

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 23, 1980
9:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Absent: None

Reverend R.E. McCabe, St. Theresa's Church, gave the Invocation.

UNITED NATIONS DAY

Mrs. Margret Hofmann received a proclamation, read by Mayor McClellan, proclaiming Friday, October 24, 1980 as United Nations Day. Mrs. Hofmann thanked the Mayor and presented her with a booklet on the United Nations.

NATIONAL CONSUMER COOPERATIVE
BANK DAY

Mayor McClellan read a proclamation designating October 23, 1980 as National Consumer Cooperative Bank Day. It was accepted with the thanks and appreciation for NCCB by Carol Greenwald, president of the National Consumer Cooperative Bank, Washington, D.C.; and Wayman Palmer, National Consumer Cooperative Bank.

MOTHER-IN-LAW'S DAY

Mother-In-Law's Day will be observed October 26, 1980, according to a proclamation read by the Mayor and accepted by Billy Jean Kirschner with her thanks and appreciation. Mrs. Kirschner presented a bouquet of flowers to the Mayor to show what the florists are using as a Mother-In-Law arrangement.

STAMP OUT SHOPLIFTING DAY

Mayor McClellan read a proclamation designating October 27, 1980 as Stamp Out Shoplifting Day. This is a program of the Distributive Education Programs in Austin. Accepting the proclamation with his thanks and appreciation, was Xavier Sosa, Distributive Education teacher at Austin High School. Accompanying him were: Danielle Parker, Bonnie Bartos, Justin Bertelson, Sandra Murphy, Laura Stewart, Ellen Stein, Liza Hafele, Carol Cantu, Robyn Cloughley, Beth Ezelle, Vanessa Wier, Erin Campbell, Laurie Fisher and John Martinez.

CLASSES RECOGNIZED

Mayor McClellan recognized the presence of three school classes in the Chamber audience. They were Carol Brown's 3rd grade class from Pillow Elementary school; Dorothy Chavez's 6th grade class from Webb Elementary; and Mary White's class of gifted and talented students from Ridgetop Elementary School.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meetings of September 25, 1980, as corrected, and October 2, 1980. The motion, seconded by Councilmember Snell, carried by unanimous consent.

CONTRACT APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

B.G. BOYD CONSTRUCTION
6505 Brownwood Court
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Sidewalk Ramp Program Phase I
\$22,530.00 C.I.P. No. 73/61-01

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Later in the morning,

Motion to Reconsider

Councilmember Snell made a motion to reconsider the awarding of the contract. Councilmember Cooke seconded the motion. Vote was unanimous approval.

Councilmember Snell stated, "The reason I asked for this is I would like to have included in the motion to return to Mr. Perales his bid check that he posted. He made a bid and then withdrew it." Mr. Harris, City Attorney, said it is the prerogative of the Council to return the bid bond if the bidder made a mistake. It is normal for the Council to proceed in this manner. It's not normal for administration.

Motion

The Council, on Councilmember Snell's motion, Councilmember Cooke's second, voted unanimously to approve the following contract and return the bid check to Mr. Perales:

B.G. BOYD CONSTRUCTION
6505 Brownwood Court
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk Ramp Program Phase I
\$22,530.00 C.I.P. No. 73/61-01

UMTA GRANTS

Councilmember Goodman moved that the Council adopt a resolution accepting the following UMTA Grants and authorize the appropriate grant contract with UMTA and the State:

1. TX-03-0060 in the amount of \$1,267,866 for purchase of 8 buses, support equipment and passenger facilities.
2. TX-03-0061 in the amount of \$612,570 for purchase of 4 buses and support equipment.
3. TX-05-0064 in the amount of \$721,260 for the construction of the North Lamar Terminal Building and parking area.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

CETA

Councilmember Goodman moved that the Council adopt a resolution authorizing a contract with the Texas Employment Commission in the amount of \$250,000 for payment of allowances to CETA participants from October 1 through December 15, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

PUBLIC HEARINGS SET

Councilmember Goodman moved that the Council set a public hearing to amend Section 45-34 (b) (1)b of the Austin City Code (Zoning Ordinance) relating to side and rear yard setbacks for December 4, 1980 at 9:45 A.M. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

Councilmember Goodman moved that the Council set a public hearing on an appeal from Mr. James W. Hummonds regarding a decision by the Plumbing Advisory Board for November 13, 1980, at 5:45 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

TEMPORARY STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the outside southbound lane of Congress Avenue between 6th and 7th Streets from 11:30 a.m. until 1:00 p.m., Friday, October 31, 1980 for a news conference. Mayor McClellan paid all fees required for street cleaning and parking meters.

