

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 13, 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, Friedman, Snell, Lebermann,
Mayor Butler, Mayor Pro Tem Dryden

Absent: None

The Invocation was delivered by REVEREND GEORGE CARLISLE - St. David's Episcopal Church.

OATH OF OFFICE

Justice of the Peace, Richard Scott, swore in the newly elected Councilman Jimmy Snell. Upon taking the oath of office, Councilman Snell took the opportunity to thank his staff for their work, his friends for their support, the City's staff for their help in the transition, and his family for their sacrifices. Councilman Snell also introduced his wife, Joanne, and four children, Greg, Gerald, Joseph, and Julie.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Regular Meeting Minutes of March 6, 1975, and the Special Meeting Minutes of March 10, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

RELEASE OF EASEMENT

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

A portion of a drainage easement across Lot 6,
Block 8, Allandale Terrace, Section 3.
(Requested by Ann-Con, Inc., owner of Lot 6.)

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

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

LICENSE AGREEMENTS CONCERNING SIDEWALK AREA

Councilman Friedman moved that the Council adopt a resolution granting the following license agreement:

Permitting a loading dock in the following:

- a. North sidewalk area of West Third Street, westerly 138 feet from San Antonio Street.
- b. South sidewalk area of West Fourth Street, westerly 138 feet from San Antonio Street.

(Requested by Charles B. Croft, Architect, representing the Austin American Statesman, owners of property adjoining two areas of encroachment.)

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

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

Councilman Friedman moved that the Council adopt a resolution granting the following license agreement:

Widening of sidewalk and construction of four tree wells on north side of West Fifth Street from Lavaca Street easterly 138 feet. (Requested by American National Bank, owner of adjacent property.)

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

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

LICENSE AGREEMENT FOR IRON PIPE

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the Missouri Pacific Railroad Company for the purpose of installing an 18-inch ductile iron pipe, to be used as a wire line beneath said railroad's line at Mile Post 185, Pole 17 1/2, Engineer's Chainage Station 9897+65, Austin, Texas. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann,
Mayor Butler, Councilman Binder

Noes: None

AGREEMENTS CONCERNING FLOOD INSURANCE PROGRAM

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to submit an application for participation in the National Flood Insurance Program. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,
Councilman Binder, Mayor Pro Tem Dryden

Noes: None

Councilman Friedman moved that the Council adopt a resolution supporting the National Flood Insurance Program Application by assuring future compliance with the program regulations. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,
Councilman Binder, Mayor Pro Tem Dryden

Noes: None

CASH SETTLEMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing cash settlement as follows:

NELSON INVESTMENT COMPANY - 60%/40% cash settlement for
wastewater main extension for L & H Addition, Part 2.
(Estimated cost: \$2,400.00; City's share @ 60%: \$1,440.00;
Developer's share @ 40%: \$960.00)

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

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilman
Binder, Mayor Pro Tem Dryden, Councilman Friedman

Noes: None

COST DIFFERENCE PAYMENTS

Councilman Lebermann moved that the Council adopt a resolution authorizing cost difference payment as follows:

Authorizing payment to LAMAR SAVINGS ASSOCIATION and VINTAGE HILLS, INC., for the cost difference of 12"/8" cast iron water main installed in Horseshoe Bend, Section 2 - \$6,330.98.

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

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

Councilman Lebermann moved that the Council adopt a resolution authorizing cost difference payment as follows:

Authorizing payment to GREATER NORTHWEST, INC., and AUSTEX DEVELOPMENT CO., LTD., for the cost difference of 12"/8" water main installed in Balcones Woods, Section 1 - \$7,667.14.

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

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

CONTRACTS AWARDED

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

FISHER & PORTER, INC. 11422 Harry Hines Boulevard Dallas, Texas	- Housed Chlorination Unit Water & Wastewater Treatment Department Item 1 - \$7,459.99
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The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

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

THE PLANK COMPANY 8601 Gulf Freeway Houston, Texas	- Hydraulic, Adjustable, Aluminum Shoring and Accessories to promote safety in trenching activities. Water Distribution Division. Item Nos. 1-6 - \$12,103.14
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The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

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

WHITE'S MINES, INC.
116 East Travis
San Antonio, Texas

- Aggregate, Grades 3 and 5 for
resurfacing. Street and Bridge
Division. Item Nos. 1 & 2,
13,000 tons @ \$3.90 - \$50,700.00
plus freight of \$41,470.00.
Total - \$92,170.00
(subject to escalation)

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

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

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

CALCASIEU
701 West 5th Street
Austin, Texas

- Purchases and Installation of
Carpet and Tile, Municipal
Annex Office Areas.
Items 1 - 5 - \$13,049.25

