

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 11, 1973
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The Meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by City Manager Davidson.

RECOGNITIONS

Mayor Butler announced it was the pleasure of the Council to recognize a distinguished member of the Police Department who is retiring after 32 years of dedicated service to the City of Austin. A certificate of appreciation was presented to Captain Russell E. Forrester.

APPRECIATION

Mayor Butler stated that Mayor Pro Tem Love had a resolution of appreciation to the department heads and employees of the City for their efforts during all of the recent weather crises. It was received by City Manager Davidson, who stated that this would be presented at the next department head meeting, to be displayed for the benefit of all employees who helped in this effort.

FIRE & EXTENDED COVERAGE

Mayor Butler pointed out that this item was the insurance on which the Council voted to exempt from coverage any structure of \$100,000 or less in value. This policy would be annually paid and the discounts for longer policies are no longer allowed due to the determination of the Insurance Board.

Mayor Pro Tem Love moved the Council adopt a resolution authorizing payment of 1973 Fire and Extended Coverage Insurance costs of \$16,250.00. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ACCEPTANCE OF GRANT

City Manager Davidson stated this equipment would go to the Police Department primarily, but will have other uses during emergency situations.

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to accept a Texas Criminal Justice Council Grant in the amount of \$2,775.00 for Video Tape Recording and Playback Equipment, and agreeing to abide by all provisions of the grant agreement. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ZONING HEARING POSTPONED

Mayor Butler stated the interested parties on this zoning case could not be present due to the weather, and asked that it be postponed. Councilman Dryden moved the Council set the following zoning to be heard on January 18:

C. K. JAMISON	4308-4310 Avenue F.	From "A" Residence First
By Joe R. Long		Height and Area
C14-72-214		To "B" Residence Second
		Height and Area
		NOT Recommended POSTPONED

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

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

SUBSTANDARD STRUCTURES

Councilman Nichols moved the Council accept the recommendations from the Building Standards Commission and direct that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

7615 Bennett Street	- Mrs. Etta Harris
6907 Carver Street	- Harvey Hemphill
2197 E. 16th Street	- John Burwick
3131 E. 12th Street(Unit E)	- Margery J. Rodgers Estate
3131 E. 12th Street(Unit F)	- Margery J. Rodgers Estate
3131 E. 12th Street(Unit J)	- Margery J. Rodgers Estate
3131 E. 12th Street(Unit N)	- Margery J. Rodgers Estate
3131 E. 12th Street(Unit O)	- Margery J. Rodgers Estate
3131 E. 12th Street(Unit Q)	- Margery J. Rodgers Estate

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

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

CASH SETTLEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a 60/40% cash settlement in lieu of a refund contract as follows:

For the installation of water and wastewater mains in
Devonshire Park, Section 4 - John T. Jones, Trustee.
Owner's cost @40% is \$1,637.79; City's cost @ 60% is
\$2,456.69.

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

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

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a 60/40% cash settlement in lieu of a refund contract as follows:

For the installation of water and wastewater mains in
Avon Heights, Section 8- Arthur, Nanie and Edna
VonRosenberg. Owner's cost @40% is \$3,191.79; City's
cost @60% is \$4,787.68.

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

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

COST DIFFERENCE

Councilman Nichols moved the Council adopt a resolution authorizing payment to Walter J. Kassuba for the cost difference of 12"/8" water main in Kassuba Beach, Phase 4 - Total cost difference: \$1,060.24. The motion, seconded by Councilman Handcox, carried by the following vote:

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

CONTRACTS AWARDED

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

OKONITE COMPANY
(Houston, Texas)

- For Paper and Lead Cable Supply Agreement
10,000 feet 3 Conductor Cable and 27,000
feet 1 Conductor Cable - \$88,091.28.

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

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

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

PRIESTER-MELL CO.
(Austin, Texas)

- Nine (9) each 500 KVA Single Phase Trans-
formers - \$17,262.00.

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

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

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

KRUEGER ENGINEERING &
MANUFACTURING CO.
(Houston, Texas)

- Retubing Feedwater Heater #62 -
\$8,184.00

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

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

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

AUSTIN METER SERVICE
(Austin, Texas)

- Differential Relay Panels - Two(2) each
Spec. E-660 and Two (2) each Spec. E-661-
\$11,590.00.

