

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 6, 1975
1:00 P.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by DR. JOHN BARCLAY, Central Christian Church.

RESOLUTION ACCEPTING DONATION OF LAND

Mayor Butler read and then presented a resolution signed by the Council to Messrs. David B. Barrow, Jr., and Bill Milburn. It was noted that the Texas Commerce Bank, the Austin Corporation, and Bill Milburn, Inc., had donated more than 7.6 acres of land in the northwest portion of the City in memory of Jane E. Barrow and Edward R. Barrow for dedicated park land to be maintained as a nature preserve by the Austin Parks and Recreation Department for the continued use and enjoyment of all residents. Mr. Barrow stated that he was accepting this resolution on behalf of his father and uncle, who was deceased.

BLACK HISTORY WEEK

Councilman Friedman read and then presented a proclamation to Mr. Volma Overton, representing N.A.A.C.P., proclaiming the week of February 10-16, 1975, as "Black History Week" in recognition of the many contributions of Black citizens; and he urged all residents to join the Council in recognizing the rich, cultural heritage provided by these great men and women. Mr. Overton thanked the Council and urged the citizens to attend various activities throughout the week.

Mr. Joseph Swift took this opportunity to announce that there would be a musical performance by Little Richard at the Ritz Theatre tonight.

NATIONAL VOCATIONAL EDUCATION WEEK

Mayor Butler read and then presented a proclamation to Ms. Diane Adcock proclaiming the week of February 9-15, 1975, as "National Vocational Education Week" and called it to the attention of all citizens as a week in which to acknowledge that the National Vocational Education Associations programs are creating a new direction for the honor and dignity of all vocational education among the students, teachers, parents, schools, and the communities. Ms. Adcock thanked the Council.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Minutes for January 30, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman,
Lebermann
Noes: None

APPOINTMENTS

Councilman Friedman announced that in an Executive Session several weeks ago, appointments were discussed and were now before the Council for action. Councilman Friedman moved that the Council reappoint the following to the Human Relations Commission:

Mr. Joe Lung, Chairman	Dr. Edgar Roy
Mrs. Geneva Conally	Mrs. Ed Wroe, Jr.
Mrs. William F. Kemp	Mr. William McMorris
Mr. F. R. Rice	Mr. Sam Winters

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

SELECTION OF MAYOR PRO TEM

Councilman Lebermann moved that the Council select Councilman Dryden as the Mayor Pro Tem. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler
Noes: Councilman Binder

It was noted that Councilman Dryden had been selected to preside when the former Mayor Pro Tem Love was out of the City or ill.

Councilman Binder prefaced his negative vote by asking whether or not Councilman Dryden was going to announce his candidacy for the position of Mayor.

ZONING HEARINGS

Mayor Butler announced that the Council would hear the zoning cases scheduled for 1:00 p.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

GARY JOHNSON, Trustee C14-74-171	6504 Decker Lake Road also bounded by Johnny Morris Road	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area and "A" Residence 1st Height and Area (Tract 1) RECOMMENDED by the Planning Commission, subject to 1/2 the right of way (20 feet) to increase Johnny Morris Road to 90 feet and subject to sign notification
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Councilman Dryden moved that the Council grant "LR" Local Retail, 1st Height and Area District and "A" Residence, 1st Height and Area District on Tract 1 as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District and "A" Residence, 1st Height and Area District on Tract 1, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

CLAUDIA S. NABORS & JOHN McCRARY By E. C. Thomas C14-74-176	4308 Speedway Avenue	From "B" Residence 1st Height and Area To "C" Commercial 1st Height and Area RECOMMENDED by the Planning Commission, subject to a privacy fence along the north boundary.
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Councilman Dryden, moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

GARY CUTSINGER &
HENRY S. MILLER CO.
By William Putney, III
C14-74-169

6617 and 6701 Decker
Lane, also bounded by
Decker Lake Road

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area (Tract A)
and "GR" General Retail
1st Height and Area (Tract B)
(as amended)
RECOMMENDED by the Planning
Commission as amended subject
to sign notification.

