liquor by the drink had passed by 3 to 1 in Austin in 1971. He noted the regulations which existed concerning the establishments in question. As far as DWI problems were concerned, he believed there would be greater diffusion in the times when people would be leaving establishments. He knew of no statistics to show that liquor by the drink had increased the DWI arrest rate in the State. FBI figures revealed that crime had decreased in Texas over the past year. He also discussed the revenue potential to the City. He suggested a postponement in Council decision on the ordinance until the full Council might be present. In response to Councilman Binder's question, Mr. Maloney offered figures on the mixed-drink sales tax revenues in Austin vs. El Paso, a difference of \$9 or \$10,000 for the first quarter.

Councilman Binder suggested postponing a decision for a full Council. There was discussion among the Council and Mr. Maloney as to whether the DWI problem would be increased. Councilman Dryden believed that alcohol consumption would increase. In response to Councilman Binder's question, Mr. Maloney stated that he believed the rate of consumption would decrease.

Mr. George Phifer, Assistant Chief of Police, reported statistics from the 1972 Annual Report concerning DWI arrests. He believed that about 37% of these arrests took place between the hours of 12:00 and 2:00 A.M. DWI arrests increased from 1,046 in 1971 to 1,678 in 1972. He stated that a big reason for this increase was the use of the breathalyzer which began in 1971. He stated that there were more arrests on Saturday night than on other nights. In response to Mayor Butler's question, Mr. Phifer stated that the Police Department believed that this ordinance would increase the number of DWI's but lacked data on which to base this guess. He did not believe that additional manpower on the streets would be required immediately if the ordinance were passed but there might be more time required for testifying in court if the number of arrests should increase. In response to Mayor Butler's question, Mr. Phifer's personal recommendation was against the ordinance. In response to Councilman Binder's question, he stated that the Police Department could handle the situation should the ordinance be passed. Councilman Handcox discussed with Mr. Phifer the number of arrests for disorderly conduct.

Councilman Dryden expressed his concern about the increasing number of DWI arrests. In response to Councilman Binder's question, City Manager Davidson stated that the City administration and the Police Department did not recommend the ordinance.

Former Austin Mayor, Harry Akin, raised the issue of whether a decision would be reached at this time. Mayor Butler explained his statement quoted in the American-Statesman that the outcome would be the same whether a decision was postponed at this time or whether a vote was held which resulted in a 3-3 tie in the absence of a full Council. Mr. Akin, representing the restaurant association which he had headed for 40 years, stated that there had been no complaints about the operations of establishments in question over the past two years. He believed that the arguments of those against the ordinance were similar to those for

Prohibition, and he did not believe those were at issue. The real issue was whether the City of Austin should be accorded the same privilege of public service as enjoyed in larger Texas communities. He believed the current practice was embarrassing and suggestive that Austin was a provincial City, to which he objected.

Mr. Joe Trull, an Austin resident for eight years, stated that the issue at hand was what "Austin Tomorrow" should be like. He believed that many Austin citizens were opposed to the extension of hours, because of the social problems it might bring to Austin tomorrow. He stated that a member of the Police Department had indicated that the later hours would augment problems of homicide, assault, and robbery. He indicated the percentage of arrests for these crimes which involved drinking. He believed that the recent decrease in crime was due heavily to a decrease in response time (from notification to police arrival) and that the extension of hours would increase this response time. He referred to an increase in DWI's in San Antonio from 1971 to 1972, and he believed that the use of the breathalyzer was not the only reason for this. He stated that DWI convictions were difficult to obtain. Councilman Friedman stated that this difficulty of obtaining convictions was not true. Councilman Dryden opposed extending the hours because of the energy crisis. Mr. Trull discussed the increase in traffic accidents following the lowering of the drinking age. He cited a Dallas study which found that liquor by the drink was an insignificant factor in attracting conventions.

Ms. Elizabeth Hamilton spoke against the ordinance. She stated that the Police were not adequately handling problems created by a lounge in her neighborhood. Charles Goulding, a meteorologist with the National Weather Service, stated that he got off work at midnight and often desired a beer at that time. Mr. Sager Hunsaker spoke for the ordinance. He stated that only about half of the clubs would stay open until 2:00 A.M. during the week.

