

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 22, 1974
1:00 P.M.Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love

Absent: Councilman Friedman

The Invocation was delivered by REVEREND CALTON PERMENTER, St. David's Episcopal Church.

TEXAS PUBLIC EMPLOYEES WEEK

Mayor Pro Tem Love read and then presented a proclamation to Messrs. Troy Notgrass, Roger Clark, and M. R. Land, proclaiming the week of August 25-31, 1974, as "Texas Public Employees Week," and called on all citizens to share in this public commendation of the 15,000 public employees in the City of Austin.

APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Regular Meeting Minutes of August 15, 1974. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Lebermann

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

COMMENDATION

Mr. John Nieman, President of the Congregation of St. Martin's Evangelical Lutheran Church, appeared before the Council to present a resolution commending the Council and the Police and Fire Departments for their fine service. He noted that St. Martin's was founded in 1884 and was celebrating its 90th anniversary. Mr. Nieman read and presented copies of the resolution to the Council, Police Chief R. A. Miles, Fire Chief Ed Kirkham, and Fire Marshal Leland Priest.

HEARING ON PLAN FOR EXPANSION OF FIESTA GARDENS

Mayor Butler opened the continued hearing scheduled for 1:00 p.m. on the plan for the expansion of Fiesta Gardens. City Manager Davidson noted that this had been continued from June 6, 1974, at which time the Council directed the staff to do the following:

1. Deliver in final form a relocation policy for Council's consideration. He noted that this appeared on the agenda for consideration and that the Urban Renewal Agency had agreed to be the contract agency to carry this out if so desired.
2. Tabulate the effect of this relocation policy on the 17 property owners whose property is under consideration during the current year. He noted that this had been done and submitted to the Council.

MR. JESSE SEGOVIA, President of the East Town Lake Citizens, appeared to present a location proposal to the Council which he felt would satisfy all concerned. He reviewed this by use of slides. He noted that they began by contacting Parks and Recreation to determine what the City wanted in the plan:

1. Additional parking
 - a. For officials
 - b. For handicapped
 - c. For visitors
2. Exhibition area
3. Noise and vision buffer
4. Additional bleachers
5. Expansion of patio

He stated that they asked the immediate residents what they wanted in the plan:

1. Reroute flow of heavy equipment on Bergman Street
2. Pave and widen Bergman Street
3. Provide sidewalks.

He noted that their proposal left all residents intact and preserved the integrity of the neighborhood. Instead of expanding Fiesta Gardens in the direction of the residents, they changed the direction of the expansion south-east toward the Lake because the City already owned land there. He noted that this alternative would save the taxpayers approximately one-quarter million dollars in land acquisition costs. He requested that Parks and Recreation meet with representatives from the community to discuss this alternative. He felt that they should be consulted on any plans in the future for their neighborhood.

MR. KHALIL FERZLI reiterated the remarks made by Mr. Segovia, noting that this plan had tried to answer the desires of the neighborhood and residents of Austin.

In response to Mayor Butler's question, it was determined that this alternative had not been seen by Mr. Jack Robinson, Director of Parks and Recreation Department. In response to Mayor Pro Tem Love's question, Mr. Joe Morahan, Public Property Manager, indicated that the total cost involved would be around \$600,000 which would include some development and equipment, with property acquisition costs around \$148,000.

MR. JOE FLORES, member of the organization, stated that they had asked everyone in the immediate area whether or not they wanted to sell; and the general response had been negative in that the area had been their homes for so many years. He indicated that they were not against expansion and were trying to come up with a solution where everyone would be satisfied. He noted that if they did want to sell, they wanted it to be explained to them so that they knew what they were doing. He added that if the City felt this was appropriate, this was the approach they wanted to take.

He felt that their alternative was sound because the City would not have to purchase more land for a buffer area; and the more land purchased, more people would have to move out of the neighborhood. In conclusion, he stated that those who were willing to sell should do so on their own and not by anyone else.

In connection with Mr. Flores' remarks, Mayor Butler suggested that the administration be instructed to contact the owners, not with a threat of condemnation. Mayor Pro Tem Love stated that the Council had received a memo from the staff indicating that almost all owners had been contacted, and 7 of the 17 owners had agreed to sell.

In response to Mayor Butler's question, City Manager Davidson stated that a number of contacts had been made without the benefit of an approved relocation plan by the Council. He suggested that Council approve the relocation plan on the agenda and direct the administration to recontact the property owners and explain the benefits and the fact that it has been approved and that this can be offered if they would like to sell. He further suggested that the plan be left intact until the staff could determine how many wanted to sell, and after that they could come back to Council and consider the total plan.

Mr. Flores felt that this was fine and pointed out that any decision on their plan should be left open so that they would have time to work with the Council and Mr. Robinson to come up with a sound plan.

In response to Councilman Handcox's comment that the City could not use 7 isolated parcels of land and that something would have to be done, City Manager Davidson reiterated that the City go ahead and negotiate with all 17 at this time. He noted that this did not include any property north of Bergman except for one which would be used for landscape parking. He felt that if the City only ended up with 5 lots, the least we could do would be to use the additional property for parking. He noted that their agreement would be subject to final approval of the Council.

MRS. JOHN MOORE, member of the organization, suggested that members of their group be included in the negotiations. City Manager Davidson stated that the staff would be happy to take an individual with them and that the Citizens should meet with the staff in connection with this request.

Mrs. Moore requested that the following recommendations be incorporated into any future plans for this area:

1. Bergman be widened between Chicon and Canadian and parking be limited to the south side of Bergman
2. All streets be paved, curbed, and guttered and lighted in a 4-block radius of Fiesta Gardens.
3. Planned parking north of Fiesta Gardens be cancelled.
4. Park facilities be made as planned plus picnic tables and barbecue pits.
5. Motor boat races be removed from the residential Town Lake site.
6. Fiesta Gardens be converted to include a Mexican-American cultural center.
7. Planned traffic loop be cancelled and replaced with a green-belt.
8. Preservation and restoration of residential neighborhoods, should take precedence over expanding business industries, apartment complexes, and other phenomena.
9. County Master Plan be made between the City and County.
10. Council establish a citizens' commission to deal with reviewing and composing City policies and procedures for obtaining land for public use.
11. Contents of City's Master Plan be publicized for geographic area 5 years before initiation date.