The City Manager reported that the low bidder had documented an actual error in his bid, and he believes this is an honest error, and that he should be allowed to withdraw his bid. The second low bidder is recommended.

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

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

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

HOLT MACHINERY CO.
(Austin, Texas)

- One (1) each 12,000 pound fork lift -
\$16,254.00.

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

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen

Ayes: Dryden, Nichols, Mayor Pro Tem Love
Noes: None

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

HERSEY PRODUCTS, INC.
(Dedham, Massachusetts)

- Fire Service Type Cold-Water Meters, 6"
Supply Agreement - \$21,720.00.

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

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

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 7:00 P. M., January 25, 1973, to consider annexing the following:

31.09 acres of land out of the Henry P. Hill League -
proposed HORSESHOE BEND. (requested by owner's representative)

19.06 acres of land out of the Theodore Bissel League -
proposed CHERRY CREEK, PHASE III, SECTIONS TWO & THREE
(requested by owner's representative)

30.75 acres of land out of the T. J. Chambers Grant -
proposed VISTA WEST - IV. (requested by owner's representative)

53.95 acres of unplatted land out of the WILLIS AVERY
SURVEY. (requested by owner's representative)

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

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

EASEMENT RELEASED

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

An existing public utilities easement out of Lot D-2,
The First Resubdivision of Lot D, QUAIL CREEK SECTION SIX.

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

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

MODEL CITIES PROPOSALS

Councilman Nichols moved the Council amend the Model Cities Second and Third year plans as follows:

Second Year - This amendment is a statement of assurance that the City of Austin will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the guidelines pursuant to the Act.

Third Year - This amendment is a statement of assurance that the City of Austin will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the guidelines pursuant to the Act.

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

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

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH WALTER J. KASSUBA; NORTH OAKS HILLSIDE, INC. AND AUSTEX DEVELOPMENT COMPANY, LTD.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Dryden
Noes: None
Not in Council Room when Roll was called: Councilman Friedman, Mayor Butler

Mayor Pro Tem Love announced that the ordinance had been finally passed.

CITIZEN APPEARANCE POSTPONED

At the request of Mr. Allen Searight, the Council agreed to postpone his appearance concerning the presentation of three Camp Fire Girls in connection with Camp Fire Girl Month until January 18.

ORDINANCE 721130-A AMENDED

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 721130-A, ENACTED BY THE CITY COUNCIL ON NOVEMBER 30, 1972, BY CORRECTING THE COST TO THE OWNER FOR WATER AND SANITARY SEWER MAINS IN THE VILLAGE, SECTION 6: SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT A, TAYLOR FLAT, LOCALLY KNOWN AS 1507 WEST NORTH LOOP, 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.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOT 2, KREBS LANE ADDITION, LOCALLY KNOWN AS 3801-3807 WADFORD STREET; 101-129 KREBS LANE AND 3812-3826 SOUTH CONGRESS AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden
The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) A 5.04 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2231-2433 ED BLUESTEIN BOULEVARD, 7622-7630 U. S. HIGHWAY 290, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; AND,
 - (2) A 15,225 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6501 RIVERSIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
 - (3) LOTS 6, 7, 8, 9 AND 10, LEE'S HILL ADDITION, AND AREA OF VACATED STREET LOCALLY KNOWN AS 4106 MARATHON BOULEVARD AND 4108 MARATHON BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
 - (4) LOT A, 1969 REPLAT OF CHURCH ADDITION, SAVE AND EXCEPT THE WEST 71.75 FEET, LOCALLY KNOWN AS 6012-6022 CAMERON ROAD, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) LOT 13, BLOCK 1, R. NILES GRAHAM ADDITION, LOCALLY KNOWN AS 1602 WEST 5TH STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,
 - (2) A 2,816 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2923 GUADALUPE, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
 - (3) LOT 35, DIVISION D, OUTLOT 22, HORST'S ADDITION, LOCALLY KNOWN AS 1911-1913 SAN ANTONIO STREET, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,
 - (4) A 7.06 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4708-4800 SOUTH 1ST STREET, FROM "A" RESIDENCE DISTRICT 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 Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced the ordinance had been finally passed.