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

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

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

XPLORER MOTOR HOMES
3950 Burnsline Road
Brown City, Michigan

- One Small Bookmobile, Vehicle
and Equipment Services Department
Item 1; 1 ea. @ \$17,860.40

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

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

Councilman Lebermann moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Beds and Furnishings for 7th Floor, Hospital Project 2A.
AMERICAN MEDICAL HOSPITAL SUPPLY 5605 Burnet Road Austin, Texas	- Item 1; 54 Hospital Beds - \$42,703.20 Items 14, 15 & 16 - \$4,362.92 Total - \$47,066.12
GENERAL MEDICAL HOSPITAL SUPPLY 1946 Shipman Drive San Antonio, Texas	- Items 3-13 & 18-21 - \$19,428.13
GENTEC HOSPITAL SUPPLY P. O. Box 4860 Austin, Texas	- Items 2 & 17 - \$6,913.62
IPCO HOSPITAL SUPPLY 7136 Ardmore Street Houston, Texas	- Item 22 - \$695.40

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

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

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

TECHLINE, INC. 8750 Shoal Creek Boulevard Austin, Texas	- 200 Street Light Poles for Electric Department. Items 1 & 2; 200 ea. @ \$224.83 Total - \$44,966.00
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The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

GRANT AGREEMENT CONCERNING LIBRARY SERVICES

Councilman Friedman moved that the Council adopt a resolution accepting a \$65,000 grant agreement for services to the disadvantaged under the Library Services and Construction Act State Library Plan, Title I, Project 9, for Federal Fiscal Year 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

SALE OF STRUCTURES

Councilman Lebermann moved that the Council adopt a resolution authorizing sale of structures as follows:

To be demolished only - Accept negative and positive bids:

1. 1800 East Riverside Drive M. R. Demolition Service -\$1,649.00
2. 26 Bierce Don C. Buck + \$6.00

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

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

AUTHORIZATION OF ONE-WAY STREET

Councilman Friedman moved that the Council adopt a resolution authorizing the following one-way street:

<u>On</u>	<u>From</u>	<u>To</u>	<u>Direction</u>
East 13th Street	Sabine Street	Red River Street	Westbound

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

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell,
Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

ACQUISITION OF LAND

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of certain land for widening Rundberg Lane between North Lamar and I. H. 35.

4,348 square feet of land out of Lots 13 through 15, Block I,
Georgian Acres (309-313 East Rundberg Lane). James A. Calhoun
et ux.

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

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,
Mayor Pro Tem Dryden

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

EXTENSION OF LEASE AGREEMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to execute a one-year extension of the lease agreement for the Police Community Relations Service Center at 2142 East 7th Street. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Councilman Snell prefaced his affirmative vote by asking that he be furnished a report on whether this was actually doing the job it was supposed to do and how many people had made visits to the Center and why the Center was moved from Rosewood. City Manager Davidson indicated that this would be handled.

AGREEMENT TO PROVIDE CLINICAL EXPERIENCE AT
BRACKENRIDGE HOSPITAL

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing an agreement by the City of Austin Brackenridge Hospital and Texas Woman's University Institute of Health Services to provide clinical experience at Brackenridge Hospital for Texas Woman's University students. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

AGREEMENT TO PROVIDE CLINICAL EXPERIENCE AT
NURSING CENTER

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing an agreement between the City of Austin Brackenridge Hospital and the Northwest Nursing Center to provide clinical experience at the Nursing Center for students of the Hospital School of Nursing Diploma Program. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

CONTRACT WITH SER

Councilman Friedman moved that the Council accept a request by the Capital Area Manpower Consortium and adopt a resolution authorizing the City Manager to enter into a contract with SER-Jobs For Progress for the purpose of obtaining job development and placement services. The contract period will be from March 17 to June 30, 1975, and will not exceed \$15,381. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

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

AMENDMENTS TO AGREEMENT

The Council had before it consideration of amendments to the existing Austin agreement for participation in the South Texas Project No. 1. Councilman Binder noted that this did not speak to whether Austin should participate in the future but was in reference to an item already put before the voters. Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing the amendments to the existing Austin agreement for participating in the South Texas Project No. 1. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

POSTPONEMENT OF APPEARANCE

Mr. David L. Strong, Chairperson, Bicentennial Committee, had requested to appear before the Council to discuss matters pertaining to the nation's Bicentennial Celebration and the inclusion of Blacks and to bring forth a proposal for a Boggy Creek project. However, he requested that this be postponed at this time.

