

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 26, 1973
7:00 P. M.ALLISON SCHOOL
515 Vargas

The meeting was called to order with Mayor Pro Tem Love presiding. It was noted that Mayor Butler and Councilman Lebermann would enter the meeting late.

Roll Call:

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

Absent: Councilman Lebermann, Mayor Butler

The Invocation was delivered by FATHER ZNOTAS.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of December 21, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann, Mayor Butler

ANNEXATION HEARING

Mayor Pro Tem Love opened the hearing scheduled for this time concerning annexations. All had an opportunity to be heard.

Councilman Nichols moved the Council close the hearings and direct the administration to institute annexation proceedings to annex 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)

PROCLAMATION

Mayor Pro Tem Love read a proclamation, signed by the Mayor, proclaiming the week of January 29 through February 4, 1973, as KMFA Week in Austin, and urging all residents to recognize the staff of this outstanding broadcasting media and its educational and cultural value as a community institution. The proclamation was received by Mr. Byrd on behalf of the Board of Trustees and Capital Broadcasting Association.

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 10:00 A. M., February 15, 1973, to consider annexing the following:

144.56 acres of land out of the John Applegait Survey:

6.29 acres - CLICK ACRES. (requested by
owner's representative)

138.27 acres - MACMOR ACRES, a resubdivision
of Lot 4, Block A, MACMOR ACRES, MACMOR ROAD
portion of KRAMER LANE, and unplatted land.
(initiated by City of Austin)

52.63 acres of land out of the William Cannon League -
CENTENNIAL PARK and portions of SOUTH CONGRESS AVENUE
and CIRCLE S ROAD:

33.75 acres (requested by owner's representative)

18.88 acres (initiated by City of Austin)

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

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

Noes: None

Absent: Mayor Butler, Councilman Lebermann

MAYOR AND COUNCILMAN ENTER

At this point, Mayor Butler and Councilman Lebermann entered the Council meeting.

PROCLAMATION

Mayor Butler proclaimed the week of January 28 through February 2 as Junior Achievement Week, pointing out there are 367 Austin Teenagers operating 17 miniature businesses, practicing the free enterprise system under the tutelage of 56 adult businessmen and women as advisors. He invited all residents to recognize this outstanding program of educational value to the youth of this city.

EASEMENTS RELEASED

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

Two (2) public utilities easements out of Tract "A", resubdivision of Lots 1 and 2, Block A, BARTON HILLS SECTION SEVEN and Lot 4, Block E, BARTON HILLS SECTION SIX.

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 authorizing the release of the following easement:

An existing drainage easement out of Lot 1, BURTON TERRACE SECTION ONE-A AMENDED.

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

TAX APPEAL HEARINGS

Mayor Butler opened the hearings on Tax Appeals at this time.

Richard M. Knight

The Tax Assessor and Collector was called upon to give a resume of the appeal. Mr. Klitgaard stated this appeal covered the property at 4622 Depew, which had been appealed on numerous occasions to both the Board of Equalization and the Council. He stated that his Department was of the opinion this property has been assessed property in these years. No changes had been made in the values

since 1969, when there was one minor adjustment in land. Mr. Knight had been able to build his house primarily by himself without the labor costs being added; and he was able to buy materials at a bargain price. The appraisal allowed for discounts for materials of \$7,149 for the improvements and \$1,680 for the land. Mr. Knight spoke in his own behalf, in that he had tried to get the Tax Assessor to accept his rendition at \$2,190, as that was what he had in the property. Mr. Knight amended his rendition at 100%, \$3,744, to make the net amount subject to a tax of \$2,808. He compared his property to another house in the area at \$2,782. Mayor Butler pointed out the fair market value was an important factor in evaluating properties.

Finally after detailed discussion, Mayor Pro Tem Love moved the Council uphold the opinion of the Board of Equalization as follows:

Parcel #	Land	\$1,260
2-2010-1523	Improvements	<u>5,360</u>
	Total	\$6,620

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

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

Roswell G. Miller

The Council had before it the appeal of Mr. Roswell G. Miller, who was unable to attend the session, but who had sent a communication to all the Council members. The Tax Assessor, Mr. Klitgaard, stated this was an appeal on residential property, at 4701 Ridge Oak Drive. He reviewed the most recent appraisal, and discussed the property in great detail. Councilman Nichols read Mr. Roswell Miller's letter for the record.