She also made the following special recommendations:

1. \$10,000 grant per house be allocated to repair owner-occupied and State-occupied homes.

2. Homes eligible for grants be limited to a 4-block depth around the boundaries.
3. Other selection criteria be established by local residents and the City.

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING RELOCATION ASSISTANCE TO INDIVIDUALS AND FAMILIES DISPLACED AS A CONSEQUENCE OF CITY FUNDED REAL PROPERTY ACQUISITIONS; PROVIDING DEFINITIONS; PROVIDING FOR PAYMENTS FOR MOVING, REPLACEMENT DWELLING, INCIDENTAL AND RENTAL REPLACEMENT HOUSING EXPENSES; PROVIDING METHODS OF COMPUTATION OF SUCH PAYMENTS; PROVIDING DISPLACED PERSONS BE PROVIDED INFORMATION OF PAYMENTS AUTHORIZED HEREBY; PROVIDING APPROPRIATE PROVISIONS INCIDENTAL HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A RETROACTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved that the Council waive the requirements for three readings, declare an emergency and finally pass the ordinance effective immediately, and instruct the staff to proceed with contacting the owners and report back to the Council as to the number who wished to sell. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

MR. GONZALES requested permission to speak at this time with MS. MARIA DEL SOCORRO LEANDRO translating. She stated that Mr. Gonzales felt he had a right to fight for what he believed because he paid his taxes and was, therefore, fighting for his land. He did not want to offend anyone, but he wanted to express his feelings.

HEARING ON EXPANSION OF 23RD STREET VENDING AREA

Mayor Butler opened the continued public hearing scheduled for 1:00 p.m. on the 23rd Street vending proposal, which was continued from August 8, 1974. Mr. Randy Turner, Administrative Assistant, presented the City's proposed changes effecting the People's Renaissance Market (23rd Street vendors):

1. Include new market space on the north side of 23rd Street between Guadalupe and the alley on Saturdays only and the period between Thanksgiving and Christmas every day.
2. Establish common expiration date for all permits, with no limitation on number of permits and with one permit per person or entity.
3. Raise fee for permits to \$12 per year; pro rate to \$1 per month with \$3.50 minimum.

4. Not to use area in front of First Congregational Church either temporarily or permanently.

Proponents

MESSRS. VINCENT RITOUCCI and WALTER JENKINS, speaking for the vendors, presented the following proposal:

1. No limitation on number of permits.
2. Development of an ordinance limiting permits to one per entity.
3. Quarterly system not necessary to control number of permits issued.
4. Expansion of People's Renaissance Market as follows:
 - a. North side of 23rd Street (near Hal's Bootery) between Guadalupe and alley.
 - b. Creation of vending area on south side of 23rd Street between San Antonio and the end of Co-Op parking lot similar to existing area between Guadalupe and San Antonio. Addition would be 12 feet by 99 feet.

As an alternative, Mr. Ritoucci proposed that 23rd Street between Guadalupe and San Antonio Streets be closed starting December 1 to Christmas and every Saturday beginning October 1.

Opponents

MR. BILL KNALLE, with the law firm of Stayton, Maloney, Hearne and Babb, represented Mr. and Mrs. H. H. Williams of Comanche, Texas. Mr. Knalle stated that his client, owners of the northwest corner of 23rd and Guadalupe Streets (Hal's Bootery location), would oppose any appropriation of sidewalk or that portion of street to which they owned title subject to the City's right to use it for public transportation. He added that they would bring suit against any temporary or permanent appropriation regardless of how taken, except condemnation.

MR. FRED YOUNG made the following comments:

1. Would not recommend narrowing 23rd Street because of existing parking and crowding problems.
2. Expansion of vending area to the Co-Op parking lot area would be the logical way to go.
3. Opposed to closing 23rd Street.
4. Read an article on a proposal by Joe Crow to set up a two-block vending area south of Seton Hospital. The \$800,000 project would contain permanent stalls for shops, covered area for sidewalk vending, a central bandstand for staging musical entertainment and ample parking. The project would be private and would cost the taxpayers nothing.

The City Manager stated that the City could not recommend closing the proposed 23rd Street area, nor could the City recommend the narrowing of 23rd Street to one lane by widening the sidewalks on the north and south sides of the street. He felt that it was a serious precedent to start closing up traffic lanes of a street to carry on a commercial enterprise and that if the street were closed permanently, the City would lose control of the property since it would revert to the adjoining owners.

Motion

Councilman Binder moved that the Council approve the closing of 23rd Street between Guadalupe and San Antonio Streets starting December 1 to Christmas and every Saturday beginning October 1. Mayor Pro Tem Love seconded the motion.

Substitute Motion

Councilman Handcox offered a substitute motion that the Council approve expansion of the sidewalk vending area to the south side of 23rd Street between San Antonio Street and the end of the Co-Op parking lot, making that area compatible with the existing vending area; and adopt the following recommendations of the City Manager; (1) limit number of permits per person or entity to one, (2) agree to withdraw recommendation limiting number of permits, (3) all permits to expire on same date, (4) raise permit fee to \$12 per year and pro rate to \$1 per month with \$3.50 minimum. Councilman Lebermann seconded the substitute motion.

Withdrawal of Motion

Councilman Binder then withdrew his motion.

Roll Call on Motion

Roll call on Councilman Handcox's motion, Councilman Lebermann's second, showed the following vote:

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

The Mayor announced that the motion had carried.