Councilman Lebermann moved that the Council grant "O" Office, 1st Height and Area District (Tract A) and "GR" General Retail, 1st Height and Area District (Tract B) as amended, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District (Tract A) and "GR" General Retail, 1st Height and Area District (Tract B) as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

AUSTIN "45" LTD.
C14-74-177

4109 Tennehill Lane

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "B" 1st Height and
Area on 40 feet out of the
center of the tract, subject
to the zoning reverting back
to "A" Residence, 1st Height
and Area if not used for
driveway access to the nursing
home only.

Councilman Dryden moved that the Council grant "B" Residence, 1st Height and Area District on 40 feet out of the center of the tract, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman,
Lebermann
Noes: None

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District on 40 feet out of the center of the tract, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAGGER ASSOCIATES, INC.
By James H. Coleman
Cl4-74-178

2803-3309 West Ben
White Boulevard
(Loop 360) and also
bounded by French
Colony Drive and the
proposed MoPac
Boulevard

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area(Tract 1),
"LR" Local Retail
1st Height and Area(Tract 2),
"O" Office
1st Height and Area(Tracts
3 and 6), and
"BB" Residence
1st Height and Area(Tracts
4 and 5) (as amended)
RECOMMENDED by the Planning
Commission
To "GR" General Retail
1st Height and Area(Tract 1),
"LR" Local Retail
1st Height and Area(Tract 2),
"O" Office
1st Height and Area(Tracts
3 and 6) and
"BB" Residence
1st Height and Area (Tracts
4 and 5) (as amended)
subject to the restrictive
covenants and conservation
easement covenant as submitted
by the applicant

Councilman Friedman commented that this case set a precedent that he felt was extremely worthwhile and needed to be followed through on all sorts of development. Mr. Dick Lillie, Planning Department Director, reviewed this by noting that the location of this was important because of the environment in which it was located.

Mr. Lillie continued by stating that Mr. Jagger had worked for several months with City departments through the application itself, the subdivision process, and with area residents to assure that this project was compatible with the character of the environment and the thoughts of the departments and area residents. He noted that through this they had gone beyond the normal zoning issue because in this application was the issue of retention of the steep slopes from building storm water run-off as it affects the creeks, retention of the quality of the water as it relates to Barton Creek, and the limitation of density on a tract of land for public open space. He pointed out that through all this process the owner had agreed to make these covenants part of the subdivision process and plat restrictions. He commended Mr. Jagger for this and commended the citizens of the area who had taken time to be concerned and be a part of the decision-making process. He felt that this was a step forward as it related to the environment in which it falls.

MR. JIM BANNEROT, President of the Barton Creek Citizens Association, stated that his purpose in speaking was not in opposition to what Mr. Jagger was planning to build; but he wanted to point out that there were some difficulties in the manner in which the covenants read. Mr. Bannerot stated that Mr. Jagger had taken certain standards of water quality to conserve the run-off in its undeveloped state and to preserve the quality of water to keep it from

being polluted. By doing this he had dedicated 40% of his total tract (about 400 acres) in a conservation easement.

1. He commented that the dedication was to a great degree very selective in that the dedication of 40% was to speak to the problem the Planning Commission had brought up about not building on slopes of more than 20%. He did not know whether or not all the 20% slope land was covered in this 40% area. He noted that in the largest tract (to be used for the shopping center) only 1% of the area was dedicated for the easement.
2. He was concerned as to whether or not the language of the covenants and easement covenant would be binding to anyone else if this was passed on.
3. One of the covenants would grant the City the right and easement "To prevent the construction of all building and parking lots, except such improvements as are necessary or desirable to control storm water drainage." He questioned whether the word "desirable" should be retained.
4. One of the covenants would grant the City the right and easement to prevent the construction of private roads or driveways, except as necessary or desirable for ingress and egress. He also questioned whether the word "desirable" should be retained.
5. He noted that the conservative easement itself was changeable with the written consent of the City Manager. He felt that this would "wipe" out whatever value there was of putting it on record and that this would eliminate the benefits of citizen input. He suggested that if there could be no citizen input, this should be open to the Council for change and not just the Manager.
6. One of the covenants stated that "Jagger, its successors and assigns, shall take such measures as may reasonably be required by the Director of Engineering of the City of Austin to prevent any increase in flooding downstream from the property on Barton Creek from that which would occur as a result of natural surface water run-off from the property in its undeveloped state..." Mr. Bannerot questioned the word "reasonably" and felt that there should be some standard on this if Mr. Jagger was going to agree not to increase run-off.
7. One of the covenants stated that "Jagger, its successors or assigns, shall construct and install such low-flow grease and/or sand filters on the property for filtering contaminating or polluting storm water discharge as may be reasonably required by the Director of Engineering of the City of Austin..." Mr. Bannerot questioned the word "reasonably" and suggested that it would be much better to have a definite standard of pollution.