Mayor Bulter introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 24, WILDER ADDITION, SECTION ONE, LOCALLY KNOWN AS 5705 WOODROW AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE EAST TWENTY FEET OF LOT 15 AND ALL OF LOT 14, BLOCK B, RIDGETOP SUBDIVISION, LOCALLY KNOWN AS 808-810 EAST 52ND STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 0.91 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2301-2303 ANDERSON LANE, FROM "GR" GENERAL RETAIL DISTRICT AND "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCE ON THREE SEPARATE DAYS.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING - PAVING ASSESSMENTS

Mayor Pro Tem Love moved the Council close the public hearing and approve the paving assessments to be levied on the following:

North Lamar Boulevard - Contract C14-11-30 covering 10 blocks.

Bennett Avenue, Bethune Avenue, Blackson Avenue, Blessing Avenue, Coletto Street, Salina Street, East 16th Street, East 18th Street, Contract 72-Pa-113 covering 32½ blocks.

Jones Road - Contract 72-Cc-128 covering 4 blocks.

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

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler

Noes: None

Abstain: Councilman Handcox

FUEL OIL

City Manager Davidson stated that Brazoria Oil Company cancelled their agreement to supply #2 fuel oil as their supplier was unable to deliver. They have since found another supplier. Councilman Nichols moved that the Council retain the first authority and grant the second, also to Brazoria Oil Company. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

REQUEST WITHDRAWN

The request by Highland Lakes Tourist Association for afternoon boating demonstrations in front of Municipal Auditorium, using two power boats on Town Lake, January 25-28, 1973, Thursday through Sunday, was withdrawn by written request.

REQUEST FOR CHARTER REVISION HEARING

Mrs. Nancy Holmes, member of the Charter Study Committee was present on behalf of the majority of the members of the Committee: Mrs. Long, Messrs. Banks, Garcia, Matthews, Ravel, Drs. Quander, White, and herself. The group repeated the request to the City Council that it set a date for an election on all of the City Charter changes to be held within the next 30 to 60 days. They asked for an election prior to the City Council election.

Mr. Bill Youngblood stated in response to this request that they had spent much time to evaluate and analyze and review and recommend improvements or changes in the 20 year old Charter. There are diametrically opposite recommendations of the Committee. Mr. Youngblood stated it would be very wise for the Council to hold some public hearings as it does on so many other issues.

Councilman Friedman moved that on January 25, a night meeting, that the Council hold the public hearing on the proposed Charter Changes that were submitted by this Committee; and then on March 3, 1973, the City hold an election and submit for the ballot and the approval or disapproval of the citizens of Austin those changes which are approved after the public hearing on January 25.

Mayor Butler pointed out the timing which would be inadmissable at this time. Councilman Friedman suggested calling the election at the Run-off. Councilman Friedman restated his motion to schedule the public hearing on January 25. Mayor Pro Tem stated he would not second or vote for the motion that refers to an election per se as that had not been determined.

Former Councilwoman Emma Long spoke in favor of the Council's setting the public hearing.

After extended discussion, on Councilman Friedman's motion, seconded by Councilman Handcox, the Council by the following vote, set the public hearing for 7:00 P. M. at the City Electric Building Auditorium on February 15:

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

Noes: None

Dr. Phillip L. White, member of the committee, did not want this hearing to indicate whether or not the citizens wanted the Charter change, but he asked that the citizens decide whether they want their Charter changed.

HOUSING AUTHORITY REAPPOINTMENTS

Mayor Butler announced the reappointments of Mr. Bill Petri and Mr. Jack McCreary to the Austin Housing Authority. He set forth the services these two Commissioners had rendered to this very important Board.