Motion

Councilman Binder then reintroduced his original motion that the Council approve the closing of 23rd Street between Guadalupe and San Antonio Streets beginning December 1 up until Christmas and every Saturday beginning October 1. Mayor Pro Tem Love seconded the motion.

Roll Call on Motion

Roll call on Councilman Binder's motion, Mayor Pro Tem Love's second showed the following vote:

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

The Mayor announced that the motion failed to carry.

Mayor Butler indicated that work would be done very promptly on the expanded vending area, pending approval by the Co-Op.

Mayor Pro Tem Love stated that the net gain was the portion further west, and the vendors did not get the north side of 23rd Street nor the closing of the street.

PANHANDLER ORDINANCE

It was noted that the Council had before it consideration of an ordinance prohibiting begging in public places. Mr. Jan Kubicek, Assistant City Attorney, read and explained the proposed ordinance. He pointed out that the Fifth Circuit Court, which had jurisdiction for this area, had held that there was no constitutional right per se to solicit for personal benefit. He added that the ordinance would not effect the various religious groups in the solicitation programs; and as written, the ordinance would cover both active and passive soliciting.

Opponents

MR. BILL PARRISH, Vice President, University of Texas Student Government, made the following points:

1. Wanted a solution which would not alienate the City and the University community. Wanted to try an information campaign to solve the problem by using The Daily Texan, The Rag, and other sources.
2. Felt that the ordinance would be repressive because it dealt with all kinds of panhandlers and not just the hardcore ones.

MS. SUE DOTY, Director, Middle Earth Drug Crisis Center, classified the street people into three groups: (1) small group of hardcore panhandlers, (2) group which had run away from home and did not develop basic skills, between ages of 14 and 18 or 19 which would make them employable, (3) poly-drug abusers (ages 18 to 30) who had a heavy, short-term addiction problem (mainly alcohol), but few facilities to help them solve their problems, which were largely social. She felt that the ordinance was a legal solution to a social problem.

MS. DOTTIE MOTT, representing the University "Y" and Middle Earth, pointed out that after Boulder, Colorado, passed a similar ordinance, the panhandlers reacted violently. She felt that the ordinance would be harmful to social programs which were trying to help the street people.

Proponents

MR. FRED YOUNG agreed with the opponents of the ordinance regarding the need to rehabilitate the street people, but felt that the ordinance should be passed to back up other attempts to solve the problem.

MR. BOB ROBERTS asked that the entire community be considered and not just the University community. He suggested that panhandlers could find work if they really wanted to by pointing out some of the difficulties encountered by illegal aliens from Mexico who still managed to get jobs.

Motion

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 23 OF THE AUSTIN CITY CODE OF 1967 AND ADDING THERETO A NEW SECTION DESIGNATED SECTION 23-50, PROHIBITING BEGGING IN PUBLIC PLACES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Dryden moved the ordinance be passed to its second reading. The motion was seconded by Mayor Pro Tem Love.

Substitute Motion

Councilman Lebermann stated that he had been working closely with the University community organizations who were now before the Council, not so much on the panhandler problem but on the proposed youth hostel, which he felt would solve many problems. He congratulated the organizations for their work on the panhandler situation. He felt that if the ordinance were delayed for two or three months and the information campaign and cooperative effort tried, that some interesting things might happen and that ancillary fallout from cooperation might be very positive in every way. He then offered a substitute motion that the ordinance be delayed and monitored until December. Councilman Binder seconded the substitute motion.

Mayor Pro Tem Love saw no reason to delay passage of the ordinance and stated that if the matter were delayed, the issue would just be back before the Council again; and they would still have to make a decision.

Councilman Lebermann stated that he depended heavily on existing laws to protect the citizens of Austin. By offering the delay, he was trying to work with the University community toward a creative solution to a worrisome problem. He suggested that if the proposed approach did not work, then perhaps a tougher one might be tried. He felt that the approach was an unusual one which attempted to let the community most effected handle the problem.

Mayor Butler stated that he was not sure how effective the law would be. He hoped that the dedication of the University organizations which were trying to solve the problem would be firm. He felt that their motives were noble enough that they would still continue to help the people concerned even if the ordinance passed and that they could help a lot of people. He stated that the law was necessary to control a certain element.

Councilman Binder stated that he was apposed to the passing of laws which had no real effect. He felt that the Council should wait to see if some other program could solve the problem.

Roll Call on Substitute Motion

Roll call on Councilman Lebermann's substitute motion, Councilman Binder's second to delay consideration of the ordinance until December, showed the following vote:

Ayes: Councilmen Lebermann, Binder

Noes: Mayor Butler, Mayor Pro Tem Love, Councilmen Dryden, Handcox

Absent: Councilman Friedman

The Mayor announced that the substitute motion failed to carry.

Roll Call on Original Motion

Roll call on Councilman Dryden's motion, Mayor Pro Tem Love's second, to pass the ordinance to its second reading showed the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Mayor Butler,
Councilman Handcox

Noes: Councilmen Lebermann, Binder

Absent: Councilman Friedman

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

ZONING HEARING

Mayor Butler announced that the Council would hear the following zoning case scheduled for 1:00 p.m. for public hearing at this time:

BOB MORRIS

By Robert Davis

C814-73-013

Bounded on the west by
Mesa Drive, on the
south by Cima Serena
Drive, and on the east
by Tallwood Drive

From "A" Residence
To PUD Planned Unit Develop-
ment
106 attached and detached
single-family dwelling units
with recreation facilities
and common open space, called
"Austin Woods Cluster Housing"

RECOMMENDED by the Planning Commission to approve the site, subject to a 35' building setback line for the one-story units; a 40' setback line for the 2-story units; subject to departmental requirements, deleting the Planning Department requirement: #2 - show location of locked emergency access easement on Tallwood Drive; deleting Urban Transportation requirement: #1 - sidewalk required on Mesa Drive, Cima Serena, and Tallwood Drive; and the Environmental Resource Management comment to require that existing trees should be used as a buffer rather than privacy fences between the development and Westover Subdivision and along Tallwood Drive and Cima Serena Drive.

