

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 8, 1973
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Mayor Pro Tem Love, Councilmen Lebermann, Friedman,
Handcox, Mayor Butler, Councilmen Dryden, Nichols
Absent: None

The Invocation was delivered by REVEREND WM. M. HARRIS, United Methodist Church.

RECOGNITION - ELECTRIC DEPT. EMPLOYEES

Mayor Butler announced the pleasure of the Council to recognize a group of employees from the Electric Department of whom and whose deeds the Council is most proud.

Presented by Mr. Louis Faulk were Messrs. Louis Charles Cummings, Lee Allen Wheeler, Leonard Joiner, Jimmie Felix, and Lee Compton from the Electric Department and Chief Gene Sappington, representing the Fire Department.

Mayor Butler read a resolution signed by all members of the Council citing that the employees of the City of Austin have devoted their lives in the service of their fellow residents. Five workmen in the Electric Department answered this high calling February 28th when they saw smoke billowing up at the residence of 1211 E. 7th St., forced open a locked door and rescued Mrs. Olivia Garza and Clem Cardovie. Messrs. Cummings, Wheeler, Joiner, Felix, and Compton brought honor upon themselves and all others in the Austin Municipal services by their heroic acts; and the Council encourages all citizens of Austin to join the Council in recognizing and expressing sincere appreciation for their outstanding action and personal dedication to service.

RESOLUTION REGARDING KIDNEY DISEASE

Councilman Dryden read the resolution pertaining to the treatment of chronic kidney diseases in that the techniques are available to save lives but there is a lack of facilities of diagnosis and treatment.

An act has been submitted by Senator Herring, called the Kidney Health Care Act, to assist in continuing in the health care battle against the menace to the residents of this City and State. The Council joins the sponsors of this legislation and encourages the Legislators to give it thorough consideration on behalf of many victims and potential victims of kidney disease; and urges the adoption of the Texas Health Care Act. Mesdames, Meyers and Maloney represented the Texas Action Committee for Kidney Diseases and members of the local Capital Kidney Foundation, and accepted the resolution presented to them by Councilman Dryden.

TIME TO RUN WEEK

Councilman Berl Handcox read a proclamation citing Billy Graham for having preached the Gospel of Jesus Christ to more persons than any other man in history, in that the Billy Graham Evangelistic Film Ministry administers to 107 countries of the world in 19 different languages.

The latest Billy Graham film, "Time To Run", has been well received by the public and is gaining national acclaim for the positive influence upon our society, and therefore Mayor Butler proclaimed the week of April 11 through 17, 1973, as "Time To Run Week" in Austin and invited all citizens to consider attending a showing of this significant film. Councilman Handcox presented the proclamation to Mr. Jack McCreary.

SPECIAL SCHOOL COMMENDED

Councilman Nichols read a resolution commending the Mary Lee Schools for ten years of invaluable services rendered to persons who are physically, mentally, and emotionally handicapped; and urged all residents to be encouraged to join the Council in recognition of this outstanding event. The resolution, signed by the Mayor, and all members of the Council, was presented to Mrs. Charlene Crump.

RECOGNITION OF OUTSTANDING VISITOR

Mayor Butler presented Sgt. Ken Wallingford, the first returned Prisoner of War about whom everyone has read and are so very proud. Mayor Butler read the resolution signed by each member of the Council pointing out Sgt. Wallingford represented his country with the highest tradition, honor, and patriotism. He was captured by the enemies and chained inside a small cage.

In response, he read a poem written by one of his fellow prisoners in captivity:

In this camp there are seven men
All of whom Uncle Sam did send
To Viet Nam to fight he said
So others can decide how they want to be led
Gladly we want the last for us
We were captured in battle, in the heat and the dust
Taken away from our families
Out of the war, then chained to a cage
Life is really a bore

We are Army, Air Force, and Marine
And all of us are ready to scream
About the inhumane treatment and care
The Viet Cong call lenient and fair
As prisoners of war
We eat pork fat and rice
But we think of steak and other things nice
Our mind seems to dwell in the future and past
Oh how long can this war last
I know that someday we will be set free
But only the Good Lord knows when that will be
The United States, friends, and wives
Surely will be the happiest day of our lives
Until that great and eventful day
We must all stick together and pray
And give thanks to God for being alive
For surely it was he who let us survive
We will be a little older but much more wise
And I don't mean from listening to Communist lies
But there is one thing upon which seven men can agree
That one thing is
Freedom is not Free.

WOMEN'S DAY

Mayor Butler proclaimed Thursday, March 8, 1973, as International Women's Day in Austin and urged all residents to join in recognizing the accomplishments and importance of this observance dating back to the late 1800's. Mrs. Pete Beason received the proclamation.

ITEMS POSTPONED

The following items were postponed one week:

1. Community Action Board recommendation covering the Child Development Program.
2. Consideration of a budget amendment for the purpose of providing a prosecutor for the County Attorney in connection with an anti-pornography program.
3. Proposed Historic Zoning District.

ITEM NOT TAKEN UP

There was no action taken on the item of the Recreation Task Force recommendation on Youth Sports Program.

ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

LOUISE OGLETREE McELROY by Hardy Hollers C14-73-001	3410 Kerbey Lane	From "A" Residence 1st Height and Area to "LR" Local Retail 2nd Height and Area RECOMMENDED by the Planning Commission
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Councilman Nichols moved the Council grant the change from "A" Residence 1st Height and Area to "LR" Local Retail 2nd Height and Area, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Love, 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 change had been granted to "LR" Local Retail 2nd Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

AUSTIN INDEPENDENT SCHOOL DISTRICT by Dan Driscoll C14-73-005	Rear of 6001 Guadalupe St.	From "A" Residence to "C" Commercial RECOMMENDED by the Planning Commission
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Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "C" Commercial, as recommended by the Planning Commission. 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 change had been granted to "C" Commercial and instructed the City Attorney to draw the necessary ordinance to cover.