ITEMS PULLED FROM AGENDA

Councilmember Goodman moved that the Council pull the following resolution from the agenda for consideration:

Consider authorizing the submission of a grant application to the Community Services Administration in the amount of \$105,000 for energy relief assistance.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

Councilmember Goodman moved that the Council pull the following resolution from the agenda for consideration:

Consider setting a public hearing on the establishment of Juneteenth (June 19) as a holiday for the City of Austin in place of an established holiday.

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

Councilmember Snell said he would like a poll of City employees regarding this suggestion at the time of the next pay period. He asked staff to report the results to him and he would then place it back on the Agenda to be set for a public hearing.

APPRECIATION FOR COUNCIL

MRS. JUDY YUDOF, representing M.H.M.R. appeared before Council to present Certificates of Appreciation to Councilmembers and City Manager Dan Davidson for their encouragement and support of the M.H.M.R. Human Development Center. Ed Callahan and Mrs. Pamela Hunter helped present the certificates. Mr. John Brubaker described what the agency has done and what it will do in the future.

The Mayor, Councilmembers and Mr. Davidson all received Certificates with their appreciation.

SALARY ADJUSTMENT

Councilmember Goodman moved that the Council pass an ordinance adjusting the salaries of the Presiding Judge and the Associate Judges of the Municipal Court. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: Councilmember Cooke

Councilmember Goodman stated at the time of this motion, "I'd like to include that as a part of the consent motion and give the Municipal Court Judges, including Presiding Judge and Associate Judges, a 10 plus 5% increase in pay."

Motion to Reconsider

Later, Council unanimously approved Councilmember Mullen's motion, Councilmember Cooke's second, to reconsider the passage of the ordinance.

Councilmember Mullen said he did not think the first motion was clear as to the inclusion of the City Clerk and Clerk of the Municipal Court.

The Mayor introduced the following ordinance:

801023-A
F-1

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance adjusting the salaries of all of the following for 10% cost of living, plus 5% merit: City Clerk, Clerk of the Municipal Court, Presiding Judge and Associate Judges of the Municipal Court. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmembers Goodman, Himmelblau
Noes: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING THE COURTYARD PHASE 6-A, LOCALLY KNOWN AS SCOUT ISLAND CIRCLE NORTH TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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. (The Courtyard Phase 6-A C814-75-002.1)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING MEADOW MOUNTAIN PUD II, LOCALLY KNOWN AS FAR WEST BOULEVARD AND STONY MEADOW LANE TO BE USED FOR A PLANNED UNIT DEVELOPMENT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (L.M. Holder, et al, C814-80-006)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

LAKE AUSTIN PENINSULA MORATORIUM ORDINANCE

The Mayor introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance amending the Lake Austin Peninsula Moratorium Ordinance to exempt 9-lot Subdivisions with an average lot size of one acre. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

F. 4
80102-1-2

AUDITORIUM/COLISEUM RATES FOR NON-PROFIT ORGANIZATIONS

Mr. Ron Wood, Auditorium/Coliseum Director, presented the following City Manager Report on rates charged to non-profit organizations:

"This memorandum contains background information concerning Coliseum rental policies for the Settlement Club Garage Sale and other similar events. It specifically responds to questions from Mrs. Reeves and Mrs. Mickey as to why the Club's rent is higher in 1980 than in 1979, and why improvements to facilities have not been attempted.

Firstly, the facility charge in 1980 will be higher than in 1979 because table and chair rental is being applied on a daily basis rather than a one time charge for show days only. This change in rental policy has come about due to a change in wording of the May 1979 City ordinance approving an Auditorium - Coliseum rate adjustment.

Under the new rates, tables and chairs are rented on a daily basis for show preparation, whereas before, some groups were given a one time show rate charge. The last group to receive a show rate charge in the Coliseum, other than the Settlement Club, was the Ben Hur Shrine Circus in 1978. The Settlement Club was not charged for all use days in 1979 because they chose to execute a contract before the rates were adjusted in May of 1979, and the old rate system was applied.

If Council wishes to reduce the daily charge for table and chair rental for the Settlement Club, the following breakdown of 1979 charges and estimated 1980 charges is offered.