Mayor Butler noted that a petition had been filed containing signatures of 19.43% of the property owners within 200 feet who were in opposition. Mr. Dick Lillie, Planning Department Director, reviewed this application, noting that the planned unit development project had been under consideration since the beginning of the year and had been subject to a number of conversions by

the owners of the land. He noted that this had been approved by the Planning Commission, and the applicant had agreed to meet the departmental requirements.

The Council recessed at 4:00 p.m.

Mayor Butler called the meeting to order at 4:15 p.m.

MR. ROBERT DAVIS, representing the applicant, reviewed this application, noting that it had originally been a project of Baker-Crow of Dallas and that they had met with members of the Executive Committee of the Balcones Civic Association to work out any objections to the project. He noted that in the information that had been submitted to the Council there were various plans. He stated that the plan labeled Scheme 1 was the one that had initially been filed with the Zoning Committee; and at that time there were some objections by the Association. He noted that they had 18 units along the north property line which were 2-story units 15 feet from the property line; there was only one entrance lined up with Rockford Drive; and some of the departmental requirements were that there be sidewalks and fences around the property. He further noted that the citizens appeared at the Zoning Committee meeting and voiced objections relating to the following:

1. Location of main entrance.
2. No entrance other than main entrance.
3. 18 units down the north property line.
4. Units were 2-story.
5. Units were not set back far enough.

He indicated that between that meeting and the Planning Commission meeting, the developer came up with Scheme 2 in the brochure submitted to Council, which had 15 units along the north line, some being 2-story and attached; they incorporated an additional exit; met all objections cited except for the location of Rockford Drive and the number of units down the north property line, which were set back 25 feet. He noted that at the meeting they agreed that all 2-story units would be set back 40 feet and all 1-story units would be set back 35 feet. He further noted that Scheme 2 was approved unanimously by the Planning Commission.

He continued by stating that prior to the Council hearing they met more with the neighbors and came up with Scheme 3, which moved the main entrance away from Rockford Drive; had 40-foot setback along the north property line on every unit; made every unit along the north property line a single detached unit and 1-story. He noted that prior to the hearing in February there was a neighborhood meeting, which he had not attended; but it was his understanding that this plan was approved by those attending the meeting. He added that the next night at the Council hearing neighborhood representatives had determined that there was a problem with restrictions effecting the property and requested a continuation, to which they agreed. About this time, he noted that Baker-Crow had a time deadline and had to have something done by April 1; therefore, the project was dropped. He added that a few months later Messrs. Larry and Bob Morris picked up the project and hired the original architect and himself.

Mr. Davis stated that they went back to the Executive Committee; and while Baker-Crow had never been willing to meet the neighborhood demand, which was 13 units along the north property line, Larry Morris was and did. Therefore, the plan before the Council at this point was 13 single-story detached units set back 40 feet from the north property line and that the only thing they had not done was to move the entrance from Rockford Drive. He believed that the Planning Commission felt this was a better plan and noted that Traffic and Transportation initially requested this.

He indicated that in recent meetings the issue has been density, but he added that there had always been 106 units since the beginning and that there were only 22 units in the project that had a common wall. He compared this to another project under construction in the area, noting that this project under consideration had more green area, slightly lesser density, and more setback. He felt that they had done all a developer could be asked to do.

MR. THOMAS MABRY, 4013 Greenhill Place, noted that he owned the only home which would touch the proposed development and would act as a buffer between the site and the rest of Westover Hills. He indicated that their concern was that the buildings be compatible with the homes in the area. He felt that the development met this standard in that the units were on lots of approximately the size as the homes and were far enough away from their property lines. In addition to the 40-foot setback, he noted that there was a 15-foot greenbelt from which no trees could be removed. He suggested that the residents consider what might be developed for the area if this proposal were denied. He mentioned duplexes' being built within 5 feet of their property lines. He felt that they had been fortunate in having the developer meet with them in regard to any objections. In conclusion, he urged the Council to grant this application because he felt it would be better for their neighborhood as a whole.

MR. JIM LANDRUM, representing the Balcones Civic Association, wanted to know when the City had begun using streets as part of the 200-foot notification because he was within 215 feet of the development and, therefore, could not sign the petition. He noted that a survey had been taken last evening by Mr. Davis at which time Mr. Davis showed the residents plans for a duplex development and presented this to them in such a manner that they felt it was an "either-or" situation. He stated that he would rather have the duplexes. He stated that they were not anti-development or anti-growth and were concerned about the area. He felt that this project had too much density and would set a precedent for the remainder of the area. He noted that there had been considerable concern with regard to traffic around Hill Elementary School. In conclusion, he requested that this be denied.

With regard to Mr. Landrum's earlier question regarding notification, Mr. Lillie indicated that the notification process involved those within 300 feet, and Mr. Landrum was referring to his not being able to sign the petition in opposition. Mr. Lillie noted that this should be measured from the property line, and in those cases where the street right of way would be included that property line of the person signing would extend to the center of the street.

MR. JIM DAILEY, 3801 Crowncrest Cove, appeared as a member of the Association. He noted that he composed a map of the area showing existing land use. He felt that the Planned Unit Development would be a valuable concept in the development of Spicewood Springs Road but had reservations about this particular location in that it was close to the elementary school and Anderson High School. He noted that there were no plans for sidewalks to be included in this project.

MR. MILTON FEGENBUSH, 8616 Silver Ridge Drive, stated that he found it disappointing to have to protect his home from invasion and felt that every time he turned around someone was trying to change the zoning. He requested that neighborhoods be preserved by not allowing these types of buildings which he felt did not comply with the original home site. He was opposed to this because of the density and the effect it would have on the existing schools in the area. He felt that if this were denied, duplexes would not be built because he felt that this would not be economically feasible. He suggested that PUD's were not always used as planned after completion and felt that this could be turned into apartments. In conclusion, he urged that the Council deny this.