PARADE PERMIT

Mayor Pro Tem Dryden moved that the Council approve a request by Mr. Chad Cable for a parade permit for April 12, 1975, from 1:00 to 2:00 p.m., celebrating the University of Texas "ROUND-UP WEEK" traditional festivities promoting good will between the University and the Austin community. The motion, seconded by Councilman Friedman, carried by the following vote:

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

APPEARANCE CONCERNING MOPAC EXPRESSWAY

MR. JAMES WILSON, representing the Pemberton-Brykerwoods Neighborhood Association, appeared before the Council regarding the MoPac Expressway. He noted that the neighborhood was identified as the area bounded on the north by 34th Street, on the south by Windsor, on the east by Lamar, and on the west by MoPac. He further noted that the Association was recently formed and was dedicated to the preservation of the integrity of this area and to the preservation of the values which made it such a pleasant place in which to live. They believed that if MoPac opened with the Westover Interchange in operation, the result would be the introduction of a great number of cars into their neighborhood followed by terrible congestion. He requested the following action be taken:

1. Adopt as a firm policy of Austin that no east-west artery will be constructed through the neighborhood from Lamar to the Westover underpass.
2. Determine that the Westover Interchange shall not be opened when MoPac is opened and that Austin take such steps as may be necessary to obtain whatever concurrence may be required from State and Federal Highway officials in this decision.

He submitted that upon the opening of the Expressway this summer or fall, it would be fully utilized; and cars would be coming from northwest Austin headed for the downtown area, State area, or the University. They felt that the neighborhood was not equipped to handle the traffic; however, he noted that Urban Transportation's staff had indicated that traffic would not dump into the neighborhood because it was so difficult to get out of the neighborhood. They disagreed very strongly with this reasoning. He felt that when the traffic stacked up and congestion occurred, people would start looking for an easy way out and would pour into the neighborhood. He reviewed the neighborhood by use of slides.

He pointed out that they had been told that the City and State spent a substantial amount of money on this Interchange; however, they did not believe the amount spent compared to the damage that would be done to their neighborhood in terms of dollars. He admitted that it was a late date to be appearing before the Council, but they felt that the Council's action was going to create problems for their neighborhood. He felt that the next logical action required that the Council do whatever was necessary to see that this Interchange was not opened and they were not subjected to this sort of traffic which their streets simply could not handle.

Councilman Friedman commented that the damage had not occurred as yet, but the neighborhood was trying to prevent it beforehand. He noted that he had heard of ramps being closed off even after they had opened up.

MR. RAY SOLIZ, Civil Engineer, noted that he was a consulting engineer in this particular field and had done work for the City and had retired from the Highway Department with 20 years of experience in highway planning. He felt that there were two underpasses that were too close together; and when MoPac opened up, traffic would stack up at 24th Street and also at Enfield. He suggested that there be turn-around ramps.

City Manager Davidson pointed out that at the request of Councilman Lebermann, he had met with Mr. Wilson concerning the neighborhood's feelings. He noted that the staff was aware of the quality residential area that this Association represented. Mr. Davidson stated that he had occasion to visit with the District Engineer for District 14, Mr. Travis Long, the Urban Transportation Director, Mr. Joe Ternus, and others on the staff; and they had spent many hours trying to decide just what could be done in respect to this presentation and the concerns and in respect to the responsibilities that Austin had. He stated that the staff and representatives of the Highway Department would acknowledge that there might be some additional planning or action that could be justified in connection with MoPac and its entrances and exits. Depending on the facts available and the conditions that might exist at this time, he felt there were probably some other answers other than closing the ramps. He noted that he

was concerned that if the ramps were just closed, there would be some very serious effects that would occur on Jefferson, Westover, and Northwood Road. He pointed out that the Council could decide that the ramps be closed altogether, or maybe the problems could be answered by closing two of the ramps to solve the northwest problem. This would be done by closing the southbound exit ramp and the northbound entrance ramp, or this could be done just during peak traffic hours.

He realized this was a serious matter to the neighborhood and the Council; but he pointed out that before the Council would ask for a recommendation, they would expect that the staff have a few facts on which to base their suggestion. Mr. Davidson suggested that the Council take the following action:

1. Direct the staff to meet with officials of District 14 of the Highway Department.
2. Authorize the staff to request of the officials their participation in a very complex and prompt study through the selection of a professional consultant, with the consultant being named from a list of three submitted to the Council along with their credentials.
3. The charge to the consultant and study be that Austin will conduct a survey in traffic counts and conditions as they exist today, months before the proposed opening.
 - a. The consultant along with the Highway Department and City staff should study conditions as they exist when the ramps are opened on a controlled basis.
 - b. Open the ramps during peak periods for one or two weeks to see what occurs within the neighborhood.
 - c. Open the ramps during non-peak periods only and see what service they provide the neighborhood and see what problems are created within the streets.
4. The consultant should come back to the Council not only with his observations but, based on what has occurred in other parts of the country, some actual recommendations (options) as to how the Council could act.
5. Some provision should be made to obtain input from this neighborhood.