Motion

Councilman Dryden moved the Council deny the ordinance. The motion was seconded by Councilman Lebermann,

Substitute Motion

Councilman Handcox offered a substitute motion that the Council close the hearing and postpone a vote on the ordinance until a meeting of the full Council. The motion, seconded by Councilman Friedman, carried by the following vote:

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

RECESSED MEETING

2:00 P.M.

FUEL STUDY

City Manager Davidson and Electric Utility Director R. L. Hancock noted that on June 7, the Council had authorized investigation of longrange fuel studies with LCRA. LCRA had contracted Bechtol Power Corporation as consultants for their study, to investigate the possibility of a coal and/or lignite plant. A joint study with LCRA was recommended.

Mr. Warren Gartman, representing Bechtol Power Corporation, discussed the nature of his organization. In terms of size, he stated that the company was extensive. As far as utilities were concerned, Bechtol was the leader in engineering, being responsible for 20% of new generating capacity being constructed in the United States. He discussed the nature of the study that was being done for LCRA. The study concerned not only fuel but other issues similar to those which the Council had just commissioned Bovay, Burns, and McDonnell to do. In response to City Manager Davidson's question, Mr. Gartman stated that the result of the study should be a longterm program for a fuel policy to meet longterm needs. In response to Mayor Butler's question, he stated that the study with LCRA was scheduled for completion on October 1, and they had been on the job for about one month. He replied that with the participation of Austin in the study, there would be some duplication with the study for LCRA and some new avenues to explore in terms of a broader spectrum which joint participation of Austin and LCRA would make possible.

In response to Mayor Butler's question, City Manager Davidson stated that no contact had been made with San Antonio regarding the possibility of their joint participation in this study as well. Mr. Gartman estimated an expense of \$60,000 to the City for their participation in the study. The present contract with LCRA was for about \$100,000. Mayor Butler discussed with Mr. Hancock how the shared costs for LCRA and Austin would be pro-rated.

There was discussion as to how the Bechtol study might overlap with the Bovay study already commissioned by the Council. Mr. Hancock stated that the authorization to Bovay was specifically for the feasibility of a coal-fired plant at Decker not for a determination of whether a coal supply was available. Councilman Friedman questioned how the separating a coal plant feasibility study from a coal supply study could avoid a great deal of overlap.

In response to Mayor Butler's question, Mr. Gartman affirmed that the Bechtol study would gather data on the volume, quality, cost and deliverability of Texas lignite. He stated that other fuel sources would also be investigated. In response to Councilman Dryden's question, Mr. Hancock stated that the Bovay firm could perform the study under consideration but there would be greater economy in jointly participating with LCRA in the Bechtol study already commissioned by them.

Councilman Lebermann expressed the desire to wait for a week before deciding on the item at hand. Mayor Butler believed the study under consideration should be authorized. Mr. Hancock stated that time was becoming an urgent problem and Bovay needed this study done to complement theirs; he recommended the joint study with LCRA and Bechtol. Councilman Dryden discussed with Mr. Gartman the maximum amount the study would cost the City.

Motion

Councilman Dryden moved the Council authorize Bechtol Power Corporation to conduct the fuel study as recommended. The motion, seconded by Councilman Binder, carried by the following vote:

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

In response to Mayor Butler's question, Mr. Gartman stated that periodic reports could be provided to the Council by his firm.

ANNOUNCEMENT OF APPOINTMENTS

Mayor Butler distributed to members of the press an announcement of some Council appointments.

ANNOUNCEMENT OF LUNCHEON

Mayor Butler stated that a 12:00 noon luncheon was scheduled for the Council and members of the press on Monday, June 25, to meet with the consulting engineering firm of Degalier and McNaughton to discuss the possible engaging of their services in studying fuel sources.

ZONING ORDINANCE

Councilman Dryden 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:

(1) LOT A, RESUBDIVISION OF LOTS 6 AND 7, BLOCK 8, BROADACRES, LOCALLY KNOWN AS 5214-5220 JIM HOGG AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,

(2) TRACT 1(A): A 21,870.77 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;

TRACT 1(B): A 14,910 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,

TRACT 2: A 9000 SQUARE FOOT TRACT OF LAND FROM INTERIM "A" RESIDENCE DISTRICT TO "C-2" COMMERCIAL DISTRICT;

LOCALLY KNOWN AS 5500 SOUTH CONGRESS AVENUE AND 201-213 RED BIRD LANE; AND

(3) LOT 1, TAYLOR PLAT #2, LOCALLY KNOWN AS 1505 NORTH LOOP BOULEVARD, FROM "A" RESIDENCE AND "B" RESIDENCE DISTRICTS TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Councilman Dryden announced that the ordinance had been finally passed.