CENTRAL FREIGHT LINES
INC.
C14-73-008

7011-7015 North
Interstate Hwy.
35

From "A" Residence 1st Height and Area and "C" Commercial 6th Height and Area to "C" Commercial 6th Height and Area
RECOMMENDED by the Planning Commission subject to restrictive covenants requiring a 10' setback that is to be a planted buffer with a 10' chain link fence on the rear property line (in accordance with the site plan on file)

Mayor Pro Tem Love moved the Council grant the change from "A" Residence 1st Height and Area and "C" Commercial 6th Height and Area to "C" Commercial 6th Height and Area subject to restrictive covenants requiring a 10 foot setback that is to be a planted buffer with a 10 foot chain link fence on the rear property line (in accordance with the site plan on file), as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, 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 change had been granted to "C" Commercial 6th Height and Area subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

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Later in the afternoon meeting, City Attorney Don Butler stated he had a matter just brought to his attention by Assistant Attorney Jerry Harris. A vote was taken on a zoning case this morning that was on the agenda, but it could not have been as the case was postponed at the request of the applicants sometime ago. The Council might want to reconsider, since the notice sent out is for next week.

Councilman Nichols moved to rescind the earlier action and reset it for the next time. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

FRED J. QUIST,
ET UX
by Virgil Waggoner
C14-72-283

4501 and 4509-4611
Manchaca Road

From "A" Residence to "O"
Office (as amended)
RECOMMENDED by the Planning
Commission as amended extend-
ing Tr. 4 25' beyond the
existing building (to be
defined by metes and bounds);
subject to subdivision; a
restrictive covenant against
the development of apartments;
a 20' building setback from
the rear property line on all
4 tracts and a 6' privacy
fence where the tracts adjoin
"A" Residence zoned property.

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as amended extending Tract 4 25 feet beyond the existing building (to be defined by metes and bounds); subject to subdivision; a restrictive covenant against the development of apartments, a 20 foot building setback from the rear property line on all 4 tracts and a 6 foot privacy fence where the tracts adjoin "A" Residence zoned property, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

CARL W. COLE
ET UX
C14-73-003

112-132
Stassney Ln.

From "A" Residence to "C"
Commercial
RECOMMENDED by the Planning
Commission subject to a 6'
privacy fence on the west
boundary line.

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "C" Commercial subject to a 6 foot privacy fence on the west boundary line, as recommended by the Planning Commission. 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

The Mayor announced that the change had been granted to "C" Commercial subject to condition and instructed the City Attorney to draw the necessary ordinance to cover.

CARL W. BURNETTE, Trustee; ROBERT L. BOWERS, partnership C14-73-007	900 and 902 Reinli St. (intersection of State Hwy. 20, Airport, and Reinli)	From "A" Residence 1st Height and Area and "C" Commercial 3rd Height and Area to "C" Commercial 3rd Height and Area RECOMMENDED by the Planning Commission subject to sub- division
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Councilman Nichols moved the Council grant the change from "A" Residence 1st Height and Area and "C" Commercial 3rd Height and Area to "C" Commercial 3rd Height and Area subject to subdivision, as recommended by the Planning Commission. 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 change had been granted to "C" Commercial 3rd Height and Area subject to subdivision and instructed the City Attorney to draw the necessary ordinance to cover.

EDWARD RATHGEBER, JR. & DONALD WEST by Tom Curtis C14-73-009	Tract 1 6600-6628 S. 1st St. 6601-6633 Cooper Ln.	From Interim "A" Residence 1st Height and Area to "LR" Local Retail & "GR" General Retail 1st Height and Area (as amended)
BUCKINGHAM PLACE DEVELOPMENT, INC. by Tom Curtis	Tract 2 701-703 King Edward Pl. 6514-6516 S. 1st St.	From Interim "A" Residence 1st Height and Area to "O" Office 1st Height and Area (as amended)

RECOMMENDED by the Planning Commission "LR" Local Retail on the westerly 300 feet of Tract 1; "GR" General Retail on remainder of Tr. 1; and "O" Office on Tr. 2 as amended, subject to restrictive covenant requiring 10 feet planted buffer to provide visual screening along the north boundary line of Tr. 1, further requiring that a plan for this buffer is to be brought before the Zoning Committee for approval; a 26 foot building setback from the 10 foot planted buffer along the north boundary line of Tr. 1; a 6 foot privacy fence on the north boundary line of Tr. 1; height of buildings limited to one story on the "LR" Local Retail portion of Tr. 1; a 25 foot building setback and 6 foot privacy fence where abuts residential development on Tr. 2; and no access to King Edward Place on Tr. 2.

Councilman Nichols moved the Council grant the change from Interim "A" Residence 1st Height and Area to "LR" Local Retail and "GR" General Retail 1st Height and Area on Tract 1 and from Interim "A" Residence 1st Height and Area to "O" Office 1st Height and Area on Tract 2 subject to "LR" Local Retail on the westerly 300 feet of Tract 1; "GR" General Retail on remainder of Tract 1; and "O" Office on Tract 2 as amended, subject to restrictive covenant requiring 10 feet planted buffer to provide visual screening along the north boundary line of Tract 1, further requiring that a plan for this buffer is to be brought before the Zoning Committee for approval; a 26 foot building setback from the 10 foot planted buffer along the north boundary line of Tract 1; a 6 foot privacy fence on the north boundary line of Tract 1; height of buildings limited to one story on the "LR" Local Retail portion of Tract 1; a 25 foot building setback and 6 foot privacy fence where abuts residential development on Tract 2; and no access to King Edward Place on Tract 2, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "LR" Local Retail and "GR" General Retail 1st Height and Area on Tract 1 and to "O" Office 1st Height and Area on Tract 2 subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