8. He suggested that there should be some form of citizen suit and some way to enforce the document if they felt it was a detriment to the environment.

In response to Councilman Binder's questions concerning whether or not Mr. Bannerot was only opposed to specific terms and not the zoning itself, Mr. Bannerot felt that the acreage in Tract 1 could be reduced.

In response to Councilman Dryden's comment, Mr. Bannerot stated that he wanted to make sure what had been agreed was in writing; and as things were changed, the residents wanted to know what was happening.

MR. SID JAGGER, owner, addressed himself to some of Mr. Bannerot's remarks:

1. They had agreed to either dedicate to the City or place in a conservation easement 40% of all the land with the exception of the 104-acre tract that would be the shopping center.
2. They would dedicate about 10% of Tract 1 for the easement as opposed to the 1% that had been mentioned.
3. Concerning the environmental conservation easement, he stated that they had to be sure that they did not create a pocket of land that was relatively flat and could be developed; therefore, they found it necessary to include that they would have the right to run a road through the easement in order to get to the land.
4. With regard to the right to provide drainage structures, they wanted to control the run-off so that it would not flood Barton Creek in its natural state; and this required that they build a retention dam.
5. With regard to reasonableness, this was a matter worked out between their attorneys and the City's attorneys; and it was a unilateral right they were giving to the City with no right of appeal. He noted that they also agreed that in addition, there should be some qualifying word; and that was "reasonably."
6. With regard to the right to amend these agreements, they felt it was necessary in that they were in the elementary stages as to how to control run-off and drainage.
7. He noted that the overall deed and part restriction stated that this could not be amended without the approval of the Council, and the environmental easement stated that it could not be amended without the approval of the Manager. He did not know why they were written different, and he felt it would be appropriate and had no objection to having the Council's approval for both.

MR. KILIAN FEHR, Eanes Civic Association, commented that the biggest difficulty in going before boards and commissions had been the difficulty for people to understand what this was going to be like. He felt that

Mr. Jagger should be commended for some of the reductions, particularly in the density and quantity of the apartments; however, he doubted that these adjustments would have been made had it not been for their complaints. They felt that this was pretty liberal zoning for this but hoped similar restrictions would be given to the adjacent land.

In response to Councilman Binder's question, Mr. Lillie felt that this was a good plan for the area; and he pointed out that at major intersections of major arterial streets there was a tendency for very high density development. He noted that in the staff's original review of the application they were rather conservative with respect to high density occurring at this location; but as they continued with the planners hired by Mr. Jagger, they found that the land was going to be developed, and their concern was that it be compatible. He concluded that the final result was before the Council with the recommendation of the Planning Commission and staff.

Councilman Friedman felt that both sides had gone as far as they could and that the residents had brought up valid points in that the agreements needed to be written down and enforced. He also suggested that Messrs. Bannerot and Jagger get with the City Clerk and give her a list of what they were talking about.

There was discussion concerning approval subject to rewording of the documents to incorporate suggestions made by Mr. Bannerot. Mr. Don Butler, City Attorney, did not want to upset the delicate balance of the agreement; but he commented that this was just on the hearing and was based on certain conditions. He noted that this would have to come back for the passage of the ordinance at a later date. He felt that they could get to the general spirit by trying to work this out and coming back to the Council.

In response to Councilman Friedman's comment that this should be discussed by the City, the residents, and the applicant, Mr. Jagger stated that these documents had been on record for at least a month; and this was the first time he had heard of this. He was concerned over the fact that if any changes were made, he wanted to have the approval of the Legal Department; and he did not want to be put in a position where he would have to do whatever Mr. Bannerot said.