In connection with earlier remarks, Mr. Davis stated that he had not threatened the residents with duplexes but simply indicated to them that the developer wanted the neighbors to have their choice. He noted that the developer had gotten a duplex plan tentatively approved and that he would do something with this property.

MR. MAURY HOOD, representative of Baker-Crow, stated that he had no financial interest in the property nor did Baker-Crow. He indicated that in February after almost all objections had been resolved, density became a problem. He pointed out that representatives of the Association had gone before the Parks and Recreation Board and asked that this property be purchased as an undeveloped park, displaying their desire to have nothing happen here.

In response to Councilman Binder's question, Mr. Davis felt that duplexes would be less compatible than what the developer was proposing.

MRS. CLIFTON WILES, 4022 Greenhill Place, noted that there was a traffic problem in that she could not get out of her driveway onto Mesa. She mentioned that the residents had been told by Mr. Davis of an incident in the woods, thereby stipulating that it would be safer to have a Planned Unit Development than the woods.

In response to Councilman Dryden's question, Mr. Lillie stated that 174 duplex units could be built on this particular site. In response to Councilman Binder's question, Mr. Lillie noted that if there had been one more signature on the petition, it would have been valid. In response to Councilman Lebermann's question, Mr. Lillie pointed out that the zoning was not being changed and that he felt this project met the ordinance requirements, was of good design, was compatible with the area, and added that it had been recommended subject to departmental requirements.

Motion

Because this had been approved by the Planning Department and Planning Commission, Councilman Dryden moved that the Council grant the application. The motion was seconded by Councilman Handcox. Roll call showed the following vote:

Ayes: Councilmen Dryden, Handcox

Noes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Lebermann

Absent: Councilman Friedman

The Mayor announced that the motion had failed to carry.

Councilman Binder prefaced his negative vote by noting that he did not care for the way this was handled in that he felt it relevant as to how the neighbors were approached.

AGREEMENT BETWEEN UNIVERSITY AND CITY

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the City Manager to enter into an agreement between the University of Texas and the City of Austin for three additional part-time personnel, through a work-study program, to be employed for the Senior Citizen Program. Total cost will be \$4,680: City's share at 20% will be \$936 and University's share at 80% will be \$3,744. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CONTRACTS AWARDED

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

TEXAS SCENIC COMPANY
5423 Jackwood Street
San Antonio, Texas

- For the installation of curtains in
the Auditorium lobbies - \$8,800.00

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

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

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

CAPITOL AGGREGATES, INC.
Bolm Road and Ed
Bluestein Boulevard
Austin, Texas

- For Hot Mix Asphaltic Concrete and
Hot Mix-Cold Laid Asphaltic Concrete,
Street and Bridge Division.
Six months' supply agreement
Item Nos. 1; 25,000 tons @ \$9.30/ton
2; 600 tons @ \$9.30/ton
Total - \$238,080.00

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

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

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

SCIENTIFIC PRODUCTS
210 Great Southwest
Parkway
Grand Prairie, Texas

- One Blood Gas Analyzer for
Brackenridge Hospital - \$11,400.00

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

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

Noes: None

Absent: Councilman Friedman

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

BLOUNT BROTHERS CORPORATION
6910 Fannin
Houston, Texas

- For construction of Walnut Creek
Wastewater Treatment Plant (C.I.P.
Project No. 5902 4) and Walnut Creek
Substation Site Improvements (C.I.P.
Project No. 3544 1) - \$26,074,000.00

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

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

Noes: None

Absent: Councilman Friedman

Mayor Butler took this opportunity to note that this was the largest contract to have been approved by the Council. A drawing was shown depicting this project.

It was noted that the Council had before it consideration of the following contract, which had been postponed from August 8, 1974:

COASTAL STATES MARKETING
Five Greenway Plaza East
Houston, Texas

- For Distillate Heating Fuel Oil
No. 2 Production of Electrical
Energy, Electric Utility Department
Twelve months' supply agreement
20,000,000 gallons @ \$0.25313/gal.
Total - \$5,062,600.00
(subject to escalation)

Mr. R. L. Hancock, Electric Utility Director, explained several points at the request of City Manager Davidson, including price indicators, some questions regarding allocations, and comments regarding the Tesoro deliveries of No. 2 oil. He noted that with Ada Resources' using the Platt's Oilgram and Coastal States Marketing's using posted prices, there was a price differential of about \$191,000 to \$331,000, depending on various combinations of transportation used, in favor of Coastal Marketing.

He continued that there were two types of allocations in the oil industry. One was an allocation to utilities like Austin. He noted that the City told the Federal Energy Agency each month as to how much would be needed that month, and they would give the City an allocation which they determined. He further noted that the other allocation was the allotment of crude oil to the refineries. He felt it probable that the Federal Energy Agency allocation program on both No. 5 and No. 2 oil would be lifted as far as utilities were concerned. He commented that if there were no problems with this, it was possible that the allocations for crude oil would be lifted. Mr. Hancock noted in response to Councilman Lebermann's question that neither bidder had an absolute assured supply of fuel oil; and if there was a shortage, the electric utilities would be the first to be cut off the list in order to assure home heating supplies. He interjected that this would be the case if there were a critical shortage.

In answer to Mayor Butler's question as to whether the City would be completely dependent on Coastal, Mr. Hancock pointed out that there was a 30,000,000 gallon contract with Tesoro for No. 5 fuel oil and that also under this contract the City would be allowed to take No. 2 fuel oil from them if the City were already supplied with all the No. 5 they could use. He added that there were also spot gas purchases that had been made.