HARPER CREEK

Reverend Harold Guess, Minister of South Austin Christian Church and President of the South River City Citizens, outlined the purpose of the organization and reviewed some of its activities. Their first project entered into as a community group was to try to get the area south of the River -- Woodland as the southern border, along Harper Creek -- designated as a scenic easement. This area is a visual gateway to the City from the South. Recently bulldozers came in and levelled the area wiping out most of the large trees. They tried to get this stopped, but were unable to do so at that time. They feel this tract is restorable and through proper care and planning that this could still be made a gateway. He listed three proposals: (1) That the Council schedule a discussion of making this a scenic easement. The Council would have to ask the State Highway Department to purchase this tract for this purpose. (2) That the Council take steps today to prevent this type of action from taking place on other creeks in the City -- by broadening the interpretation of the ordinance which refers to altering the creeks. They wanted this matter to be under the Austin Environmental Board. (3) To pass an ordinance that protects all of the green belt or cover areas in the City from willful destruction of any kind; and this might be accomplished through a "site-preparation permit" which would be issued with the building permit.

Mrs. Jean Mather spoke to these suggestions. Mayor Butler stated that Councilman Nichols and City Manager Davidson were out at the site when the bulldozing was taking place, but by the time they could find the owners, the dozers had completed their job.

Mrs. Harriet Buxkemper reviewed a zoning change and the opponents were not aware of the 20% petition and other important procedures.

Mayor Butler asked the group to come back before the Council next week and they would have a status report.

Councilman Lebermann suggested that City Manager Davidson talk with the Highway Department. Councilman Lebermann asked for the coordination of the rest of the Flood Management Study so that would come to the full fruition promptly. He asked if the City Attorney would commence working on this.

Mayor Pro Tem Love stated the best thing that the Council could say publicly would be that the builders at this particular time would indulge themselves in a moratorium. The Council would appreciate that at the moment.

Mayor Butler stated the Council would look for the group's return next week.

VACATION POLICIES

Councilman Handcox stated it had been brought to his attention that some of the vacation policies were out of date, not having been subject to review since 1954. He then moved that the City Manager be asked to undertake a thorough evaluation in order that all needed personnel policy changes can be brought to the attention of the Council in the near future. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Ayes: Councilman Handcox, Mayor Butler, Councilman Dryden
Noes: None

REPORT OF TELEPHONE RATE STUDY COMMITTEE

Mr. Dave Shanks, Chairman of the Committee, stated three hearings were open to the public and the press, one specifically a hearing for the public. The Telephone Company asked for an increase of 22%; the rate authority engaged by the City recommended something in the range of 18%; the judgment of the Committee ranged from approximately 5½% to 15%. The differences involve evaluation techniques and possibly an acceptable rate of return. The Committee would need additional information.

Mr. Shanks stated the responses by the public had been in the area of services and some in the area of pricing. The Committee had no positive percentage figure and preferred to defer that until the Council had had an opportunity to hear the valuation procedures in the rate of return. Councilman Nichols asked how an increase would be applied. Mr. Shanks discussed the Council's exercising a prior approval of any tariff by classes of service that the company would impose and make any change in the current tariff.

Mayor Pro Tem Love asked about the posture the federal authorities might take. Mr. Shanks had no further information at this time.

Mr. Frank Denius, local attorney for Southwestern Bell Telephone Company, stated the Council had the application, the computation of the rate base, rate of return, and the need for additional revenues; and also the report from Mr. Nalle which reduces the amount of 3.9 million dollars of the original request to 3.410 million dollars; or reducing the percentage to 18%. The last increase before the Council was in October 1959, and all were familiar with the growth and the inflationary problems that the economy had suffered. Over the 13 year period without a rate increase, he ventured there would be a 1.6% increase per year over the past 13 years. Southwestern Bell is the largest taxpayer. He stated the company has demonstrated that it is entitled to an increase. A review of increases in the materials used in the telephone industry was made. He asked the Council to take action on their application.

Mr. Bill Holman, Division Manager of Southwestern Bell Telephone Company, pointed out the telephone rates in Austin today are the same as they were in 1959. Their increase request is about 1.6% a year. He listed more customers, more growth, more investment, all of which points out the need of relief on rates. Mayor Butler checked with Mr. Holman as to the rates of some things which had been increased slightly. The Council discussed switchboards, central equipment, PBX installations, tax renditions, etc.