After further discussion, Councilman Friedman moved that the Council grant "GR" General Retail, 1st Height and Area District (Tract 1), "LR" Local Retail, 1st Height and Area District (Tract 2), "O" Office, 1st Height and Area (Tracts 3 and 6) and "BB" Residence, 1st Height and Area District (Tracts 4 and 5) (as amended) as recommended by the Planning Commission, subject to conditions, with the additional condition that in one week both parties come back to the Council with final documents to tighten up the enforceability of the covenants, and the City Attorney was instructed to draw the necessary ordinance to cover. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (Tract 1), "LR" Local Retail, 1st Height and Area District (Tract 2), "O" Office, 1st Height and Area District (Tracts 3 and 6) and "BB" Residence, 1st Height and Area District (Tracts 4 and 5) (as amended), subject to conditions, with the additional condition that both parties come back in one week with final documents to tighten up the enforceability of the covenants.

Mr. Bannerot took this opportunity to state that the citizens thought Barton Creek watershed should be under study. He noted that this project would not have great impact on the Creek; but as development continued up the Creek, there would be more chance of pollution of the water.

RELEASE OF EASEMENT

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

All of the Public Utilities Easement that covers the northeast ten (10.00) feet of Lot 17, Block T, NORTHWEST HILLS, CAT MOUNTAIN SECTION, a subdivision, said Lot 17 being also known locally as 4304 Cat Mountain Drive. (Requested by Centex Swimming Pool Company on behalf of Mr. and Mrs. Alfred J. Ionnone, owners.)

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

CONTRACTS AWARDED

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

I.B.M. CORPORATION
1609 Shoal Creek Boulevard
Austin, Texas

- Official Ballots for the Special
Election and the Municipal
Election, Purchases and Stores.
192,500 ballots for each election.
@ \$18.75/M - \$3,609.38
Total - \$7,218.76

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

In response to Councilman Friedman's question, Ms. Grace Monroe, City Clerk, stated that the law required that the City order ballots for the number of registered voters plus 10%. She noted that this did not include the May 3 run-off.

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

M. LIPSITZ & COMPANY, INC.
100 Elm Avenue
Waco, Texas

- Sale of Scrap Metal Condenser Tubes, Brass and Stainless Steel, Approximately 195,000 lbs. removed from Unit #3, Holly Street Power Plant, Electric Utility Department.
- Item 1 - (Brass) approximately 165,000 lbs. @ \$0.2813/lb. Total - \$46,414.50
- Item 2 - (Stainless Steel) approximately 30,000 lbs. @ \$0.1313/lb. Total - \$3,939.00

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

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

PRIESTER-MELL CO., INC.
601 East 56th Street
Austin, Texas

- 40,000 feet 600 Volt Insulated URD Secondary Cable, Electric Department.
- Item 1 - 40,000 ft. @ \$409.47/MFT
- Total - \$16,378.80

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

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

AUSTIN WHITE LIME COMPANY
McNeil Road
McNeil, Texas

- Quicklime for use as water softener, Water and Wastewater Treatment Division.
- Twelve-Month Supply Agreement
- Item 1.a and Alternate Item 1.b - estimated 9,000 tons at initial price - \$29.40/ton - Total - \$264,600.00 (subject to escalation)

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

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

JOE McDANIEL
Route 5, Box 67B
Austin, Texas

- For the installation of 24" C.S.C.
water main in William Cannon Drive,
Phase III, C.I.P. No. 54071 4 -
\$88,732.87

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

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

PUFFER-SWEIVEN, INC.
10502 Fallstone
Houston, Texas

- Control Valves for Decker Unit #2 -
\$171,000.00

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

AGREEMENT APPORTIONING EXTRATERRITORIAL JURISDICTION

It was noted that the Council had before it possible approval of an agreement apportioning overlapping extraterritorial jurisdiction between Austin and Rollingwood. Mr. Lillie noted that Rollingwood had about 1/2 mile jurisdiction overlapping Austin's jurisdiction. He stated that the allocation would provide about 15% of that to be allocated to Rollingwood and would basically be a 500-foot corridor of land parallel to their city limit line along Bee Cave Road. He further stated that the remainder of that overlapped area would go to Austin and would fall within the City's subdivision and annexation jurisdiction.