Councilman Dryden 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 17,280 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2906-2908 SOUTH 1ST STREET; 600-604 TERRELL HILL DRIVE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL 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 Friedman, carried by the following vote:

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

Councilman Dryden announced that the ordinance had been finally passed.

Councilman Dryden 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 1,557.5 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1717-1719 EAST 1ST STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Councilman Dryden announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Councilman Dryden brought up 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.

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

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

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

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

ANNEXATION ORDINANCE

Councilman Dryden 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 11.29 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT AND 20.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY, BOTH 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 Friedman, carried by the following vote:

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

Councilman Dryden announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Butler brought up the following ordinance for its first 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 first time and Councilman Handcox moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

SELECTION OF CONSULTANTS

The Council had before it for its consideration the selection of consultants for various Water and Wastewater Department 1973 Capital Improvements Program Projects. (Postponed from June 14, 1973)

Councilmen Friedman and Dryden discussed with Mr. Al Eldridge, Construction Engineering Director, one particular company with whom a contract was proposed in the recommendations, which had underestimated the costs of a previous project contracted with the City. Councilman Dryden also expressed his concern that local firms should be employed as much as possible.

Councilman Friedman moved the Council approve the selection of consultants as recommended. The motion was seconded by Councilman Dryden.

In response to Councilman Dryden's question, Mr. Eldridge stated that two of the consultants recommended were out-of-state firms. There was considerable discussion as to whether local firms would have the same expertise to perform these projects. Mr. Eldridge expressed the view that these two firms were particularly well qualified to perform the projects involved and would prefer the Council substitute other consultants on any other project listed rather than these two.

Councilman Friedman withdrew his motion, and Councilman Dryden withdrew his second at this time.

Councilman Friedman moved the Council approve the selection of consultants as recommended with the exception of Project 4079 which would be awarded to S. A. Garza and of Projects 4088 and 4936 which would be withdrawn from consideration at that time. The motion, seconded by Councilman Binder, carried by the following vote:

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

CARE AND COUNSELLING FOR RAPE VICTIMS

Councilman Lebermann brought before the Council for its consideration Proposed Care and Counselling for Rape Victims. In response to Mayor Butler's question, he stated that the only direct costs which were exceptional were \$32,000 to \$33,000 for the engaging of three social counselors at Brackenridge Hospital. He referred to an attached memo which listed their duties.

Councilman Lebermann moved the Council approve the program as recommended. The motion was seconded by Councilman Dryden.

In response to Mayor Butler's question, City Manager Davidson stated that there had been 27 rape victims treated at Brackenridge thus far for the current year. Councilman Lebermann estimated that there had been 60 or 70 the previous year. In response to Mayor Butler's question, Councilman Lebermann indicated that the social counselors would deal not only with rape victims but would be there for counseling all trauma care victims. Councilman Dryden felt that a social worker was needed in the Brackenridge emergency room at night, and Councilman Lebermann pointed out that the recommendation was for 24 hours a day. In response to Councilman Handcox's question, Councilman Dryden elaborated on the functions a social counselor would perform. There was further discussion among them as to what the counselors' work load would consist of.

In response to Councilman Handcox's question, Councilman Lebermann noted the educational degree requirements for these prospective employees. In response to Mayor Butler's question, Councilman Lebermann suggested funding from either the annual operating budget or from general revenue sharing. He believed that funding

could be found on a pro rata basis for the next two months or it could wait until the annual operating budget hearing for the next fiscal year. Councilman Handcox expressed his preference for funding from the annual operating budget rather than from revenue sharing. While support for the program was indicated by Council members, they also expressed a concern for the funding of it. Councilman Binder expressed his support for the program, noting that the motion under consideration carried with it the sense that the program would probably be funded.

Vote

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

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

ADJOURNMENT

The Council then adjourned.

APPROVED: Ray Butler

Mayor

ATTEST: Grace Monroe

City Clerk