BUCKINGHAM RIDGE	101-131 Eberhart	From "A" Residence to "GR"
DEVELOPERS	Lane	General Retail on Tr. 1 and
by Robert L. Davis	6400-7004 S.	"LR" Local Retail on Tr. 2
C14-73-011	Congress	(as amended)
		RECOMMENDED by the Planning
		Commission subject to sub-
		division; limitation of four
		curb cuts along S. Congress,
		and a 6' privacy fence where
		adjoining "A" Residence
		property

Councilman Nichols moved the Council grant the change from "A" Residence to "GR" General Retail on Tract 1 and "LR" Local Retail on Tract 2 subject to subdivision; limitation of four curb cuts along South Congress, and a 6' privacy fence where adjoining "A" Residence property, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "GR" General Retail on Tract 1 and "LR" Local Retail on Tract 2 subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

W. T. MOBLEY &
BEN H. PARRISH
C14-73-004

2502-2504
Thornton Rd.

From "A" Residence to "C"
Commercial
NOT RECOMMENDED by the Plan-
ning Commission
RECOMMENDED by the Planning
Commission "BB" Residence
subject to 5' of right-of-
way on Thornton and sub-
division.

Planning Director Dick Lillie described the area under application, in that Thornton Road is a dead-end street extending southerly off of Oltorf Boulevard. It is an area developed prior to annexation and many of the uses there now are still single family. Recent zonings cover very deep lots, fronting on Thornton Road; and there is a warehouse fronting on the railroad track. Three zoning requests had been zoned "BB" Residence and "B" Residence and the fourth request was recommended for denial of the "C" Commercial zoning, but recommended for apartment zoning.

Mr. W. T. Mobley, co-owner, stated they planned to put in a Mini Storage Barn, as across the street there is the furniture barn.

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence subject to 5' of right-of-way on Thornton and subdivision, as recommended by the Planning Commission. 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

The Mayor announced that the change had been granted to "BB" Residence subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

IGNACIO LOREDO &
L. TONNETT BYRD
by John H. Smith
C14-72-317

6323, 6325 and
6401 Thurgood
Avenue

From "A" Residence to "LR"
Local Retail (as amended)
RECOMMENDED by the Planning
Commission as amended subject
to a restrictive covenant
prohibiting access to Thur-
good and a 6 foot privacy
fence on west boundary line
adjacent to "A" Residence
zoned property.

Councilman Friedman asked about the denial of this zoning by the Staff. Mr. Lillie, Planning Director, reported this is a new development and this zoning would encroach into the area, regardless of its being at the corner of a major arterial street. There is no termination point, once zoning gets started.

Mr. Martin Boozer, representing the applicant, stated this zoning was to have a convenience store, which will be constructed before the development across Thurgood.

Councilman Nichols moved the Council grant the change from "A" Residence to "LR" Local Retail subject to a restrictive covenant prohibiting access to Thurgood and a 6 foot privacy fence on west boundary line adjacent to "A" Residence zoned property, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

DAVID G. BEVERAGE
by Martin Boozer, Jr.
C14-73-010

4402-4410
Barrow Ave.

From "A" Residence to "BB"
Residence
RECOMMENDED by the Planning
Commission subject to 5' of
right-of-way on Barrow Ave.
and limitation of density to
eight units

Assistant City Attorney Jerry Harris stated the applicant agrees to the conditions. No one appeared in opposition.

Mr. Martin Boozer had not represented the applicant at the time the case was before the Council. The initial request was for full "B" Residence. They had limited this request to "BB" Residence and placed a further limitation on the density to what they thought this tract would be developed. Those who appeared in opposition had withdrawn--Dr. Johnson, who lives across the street. The Planning Director stated 30 units could be permitted under "B" Residence. The number of units now are eight. Councilman Dryden noted the street was a dead end street, against the creek, and it would be impractical to overload this street, as all the cars have to come out on 45th.

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence subject to 5' of right-of-way on Barrow Avenue and limitation of density to eight units, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "BB" Residence subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

WILSON KIH SANG CHU
C814-73-001

5711-5821
Parkcrest
(Bullcreek Rd.)

Planned Unit Development
20 attached single-family
dwelling units
NOT RECOMMENDED by the Plan-
ning Commission

Mr. Doug Teemy stated they had a good project, even though there are conditions, but he felt they could overcome them and work closely with the Planning Department. He noted the land now serves to collect water from the area, and the water could stagnate, and trash gathers. He stated it would be an improvement if they could develop the area. Mayor Butler stated there was a valid petition in opposition. In opposition, Mr. Ralph Spencer presented the petitions representing almost 100% of the property owners within 200 feet of this property. He stated there was a cliff of rock nearby, and the property owners would like assurance forever that if this development or others do come to be realized that their neighborhood would have some protection. He described the area, the dangerous curve on 2222, and the rough terrain.

Councilman Nichols moved that the Council uphold the recommendation of the Planning Commission and deny the application. The motion was seconded by Councilman Dryden.

Councilman Handcox offered a substitute motion and moved the Council allow the applicants to withdraw the zoning request and give the applicant time to work with the citizens and work out some arrangement. The motion, seconded by Councilman Friedman, carried by the following vote:

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

W. R. COLEMAN
C814-73-012

2005 Lakeshore
Drive

PUD - 12 Townhouse Units
NOT RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council withdraw the case at this time. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

NORBERT D. HERNÁNDEZ,
SR., ET UX
C14-73-002

101 Nelray Blvd.
5406-5410 Link Ave.

From "A" Residence to "B"
Residence
NOT RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council uphold the recommendation of the Planning Commission to deny the change from "A" Residence to "B" Residence. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change to "B" Residence had been denied.