Councilman Friedman moved that the Council adopt a resolution approving an agreement apportioning overlapping extraterritorial jurisdiction between Austin and Rollingwood. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

MATTERS PERTAINING TO WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

Councilman Dryden moved that the Council adopt a resolution taking the following action on matters pertaining to the Williamson County Municipal Utility District No. 1:

Approving Notice of Sale of Bonds of Williamson County Municipal Utility District No. 1 and the Official Statement concerning the bonds, and also giving preliminary approval to the bonds. (Final approval as to bond prices, interest rates, and redemption premiums would be requested of the City Council or City Manager on February 27, 1975, after the bids are opened.)

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

Ayes: Councilmen Friedman, Lebermann, Mayor Butler,
Councilmen Binder, Dryden
Noes: None

Councilman Dryden moved that the Council adopt a resolution taking the following action on matters pertaining to the Williamson County Municipal Utility District No. 1:

Authorizing approval of assignment to the Williamson County Municipal Utility District No. 1 of the water supply contract between the City of Austin, Lumbermen's Investment Corporation, National Housing Industries, Inc., and Provident Development Company.

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

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

Councilman Dryden moved that the Council adopt a resolution taking the following action on matters pertaining to the Williamson County Municipal Utility District No. 1:

Approving wastewater system operating contract between City of Austin, Anderson Mill Joint Venture and Provident Development Company.

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

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

AUTHORIZATION OF ONE-WAY STREET

The Council had before it authorization of a one-way street as follows:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Direction</u>
East 52nd Street	Cameron Road	Lancaster Court	Eastbound

In response to Councilman Dryden's comment that it was important that the people in the area were aware of this, Mr. Joe Ternus, Urban Transportation Director, stated that this was only temporary due to construction in the area; but he added that the people would be notified. Councilman Lebermann moved that the Council adopt a resolution authorizing the one-way street as afore-mentioned. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

SUBMISSION OF REQUEST CONCERNING CONVERSATIONAL SPANISH FOR POLICE

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to submit a continuation request to the Texas Criminal Justice Division for the project entitled, "Conversational Spanish for Austin Police Officers." Total cost will be \$9,492, Criminal Justice Division support, with no local cash match. Program period will be from May 1, 1975, through April 30, 1976. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

AUTHORIZATION OF OFFICE OF ECONOMIC OPPORTUNITY-FUNDED CONTRACTS

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to sign Office of Economic Opportunity-funded contracts with the following:

<u>Agency</u>	<u>Contract Term</u>	<u>Allocation</u>
Austin-Travis County Health Dept.	2/1/75 - 4/30/75	\$12,593.00
South Austin Clinic	2/1/75 - 9/30/75	\$10,000.00

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

SELECTION OF PROFESSIONAL ENGINEERING CONSULTANT

Councilman Binder moved that the Council select JERYL HART as the professional engineering consultant for the following project for Public Works Department:

Spicewood Springs Road Improvement, from MoPac Boulevard, west to Loop 360.

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

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

Noes: None

ACQUISITION OF LAND FOR DAVIS LANE RESERVOIR WATER LINE

Councilman Lebermann moved that the Council adopt a resolution authorizing acquisition of certain land for the Davis Lane Reservoir Water Line, Phase II:

0.348-acre parcel of land out of the William Cannon League Survey No. 19. (E. R. Rathgeber et al)

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

Ayes: Councilmen Binder, Dryden, Friedman, Hebermann, Mayor Butler

Noes: None

ACQUISITION OF LAND FOR MOPAC EXPRESSWAY

Councilman Lebermann moved that the Council adopt a resolution authorizing acquisition of certain land for MoPac Expressway:

2.35 acres of land out of the James M. Mitchell Survey and the T. J. Chambers Grant. (J. V. Walden et ux)

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

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

Noes: None

ACQUISITION OF LAND FOR TOWN LAKE DEVELOPMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing acquisition of certain land for Town Lake Development:

All of Lot 11, Block 8, River View Addition Annex.
(W. C. Dailey et ux)

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

AUTHORIZATION OF PAYMENT OF ACQUISITION COST

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to pay the City's share of the acquisition cost of Parcel 89, Loop 360 (Grady Hazelwood), to Travis County. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

APPROVAL OF CHANGE ORDER

Councilman Friedman moved that the Council adopt a resolution approving a Change Order to the H. B. Zachry Company in the amount of \$18,839.00 for additional fuel oil facilities for Holly Power Plant. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

EMINENT DOMAIN PROCEEDINGS

Councilman Friedman moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire property for William Cannon Drive:

Portion of the right of way of the International and Great Northern, said right of way being 100 feet in width, being a portion out of and a part of the William Cannon League in the City of Austin. (Owner, Missouri Pacific Railroad)

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

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

ITEM POSTPONED CONCERNING MINORITY ECONOMIC DEVELOPMENT

Mr. Arturo Casillas, President of the Mexican American Council for Economic Progress, Inc., and board member of the Austin Minority Economic Development Corporation, had requested to appear before the Council to make a presentation to show the importance of minority economic development and to request that the Council make minority economic development a top priority with the new Housing and Community Development Act of 1974 funds. However, it was requested that this item be postponed until February 13, 1975.

AMENDMENT TO UNIFORM MECHANICAL CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967; REPEALING CERTAIN PROVISIONS OF CHAPTER 39; RENUMBERING CERTAIN PROVISIONS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

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 5.584 ACRE TRACT OF LAND, SAVE AND EXCEPT A TWENTY-FIVE FOOT STRIP OF LAND ALONG THE ENTIRE EASTERN AND SOUTHERN BOUNDARIES OF SAID 5.584 ACRE TRACT OF LAND, SAID TWENTY-FIVE FOOT STRIP OF LAND IS HEREBY ZONED FROM "LR" LOCAL RETAIL DISTRICT TO "A" RESIDENCE DISTRICT; LOCALLY KNOWN AS THE ENTIRE BLOCK BOUNDED BY AIRPORT BOULEVARD, EAST 18TH STREET, EAST 19TH STREET AND TILLERY STREET, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

BARRICADE ORDINANCE

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

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION 31-16 AND SECTION 31-22, REQUIRING A PERMIT TO CLOSE OR PARTIALLY BLOCK PUBLIC ROADWAYS; ADDING ARTICLE VI TO CHAPTER 31, WHICH ARTICLE VI SHALL PROVIDE THE PROCEDURES AND STANDARDS FOR THE CLOSING OR PARTIAL BLOCKING OF PUBLIC STREETS, THOROUGHFARES, SIDEWALKS AND ALLEYS; AND AMENDING CHAPTER 36, ARTICLE VIII, DIVISION I TO PROVIDE FOR THE TEMPORARY USE DURING BUILDING ERECTION, BUILDING REMODELING, OR REPAIRS, OR REMOVAL OF THE PUBLIC STREETS.

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Dryden,
Friedman
Noes: Councilman Binder

The Mayor announced that the ordinance had been passed through its second reading only.

STREET VACATION ORDINANCE

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

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF BAYLOR STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RETAINING EASEMENTS IN THE CITY OF AUSTIN FOR ELECTRIC UTILITY AND GAS UTILITY PURPOSES.

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann,
Noes: None
Abstain: Mayor Butler

The Mayor announced that the ordinance had been passed through its second reading only.

ORDINANCE PROHIBITING BILLBOARDS AND SIGNS

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

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3-5 OF THE AUSTIN CITY CODE OF 1967 BY ADDING SUBSECTION (h) PROHIBITING THE ERECTION OF BILLBOARDS AND CERTAIN SIGNS WITHIN SIX HUNDRED SIXTY FEET OF MO-PAC BOULEVARD RIGHT-OF-WAY AND LOOP 360 RIGHT-OF-WAY; AND DECLARING AN EMERGENCY.