	<u>1979</u>	<u>1980</u> (estimate)
Building Rental	\$4,075.00	\$4,250.00 includes one extra show day
Tables	386.00	2,100.00
Chairs	<u>19.40</u>	<u>105.00</u>
	<u>\$4,480.00</u>	<u>\$6,455.00</u>

Presently, the other major groups using the Coliseum which could request a reduction in table and chair charges similar to the Settlement Club are the Ben Hur Shrine Circus and the Austin-Travis County Livestock Show. It is possible that other groups may be added as the Coliseum is upgraded and year-round usage of the building becomes more attractive.

Another way to reduce charges for the Settlement Club would be to create a special rate in the Coliseum for non-profit, Class I events. When the new rates were approved in 1979, only Auditorium rates were adjusted. In the Auditorium when an admission charge was taken but proceeds went for a non-profit purpose, those Class I events were exempted from paying the commercial percentage. It is anticipated that when improvements are completed in the Coliseum and rates are reviewed again, a rental system like the Auditorium's will be recommended, where non-profit groups are given a break from commercial groups.

If Council wishes to create a special non-profit rate before improvements to the Coliseum are completed, other groups using that facility in 1980, in a similar category with the Settlement Club were:

Big Brothers - Big Sisters of Austin (1 day)
Golden Gloves Association (1 day)
Austin-Travis County Livestock Association (16 days)
Ben Hur Shrine Circus (10 days)
Taylor Jaycees (3 days)
Aqua Festival (19 days)
Palmer Drug Abuse Program (1 day)

A final question from the Settlement Club concerned why the rent had gone up when the building was in poor condition. In actuality, rates were not raised in the Coliseum last year because the building was not in an improved condition. When the building is renovated and rates are equitably adjusted, it will be staff's recommendation that a dual system be created for commercial and non-profit groups which is similar to the existing Auditorium rate schedule.

In summation, if Council wishes to reduce the Settlement Club's table and chair rental for this year, two factors should be considered. First, the Settlement Club would be the only remaining group to receive use of tables and chairs for an extended period without a charge. Second, those tables and chairs used by the Settlement Club during their fifteen day event could not be used by another group, and a possible rental would be disallowed. Please let me know if I can provide further information on table and chair rental or facility use in this area."

Mayor McClellan said that she thinks the charge for table and chair set-up and usage was raised far too much and suggested the charges for the days of setting up should be waived, but not the days of the sale.

Motion

Councilmember Himmelblau made a motion, seconded by the Mayor to waive the charge for set up days, but not for days of the sale.

Councilmember Cooke wondered if the fees for all will be waived. Mayor McClellan thought it should be narrowed to those who use tables and chairs. Councilmember Cooke said the motion implies this is for all who use tables and chairs. Mayor McClellan told him the organization this would effect should be judged on merit. Mr. Wood said his recommendation is for Council to authorize the staff to work with the Settlement Club on its garage sale and see how expenses can be cut down. He said perhaps the show can be better arranged so there will be less use of tables and chairs.

Mr. Albert DeLaRosa said there would have to be an amendment to the auditorium rental rate in order to allow the motion on the floor and the proper posting has not been done for this meeting.

Motion Withdrawn

Councilmember Himmelblau withdrew her motion and Mayor McClellan withdrew her second.

Councilmember Himmelblau commented that Council has cut the budget considerably and are aware that what they do to help the Settlement Club might set a precedent for others and she does not want to do that.

Mayor McClellan stated this item will be on next week's agenda for action if an agreement is not reached.

PUBLIC HEARING ON BLACKSHEAR

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. to consider amending the Blackshear Urban Renewal Plan by designating the area between Comal Street, East 11th Street, Chalmers Avenue, and East 10th Street as "R-Residential District."

MS. BRENDA REESE, Real Estate Director for Austin Redevelopment Authority, appeared before Council representing Mr. Tom Knickerbocker. She stated, "On June 4th the Austin Redevelopment Authority Board of Commissioners adopted a resolution recommending a change in the Blackshear Urban Renewal District. This change would be from multi-family to single family residential and would allow Mr. and Mrs. Clarence Jackson of 1001 Comal to remain on their property that has been in their family for many years. In addition to their acquisition and relocation benefits, they would be able to replace their sub standard home with a standard one. You are all aware this is one of the goals of the urban renewal program. On September 9, 1980 the Planning Commission approved the recommended change. In addition the Blackshear residents organization representing the people as a community wrote to our board and endorsed the change. Mr. King, president of Huston-Tillotson College also supports the change. We therefore request the Council to approve this change from multi-family to single family residential."

