

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 12, 1973
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

The Invocation was delivered by REVEREND THEODORE McELROY, Hyde Park Christian Church.

DISTINGUISHED SERVICE AWARD

Mayor Butler read and then presented a Distinguished Service Award to Mrs. Sonia Ashworth, in recognition of her service to the City as a member of the Planning Commission. Mrs. Ashworth accepted the award and thanked the Council.

PROCLAMATION - ALTRUSA WEEK

Mayor Butler read and then presented a proclamation to Mrs. Mina Purvis and Miss Evelyn Quinn, of the Altrusa Club of Austin, proclaiming the week of April 15-21, 1973, as Altrusa Week in Austin. Mrs. Purvis and Miss Quinn accepted the proclamation and thanked the Council.

PROCLAMATION - RODEO MONTH

Councilman Friedman read and then presented a proclamation to Messrs. Bowman Barton, Bobby McClary, and Jeff Pruitt, of Reagan High School, Miss Carolyn Hankins, of Del Valle High School, and Sponsors Mr. Bob Hankins and Mr. John Ludlum, proclaiming April, 1973, as High School Rodeo Month. President of the Capital City Area Rodeo Association presented the Council with complimentary tickets to the annual rodeo to be held April 27-28.

PROCLAMATION - TEACHER APPRECIATION DAY

Councilman Nichols read and then presented a proclamation to Mr. Rodney Brown, proclaiming April 13, 1973, as Teacher Appreciation Day in Austin. On behalf of the Austin Federation of Teachers, Mr. Brown expressed his appreciation to the Council and invited the Council to a celebration to be held on that day at Pease Park.

PROCLAMATION - FOSTER CHILDREN WEEK

Mayor Butler read and then presented a proclamation to Mr. Homer Rodriguez, Regional Administrator for Austin area for State Department of Public Welfare, and Ms. Rome Quintanilla, Case Worker with foster care parents and children, proclaiming the week of April 8-14, 1973, as Austin's Action for Foster Children Week. Mr. Rodriguez and Ms. Quintanilla accepted the proclamation and expressed their appreciation to the Council.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of February 15, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

PUBLIC HEARING ON STREET VACATION - PASSAGE OF ORDINANCE

At 10:00 A.M. Mayor Butler opened the public hearing scheduled for that time on vacating a portion of Pete's Path, at the intersection of Bull Creek Road and Jefferson Street (Continued from March 29th).

Mr. Joseph Morahan, Public Property Manager, explained that Jefferson Street had previously ended at 38th Street causing traffic to veer off onto Pete's Path. Now Jefferson Street was opened beyond 38th, and Pete's Path had been brought into a 90° intersection with Jefferson, just short of 38th, to avoid a five-point intersection. Due to a misunderstanding of the proper ownership, Mr. and Mrs. George Reid, the owners of property on the corner, had not been notified at the time. He believed that problems resulting from that misunderstanding had since been worked out. He noted that the reason for the change in the intersection, initiated by the City, was for traffic control and safety reasons.

He noted three options for what could be done with the resultant surplus right-of-way:

- 1) It could be left as right-of-way, becoming a rather large parkway area between the paved street and the property owners' property line, in which the owners would need to maintain it and make no use of it other than to drive across it to get to their property.

2) The portion of right-of-way could be vacated between their property and the reserved water line easement, in which case the owners would gain the use of that part of the property to be vacated.

3) The entire area could be vacated in which case the owners would again have to maintain it but would gain control of all of it.

Mr. Morahan stated that the property owner preferred the third alternative. In response to Councilman Nichols' question, he stated that the City would retain an easement for the water line and 10' of right-of-way between the new property line and the curb on Bull Creek Road and Pete's Path and 15' on Jefferson Street. Normally, Council policy called for a charge to be made based on the value of the adjoining property. In this case, however, the staff recommended that no charge be levied since the changes had been initiated by the City rather than by the property owners and since the property was improved with residential improvements and owner-occupied and the additional property would provide as much of a burden as it would be a benefit. He stated that the area amounted to approximately 3500 square feet. In response to Councilman Lebermann's question, he stated that no structure could be built upon it because of the water line easement. In response to Councilman Dryden's question, he stated that the distance from the old property line to the new property line would be about 45'. Councilman Dryden expressed reservations about giving the property to the owners when it then might be re-sold at a profit. There was discussion among the Council as to the conditions that might be imposed for re-sale.