After considerable discussion, Mayor Pro Tem Love moved the Council uphold the opinion of the Board of Equalization as follows:

Parcel #	Land	\$10,430
1-3005-0301	Improvements	<u>13,890</u>
	Total	\$24,320

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

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

C. DEAN DAVIS

Mr. C. Dean Davis had asked for a delay in hearing his tax appeal as he was in Dallas at this time. The Council honored the request, asking the Tax Assessor to reschedule this hearing at the next tax hearings.

LICENSE AGREEMENT

Mayor Pro Tem Love moved the Council adopt a resolution granting a license agreement for the use of the following:

ROBERT L. OGDEN - proposed building encroachment across an existing drainage easement located at Lot 13, Block 1, Granham addition.

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

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

CONTRACTS AWARDED

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

PRIESTER-MELL CO, INC. - 3,765 feet of 15 KV Power Cable -
(Austin, Texas) \$29,054.74.

It was noted that Priester-Mell is not the apparent low bidder, but the low bidder did not meet specifications.

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

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

McGRAW-EDISON POWER - Four High Service Pump and Motor Units
SYSTEMS DIVISION (Capital Improvements Program Project
(Corpus Christi, Texas) No. 535310)

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

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

CONECUH MOBILE UNITS, INC. - Bookmobile Trailer - \$16,640.00.
(Troy, Alabama)

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

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

DeLAVAL TURBINE, INC.
(Houston, Texas)

- Four High Service Pump and Motor Units -
\$142,137.00

- One Filter Backwash Pump and Motor Unit
\$32,130.00.

Total - \$174,267.00

INGERSOLL-RAND CO.
(Houston, Texas)

- Three Recycle Pump and Motor Units -
\$11,871.00.

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

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

RCA CORPORATION
(Meadow Lands, Pa.)

- Communications System for Transit System
Buses - \$33,608.00.

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

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

TERRY EDWARDS
(Austin, Texas)

- For construction of Coliseum Parking Lot
Improvements, Contract Number 73-Pb-103.
(Capital Improvements Program Project No.
8017 0) - \$21,285.00

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

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

AUSTIN ENGINEERING CO.
(Austin, Texas)

- Electric Street Light Ductline and Concrete
Foundations on Rio Grande Street from 5th
Street to 29th Street - \$89,750.00.
(Capital Improvements Program Project No.
538292)

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

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

TENNIS SERVICES COMPANY

- Tennis Court surfacing at Caswell Tennis Center - \$15,300.00.

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

PURCHASE OF HOUSE

Councilman Handcox moved the Council adopt a resolution authorizing the purchase of house and lot located at 2503 Winsted Lane - Lot #198, Tarrytown #6 (for expansion of electrical substation). The motion, seconded by Councilman Friedman, carried by the following vote:

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

CONSULTING FIRM

Councilman Nichols moved the Council approve the selection of BROWN & ROOT as the consulting firm to provide professional engineering studies and design services in connection with the following 1973 Capital Improvements Program Projects:

Fuel Oil Storage - Holly Plant - Project No. 1061 0.

Fuel Oil Light-off Systems Automation Study - Holly Plant - Project No. 1062 0.

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

ENGINEERING TESTING

Councilman Nichols moved the Council approve the selection of TRINITY ENGINEERING TESTING SERVICES for services in connection with the following 1973 Capital Improvements Program Project:

South Austin Recreation Center - Project No. 8642.

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

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

Noes: None

INVESTIGATION AND ENGINEERING

Councilman Nichols moved the Council approve the selection of SNOWDEN AND MEYER for soils investigation and engineering testing service in connection with the following Capital Improvements Program Projects:

Ballfield Complex and Fire Drill Tower - Project Nos. 8643 and 8304.

Burnet Road - Widening and Culvert Construction - Project Nos. 6204 and 6532.