Councilmember Snell asked if this change would have any effect on the Roberson-Hill Project. Ms. Reese said it will not.

No one appeared to be heard.

Motion

Councilmember Mullen moved that the Council close the public hearing and approve the request to amend the Blackshear Urban Renewal Plan by designating the area between Comal Street, East 11th Street, Chalmers Avenue, and East 10th Street as "R-Residential District". The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for Executive Session at 10:10 a.m. and resumed their Recessed Meeting at 10:55 a.m.

BOARD AND COMMISSION APPOINTMENTS

Motion

Councilmember Himmelblau moved that the Council approve the following Board and Commission appointments:

MH/MR Board of Trustees: Beatrice Fincher, term to expire 9/30/82

Construction Advisory Committee: Scott Badgett, J.V. Winn Jr.,
Charles Wright, terms to expire
10/1/82

Planning Commission: Gilbert M. Martinez, term to expire 6/1/81

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Councilmember Cooke, Mayor McClellan
Noes: None

Motion

Councilmember Himmelblau moved that the Council approve the appointment of William Lesso to the Electric Utility Commission, term to expire 7/1/81. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke
Noes: Councilmember Snell
Abstain: Mayor Pro Tem Trevino, Councilmember Goodman

Councilmember Goodman stated he abstained because in his opinion, the member should be Chicano.

Future Appointments

Mayor McClellan announced the following board and commission appointments are due to be made on October 30, 1980:

On-Going Goals Assembly Committee, 3
Community Development Commission, 3
Vending Commission, 1
Dental Health Advisory Committee, 2
Manpower Advisory Planning Council, 5
Building Standards Commission, 1
Austin Community Education Consortium, 3
Human Relations Commission, 1

DISCUSSION OF SIGN ON LOOP 360

Mr. David Weir appeared before Council to discuss an improper sign located on Loop 360. He questioned the sign being there because he believes it violates the zoning ordinance and the sign ordinance passed May 26, 1980. He said a variance for the sign was requested and he said the major controversy has to do with the date on which construction and erection of the sign began.

Councilmember Himmelblau asked Mr. Lonnie Davis, Director of Building Inspection, "There are appeals of decisions and reversals. Can this be appealed back to the Board of Adjustment?" Mr. Davis replied, "It is my opinion there is not an appeal provided for in Chapter 3 for anyone other than the original appellant. If the request for an appeal filed by Mr. Goodwin and with Mr. Wilson had been denied by the Board of Adjustment, then it could have been appealed to the City Council as they were the appellants in this case. It is my opinion that no one else is authorized to appeal to the Council." Albert DeLaRosa, Assistant City Attorney, said, "There were actually two separate appeals which were processed during that evening. One was a Chapter 45 zoning appeal. After that particular appeal there could be no action taken by the Council because all appeals have to go to the District Court. It bypasses the Council. That is pursuant to State law. The other matter was an appeal under the Sign Ordinance, Chapter 3 and when the Council set up a system of variances under Chapter 3, the ordinance that it passed provided that only the person who actually sought the variance had the right to make the appeal to Council." Councilmember Goodman asked, "Did you confirm that the sign was constructed between July 26 and August 5th?" Mr. Davis said, "I indicated to this gentleman that that was my opinion. However, do bear in mind that the property was outside the City in March. It was annexed in May and my notes indicate that we were notified the sign was going up on August 1. I don't believe I have ever maintained that I physically saw the sign being constructed after annexation, which would be putting the poles in the ground." Councilmember

Goodman asked, "August 1st does fall within that 10 day time frame and does come after passage of the ordinance.So at the time it was constructed was it a legal sign or illegal sign?" Mr. Davis said, "That is the crux of the whole question. I think there is no question that a contract had not been awarded to do the porcelain enamel work. "It is a hard question for me to answer, since I would have to know if the poles were being put into the ground prior to or after annexation."

R.B. MILLER, JR., Executive Vice President, Duplex Electric Sign, appeared before Council. He said several inaccuracies were in Mr. Wier's statements. "The question was brought to the Board of Adjustment because of a peculiar time line factor. I do not have the precise dates with me. The original sign was ordered in March and they ordered a plastic illuminated sign. Then they said they wanted something that looks more like that area and ordered, from Houston, a porcelain enamel sign. It was erected in line with the MoPac criteria because it was the only criteria we had at that time. ...It was constructed on a time line frame and I do not have the precise dates with me."