Mr. Davidson noted that the staff had not talked with a consultant but had talked to Mr. Long, and he felt that the Highway Department would cooperate and participate in such a study if the Council desired.

There was discussion between Councilman Friedman and Mr. Davidson concerning the opening of the ramps. Councilman Friedman felt that they should not be opened at all until the Council sees what the alternatives are. He felt that if they were opened on a controlled basis, there would not be an accurate count.

MR. STEVE REYNOLDS noted that even though the residents were late in voicing their opposition, they were doing so today. He felt that if the ramps were opened, they would be used.

Mr. Soliz felt that Mr. Davidson's recommendation to the Council to study this was proper, but he felt it was a mistake in doing this after it was opened already. He also felt that hiring a consultant would not solve the problem they had as far as the traffic into the neighborhood. He requested that the Association be contacted when this study was done.

Mayor Pro Tem Dryden commented that he was familiar with this area in that he lived in northwest Austin.

Motion

After discussion, Mayor Pro Tem Dryden moved that the Council go on record that there never be an east-west artery and that the Westover Interchange not be opened. Councilman Friedman seconded the motion.

Councilman Lebermann felt that the motion was appropriate and noted that there was a 20-year transportation plan underway which could have a substantial impact on the decision-making process as far as interchanges were concerned.

Councilman Binder was pleased that the Council was going to take this action today.

Councilman Snell felt that the respect of these citizens was very important. If a committee was appointed to study this, he felt that the feelings of the residents should be taken into consideration; and the City should work with them very closely.

City Manager Davidson pointed out that the agreement entered into in 1967 provided that the City could not unilaterally determine to close the ramps. He assumed that the purpose of the motion would be to instruct him to write a letter to the Texas Highway Department requesting such a thing and asking for conditions.

Mr. Soliz noted that Mr. Long had informed him that it only required a resolution from the Council. Mayor Butler stated that the City would look into the details.

Vote on Motion

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,
Councilman Binder, Mayor Pro Tem Dryden

Noes: None

MR. MATT BERRY asked how these ramps would be closed, and Councilman Friedman informed him that this would be taken care of later.

Mr. Wilson took this opportunity to express his appreciation to Councilman Lebermann in that it was his recommendation that this be brought before the Council.

PRESENTATION

Messrs. Dan Killian and Larry Bales appeared before the Council concerning St. Patrick's Day and invited the Council to attend a celebration at Scholz Garten. Ms. Marilyn Keller presented the Council with Shamrock lapel pins.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH RONALD E. TYNES, TRUSTEE; CULLERS AND NUTTER, INC.; GREATER NORTHWEST, INC., AND AUSTEX DEVELOPMENT CO., LTD.; AND LAMAR SAVINGS ASSOCIATION AND VINTAGE HILLS, INC. (Brook Meadow; Cortez Heights; Balcones Woods, Section 1; Horseshoe Bend, Section 2)

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

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

The Mayor announced that the ordinance had been finally passed.

APPROACH MAIN CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH ZILKER ASSOCIATES, LTD. (Zilker Heights Subdivision)

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

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

The Mayor announced that the ordinance had been finally passed.

WITHDRAWAL OF ORDINANCE CONCERNING ZONING

The following item was withdrawn:

Amending Ordinance No. 750116-A to correct Zoning Case C14-74-144, Tracts 1 and 2 should be granted "C" Commercial, 3rd Height and Area District; and Tract 3, granted "C" Commercial, 2nd Height and Area District.

AMENDMENT TO BUILDING CODE

The Council had before it an amendment to Chapter 36 of the Austin City Code (Building Code) to provide for control and regulation of building construction within flood hazard areas. A gentleman asked if the flood hazard areas were specifically established in this ordinance. In response to this, City Manager Davidson noted that while there was some information on this from the Government, this will be amended as additional information becomes available from the Corps of Engineers, the City's consultant, or the staff of the Engineering Department. He stated that there was an indication as to where most of these areas were right now; but as additional study becomes available, these might change; or as the City installs new drainage facilities, they might change.