RANDALL BUTLER,
ET UX
C14-73-006

4400-4402 Gillis
St.
1401-1407 Casey
St.

From "A" Residence to "B"
Residence
NOT RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council uphold the recommendation of the Planning Commission to deny the change from "A" Residence to "B" Residence. 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
Noes: None

The Mayor announced that the change to "B" Residence had been denied.

RECOGNITION - JOURNALISM STUDENTS

Councilman Dryden recognized a group of journalism students from Lanier High School. The Council greeted and welcomed the group to the Council Session.

NATURAL GAS RATES

City Manager Davidson stated the Council had been notified this week that there had been a case filed before the Railroad Commission concerning the natural gas rates that the City pays under its contract. Councilman Lebermann moved the Council authorize the City Attorney to pursue this case to the benefit of the City of Austin on their behalf. The motion, seconded by Councilman Dryden, carried by the following vote:

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

SALE OF STRUCTURE

Councilman Nichols moved the Council adopt a resolution authorizing the sale of a structure and the acceptance of a negative bid on a structure to be demolished, as follows:

Clarence Cullen	1912 Peoples Street	\$119.00
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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

CONTRACTS AWARDED

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

BILL TABOR CONSTRUCTION CO. Austin, Texas	Capital Improvements Program Project No. 5076 4 For the installation of approximately 1850 feet of 8" wastewater main and appurtenances in Connie Lynn Addition - \$33,257.80
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The motion, seconded by Councilman Handcox, 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 awarding the following contract:

ANKEN CONSTRUCTION CO.
Austin, Texas

Capital Improvements Program Project
No. 9001 0
Austin Transit System Maintenance
Facility - \$901,300.00

The motion, seconded by Councilman Handcox, 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 awarding the following contract:

AUSTIN CONCRETE WORKS, INC.
Austin, Texas

Concrete Pipe Supply Agreement -
\$15,537.29

The motion, seconded by Councilman Handcox, 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 awarding the following contract:

AUSTIN ARMY AND NAVY STORE
Austin, Texas

Fire Department Uniform Clothing Supply
Agreement with one option to extend for
12 Months - \$18,850.00

The motion, seconded by Councilman Handcox, 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 awarding the following contract:

ECONO EQUIPMENT &
BROKERAGE
Waxahachie, Texas

Sale of Fairbanks Morse 50 ton Scale,
with 50 ft. x 10 ft. platform, located
on East 5th Street, northside, east of
Pleasant Valley Road - \$1,667.00 total
"as is, where is"

The motion, seconded by Councilman Handcox, 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 awarding the following contract:

TESORO PETROLEUM
CORPORATION
Corpus Christi, Texas

1. Extension of previously approved contract for No. 5 Fuel Oil delivered prior to February 23, 1973 - 700,000 gallons @ \$0.12 per gallon.
2. Confirmation of No. 5 Fuel Oil purchase for delivery on or after February 23, 1973 - up to 800,000 gallons @ \$0.1424 per gallon

The motion, seconded by Councilman Handcox, 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 awarding the following contract:

AMERICAN LaFRANCE
Elmira, New York

Three (3) each Pumper Trucks -
\$121,422.00

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

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

EMINENT DOMAIN

Mayor Pro Tem Love moved the Council adopt a resolution authorizing eminent domain proceedings on the following property for widening of Durwood Street:

West five feet of Lot 1, Block 2, M. W. Wilson Resubdivision
of Parts of Lots 16 and 17, Live Oak Grove.

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

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

RECOGNITION

Mayor Butler recognized Mrs. Lowell Lebermann who was present in the Chambers. Councilman Lebermann stated this was their 5th Wedding Anniversary.

CITY WOMEN'S CAUCUS

Ms. Rita Starpattern stated three weeks ago the City Women's Caucus came before the Council presenting the result of research which they had done concerning the status of women in Austin, plus presenting a recommendation which would address themselves to the problems. The group was present today to get an indication from the Council in regards to those recommendations.

Ms. Starpattern discussed, among other items, day care facilities city wide and recommended that the City establish cooperative day care centers in buildings adjacent to City parks, playgrounds, gyms, and cafeterias in Kealing Junior High and Anderson Senior High and later the Austin High Building and make them available as day care centers. More funds should be sought out to provide more day care facilities for low income families--such facilities to be maintained 24 hours for children whose parents work at night, and that the City take the initiative for providing day care centers for its employees. Mayor Pro Tem Love suggested that she contact the School Board.

Ms. Starpattern brought up the abortion policies at Brackenridge Hospital and discussed the increased fees being charged. They asked that Brackenridge purchase a vacuum aspirator for \$500.

Included in her suggestions was more street lighting in the high incidence areas, teaching self defense classes, hiring police women, and providing free emergency treatment with follow up medical and psychological care.

Councilman Friedman also had a communication with Julia Sacora who was interested in self-defense courses and who suggested that these courses could be taught by the officers of the Police Department. He gave Ms. Starpattern a copy of her letter.

Councilman Lebermann told Ms. Starpattern that there would be a resolution on the Agenda the following week for proposed care and counselling for rape victims.

Ms. Starpattern expressed appreciation to the Council for taking this step.

Councilman Dryden reported that the Memo and interpretation of the Supreme Court decision has been studied and discussed by the Chief of Staff at Brackenridge Hospital. Guide lines will be formulated by the doctors at Brackenridge. He explained the matter to Ms. Starpattern, the doctor-patient relations and surgical procedures. He stated there was no need for this group to come before the Council to pass a Resolution--as there are licensed physicians for diagnosing and treating without the help of the Council.