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

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

Noes: None

CHANGE ORDER

Councilman Nichols moved the Council adopt a resolution authorizing Change Order No.6 for additional work to be performed by Austin Constructors in connection with "Proposed Drive and Parking Improvements Addition" to Neighborhood Park Renovation at Metz Park Project in the amount of \$10,417.95. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

CONTRACT - PUBLIC SERVICES

Councilman Nichols moved the Council adopt a resolution accepting a contract for public services to be rendered to the citizens of Austin by the Austin Rehabilitation Center Probation Services. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

LICENSE AGREEMENTS - MO-PAC RR

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the Missouri-Pacific Railroad Company as follows:

To install a 36-inch concrete steel cylinder water main through Missouri-Pacific's existing box culvert at a point 122 feet north

of Mile Post 179. Cost to the City of Austin: \$75.00
Consideration for License.

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

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into license agreements with the Missouri-Pacific Railroad Company as follows:

To install a 24-inch ductile iron waste water pipe through Missouri Pacific's existing box culvert at a point 122 feet north of Mile Post 179. Cost to the City of Austin: \$75.00
Consideration for License.

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

CASH SETTLEMENTS

Councilman Nichols moved the Council adopt a resolution authorizing 60/40% cash settlement with the following:

National Housing Industries, Inc., for water and sewer service installations at 1st Resub. of Peppertree Park, Section 2 - Owner's cost @ 40% is \$250.00; City's cost @ 60% is \$375.00.

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

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

Councilman Nichols moved the Council adopt a resolution authorizing 60/40% cash settlement with the following:

Don Lyda, Trustee, for a sewer main extension at 6th Resub. of Lot 2, Frontier Village, Section 3 - Owner's cost @ 40% is \$544.00; City's cost @ 60% is \$816.00.

The motion, seconded by Councilman Handcox, 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 60/40% cash settlement with the following in lieu of refund contract:

Durwood C. Frances for the installation of water mains in
Allandale North, Section 8 - Owner's cost @ 40% is \$1,073.62;
City's cost @ 60% is \$1,610.44.

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

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

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

Austin Independent School District for installation of
utilities (water and sewer) to serve Norman Elementary
School Tract - Owner's cost @ 40% is \$3,304.96; City's
Cost at 60% is \$4,957.45.

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

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

EMERGENCY FUEL OIL PURCHASE

Councilman Nichols moved the Council adopt a resolution confirming emergency reserve fuel oil purchases for the Electric Utility Department from the following:

A. City Council confirmation of the following new purchases is required:

1. Petroleum Projects Company, Houston, Texas
January 12, 1973
 - a. No. 4 Fuel Oil 120,560 gallons @ \$.1775/gal.
January 13, 1973
 - b. No. 2 Fuel Oil 422,100 gallons @ \$.20/gal.
2. Allen Talley Oil Company, Longview Texas
Delivered Oil as available
No. 2 Fuel Oil up to 250,000 gallons @ \$.18686/gal.

B. The following purchase prices were previously approved by the Council, but original contract quantities have been exceeded. City Council confirmation is needed for additional quantities.

1. Tesoro Petroleum Corporation, Corpus Christi, Texas
 - a. No. 2 Fuel Oil up to 500,000 gallons @ \$.1398/gal.
Previous purchase approved by Council Jan. 4, 1973
for 500,000 gallons @ \$.1398/gal. has been fulfilled.
 - b. No. 5 Fuel Oil up to 1,000,000 gallons @ \$.12/gal.
Previous purchase approved by Council Dec. 7, 1972 for
1,000,000 gallons @ \$.12/gal. has been fulfilled.

C. The following purchases were made in December and were omitted from lists previously submitted because total was expected to be less than \$5,000. Since greater quantities were delivered and total purchases exceed \$5,000, City Council confirmation of the purchases is needed.

1. H. Richards Oil Company, Austin, Texas
Delivered as oil is available
Dec. 7 thru Dec. 15.
No. 2 Fuel Oil 69,235 gallons @ \$.1390/gal.
2. Gulf Oil Corporation, Austin, Texas
Received as oil was available
 - a. No. 1 Fuel Oil 17,700 gallons @ \$.1680/gal.
 - b. No. 2 Fuel Oil 35,400 gallons @ \$.1380/gal.