Mayor Butler suggested that the owners might be allowed to use the property under a license agreement without vacating the area and giving up title. Mr. Morahan stated that without vacating and even without a license agreement, the Reids could use the property for driveway, planting grass and trees, etc. Councilman Lebermann noted that returning this land to the private sector would increase the ad valorem tax base.

Mr. George Reid stated that he would like to get a sidewalk put through the area in question. In response to Councilman Dryden's question, he stated that he had had some cars with "For Sale" signs on them parked on his property frontage, but he did not intend to use the property as a used car lot. Mayor Butler noted, in response to Mr. Reid's question, that it was normal procedure for the homeowner to maintain the property owned by the City which lay between the sidewalk and the street. Mayor Butler stated that the City Manager commented that this corner might qualify for a sidewalk, not at the owner's expense. Mrs. Reid commented on the size of the area, larger than a typical easement, which they would have to maintain by mowing, etc. which was unfair if they did not own it.

Mayor Butler commented on the possibility that this property might be zoned "C" at sometime in the future. Councilman Nichols inquired about giving the property to the owners and then collecting from them should it be sold to another party. Mrs. Reid believed they should be entitled to the amount of street frontage they had had when they purchased their home. Mayor Butler noted that when a highway is moved, one might lose his highway frontage completely, and in this case the City was willing to sell property so that the Reids could retain their street frontage. The property would be sold to them at 3/4 the market value for the 3500 square feet to be vacated @26¢ per square foot for a total of about \$926. In response to Mayor Butler's question, Mrs. Reid stated that if the property were not vacated, they were not going to maintain it. Councilman Dryden believed then that the City should retain it and be responsible for maintaining it. The Reids then stated that they would buy the property.

Motion

Councilman Nichols moved the Council authorize the sale of the property under question to the owners of the abutting property under the established formula. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF PETE'S PATH, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR WATER LINE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council close the hearing, 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 Nichols, Lebermann, Friedman, Mayor Butler
Councilman Dryden
Noes: None
Absent: Mayor Pro Tem Love, Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

CONTRACTS AWARDED

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

DEXTER SIMONS CONSTRUCTION COMPANY (Austin, Texas)	-	For the installation of approximately 920 feet of 6" water mains and appurtenances in Durwood Street from West Oltorf Street southerly - \$10,050.00. (Capital Improvements Program Project No. 4060 3)
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The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

ED H. PAGE
(Austin, Texas)

- For street and drainage improvements, assessment paving consisting of 40 blocks, Contract No. 73-Pa-105-\$215,981.20. (Capital Improvements Program Project No. 6240 3)

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

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

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

LARSON-PUGH, INC.
(Austin, Texas)

- For drainage improvements in Pleasant Valley Road approximately 800 feet south of Knuckles Crossing Road, Contract No. 73-Cc-114-\$14,201.86. (Capital Improvements Program Project No. 6539 5) (City participation: 50%)

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

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

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

JACK A. MILLER, INC.
(Austin, Texas)

- For construction of Northwest Park Parking Lot Improvements consisting of curb and gutter, excavation, base and surfacing, Contract Number 73-PARD-117. (Capital Improvements Project No. 8651 0) - \$24,252.10

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

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

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

DALMARK, INC.
(Austin, Texas)

- Electric Ductlines and Concrete Foundations at Kingsbery Substation- \$38,466.80. (Capital Improvements Program Project No. 3529 0)

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

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

CHANGE ORDER APPROVED

Councilman Nichols moved the Council adopt a resolution approving Change Order No. 2 for the Pleasant Valley Road Softball Complex at the agreed lump sum price of \$14,848.00 for construction of rest rooms and equipment-storage facilities. Capital Improvements Program Project No. 8643 0.

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

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

AGREEMENT AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing 1973 Agreement between Lower Colorado River Authority and City of Austin for use of I.C.R.A. right-of-way.

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

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

LICENSE AGREEMENT GRANTED

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

AUSTIN DRUG CO., INC. - proposed encroachment of a building across an existing 30" storm sewer pipe located on Lot 1, Block 3, Austin Heights.