SAVE THE UNIVERSITY NEIGHBORHOOD

Mr. Bill Parrish appeared before the Council as a representative of the "Save the University Neighborhood", and of the Student Body. Representatives of other areas of the community were present, including fraternities, sororities, and area co-ops. He had petitions representing signatures of over 400 members of the community which are in support of their request for a public hearing to be held at night at the Townes Hall of the Law School, and listed some dates for the Council's choice.

Councilman Friedman moved the Council vote to hold a public hearing on March 28th at 7:30 P.M. at Townes Hall for the specific purpose of having input of SUN into the Traffic and Engineering Plan and help the Council decide whether or not it should go ahead with the proposal. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

EAST 6TH STREET CONSERVATION ASSOCIATION

Mr. David Graeber, President of East 6th Street Conservation Association, and other members were present to give a progress report on renovation and restoration of East 6th Street. He introduced the group of interested people. He listed the improvements in the 300,400, and 500 blocks. He discussed the organization and its purpose -- to try to protect the old buildings and that a viable part of the City be developed in an area that has more old buildings closer than any other part of the City. They want Austin's heritage preserved. Three requests were made. They think this street should be lined with trees, costing \$25,000 to plant 168 trees with an automatic watering system. Some Foundations will help on the financing; and if necessary, this group could have a fund raising campaign. He needed the permission of the Council to plant; and the City's agreement to maintain the trees at about \$2,000 a year for water and fertilizing.

City Manager Davidson suggested that this Association draw up agreements with the abutting property owners or the property owners and the City to provide for maintenance of the area around the tree.

Mr. Davidson said there were many problems in maintaining 168 little plots of grass. Mr. Graeber did not believe the abutting property owners to a park entered into agreements to take care of the part of the park to which they abut. He thought it would be unreasonable to ask these property owners to help. They probably would pay for the tree and its installation.

Councilman Friedman asked Mr. Graeber to come back to the Council whereby he could get an indication that it would grant permission to plant so many trees, and the City to assume maintenance only after the installation, including those with the property owners to keep the area clean as they do on the sidewalks.

Members of the Council indicated they approved this idea, and suggested that Mr. Graeber come back with concrete plans and discuss them with the City Manager, who in turn would make a recommendation.

After discussion, Mayor Butler stated the Council was indicating to Mr. Graeber the approval in principle of his plan assuming he meets the other three criteria.

Mr. Graeber stated they were proposing a trolley up East 6th Street, and asked permission from the Council for him to approach the Austin Transit System Corporation and work something out.

The City Manager asked if the trolley were installed and were not successful if these merchants in the Association underwrite the operational expenses or the deficit. Mr. Graeber stated he could not commit their doing this. He stated with these improvements that East 6th Street would be a successful street and the tax revenue to the City would more than pay for it.

Mr. Graeber said 6th Street is a cross town traffic thoroughfare and he wanted a study of the possibility of rerouting crosstown traffic to an alternative location, i.e. 1st and 5th Streets. He asked the Council to consider 30 head-in parking spaces on at least one side of the street.

In conclusion, Mr. Graeber stated they would be back before the Council. He felt that the 6th Street area could form a nucleus of a historic district. Architectural students from the University are looking into this as to what ordinances would and could apply for Austin. They will be coming back with their recommendations as to ordinances which may be enacted to cover a historic district, and would have boundaries of this district.

Councilman Lebermann reported he, too, was moving ahead with this notion. He was bringing to the Council next week a recommendation of this sort. Mr. Graeber stated this was moving more rapidly than he realized. He thanked the Council for its interest.

RECESSED MEETING

2:00 P.M.

Councilman Nichols moved the Council adopt a resolution awarding the following contracts deferred from the morning session:

GIRARD MACHINERY	Bid Invitation No. 3-0673 Five (5) each vibrating rollers - \$11,475.00
COOPER EQUIPMENT CO.	Bid Invitation No. 3-0674 One (1) self propelled chip spreader \$19,429.00
PLAINES MACHINERY	Bid Invitation No. 3-0675 Two (2) each Street Sweepers \$32,500.00

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

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

ZONING ORDINANCE AMENDMENT HEARING

The Mayor announced that the Council would hear the amendment to the Zoning Ordinance scheduled for public hearing at this time. Pursuant to published notice thereof, the amendment was publicly heard.

The Assistant City Attorney, Mr. Jerry Harris, reviewed the ordinance and reported there are some very restrictive conditions for maintaining a barber shop or a beauty parlor in an "A" Residence district. Councilman Lebermann stated this would change the character of a neighborhood.

Mayor Butler brought up the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967, BY ADDING BARBER SHOPS TO THE LIST OF ACCESSORY USES ALLOWED IN "A" RESIDENCE DISTRICTS; SUSPENDING THE RULE REQUIRING THAT THE ORDINANCE BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced the motion had failed to carry by a tie vote.

SPECIAL PERMIT - REDMAN CORPORATION

Mayor Butler opened the continued hearing on appeal from the decision of the Planning Commission granting a Special Permit to Redman Corporation to build 456 apartment units, appeal filed by Mrs. Julia E. Matelski. Mayor Butler stated there was a communication from Mrs. Matelski asking that this be postponed for one week; and also from the advocate.

Councilman Nichols moved the Council postpone the hearing until 2:00 P.M., March 15, 1973. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ORDINANCE CALLING A REFERENDUM ELECTION

City Attorney Butler stated the petition which was submitted had been verified by the City Clerk. The Council has the option of passing that ordinance which was submitted; calling an election; or calling an election and submitting an alternative ordinance. He explained that under the Charter there would be an alternative: Submit ordinance No. 1 as being the initiated ordinance; ordinance No. 2 as the alternative ordinance; and then an opportunity to vote against both ordinances and a vote for one ordinance would constitute a vote against the other ordinances.