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

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

ZILKER NATURAL SCIENCE CENTER

Mrs. Helen Shaw, Mayor of Rollingwood, Texas, officially requested that a public hearing be set before any official action is taken by the Council on the Austin Natural Science Associations proposal in Zilker Park, and the resulting recommendation by the Parks and Recreation Board. She stated if this matter is referred to any Boards, Commissions, or Councils, that Rollingwood be notified of any action or meetings, and that a public hearing be set between now and April. Mayor Butler stated that a public hearing would be held before any action was taken affirmatively or negatively on a matter of this nature. He stated Mayor Shaw had appeared before the Council had reached the report, and he stated the Council would receive the report and handle it along the line that before any action were taken, adequate public hearing would be held. The formal presentation will be made at the public hearing when it is set.

City Manager Davidson was to provide Mrs. Shaw information that she was requesting. Different Councilmen yielded their maps to interested persons.

HARPER BRANCH

Councilman Lebermann asked that Councilman Handcox read the following resolution:

"Whereas it has come to the attention of the City Council that certain land which is bound on the north by Riverside Drive and runs south along Interstate Highway 35 and through which a creek known as Harper Branch is being developed in such a manner that many trees and shrubs are being destroyed, and in such a manner that the natural state of Harper Branch will be altered by the installation of pipe and other man-made facilities; and

Whereas the above described land constitutes one of the most natural scenic areas within the City of Austin, and presents a beautiful and inspiring gateway to the Capitol City for all those who enter the City on the South Interregional Highway 35; and

Whereas many citizens of Austin have expressed concern over the destruction of the natural beauty of this scenic creek area; and

Whereas various citizens have contacted the Highway Department of the State of Texas, urging the Department to acquire this land for a scenic easement,

Now, Therefore, be it resolved by the City Council of the City of Austin, that by this present City Council of the City of Austin does hereby support the effort of all those who are working toward the preservation of the above described area, and does hereby formally request that the State of Texas Highway Department immediately investigate the feasibilities of acquiring the above described land as a scenic easement for the benefit of all the citizens of the State of Texas."

Councilman Lebermann pointed out this was a request by Council -- a formal request and an expression of the Council's concern for this specific scenic easement. He hoped that the sense of Council would be that its concern is for all the natural beauty in the inner City and on the approaches to the Community as well. He said that it is the intent to pass a resolution of similar nature, of the Travis County delegation in the legislature.

Councilman Lebermann moved the adoption of the resolution. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

STREET VENDORS

Mr. Jeff Jones had requested to be heard at this meeting, and he spoke on "equal rights for people." He stated he had asked the Vendors Ordinance not be selectively enforced, and alleged there were a number of people violating this ordinance. Mayor Butler again urged Mr. Jones and others to report violations to the Police Department.

At the request of the Mayor Pro Tem, City Manager Davidson reiterated his remarks as to the enforcement; that even though there had been only one arrest for violation of the vending ordinance on the Drag, that the Building Inspection Officer and the Police Department had begun a survey of the entire City some 10 days before, and they were in a position to enforce this ordinance consistently throughout the City in the spirit that the Council intended when they approved it. He reported appropriate enforcement procedures are under way. Some 48 locations had been served notice to correct in accordance with the ordinance, and that each had complied with the City's request. Some 178 signs had been taken off the City's rights of way. The Building Official has assigned two men to concentrate on this matter until the entire City has been covered.

Mr. Davidson invited Mr. Jones if he had any violations that he would like for them to check out, if he would give the location, they would be promptly checked. Mr. Jones did not want the law enforced and they did not want to play policemen.

Mr. Jones asked the Council to eliminate the \$10.00 fee for those who want to sell on 23rd Street and who are not permanent vendors, but who would like to sell a few books. Further discussion was held on violations and enforcements.