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

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

SUBSTANDARD STRUCTURES

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

1196 Chestnut Street	-	L.J. Overton
412 Sterzing Street	-	Michel A. Saad
1158 San Bernard Street (Front)	-	Doyle & Freeman Builders
1158 San Bernard Street (Rear Unit)	-	Doyle & Freeman Builders

SALE OF STRUCTURE

Councilman Nichols moved the Council adopt a resolution authorizing sale of structure as follows:

Accept negative bid - structure to be demolished:

Ronald P. Neve	1809 West 10th St.	\$256.00
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The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

BIDS REJECTED

Councilman Nichols moved the Council adopt a resolution rejecting all bids for the construction of Irrigation System Improvements - Rosewood and Comal Parks, Capital Improvements Program Project Nos. 8628 3 & 8647 1.

In response to Councilman Lebermann's question, City Manager Davidson stated that the amount of money budgeted had been insufficient and that alternate ways of funding would be sought soon. In response to Councilman Dryden's question, he stated that use of a presently-owned ditching machine was a possibility in the meantime. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

ACQUISITION OF LAND AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing acquisition of certain land for widening and paving Springdale Road:

8,038 square feet of land out of the J.C. Tannehill League
(Tony Guerrero, Jr.)

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

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

BIDS APPROVED

Councilman Nichols moved the Council adopt a resolution approving bids totalling \$42,400.12 for the sale of Surplus Vehicle and Equipment Services Department Equipment.

In response to Mayor Butler's question, Fleet Administrator Lester E. Rogers stated that the number of bidders and amounts of bids were comparable to those in past sales. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

EASEMENTS RELEASED

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

10 foot and 7.5 foot public utilities easements and drainage easements out of Lots 2455-2459, LAKEWAY SECTION TWENTY-TWO. (14 easements) (Applicant - G.E. Marsh, P.E. of Bryant-Curington, Inc. for Lakeway Company)

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

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

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

Two (2) 7.5 foot public utilities easements out of Lots 55 and 56, VISTA WEST - IV. (Applicant - S.A. Harutunian of Bryant-Curington, Inc. for Fawn Ridge Development Corp.)

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

Ayes: Councilmen Nichols, Lebermann, Friedman, Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love, Councilman Handcox

PAYMENT OF COST DIFFERENCE AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing payment to Austex Development Co., Ltd. of cost difference of 12"/8" water main in The Village, Section 5 - \$1,621.20.

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

Ayes: Councilmen Nichols, Lebermann, Friedman, Mayor Butler

Noes: None

Out of Room at Roll Call: Councilman Dryden

Absent: Mayor Pro Tem Love, Councilman Handcox

PARK PURCHASE DISCUSSED

Mrs. Pat Brown, homeowner-resident and parent in Linder Elementary School area, introduced Mrs. Kay Killough, Linder School Principal, Mrs. Ophelia Ornois, Linder PTA President, and students from the school. She appeared to discuss the acquisition of a park site in Southeast Austin. She pointed out on a map the area in question which was outside the City limits and about 55 acres in total. City Manager Davidson stated that it was inappropriate for the City to discuss publicly the details of the sites it might be looking at.

Mrs. Brown stated that they had worked since January with University of Texas architecture students and their professor who had studied the area as a park site. She stated that the City had some federal funding with which they could purchase this acreage.

She stated her concern that some of the more desirable portions of the area in question might be eliminated in favor of streets and residential and commercial development sites. Mayor Butler noted that the City was considering the purchase of approximately 50 acres out of what was a tract of over 100 acres. She was concerned that if there were some development along Ben White, there might be problems of drainage into the pond. She understood that there were no funds allocated for development of the park before 1977-78 and requested that funds be set aside sooner than that. She presented a petition signed by 300 neighbors urging the City to purchase and develop the park site. She stated that 150 of the

students in the school had written letters to the Council expressing their feelings about the park, and the students presented these letters to the Council. Mrs. Brown, the Mayor, and members of the Council read some of the letters.

City Manager Davidson stated that these recommendations would be considered in examining various proposals for this park. Mayor Butler indicated that Parks and Recreation Department would keep these citizens informed on their progress on this item.