The gentleman stated that he had no quarrel with the program but noted that the determination of some of these flood hazard areas was done by the Corps of Engineers, and they had a number of criteria on which they based these determinations. He wanted the flood insurance program, but he asked that the ordinance strive to work with the Corps to see that these determinations were as reasonably prudent as they could come by. The City Manager stated that the City was committing, as a part of this program, to accept any late information that might enable the City to purify what was called the "flood prone areas."

Mayor Butler asked if citizens had the right to appeal if their property was within a certain elevation. In response to this, Mr. Charles Graves, Director of Engineering, noted that there was a provision in the program where two kinds of challenges could be made. In case of an error that was obvious, he stated that the City would advise the Corps by letter that because of poor maps and the information was questionable, etc., there was a mistake. The Corps would then send representatives to Austin to discuss this and make the necessary adjustments. He noted that in order to challenge the Corps, the City would have to make a study superior to theirs, which would not be too likely; but the City would work with the Corps, and nothing would be final and would be subject to review. He pointed out that the City would assist citizens in cases where there were objections.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 36 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO SECTION 36-5601 THROUGH SECTION 36-5617 FOR THE CONTROLLING AND REGULATING OF BUILDING CONSTRUCTION DESIGN INCLUDING ADDITIONS, REPAIRS, ALTERATIONS, GRADING, EARTH EXCAVATIONS OF ANY KIND, PLACING OF FILL, REMOVAL OF TREES, RESTRICTIONS OF CERTAIN OCCUPANCY USES; DEFINITIONS OF TERMS OF ALL BUILDINGS AND STRUCTURES WHICH ARE OR WILL BE LOCATED IN ALL LAND SHOWN WITH THE FLOOD HAZARD AREAS INDICATED ON THE OFFICIAL FLOOD PLAIN MAPS; BY ADDING SECTION 37-60 REGULATING AND CONTROLLING ELECTRICAL AND LIGHTING CIRCUITS; BY ADDING SECTION 39-712 REGULATING AND CONTROLLING HEATING AND AIR-CONDITIONING INSTALLATIONS; BY ADDING SECTION 42-323 REGULATING AND CONTROLLING PLUMBING INSTALLATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Friedman moved that 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, Friedman, Snell

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Dryden

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO SUBDIVISION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR AN AMENDMENT TO SECTION 41-1 BY ADDING DEFINITIONS FOR THE TERMS "FLOODWAY" AND "LINES OF MAXIMUM ENCROACHMENT"; PROVIDING FOR THE DELETION OF PRESENT SECTIONS 41-44 AND 41-45 AND THE ADDITION TO CHAPTER 41 OF NEW SECTIONS 41-44, 41-44.1, 41-44.2, 41-45, AND 41-45.1, PROVIDING FOR REQUIREMENTS FOR LAND DRAINAGE, STANDARD PROVISIONS FOR STORM DRAINAGE, RESPONSIBILITY OF OWNER OR DEVELOPER FOR STORM DRAINAGE, REQUIREMENTS FOR ENGINEERING DESIGN, AND THE DUTIES OF THE DIRECTOR OF ENGINEERING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that 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, Friedman, Snell

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Dryden

The Mayor announced that the ordinance had been finally passed.

AD HOC COMMITTEE CONCERNING HISTORIC PRESERVATION

The Council had before it consideration of the establishment of an ad hoc committee to develop a Revolving Fund for historic preservation. Councilman Lebermann noted that this would be done under the terms of the historic preservation ordinance, whereby the Council would have the ability to appoint at will any ex officio member whose experience is useful or of benefit. He noted that the only reason there was to establish this committee was because there was a variety of approaches in combining private and public dollars for the revolving fund.

In response to Mayor Butler's question as to whether or not the Council could ask the committee to come back with a recommendation as to where the City could get the funds, Councilman Lebermann noted that the very nature of the study would speak to where the dollars would come from. He hoped that the Heritage Society would work with the City on this.

Mayor Butler asked if the City could buy a structure that had been recommended for historic designation if the owner was not willing to have the zoning changed. City Attorney Don Butler stated that in order to complete the sale or condemn the building, there would have to be some public necessity. However, if a price could be agreed on between the City and the owner, there would be no problem.

Councilman Lebermann pointed out that a revolving fund did not mean every structure would be purchased. He noted that some could be purchased and restored and then sold.

Councilman Lebermann moved that the Council approve the establishment of a 7-member Ad Hoc Citizens Review Committee to study the revolving fund and come back with a recommendation to the Council in 60 days. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ADJOURNMENT

The Council adjourned at 3:10 p.m.

APPROVED



Mayor

ATTEST:



City Clerk

City Clerk