Mr. Ernest Garcia, a Drag vendor for about a year and a half, inquired about the vendor's carrying the goods in his hand in that he did not have to have a permit. The City Attorney stated everyone is given a first chance to comply with the ordinance. He added at this time the use of the push carts is not covered in the ordinance. Councilman Friedman suggested amending the ordinance exempting push carts.

Mr. Richard Hamner was of the opinion of the vendors could go on the Drag and sell hand-held items, it is conceivable that there would be enough vendors to crowd Guadalupe again, and the problem is not solved with all of these exemptions.

Mr. Rich Rean, an ex-Drag vendor, stated since he had walked up the streets, he saw the ordinance not being enforced anywhere, so he began selling and was arrested, and he asked the Council to temporarily rescind the enforcement of this law for the next nine weeks until the referendum can be approved.

LATIN QUARTER INCIDENT

Mr. Gilbert Rivera stated they were supposed to make a presentation on a serious incident happening at the Latin Quarter. Councilman Nichols stated there was a civil suit involved in this matter. The City Attorney stated since Mr. Rivera's attorney had advised the witnesses not to give certain statements to the Chief of Police, he would have to advise the Council members not to make statements when something were subject to litigation.

Mr. Rivera asked for a hearing. After discussion, Mayor Butler stated if it were agreeable, the hearing would be set for 5:30 P. M., Wednesday, January 31st, in the Council Room.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

(1) LOTS 19 AND 20, BLOCK 2, LAKEVIEW ADDITION, LOCALLY KNOWN AS 301-303 WEST 38TH STREET; 3706-3710 HOME LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,

(2) A 33.435 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1526-1642 STATE HIGHWAY 71, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;

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

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

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD. AND PRINGLE REAL ESTATE, INC.; 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 Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE - FINAL PASSAGE

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.17 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE WILKINSON SPARKS 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.

Councilman Nichols moved the Council finally pass the ordinance. 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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCES - 1ST & 2ND READINGS

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 77.85 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND PARTLY OUT OF AND A PART OF THE WILLIAM WILKS LABOR; 1.33 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE

SURVEY NUMBER 57; 9.34 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57; 67.16 ACRES OF LAND AND 6.43 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; 30.64 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; AND 38.01 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; 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 THIS ORDINANCE.

Councilman Nichols moved the Council waive the requirement for three readings, and pass the ordinance to its second reading. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Councilman Nichols moved the Council waive the requirement for three readings, and pass the ordinance to its third reading. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

FIVE YEAR CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH PRINGLE REAL ESTATE, INC.; 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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

YOUTH SPORTS PROGRAM

Mr. Tommy Lowe, Chairman of the Recreation Task Force, introduced the members of his committee: Leon Hernandex, Jim Rogers, Bob Teimann, Tom Ezell, James Thurman, and Robert Wiggins, who would give the report. The Task Force Committee recommended the creation of a Council on Youth Athletics with Parks and Recreation Department participation in this program. This Council would be composed of one member of each of the various youth organizations, such as

Little League, or junior football teams. Under the supervision of the Council on Youth Athletics, youth sports programs could be realigned so that there would not be duplications, and also there could be programs set up in areas which do not now have youth programs. Also better maintenance could be done, and substandard lighting could be brought up to par. The Parks and Recreation Department would still control all Parks and Recreation land, and standards would be set up for qualifying the different organizations to use the land. There was some discussion as to how members of the Council would be chosen. The Council recommended the Recreation Task Force Committee, the Parks and Recreation Department, and the City Manager work out a few minor items and come back to the Council.

PARADE PERMITS

Councilman Nichols moved the Council adopt a resolution approving the following requests:

Mary Louise Tindle requesting a parade permit for the Capital Area Chapter of the March of Dimes Miles for Children Walk, Saturday, March 10, 1973, from 8:00 A.M. to 5:00 P.M. To form at II Nelson Field Parking Lot and proceed on Berkman, Coronado Hills Drive, Cameron Road, Highway 183, access road of I.H. 35, access road of FM 1825, and return on same streets.

W. Wayne Matthews requesting a parade permit for United Cerebral Palsy of the Capitol Area, Saturday, March 3, 1973, from 8:30 A.M. to 4:30 P.M. To form at State Farm Insurance parking lot, north on I.H. 35 access road to Pflugerville High School and return on I.H. 35 access road.