Councilman Dryden asked whether or not Coastal States Marketing had rather sell the City the higher priced oil and curtail the lower priced natural gas, which LoVaca was selling. It was pointed out by Mr. Hancock that the Board Chairman of Coastal Marketing, Mr. Oscar Wyatt, was no longer Chairman of the Board of LoVaca by Court order, so that the Board Chairman was not the same on these two companies. He pointed out that the allocations were set by the data submitted to the Railroad Commission by the City, and LoVaca would not be able to reduce the allocations so set; therefore, this could not happen. He noted that they could raise the posted price, but this would apply to all utilities across the board.

Mr. Burke Musgrove, representing Ada Resources, Inc., spoke, noting that they had been a supplier of oil for the City on a temporary basis, and were now bidding for long-term use. He noted that their refinery in Artesia, New Mexico, was a domestic supplier and that their oil supply would not be disturbed by the fluctuations in the foreign oil situation. He further noted that Ada's allocation factor had been 100%, while Coastal Marketing's had been 100% only recently, with past factors of 40% and 50%. City Manager Davidson asked whether Ada could guarantee future amounts of oil, or future prices, or that their future supply would be all from domestic sources. At this point, City Manager Davidson pointed out that of the bids submitted, Coastal States' price was the low bid.

Mr. Musgrove discussed the effect of his company's use of the Platt's Oilgram on the non-acceptance of his bid. He suggested that the City reject the bids and readvertise. Mr. Solon Bennett, Director of Purchasing, pointed out that though the City could get bids in two weeks, companies would rather get allocations through the Federal Energy Agency and go through them rather than making bids to the City; so the situation would probably remain the same.

City Attorney Don Butler suspected there might be quite a run on the market for fuel oil this winter and felt that the City would be better off if it had something in hand before everyone else got into the same business of competing for this particular fuel oil. He felt that if the City was going to have an assured source of fuel oil this winter, it had "better get while the getting is good."

Mr. Hancock explained that the City has had excellent relations with Coastal Marketing both on a business basis and on a technical basis; and they had a great deal of flexibility on delivery, and the quality of the product was good. In response to Mayor Pro Tem Love's question concerning the elimination of the \$200,000 differential between the two companies, Mr. Hancock stated that he would go with Coastal States Marketing.

Councilman Handcox moved that the Council adopt a resolution awarding the afore-mentioned contract to Coastal States Marketing. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Councilman Dryden prefaced his affirmative vote by noting that his vote had depended on the opinions of Messrs. Hancock, Davidson, and Butler. Mr. Musgrove suggested that the City require Coastal to bring all of their fuel oil by pipeline. In connection with this, Mayor Butler noted that this assurance had been made.

ACQUISITION OF LAND FOR WEST 38TH STREET

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of certain land for the widening of West 38th Street from Crawford to Guadalupe Streets:

4,811 square feet of land out of the remaining portions of
Lots 1 and 26, Blocks 8 and 11, Glen Ridge Subdivision.
(Austin Doctors Building Corporation)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden
Noes: None
Absent: Councilman Friedman
Not in Council Chamber when roll was called: Councilman Handcox

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of certain land for the widening of West 38th Street from Crawford to Guadalupe Streets:

1,872 square feet of land out of 0.344 of one-acre tract
out of the George W. Spear League. (Robert C. Ammann, Jr.,
et al)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden
Noes: None
Absent: Councilman Friedman
Not in Council Chamber when roll was called: Councilman Handcox

ACQUISITION OF LAND FOR TOWN LAKE DEVELOPMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing the acquisition of 2705 Canterbury (Mrs. Susie Barr) for Town Lake development. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilman Dryden

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilmen Binder, Handcox

HEARING SET ON RELOCATION OF RED RIVER

It was noted that the Council had before it consideration of setting a hearing on the Consulting Engineer's Report concerning the relocation of Red River. Mr. Larry Brownstein, 903B East 32nd Street, noted that it had been his understanding that the Environmental Quality Board should give an opinion on such matters before the public hearing. City Manager Davidson pointed out that the Board did send communication to the City asking that certain information be available to the Council when this is considered. Mr. Brownstein stated that this letter indicated that the Board would like to have alternate routes evaluated in respect to easing traffic and in respect to environmental controls before making any decision on the project. He stated that this had not occurred. City Manager Davidson noted that the Council entered into an agreement with the University of Texas Board of Regents in order to undertake and complete a specific project and that the consulting engineer was asked to design in accordance with that agreement and in accordance with existing City right of way or right of way to be provided by the University. He added that the basics of that study were submitted to the Board. He felt it essential that the staff have information and comments for the Council as to alternative routes possible or impossible and pointed out that the Council may ask the Board to look at any phase of this project and that there would be no contract awarded at the hearing.

After further discussion, Mayor Pro Tem Love moved that the Council set a public hearing for September 5, 1974, at 1:00 p.m. on the consulting engineer's report concerning the relocation of Red River. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Lebermann

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

PERMISSION TO INSTALL BANNER

Councilman Dryden moved that the Council approve a request by Mr. Ted White, Manager, Tourism and Recreation Department of the Austin Chamber of Commerce, to install a banner in the 1200 block of South Lamar for the Central Texas Boat and Camper Show from January 13 through January 26, 1975. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Lebermann,
Mayor Butler