The ordinance was read the third time, and Councilman Binder moved that the ordinance be finally passed. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

REPORT ON UTILITY DEPOSIT AND COLLECTION POLICIES

Councilman Friedman noted that this report had been presented and discussed last week. In response to his question concerning whether or not the staff had met with Mr. Bill Allison, Legal Aid, to clarify all points, Mr. Jim Miller, Assistant City Manager, noted that he had attempted to get in touch with him but never returned his calls.

Councilman Friedman moved that the Council accept the report and adopt the policies. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

In response to Councilman Friedman's further question as to when the policies would go into effect, City Manager Davidson stated that this would become effective as soon as they could work them out legally and practically.

Mayor Butler requested that the Manager give each Councilman a list of people with 24-hour telephone numbers in case a Councilman received a call at night in connection with this.

Mr. Bill Allison asked that he be excused for being late and distributed copies of a statement in response to the policies. He felt that a great step had been taken by adopting these policies and addressed himself to several points:

1. With regard to the outreach program, he felt that this needed to be administered and every Councilman needed to "stay on top" of the program. He suggested that this be done by asking for a more detailed plan and how it would be implemented along with short monthly reports made to the Council, including statistics to indicate whether or not results are achieved.
2. He submitted that this needed advertisement not only on radio and television but the newspapers as well. He felt that the Community Development Office should have a print out of the program available at various locations throughout the City.
3. He complimented the staff for recognizing that some people were penalized by the difference in the due date on bills, but he felt that the proposal could go further by extending the due date to 30 days past the time when the bill is received. He suggested that this would give those on a fixed income an opportunity to pay the bill without being penalized the 10%. He submitted that since the proposal

called for shortening the time of termination from 3 to 2 months, if the due date was lengthened by even 15 days, the City would have a net savings and would achieve the end result of allowing those on fixed incomes not to be penalized.

4. In connection with the recommendation that the Council request Caritas place a priority on City-contracted funds for assisting fixed-income families, he indicated that he was in complete agreement because if the plan worked, Caritas would not be so much in the business of paying utility bills.

City Manager Davidson stated that when the staff introduced these recommendations, they indicated that they would like to suggest a basic format the Council could approve and indicated that they would like to monitor the effects of this program. He noted that the administration might come back with proposed amendments, some of which might constitute Mr. Allison's ideas. However, he requested that the Council go with what was before them at this time, and the staff would be pleased to visit with Mr. Allison periodically so he could see the effects of this program.

Councilman Friedman took this opportunity to thank Mr. Allison and others for the work put into this.

Mayor Butler asked if the Council would get a monthly recap of the progress of the plan concerning (1) how many people were being helped and (2) the net loss, if any, to the system. City Manager Davidson stated that they did not indicate the period of time but had stated that periodically they would provide a report so the Council could see the effects. He submitted that monthly would be fine, but he felt that it would be more meaningful at the end of a quarter.

The Council recessed at 2:40 p.m.

Mayor Butler called the meeting to order at 2:50 p.m.

CITIZENS CHARTER REVIEW COMMITTEE

The Council had before it for consideration the naming of a 15-member Citizens Charter Review Committee; however, Mayor Butler noted there was a slight modification of this. Councilman Friedman noted that within the near future two more Council persons would be selected for the unexpired terms of Councilmen Handcox and Love, and they should have the option of selecting the Committee members also. Therefore, he suggested that the Council create a 21-member Charter Review Committee with each Council person selecting three members. He suggested that the names be submitted to the City Clerk within one week to 10 days. In response to Mayor Butler's question concerning the chairman, Councilman Friedman suggested that after the first 15 members were appointed, the Council could select a temporary chairman; and when the other six members were appointed, the Council could make a formal appointment.

Councilman Friedman moved that the Council create a 21-member Citizens Charter Review Committee with the first 15 names to be submitted within one week to 10 days. The motion, seconded by Mayor Butler, carried by the following vote:

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

Noes: None

ITEM CONCERNING SPECIAL ELECTION

Upon the request of the City Clerk, it was determined that next week the Council would consider the establishment of precinct boundaries and appointment of election officials for the Special Municipal Election to be held on March 8, 1975.

ADJOURNMENT

The Council adjourned at 2:55 p.m.

APPROVED


Mayor

ATTEST:



City Clerk