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

NOTICE - BONDS TO BE SOLD

Mayor Butler introduced the following ordinance:

AN ORDINANCE by the City Council of the City of Austin, Texas, authorizing the City Manager of said City to cause Notice of Sale to be issued and published for and on behalf of the City of Austin, Texas; 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: Councilmen Dryden, Nichols, 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 By the City Council of the City of Austin, Texas, Authorizing the issuance of Notice of Bond Redemption relating to the "City of Austin, Texas, Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 26," dated October 1, 1972; 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: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

TELEPHONE RATE ORDINANCE PUBLIC HEARING

It being 7:00 P.M., the Mayor opened the public hearing on the ordinance establishing Telephone Rates. The City Attorney, Mr. Don Butler explained that this would be only the first reading, and perhaps if changes are made, they can be made before the second and third readings. There are 3 different types of classifications of service to regulate. Basic services, which are the regular residential, commercial and so on; miscellaneous rates of which there are about 10 pages; and a classification of charges that had not been heretofore regulated at all, which includes some of the new equipment brought out by Bell. The 9.5% increase which the Council requested be applied, was divided to about 7.1% increase to residential and 14.2% increase to business, about a 2 to 1 ratio. He compared the different rates, as they were as to what they would be. There was a question whether the 9.5% of the \$18,000,000 revenue would produce \$1,710,000. Part t provides for the filing of information each year no later than April 1, with copies to the City Manager, City Attorney, Director of Finance, and Tax Assessor-Collector - an annual report. Basically, this would include their additions, their deletions, their revenues, expenses, their rate base, their return to net equity, and a copy of their tax return, providing for setting a base year, and that the Telephone Company will have to file an acceptance of the ordinance before it becomes effective.

Mr. Frank Denius, Attorney representing the telephone company, computed these figures and said they will produce approximately \$1,023,000 of additional revenue, not \$1,700,000 plus. He objected to regulation of 4-party service, which is used only outside the City. Their books are kept under FCC regulations, which is broken down into local service and toll, and it would not be possible to file a complete rate base by April 1, closing the books on December 31; but might be done by sometime in June or July. The company could give the City income tax returns broken down as relating to the City of Austin, but he did not think out of state places would be relevant. He could not tie the Bell system to "an unqualified acceptance" prior to the effective date of the ordinance. He was authorized at this time to advise the Council that the Telephone Company could not accept the form of this ordinance. Mr. Denius did have for the Council a copy of

an ordinance that in his opinion raise the rates, and they would be willing to file within 90 days after the rates become effective what revenues they produce, and agree not to raise the rate without having filed the tariff with the Council.

The City Attorney stated he tried to do what the Council had wanted. Councilman Friedman explained his motion which was a 9.5% increase across the board with the business and residential areas regulated to a 2-1 factor, but it was across the board. There was some discussion as to whether advertising should be included. Mayor Butler suggested that since the Council and the telephone company were apart on some items of very serious nature, but were not that far apart as to intent, that there be a week's delay allowing the City Attorney and Mr. Denius to see if they could resolve some of these points and visit with members of the Council. Perhaps a working proposition that would embody the points that the Council approved of so far.

Councilman Dryden, with Councilman Nichols second, moved that this be delayed for one week, until the next Thursday. At this time, Mayor Pro Tem Love proposed a substitute motion that the Telephone Company be granted a 14.95% increase across the board, prorated as was the understanding within the initial motion made on Wednesday, January 24. The motion failed for lack of a second.

Roll call on the motion by Councilman Dryden, seconded by Councilman Nichols, received the following vote:

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

Noes: Mayor Pro Tem Love

Other speakers included Mr. Charles Fitzsimmons, Mr. Lusk, and Mike Hart of the Student Lobby.

ADMISSION FOR GARDEN SHOW

Mayor Butler stated they had a request from the Parks Board on their recommendation to charge admissions to the Zilker Garden for a 10 day period in the spring of 1973.