Mr. Roland DeNoie stated the Council should pass the ordinance as initiated by the people, of deep and sincere interest in the preservation of the vendors; that such would incorporate the philosophy of live and let live. The Mayor stated the Council, after 25 meetings on this matter, felt that this was a fair and reasonable approach.

Mr. Abded Ahmed Abdullah Congelo Palermo, Jr. (Duke) suggested another committee that were willing to refine this law out of politics. He was opposed to the manner in which the ballots would be printed.

Mr. Phil Ferris questioned "Duke's" ideas and statements. His objection to 23rd street is that it is too small an area and creates a competition between vendors. He believed he had lost about a third of his business.

Mr. Jeff Jones did not believe the Council acted in good faith. Mr. McGraw, Ms. Mary Walsh, Mr. Erler and others made statements in the vendor's interest. After a lengthy detailed discussion, the Mayor introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 7, 1973, FOR THE APPROVAL OR REJECTION OF AN INITIATED SIDEWALK VENDING ORDINANCE AND THE APPROVAL OR REJECTION OF AN ALTERNATIVE SIDEWALK VENDING ORDINANCE AS SUBMITTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN; ESTABLISHING PROCEDURES FOR HOLDING SUCH ELECTION; AND DECLARING AN EMERGENCY.

ORDINANCE NO. 1

AN ORDINANCE PROHIBITING SIDEWALK VENDING EXCEPT ON SIDEWALKS MORE THAN 10 FEET WIDE AND THEN ONLY ON THE THIRD CLOSEST TO THE CURB PROVIDED THAT NO SELLING BE ALLOWED WITHIN 18 INCHES OF PARKING METERS, FIRE HYDRANTS, OR EMERGENCY TELEPHONES; PROHIBITING VENDING, EXCEPT OF FOOD ITEMS, FROM VEHICLES IN A METERED PARKING SPACE; PERMITTING SIDEWALK DISPLAY OF MERCHANDISE BY ABUTTING STORE OWNERS; EXCEPTING PRINTED MATERIALS; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING A PENALTY.

ORDINANCE NO. 2

AN ORDINANCE AGAINST ALL SIDEWALK VENDING BY PROHIBITING SIDEWALK VENDING AND OBSTRUCTIONS UPON ALL STREETS AND SIDEWALKS IN THE CITY OF AUSTIN; EXCEPTING THE SALE OF PRESS MATERIALS, OPERATIONS OF MOBILE RETAIL GROCERS AND DELIVERIES OF MERCHANDISE UNDER LIMITED CIRCUMSTANCES; AND REPEALING AUTHORITY FOR SIDEWALK VENDING AND OBSTRUCTIONS WITHIN ANY MARKET AREAS OF ANY PUBLIC STREET OR SIDEWALK.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler stated the Council was merely putting this matter to the people, and it would be up to the vendors to present their cause.

TRAVIS COUNTRY UTILITY DISTRICT

Mr. Rodney Sheppard requested approval of the operating agreement for the sewage treatment plant in Travis Country. He was authorized to state they were willing to sell 12 acres of land to the City for public park use, out of the land they presently own. They are unable at this point to agree to sell the property at the price suggested by the Council as it is below the fair market value. They did request approval of the contract. Mr. Sheppard suggested submitting this to an appraiser of the City's choosing for fair market value; and if they could not agree, they could appoint a third, and that they would be bound by whatever that group agrees to.

Mayor Butler pointed out the Council's position in looking after the City's interests, and all have agreed that park land must be acquired before developments start.

Lengthy and detailed discussion ensued. Councilman Dryden moved the Council that the City pay them \$2,500 an acre for this land.

Mr. Woodrow Sledge spoke in the interests of school sites.

Mr. Sheppard stated they had agreed to sell 12 acres. The City offered \$2,333 as the purchase price. That amount could not be accepted at that time, and they did not have the authority to sell. The \$2,600 was not brought up. They would withdraw the contract as it was only for the purpose of getting FHA approval. Mayor Butler stated if he wanted to withdraw it, he was privileged to do so. Discussion then followed on the operation of the plant. Councilman Lebermann stated they should continue a negotiated settlement because in the final analysis, the City will have to pay more for the property. Mr. Sheppard stated they could negotiate further on the \$2,600 figure.

Mayor Pro Tem Love asked Mr. Sheppard to go back to his client, and also to talk to Mr. Davidson in the next few days. City Manager Davidson stated the Council is aware that they have been somewhat limited as to which of the properties they might be able to purchase at any price. He stated now he would be more inclined to purchase the piece of property that they want.

ENVIRONMENTAL POLICY ORDINANCE

City Manager Davidson reported that in February, the Council had received a recommended ordinance from the Environmental Quality Board requesting a careful study and a report to the Council within 30 days. At the request of the Council, hearings were held by the Board, at which he and several department heads had attended. The latest recommendation from the Board is that the Council consider adopting a policy which would broaden the one adopted in setting up the Board of Environmental Quality, and also setting up the Department, now headed by Mr. Stuart Henry.

The City Manager stated this proposal had been discussed and studied and he recommended the policy as sent to the Council by the Board. It was his opinion through this recommendation, that this would be the best way the Council could get in an accelerated program. In answer to Councilman Friedman's inquiry, the City Manager stated the latest recommendation of the Board was that the policy would be utilized in place of the ordinance.