Mr. Woodrow Sledge, representing the School District, expressed his concern about access to the park land on the south side of the school. In response to Mayor Butler's question, he stated that there was a possibility of 50-50 participation by the City with the School District for right-of-way and playground in the park. Mr. C.L. Reeves also noted the access problems.

CASH SETTLEMENTS

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

C. Rupert Cedar for extension of water main to the Oscar Cedar Subdivision, Resub. of Tract 1-B - Owner's cost @40% = \$597.60;
City's cost @60% = \$896.40.

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

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

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

Betania Mission Fund for the installation of water and sewer services at Betania Baptist Church Addition - Water service installation: owner's cost @40% = \$16.00; City cost @60% = \$24.00; Sewer service installation: owner's cost @40% = \$164.00; City's cost @ 60% = \$246.00.

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

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

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

H & L Enterprises for water service installation and sewer main extension at Cherry Creek East, Resub. of Tract A - Water service installation: owner's cost @ 40% = \$138.00; City's cost @ 60% = \$207.30. Sewer main extensions: Owner's cost @ 40% - \$504.00; City's cost @ 60% - \$756.00.

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

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Lebermann

Noes: Councilman Friedman

Absent: Mayor Pro Tem Love, Councilman Handcox

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

Von Boeckmann-Jones for a water service installation at Huntland Heights Commercial, Resub. of Lot 2-B of Resub. of Lot 2. Owner's cost @ 40% = \$177.35; City's cost @ 60% = \$270.02.

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

Ayes: Mayor Butler, Councilman Dryden, Nichols, Lebermann

Noes: Councilman Friedman

Absent: Mayor Pro Tem Love, Councilman Handcox

REQUESTS FOR WATER DISCUSSED

Mayor Butler noted the request of the Manville Water Supply Corporation for purchase of water from the City. In response to Mayor Butler's question, City Manager Davidson reported that representatives of the Manville Corporation were invited to a meeting to be held the following week to discuss this item, and it could then be brought before the Council on April 19 or 26. Mayor Butler also noted the previous request of Cedar Park, which had now incorporated, for additional water which had been postponed pending a study of the overall situation. In response to Councilman Lebermann's question, City Manager Davidson stated that the CIP budget included extension of a larger line to that unit and an additional reservoir which would serve Northwest Hills. City Manager Davidson indicated that this item could also be considered along with the Manville request. Mayor Butler felt that each individual request should be considered on its own merits, and rates should be set on some standardized basis. City Manager Davidson responded affirmatively to Mayor Butler's request for a report on all pending applications plus any others that might be forthcoming soon.

Mayor Butler noted that they also had a request for a Utility District in Williamson County. Mayor Butler also noted that Lakeway, which had been granted the authority to have a Municipal Utility District, was in the process of incorporating.

ITEM POSTPONED

The item of residents of the St. Johns' area requesting to appear to discuss NDP program for St. Johns' area, installation of culverts, and ordinance for paving on the basis of a petition of 51% of the property owned in the area was postponed at this time.

REQUEST FOR USE OF TOWN LAKE GRANTED

Councilman Nichols moved the Council grant the request of Mr. Thomas L. Schneider, Assistant Sales Manager, Glastron Boat Company, for use of Town Lake for its 1974 Annual Distributor Meeting, Sunday, July 29, 1973, through Friday, August 3, 1973, subject to all rules and regulations. The motion, seconded by Councilman Friedman, carried by the following vote:

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

REQUEST TO BLOCK STREET DENIED

Mr. Donald S. Brooks, Commercial Manager of Dobie Center, requested permission to block Whitis Street for a period of ten days beginning May 11th and ending May 20th for the purpose of holding Dobie Carnival Days. Mr. Brooks stated that access to parking lots on 20th and 21st and to the Dobie Parking Garage would be maintained. He stated that Dobie Center owned 90% of the property affected. Mayor Butler expressed concern about access to a house situated on the other 10%. City Manager Davidson did not recommend the closing of the street for this kind of commercial purpose.

In response to City Manager Davidson's question, Mr. Brooks stated that carnival rides would be placed on the street. In response to Councilman Lebermann's question, he stated that most of the noise apparatus would be located away from the neighbors. In response to Councilman Friedman's question, he stated that arrangements could be made so that emergency vehicles could get through. Councilman Dryden opposed blocking off the street for this length of time for this purpose. Councilman Friedman felt that a shorter period of time might be acceptable.