Councilman Nichols moved the Council authorize the admission charge for the Annual Flower and Garden Show. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

ZONINGS SET FOR PUBLIC HEARING MARCH 1, 1973

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on March 1, 1973:

FRED J. QUIST, ET AL. By Virgil Waggoner C14-72-283	4501 and 4509-4611 Manchaca Rd.	From: "A" Residence 1st Height and Area To: "GR" General Retail, 1st Height and Area (Tracts 1, 2, 3 and 4) and "B" Residence 1st Height and Area (Tract 5)
IGNACIO LOREDO and L. TONNETT BYRD By John H. Smith C14-72-317	6323-6401 Thurgood Ave. at Ed Bluestein Blvd.	From: "A" Residence 1st Height and Area To: "GR" General Retail 1st Height and Area
IGNACIO LOREDO and L. TONNETT BYRD By John H. Smith C14-72-318	812-824 Shady Lane	From: "A" Residence 1st Height and Area To: "C" Commercial 1st Height and Area
LOUISE OGLETREE MC ELROY By Hardy Hollers C14-73-001	3410 Kerbey Lane	From: "A" Residence 1st Height and Area To: "LR" Local Retail 2nd Height and Area
NORBERT D. HERNANDEZ, SR. C14-73-002	101 Nelray Blvd. and 5406-5410 Link Avenue	From: "A" Residence 1st Height and Area To: "B" Residence 1st Height and Area
CARL W. COLE C14-73-003	112-132 Stassney Lane	From: "A" Residence 1st Height and Area To: "C" Commercial 1st Height and Area
W.T. MOBLEY and BEN PARRISH C14-73-004	2502 Thornton Road	From: "A" Residence 1st Height and Area To: "C" Commercial 1st Height and Area
AUSTIN INDEPENDENT SCHOOL DISTRICT By Dan Driscoll, Director of School Plant C14-73-005	Rear of 6001 Guadalupe Street	From: "A" Residence 1st Height and Area To: "C" Commercial 1st Height and Area

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RANDALL BUTLER C14-73-006	4400-4402 Gillis St. 1401-1407 Casey St.	From: "A" Residence 1st Height and Area To: "B" Residence 1st Height and Area
CARL W. BURNETTE, TRUSTEE C14-73-007	900-902 Reinli Street (at the intersection of State Highway 20, Airport Boulevard and Reinli Street)	From: "A" Residence 1st Height and Area and "C" Commercial 3rd Height and Area To: "C" Commercial 3rd Height and Area
CENTRAL FREIGHT LINES, INC. By W.E. Cureton C14-73-008	7011-7015 North Inter- state Highway 35	From: "A" Residence 1st Height and Area and "C" Commercial 6th Height and Area To: "C" Commercial 6th Height and Area
EDWARD R. RATHGEBER, JR., ET AL By Tom Curtis C14-73-009	6600-6628 South First Street 6601-6633 Cooper Lane 701-703 King Edward Place and 6514-6516 South First Street	From: Interim "A" Residence Interim First Height and Area To: "GR" General Retail 1st Height and Area
DAVID G. BEVERAGE By Martin H. Boozer, Jr. C14-73-010	4402-4410 Barrow Ave.	From: "A" Residence 1st Height and Area To: "BB" Residence 1st Height and Area
BUCKINGHAM RIDGE DEVELOPERS By Robert L. Davis C14-73-011	101-131 Eberhart Lane 6400-7004 South Congress Avenue (U.S. Highway 81)	From "A" Residence 1st Height and Area To: "GR" General Retail 1st Height and Area
W.R. COLEMAN C814-72-012	2005 Lakeshore Drive	12 Townhouse Units called "Island Way", a planned unit development
WILSON KIH SANG CHU C814-73-001	5709 Parkcrest Drive	20 attached single- family dwelling units with common open space called "Northwest Terrace", a planned unit development
MONESSON AND COMPANY By Joe Harris C814-73-002	Bounded by U.S. Highway 290 and the M.K. & T. Railroad (east of Springdale Road)	434 attached and de- tached single-family dwelling units (patio homes) called "Chimneyhill" a planned unit development

ADJOURNMENT

Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

Grace Monson

City Clerk