Mayor Butler asked the Company to bring back to the Council a report on his question of \$85 million total investment; and also that they provide a report on whether they had any increase in rates since 1959 on commercial installations. Mr. Denius stated he would get these figures. Councilman Lebermann stated the yellow pages revenues should be included, not only in Austin, but in the total area affected. Mr. Denius stated the yellow page advertising and all revenue from the advertising in the yellow pages is in the rate case as a part of the gross revenues in the City. The cost of publishing the directory has advanced also.

Councilman Friedman asked if they had not had a rate increase since 1959, why was it they were trying to recoup all of that at one time. Why not a little each year? Mr. Holman stated rates were made for the future, and the Company is aware of what it needs to continue to furnish service in Austin. This application was filed on 1970 earnings.

Mr. Denius explained the different regulation in Dallas than other cities. Dallas received its charter and the legislature authorized the City of Dallas to set up a separate public utility department with a director, which is a permanent department of the City and has broad jurisdiction.

Mayor Butler opened the hearing to the public at this time.

Mr. Charles Fitzsimmons made a number of inquiries as to the 50% increase on employees as to the percentage increase of number of subscribers. Mr. Denius stated that percentage was 131%. Mr. Fitzsimmons inquired about tax formula, and if taxes were included as part of the operating expenses in those formulas, and with a tripled investment in facilities in Austin and the outlying areas; and if there were any percentage figures that would parallel that ratio in gross revenue. The company was to get that information.

Mr. Lloyd Doggett stated Texas was the only state out of 50 to fail to consider the impact of intrastate phone rates in determining the rate of return the telephone company would receive. He mentioned the efforts to create some type of state-wide review board. He noted calls out of state provided for a day rate and an evening rate. The inequities extend in other areas. He stated Austinites were not only going to be paying higher rates for telephone service, but are likely to have an increased tax burden for the way these rates are going to effect the State of Texas - the University - Bergstrom Air Force Base, and others. He favored a state-wide regulation of phone rates.

Mr. Dean Warfield, President of Austin Telephone Company, and Chairman of the Board of the San Antonio Telephone Company, came as a competitor of Southwestern Bell. He congratulated the City for studying this case as it had. Mr. Warfield was present as a stockholder and taxpayer who uses Bell lines, and any rate increase would affect them substantially. Mr. Warfield did not believe the company was entitled to a rate increase.

Mrs. Marjorie Ball, Vocational Counsellor working with young people who could not find jobs because they were young, inexperienced, and minorities, stated she had referred to the Telephone Company for employment as their policies were liberal and once a person is established with the Company, they are paid and trained and allowed opportunities to advance.

Mrs. Melissa Singler, member of the Socialist Workers Party, stated they feel that no increase in phone rates should be made, and the phone bills should be decreased. Their position is that the telephone company should be nationalized so that no profits are made.

The Tax Assessor, Mr. Jack Klitgaard, reported on the tax evaluation of the Telephone Company. Councilman Nichols asked that Mr. Klitgaard furnish him the rate of depreciation and appreciation from 1959 to 1972. Mr. Klitgaard stated all of their real property is appraised as other real properties; and the personal properties upon the Company's rendition. Mayor Butler stated the Company has an investment of \$85 million and yet \$47 million is on the tax rolls. Mr. Klitgaard stated he would get the information on that also.

Mr. Morris Kostoff, professor of Physics at Southwestern University in Georgetown, stated for 10 years he had had excellent service from the company.

Mr. Charles Huey, member of the Committee, stated he wanted to clarify some figures; and listed the original cost of the plant at \$86,000,000.

Mrs. Edith Buss, Travis County Democratic Women's Committee, asked that the Council be concerned with the economic, social, and other factors.

Councilman Friedman asked if the figures of 89,000 and 206,000 represented phones that are turned on for a portion of a year. Mr. Denius stated the 206,000 is the total number of phones in service as of December 31, 1971.

In closing, Mr. Denius stated that rather than a State Utilities Commission, he thought the best regulation is that which is the closest to home.

Mayor Pro Tem Love moved that a public hearing be scheduled for next Thursday, January 18th, at 2:00 P. M. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ANNEXATION HEARING

At 10:00 A. M., Mayor Butler opened the hearing to consider annexation of the following properties. Councilman Nichols moved the Council close the hearing and direct the administration to institute proceedings to annex the following:

77.85 acres of land out of the James P. Wallace Survey Number 57 and the William Wilks Labor - portion of Block 7, H. A. & J.G. FITZHUGH SUBDIVISION. (requested by Owner's representative.)