Councilman Dryden moved the Council deny the request for closing Whitis Street for ten days. The motion, seconded by Councilman Nichols, carried by the following vote:

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

REFUND CONTRACTS ORDINANCE - FIRST READING

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

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

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

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

SETTING DATE TO RECEIVE BIDS FOR SALE OF BONDS

Councilman Nichols moved the Council authorize the giving of notice of intention to sell and to authorize the issuance of ELECTRIC, LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE BONDS in the amount of \$17,500,000, and set May 31, 1973 at 10:30 A.M. C.D.T. at the regular Council Meeting to receive bids. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

ANNEXATION ORDINANCES - 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 31.09 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE; 19.06 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; AND 30.75 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T.J. CHAMBERS GRANT; 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 for the third time, and Councilman Nichols moved the Council finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

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 144.56 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAI SURVEY AND 52.63 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read for the third time, and Councilman Nichols moved the Council finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE - FIRST AND SECOND READING

Mayor Butler brought up the following ordinance for its first 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 10.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE; 58.91 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; AND 10.01 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 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 for the first time, and Councilman Nichols moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

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

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

Noes: None

Absent: Mayor Pro Tem Love, Councilman Handcox

NURSING HOME FEE ORDINANCE

The Council had before it for its consideration the following annual fee for Nursing Home Permits administered by the Austin-Travis County Public Health Department: \$20.00 + \$2.00/bed (postponed from March 15, 1973). Councilman Nichols moved the Council authorize Permit fees of \$15.00 + \$1.50/bed.

Mr. Thomas Taylor, of North Lamar Nursing Home, expressed a favorable response to this motion. He reported on the recommendations of the Capital Area Chapter of the Texas Nursing Home Association that at least a semiannual evaluation be made of all City-County Health Permit fees. He further recommended that nursing homes be put on a flat fee rather than a per-bed basis, because larger homes did not necessarily require more services from the City Health Department. He further stated that public health functions should be partially subsidized by the City.

Councilman Nichols offered an amendment to the motion that due consideration should be given these recommendations after a report from the City Manager. The motion as amended, and seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 22-7 OF THE AUSTIN CITY CODE OF 1967 TO ESTABLISH CERTAIN FEES FOR NURSING HOME PERMITS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS.

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

The Mayor announced that the ordinance had been finally passed.

ELECTRIC SERVICE REGULATIONS AMENDED

The Council had before it for its consideration amending Paragraph 22 of the Electric Service Regulations pertaining to Service to Adjacent Premises. Mr. R.L. Hancock, Electric Utility Director, stated that presently Paragraph 22 prohibited the crossing of any public street or any property line with electric service by the customer. The revision would maintain that concept but provide that in the event that adjacent properties are under a unified ownership and in a unified project, the owner may extend electric service across the adjacent property line. This pertained only to commercial and industrial developments and would still prohibit crossing any public street.

In response to Mayor Butler's question, Mr. Hancock stated that in some cases it was difficult for the owner to do a short form resubdivision to do away with an internal property line, particularly for reasons of separate financing. In response to Mayor Butler's question, Mr. Hancock stated that this change would lower the cost of energy to the customer but it would also reduce some of the City's cost. Councilman Lebermann expressed concern about reducing the City's revenues. In response to City Manager Davidson's question, Mr. Hancock felt that this revision would benefit the City in reduced expense and that the present

regulation in the case of a unified development was difficult to justify. Also many other Texas utilities allowed this action.

Councilman Nichols moved the Council adopt a resolution amending Paragraph 22 of the Electric Service Regulations pertaining to Service to Adjacent Premises. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ORDINANCE TO CALL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A RUNOFF ELECTION ON MAY 5, 1973 IN THE CITY OF AUSTIN FOR THE PURPOSE OF ELECTING A COUNCILMAN TO PLACE NO. 2 ON THE CITY COUNCIL OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1973; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

HEARING POSTPONED

Mayor Butler announced that the public hearing on the proposed Consumer Affairs Ordinance scheduled for 2:00 P.M. had been postponed for two weeks in accordance with the request of Mr. Lloyd Doggett.

ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: 

City Clerk