In connection with the policy versus ordinance, Mr. Stuart Henry pointed out many environmental issues had come up and many programs and activities had been initiated. Cooperation had been very good, and a maximum progress with the least amount of time and energy had been experienced. The City administration and all of the department heads are concerned about environmental quality, and substantial progress had been made. Mr. Henry discussed the environmental goals included in the policy statement and in the first part of the ordinance. He added one of the major goals of the policy is that the Council adopt the policy statement proposed by the Citizens Board. In answer to Councilman Lebermann, Mr. Henry stated his recommendation was that the policy be adopted.

Councilman Friedman stated this procedure started out as an ordinance, hearings were held, and a majority of people who attended the last hearings spoke in support of the ordinance, and he questioned why the policy rather than an

ordinance. City Manager Davidson stated that he recommended that the Board go from an ordinance to a policy, as it would take about eight months to redraft that ordinance before it could be considered by the Council. His office and the department heads can do this job and carry out the policy the way the Council wants it; that they could help this Board by providing it with facts and they could enumerate exactly what had been accomplished under the policy during a certain time. It would give the Board an opportunity to enumerate goals that they would like to see accomplished for the next year. He stated he and his staff would like an opportunity to do the job without the ordinance; and since this would not take eight months to redraft the ordinance, they could proceed.

Councilman Friedman suggested that the Council hold the public hearing on the ordinance and the policy and find out from the general public before it is decided to change from the ordinance to a policy. Councilman Friedman moved the Council hold a public hearing on the proposed environmental policy ordinance; and that this hearing be held at 2:00 P.M. on March 22, in this Council Chamber. Councilman Lebermann seconded the motion, with the statement that he was particularly concerned about those goals, and management indicates the need of flexibility. He stated it was appropriate to go with that recommendation. Mayor Butler stated if this proposal does not work, at a later date the Council could enact the ordinance. Councilman Friedman urged the public hearing in the meantime.

Councilman Dryden stated if the City Manager is to be responsible for the regulation of this policy, the Council should let him follow through and make this a policy.

Substitute Motion

Councilman Nichols moved the Council accept the recommendation of Stuart Henry and the City Manager and that the means of doing this be by Environmental Policy. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Councilman Friedman stated the public ought to have some input on this. Councilman Lebermann stated he seconded the motion for a public hearing and he would vote "no"; however, he was enthusiastic about Councilman Nichols' motion as well, and it gets to where they are trying to get.

QUAIL CREEK PARK REPORT

City Manager Davidson reported the Council had asked that a study be made on future parks for the Quail Creek area and to have a recommendation in 30 days. The Recreation Director, Mr. Beverly Sheffield, presented their report and defined the area with Lamar Boulevard and Research Boulevard. He pointed out the industrial areas of heavy density population through the center of the areas of apartment house zoning; and the single residential areas. When developed, the area would have about 16,800 residents. Lanier High School, Wooldridge School and Catherine Cook Elementary School were located on the map. Because of the proximity of the Settlement Home to Wooldridge Elementary School, it would not be feasible to purchase the Settlement Home area, and it would be costly--about \$130,000.00.

Councilman Lebermann asked if there were not a need for a parks land purchase policy -- that there was discussion about 12 acres.

Mr. Sheffield stated they were recommending the continuance of the present policy of working with the Austin School System; as last December the Council authorized them to advise the School System that they would develop the Elementary School playground, and exercise the option on purchasing 25% of the open space land. He said they had a plan that would show how the land could be developed. There are eight acres in this plan. Mr. Sheffield stated the only other area that was a good possibility for a park would run about 50¢ a square foot. This area is in the Rutland Lane, Parkfield and Peyton Gin areas, next to Walter Carrington's Park development. He recommended that a neighborhood swimming pool be budgeted to serve this density of population, and recommended the neighborhood swimming pool as the type of park at Walnut Creek and Cameron Road would have large swimming pools that effectively would serve this residential area.

Mr. Woodrow Sledge discussed the newly developing Catherine Cook School under way, and suggested that the park be located with that site. Mr. Sheffield discussed the adequate location at the Wooldridge School site, and recommended subject to school authorities whether they would want it, and if it would be wise for them to work it out over at Lanier High School to make it more functional for a longer period of time, as they had done at Murchison Junior High School.

The third recommendation was the little one-acre area that is located back over on the creek which they call "Quail Creek", part of Little Walnut Creek -- that that area be left as open space with no apparatus or facilities. It is very close to the homes, and should not be an activity park; but green space in that residential area.

City Manager Davidson stated if the Council approves the general plan, that they could be directed to pursue this small neighborhood facility owned by NPC and get that transferred to the City; and that they go ahead with their commitment on the Wooldridge Park location, and try to have as many facilities as possible there for the use of the neighborhood. He suggested if the Council approved, that the Recreation Director get a request before the Planning Commission to be considered in the Capital Improvements consideration.

Councilman Lebermann stated he hoped during the CIP review and development procedure that the winterization of a pool would be favorably considered for the year.

Mrs. Gloria Thiel, one of the promoters of the development of Wooldridge Park, pointed out two definite needs at the Wooldridge site - (1) a need for a regular softball diamond, and (2) a need for a tennis court somewhere in the area. She stated the Wooldridge site would be most logical for the tennis courts. Mrs. Thiel expressed disappointment that the 40 foot by 60 foot pool would be from 2 feet to 4 feet in depth. As to the Little Elm area, she suggested that benches be placed there.

Mrs. Fran Breyfogle, another promoter for this park, likewise was opposed to the small pool, as they could not have diving events, or hold the Junior Olympics. She concurred with Mrs. Thiel on the park benches, but added there should be some game tables; otherwise the park would be turned into a softball diamond. She

suggested that the Settlement Land be considered, and that this area be considered as more of a district park than three little parks -- one 1 acre, one 8 acres, and one 7 acre park. Councilmen Lebermann and Dryden discussed a larger pool. Councilman Dryden urged the building of a larger pool in this area which is going to grow. City Manager Davidson stated if this pool is approved by the Planning Commission as a CIP item, he would assure them that an adequate pool would be designed.