Total of 10.67 acres of land out of the James Wallace Survey Number 57:

1.33 acres - HERITAGE HILLS WEST. (requested by owner's representative)

9.34 acres of unplatted land. (initiated by City of Austin)

Total of 142.09 acres of land out of the John Applegait Survey and the James Rogers Survey:

Tract 1 - 67.16 acres of land - proposed KRAMER LANE INDUSTRIAL PARK 1. (requested by owner's representative)

Tract 2 - 30.49 acres of land (initiated by City of Austin)

Tract 3 - 6.43 acres of land (initiated by City of Austin)

Tract 4 - 38.01 acres of land (initiated by City of Austin)

Councilman Lebermann noted that the ratio of properties initiated by the City to those requested by the owner was very large, and asked if this were necessary. In answer, City Manager Davidson stated that the Staff has been asked to fill in "holes in doughnuts" and this is what the Planning Department is trying to do in this case. Also a large piece of property adjacent to this is being requested by the owner and will be before the Council in the near future, and that is the reason for some of this land being brought up by the staff. Councilman Lebermann asked that the Planning Department work at a general review and update of the annexation policy to see whether the proper things are being done, and to provide a good study and overview of what is happening.

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

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

Noes: None

CODE AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967, PROVIDING TIME LIMITS FOR METER ZONES ON CERTAIN STREETS; REQUIRING COMPLIANCE WITH TIME LIMITS, METER INDICATIONS, AND EXCEPTIONS FOR CERTAIN PERIODS; REGULATING THE OPERATION OF METERS AND THE USE OF PARKING SPACES; PROVIDING AN EFFECTIVE DATE; WAIVING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

PARKING METERS

Councilman Nichols moved the Council adopt a resolution establishing new parking meter zones.

Mrs. Emma Long registered opposition to this, as she believed it to be a deterrent to down town shopping, and that it would not be the best thing for Austin as a whole. Mayor Butler explained that this has been discussed with the "Downtown Limited", a group of down town businessmen, and it was believed that this would discourage people who work down town from "plugging the meters" instead of parking on a regular lot. In answer to Mrs. Long's inquiry, it was stated that fees such as this have been exempted from the price controls.

Councilman Handcox seconded Councilman Nichols' motion, which carried by the following vote:

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

Ayes: Butler, Councilmen Dryden, Nichols
Noes: None

INFORMATION AND REFERRAL SERVICE

Mr. Olin W. LeBaron, Executive Director of Community Council of Austin and Travis County spoke in behalf of Mrs. Mary Nell Garrison, President of the Community Council, who was unable to get to the City Hall today because of the iced streets. Mr. LeBaron spoke about the service "Information and Referral" and gave a background on this project. The load has become great.

The Hot Line operation was extended to 24 hours, but on December 31, 1971 the Hogg Foundation grant terminated. Mr. LeBaron discussed the services and the problems. Councilman Nichols asked if this request had been presented to the Commissioners court. Mr. LeBaron answered that the Court's reaction was they would like to get with the members of the City Council and discuss the probability or possibility of joint funding. Mayor Butler stated the assistance from the federal government is being terminated.

Mr. Bill Youngblood recalled a contract with the County that the County would take over the responsibility of Welfare in this county and city; and that the City would take over Brackenridge Hospital. Most of the funds the County is spending come from the State and the Federal Government, and he would suggest to the Executive Director and Mary Nell Garrison and the Board that they go to the County Commissioner's Court and tell them of the problem and the need. He thought the Commissioners Court should share their load and their responsibility for the care and the responsibility of the citizens of Austin.

Mr. Ravel disagreed with Mr. Youngblood regarding the welfare aspect as this is a community aide service that helps everyone in the community including the welfare segment.

After discussion, Councilman Handcox moved the Council ask for a 30-day delay so they could better understand all sides of the issue. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ADJOURNMENT

The Council then adjourned.

APPROVED: 
MayorATTEST: 
City Clerk