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

LOTS 6, 7, 8, 19 AND 22, BLOCK A, OUTLOT 2; THE NORTH 50 FEET OF THE SOUTH 100 FEET, LESS THE EAST 3.83 FEET OF LOTS 1-3, BLOCK B, OUTLOT 2; THE NORTH 70 FEET OF LOTS 1 AND 2, BLOCK C, OUTLOT 2; THE NORTH 41.5 FEET OUT OF LOTS 24 AND 25, AND THE NORTH 41.5 FEET OF THE EAST 35 FEET OF LOT 23, BLOCK A, OUTLOT 2; THE SOUTH 100 FEET OF LOTS 10-13, AND THE SOUTH 75 FEET OF LOT 9, BLOCK B, OUTLOT 2; LOTS 8 AND 9, BLOCK C, OUTLOT 2; LOT 3, AND THE WEST 10 FEET OF LOT 4, BLOCK C, OUTLOT 2; THE SOUTH 65.25 FEET OF LOTS 10, 11 AND 12, BLOCK A, OUTLOT 2, RAYMOND SUBDIVISION; LOTS 15, 16, AND THE SOUTH 50.2 FEET OF LOTS 13 AND 14, BLOCK 7, OUTLOT 5; LOT 16, AND THE WEST 25 FEET OF LOT 17, BLOCK 6, OUTLOT 5; LOT 10, AND THE WEST 15 FEET OF LOT 11, BLOCK 7, OUTLOT 5; LOT 12, AND THE EAST 35 FEET OF LOT 11, BLOCK 7, OUTLOT 5; LOT 9, BLOCK 7, OUTLOT 5; LOTS 17 AND 18, BLOCK 7, OUTLOT 5; LOT 8, BLOCK 7, OUTLOT 5; THE NORTH 50 FEET OF LOTS 1 AND 2, AND THE NORTH 50 FEET OF THE WEST 10 FEET OF LOT 3, BLOCK 6, OUTLOT 5; LOTS 19 AND 20, BLOCK 6, OUTLOT 5; THE NORTHERN PORTION OF THE CENTRAL 50 FEET OF LOTS 1 AND 2, AND THE NORTHERN PORTION OF THE CENTRAL 50 FEET OF THE WEST 10 FEET OF LOT 3, BLOCK 6, OUTLOT 5; THE SOUTH CENTRAL 50 FEET OF LOTS 1, 2, AND 3, BLOCK 6, OUTLOT 5, SILLIMAN SUBDIVISION; LOT 15, BLOCK A, OUTLOT 3; LOT 7, BLOCK B, OUTLOT 3; LOT 9, AND THE NORTH 5 FEET OF LOT 10, BLOCK B, OUTLOT 3; LOT 13, BLOCK B, OUTLOT 3; THE SOUTH 54 FEET OF LOT 10, BLOCK B, OUTLOT 3; LOT 13, BLOCK A, OUTLOT 3; LOT 3, AND THE SOUTH 9 FEET OF LOT 2, BLOCK B, OUTLOT 3, TERRACE PARK SUBDIVISION; LOT 9, AND THE NORTH 46.5 FEET OF LOT 8, BLOCK 2, OUTLOT 3; LOT 10, BLOCK 2, OUTLOT 3; LOT 7, AND THE SOUTH 315 FEET OF LOT 8, BLOCK 2, OUTLOT 3, TAYLOR AND SMITH SUBDIVISION; LOT 11, BLOCK 2, OUTLOT 3, TAYLOR AND SMITH SUBDIVISION, AND THE ADJACENT TRIANGLE OF BLOCK 2, OUTLOT 3, DIVISION "Z," ORIGINAL CITY OF AUSTIN; LOTS 6, 10, 11, 12, 30, 32, 34 AND 36, PARK VIEW SUBDIVISION; LOT 11, OUTLOT 3; THE CENTRAL 47.4 FEET OF LOT 4, OUTLOT 3; THE NORTH 24 FEET (AVERAGE) OF LOT 8, AND THE SOUTH 23 FEET (AVERAGE) OF LOT 9, OUTLOT 3; A 49.08 FOOT BY 127.5 FOOT (AVERAGE) TRACT OUT OF LOTS 1 AND 2, OUTLOT 3; LOTS 12, 13, 14, AND 15, OUTLOT 3; A 40 FOOT BY 149 FOOT (AVERAGE) TRACT AND A 14.65 FOOT BY 53 FOOT (AVERAGE) TRACT OUT OF LOTS 1, 2, AND 3, OUTLOT 3, SMOOT SUBDIVISION; LOT 11, OUTLOT 4; AND LOTS 9 AND 6, OUTLOT 4, WENDLANDTS SUBDIVISION; LOTS 2 AND 4, OUTLOT 3, JOHN MADDOX SUBDIVISION; LOT 17, OUTLOT 1; LOT 18, AND THE WEST 5 FEET OF LOT 19, OUTLOT 1; THE EAST 59 FEET OF LOT 19, OUTLOT 1; AND LOT 1, OUTLOT 1, WOODLAND SUBDIVISION; THE SOUTH 53 FEET OF LOTS 3 AND 4, BLOCK 1, OUTLOT 4; THE CENTRAL 46 FEET OF LOTS 3 AND 4, BLOCK 1, OUTLOT 4, HANCOCK SUBDIVISION; AND LOTS 1, OUTLOT 4, ASSMAN SUBDIVISION; 70 FEET BY 126 FEET, BLOCK 2, OUTLOT 3; 61.5 FEET BY 59 FEET AND 66.5 FEET BY 126 FEET, BLOCK 2, OUTLOT 3; 48 FEET BY 124 FEET, OUTLOT 3; 50 FEET BY 103 FEET, OUTLOT 3; THE NORTH 61.5 FEET BY 67 FEET, OUTLOT 3; 80 FEET BY 75 FEET, OUTLOT 3; 60 FEET BY 75 FEET, OUTLOT 3; 50 FEET BY 103 FEET, OUTLOT 3; 150 FEET BY 95 FEET, OUTLOT 3; 125 FEET BY 130 FEET, OUTLOT 3; 63.5 FEET BY 125 FEET, OUTLOT 3; TWO (2) 70 FOOT BY 125 FOOT TRACTS, OUTLOT 3;