Mayor Pro Tem Love stated it would be inconceivable for any Council to take seven years before anything was done in this particular part of the City. As far as he was concerned, this part of the City is a priority for recreation. He wanted to see as much as possible expedited, but they would also be planning a good sized swimming pool, maybe a tennis court, perhaps a softball diamond on various locations. The Council was aware of this problem. Councilman Lebermann stated they would be in the budgetary process, and suggested that Mrs. Breyfogle and Mrs. Thiel express themselves to the Planning Commission. It was announced the CIP hearing with the Planning Commission would be 3:30 P.M. at the Electric Auditorium.

Mrs. Williams was not in harmony with the shallow pool as her children are good deep-water swimmers, but she would have to drive them to another pool.

Mrs. Janet Crago pointed out a 25 acre site on Rutland Drive or Walnut Creek with a few trees. She was underscoring the desperate need for a tennis court. Ms. Joanne Starr lives next to the one acre pocket, and she concurred with the recommendation that this one acre park would be lovely as a quiet place, and it goes down to the creek. The City Manager stated that they would be contacting NPC and asked that this acre be transferred immediately if the Council would like for that to be done. A representative from Nash Phillips Copus stated if they did not get a swimming pool in their area for five years, they would like to develop this as a private swimming club for members.

Mayor Pro Tem Love moved the Council immediately expedite that one-acre tract of land and to incorporate the statements made a moment ago to Mrs. Breyfogle and Mrs. Thiel as well. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

BID REJECTED

Councilman Nichols moved the Council adopt a resolution rejecting the bid received for Potassium Permanganate Supply Agreement. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

DAMAGED TRANSFORMER

Councilman Nichols moved the Council adopt a resolution authorizing the following regarding a 12/16/20 MVA Allis Chalmers transformer which was damaged in a fire on November 2, 1972:

Return the unit to the manufacturer for complete disassembly in order to determine the extent of damage to the transformer;

Repair the transformer in the event repair cost is less than \$48,000.

Sell the transformer as junk to the manufacturer at a price of \$5,055 in the event repair cost exceeds \$48,000.

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

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

GRANT APPLICATION

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the submission of a matching grant application to the Department of Health, Education and Welfare for renewal of the Model Cities Family Planning Project. Total cost is \$99,264; HEW \$74,447 and City of Austin Model Cities Program - \$24,817 and adopt a resolution authorizing approval of a grant contract agreement with the Department of Housing and Urban Development for construction of a Neighborhood Facility in East Austin. Total cost is \$660,000; HUD - \$440,000 and City of Austin Model Cities Program - \$220,000. The motion, seconded by Councilman Nichols, carried by the following vote:

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

REVISED LEASE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to execute a revised lease agreement for the Model Cities Service Center at 1601 East 6th Street. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

EMINENT DOMAIN

Councilman Nichols moved the Council adopt a resolution authorizing eminent domain proceedings for acquisition of sanitary sewer easements on the following properties:

A strip of land 15 feet in width out of and part of that certain remaining 7.58 acres out of the Theodore Bissel League.

A strip of land 15 feet in width out of that certain 6.00 acre tract out of the Theodore Bissel League.

A strip of land 15 feet in width out of and part of that certain 6.00 acre tract out of the Theodore Bissel League.

Six tracts of land out of that certain 2.81 acre tract out of the Theodore Bissel League.

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

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

TRANSFER OF LIEN

Councilman Nichols moved the Council adopt a resolution authorizing execution of a transfer of a paving assessment lien in the name of Lillian E. Gray to Associates Investment for the amount of \$374.37. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PHARMACEUTICAL SERVICES CONTRACT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to execute a Pharmaceutical Services Contract between the Model Cities Family Outpatient Clinic and Central Pharmacy. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

DESTRUCTION OF MATURED BONDS

Councilman Nichols moved the Council adopt a resolution authorizing destruction of matured bonds and coupons paid during 1971-72 Fiscal Year. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

AGREEMENT - USE OF VOTING EQUIPMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into an agreement with Travis County for the use of voting equipment. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

PARADE PERMIT

Councilman Nichols moved the Council grant the request by Interfraternity Council for a parade permit for Round-Up Celebration, University of Texas, Saturday, March 31, from 1:30 P.M. to 2:30 P.M. beginning at the Municipal Auditorium parking lot, north on South 1st Street, east on West 1st Street, north up Congress Avenue to 12th Street. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ITEMS NOT TAKEN UP

On the request of Dr. Thomas D. Kirksey, the Council removed the item on the agenda of Dr. Kirksey's presentation of a proposed contract for Hospital House Staff and Emergency Services for Brackenridge Hospital.

Ms. Lemal Higgs, who requested to appear to discuss emergency vehicles in Austin, did not appear at the meeting.

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 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 THE ORDINANCE.

The ordinance was read the third time, and Councilman Nichols moved that the Council 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
Noes: None
Out of Room at
Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

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:
LOTS 1 AND 2, WAGES-DAVIS-STURDIVANT CENTER, LOCALLY KNOWN AS 511-603 BEN WHITE BOULEVARD; 4107-4137 TERRY'O LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST 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 Dryden, carried by the following vote:

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

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:

TRACT 1: A 0.85 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3513-3533 GREYSTONE DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 19.23 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3512-3594 GREYSTONE DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 2.94 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3602-3610 GREYSTONE DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA 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 Dryden, carried by the following vote:

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

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 3,511 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 207 ANDERSON LANE EAST, FROM "O" OFFICE 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 Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

Grace Monroe
City Clerk