Councilmember Himmelblau stated, "I think it's a shame that the sign is there and I am sorry the variance was granted. That completely negates everything I had hoped for with the annexation of the loop. I don't feel we can do anything because that is the way the law is written but it was well known the annexation was pending before the sign went up."

Mr. Miller said this is not a matter of looking for a precedent to be set out there, but was a matter of a time frame.

CITIZEN DID NOT APPEAR

MR. JAMES M. ROSE had requested to appear concerning approval to process a 9 lot subdivision on 9 acres off Bunny Run and Loop 360. He did not appear because this was approved during the consent vote on ordinances.

TEMPORARY SIGN

Councilmember Goodman moved that the Council approve the request of Mr. Mark A. Smith, representing Austin Jaycees, for permission to place a temporary sign at the intersection of Toomey Road and South Lamar, three feet from the Lamar curb, October 24-31, 1980. The motion, seconded by Councilmember Mullen, carried by unanimous vote. (Mayor Pro Tem Trevino was out of the room.)

PARADE PERMIT

Councilmember Goodman moved that the Council approve the Parade Permit requested by Mr. Jack G. Fritts for Texas A & M University from 9:30 a.m. to 11:00 a.m., Saturday, November 29, 1980, beginning from East 3rd and Congress Avenue, north on Congress, west on 11th, and north on Colorado. The motion, seconded by Councilmember Snell, carried by unanimous consent.

REQUEST FROM ACORN

MRS. WILLO HARDIN, representing ACORN, appeared before Council requesting to intervene in Southern Union Gas Company's rate increase request. She referred to the amended petition from ACORN's attorney and said it should clarify the objections raised at the last Council Meeting, when ACORN petitioned to intervene. Ms. Hardin said, "We intervened in the rate hike last year. We are the only consumer group that has taken any stand at all on the utility issue. Our track record has been very well represented. I just ask that you take a vote and let us intervene into the rate increase. If there are any questions, our attorney is with us and she will answer any questions you might raise."

Mr. Albert DeLaRosa, Assistant City Attorney, said, "On October 2, the question was raised when this first came to the Council. Mr. Harris, asked the attorney for ACORN, and also the attorney for Southern Union Gas to submit a letter to him explaining the various position as to why ACORN should be allowed to intervene in this process. Mr. Harris has received those letters but has not completed his review and indicates that by next week he can present a report to Council, and if appropriate, put on an item so the Council can consider the request from ACORN to allow them to intervene."

PURPA HEARING OFFICIAL

Council had before it for consideration a resolution to select a PURPA Hearing Official and Public Counsel.

Councilmember Goodman said he understands there is a request to not select Public Counsel today, but to proceed with the Hearing Official. He thought Council should delay selection of both for a week.

Mr. R.L. Hancock, Director of Electric Utility, said the time frame on the selection of both is quite tight. He said a week's delay would probably be all right. The Legal Department had asked for a little more time on selection of a Public Counsel. Mayor McClellan thought they should proceed with selection of the Hearing Official.

Motion

Councilmember Mullen moved that the Council adopt a resolution to select Mr. Hector DeLeon as PURPA Hearing Official. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell

Noes: None

Councilmember Goodman asked, "A total of \$6,500.00 has been set aside for the Counsel or for paying the Hearing Official, or both? Can you explain?"

Mr. Hancock said, "I cannot respond to that right now. I need to get the information." Councilmember Goodman said he would like that information, and the inclusion of whether that is going to be enough to pay them and how many hours they will expect to work.

Mayor Pro Tem Trevino said, "In the event that ACORN is allowed to intervene in this case, will that Counsel be paid out of these monies or would they have to pay for their own representation?" Mr. Hancock answered, "Anyone who wishes to present testimony may do so and they may either use their own counsel or may use the public counsel as employed by the City of Austin for their benefits. They have that option. With the City of Austin providing public counsel for those who wish it, then Austin would not have the obligation to pay for counsel for those intervenors who intervene and do not wish to choose the public counsel provided."

SIGN ORDINANCE

Council had before it for consideration an ordinance amending Section 3-5 of the Sign Ordinance relating to the legal responsibility for the posting of unauthorized handbills, signs, posters, etc. and the littering of such signs.

Roland Denois appeared and requested a public hearing be held on this because he believes the ordinance is confusing. Mayor McClellan said Council will put an item on next week's Agenda to post a public hearing on the ordinance amendment.

ADJOURNMENT

Council adjourned its Council Meeting at 11:30 a.m.

APPROVED

Carole Hector McEllen
Mayor

ATTEST:

City Clerk