65.37 FEET BY 120 FEET, OUTLOT 3; 49.68 FEET BY 93.64 FEET (AVERAGE), OUTLOT 4; 55 FEET BY 126 FEET, OUTLOT 3; 50 FEET BY 155 FEET, BLOCK 2, OUTLOT 3; 50 FEET BY 100 FEET, OUTLOT 4; 41.86 FEET BY 99.33 FEET (AVERAGE), OUTLOT 4; TWO (2) 50 FOOT BY 55 FOOT TRACTS, OUTLOT 3; 46.5 FEET BY 100 FEET, BLOCK 2, OUTLOT 3; 60 FEET BY 75 FEET, OUTLOT 3; 50 FEET BY 103 FEET, OUTLOT 3, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1313-1317 AND 1316 WEST 6TH STREET, 1400-1402 WEST 6TH, AND 1401 WEST 6TH STREET; 1412 WEST 6-1/2 STREET; 1106 AND 1112 WEST 7TH STREET; 1007, 1107-1111, 1112-1114, 1211, 1217, 1401-1403, 1407-1409, 1500, 1504, 1510, AND 1512 WEST 9TH STREET; 1105-1109, 1106, 1112 AND 1205 WEST 10TH STREET; 611, 612, 802, 806, 901, 914, 1009-1013 BLANCO STREET; 608, 704, 705-707, 804, 809, AND 910 BAYLOR STREET; 606, 607, 611 AND 612-614 OAKLAND STREET; 604-610 HARTMAN STREET; 603-605, 610-1/2, 616, 700, 704 AND 802 HIGHLAND STREET; 701, 702, 705-709 BROWNLEE CIRCLE; 606, 700, 705, 800, 809-811 PRESSLER STREET; 700-704 AND 804 WINFLO STREET; 900, 909-911 SHELLEY, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (John M. Weinstock, et al, C14-74-062)

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

Ayes: Councilmen Binder, Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOT A, LUTHER E. SMITH ADDITION; LOCALLY KNOWN AS 9513 BURNET ROAD (F.M. 1325), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Luther E. Smith (Area Study), C14-73-253)

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

Ayes: Councilmen Binder, Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOTS 1, 2 AND 3, O. K. ADDITION, LOCALLY KNOWN AS 303-325 INDUSTRIAL BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Odas Jung and Harry Kelly Estate (Area Study), C14-70-001)

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

Ayes: Councilmen Binder, Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

TRACT "Z", 2401 BLUE BONNET ADDITION, LOCALLY KNOWN AS 2305-2401 BLUEBONNET LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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. (J. H. Hamilton Estate, C14-72-200)

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

Ayes: Councilmen Binder, Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ADOPTION OF UNIFORM MECHANICAL CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967, BY REPEALING THE PRESENT CHAPTER 39; ADOPTING AND INCORPORATING THE UNIFORM MECHANICAL CODE, 1973 EDITION, TO BECOME CHAPTER 39; PROVIDING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective November 30, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ADOPTION OF UNIFORM PLUMBING CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967, BY REPEALING THE PRESENT CHAPTER 42; ADOPTING AND INCORPORATING THE UNIFORM PLUMBING CODE, 1973 EDITION, TO BECOME CHAPTER 42; PROVIDING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective November 30, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ADOPTION OF UNIFORM HOUSING CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 40 OF THE AUSTIN CITY CODE OF 1967, BY REPEALING THE PRESENT CHAPTER 40; ADOPTING AND INCORPORATING THE UNIFORM HOUSING CODE, 1973 EDITION, TO BECOME CHAPTER 40; PROVIDING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective November 30, 1974. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

ADOPTION OF UNIFORM FIRE CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 38 OF THE AUSTIN CITY CODE OF 1967, BY ADOPTING AND INCORPORATING THE UNIFORM FIRE CODE, 1973 EDITION, WITH CERTAIN DELETIONS AND CHANGES TO BECOME CHAPTER 38; REPEALING CHAPTER 38; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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 Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

The Mayor announced that the ordinance had been finally passed.

DEVELOPMENT OF HEALTH FACILITIES PLAN

The Council received a report on the development of a Health Facilities Plan. In the report it was noted that there were three broad health areas that would be addressed in the planning:

1. The decentralization of services within the Health Department.
2. The primary health care services on an outpatient basis.
3. The alternatives for meeting the building needs to accomplish both decentralized Health Department functions and a public primary health care service.

DEDICATION OF NEW CITY FACILITIES

It was noted that the Council had before it consideration of official dedication dates for new City facilities. The recommendations were as follows:

<u>Facility</u>	<u>Date</u>	<u>Time</u>
Manchaca Branch Library	September 5, 1974	10:00 a.m.
South Austin Recreation Center	September 5, 1974	11:15 a.m.
Murchison Jr. High Swimming Pool	September 12, 1974	10:00 a.m.
Dottie Jordan Park	September 12, 1974	11:15 a.m.
Fire Drill Tower	September 19, 1974	10:00 a.m.
Austin Transit Maintenance Facility	September 19, 1974	11:15 a.m.

Councilman Lebermann noted that Dottie Jordan's relatives would be out of town; therefore, Mr. Jack Robinson, Director of Parks and Recreation, noted that he would handle this matter and get back to the Council as to the desired date. The Council authorized the staff to proceed with the preparation of plans for the remaining facilities.

NAMING OF NEW SWIMMING POOL

Mayor Pro Tem Love moved that the Council accept the recommendation of the Parks and Recreation Board and named the new pool adjacent to Murchison Junior High School the Murchison Pool. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

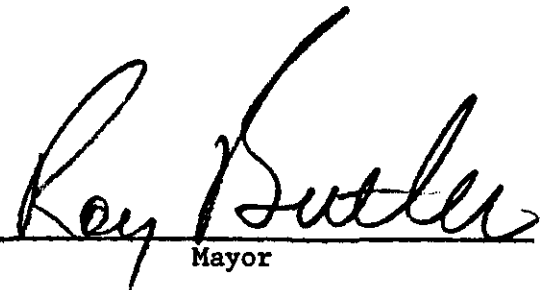
Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Handcox

ADJOURNMENT

The Council adjourned at 6:45 p.m.

APPROVED


Mayor

ATTEST:


City Clerk