

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 5, 1973
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

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

Absent: Mayor Butler

The Invocation was delivered by REVEREND JERRY JAY SMITH, Northwest Hills
United Methodist Church.

PROCLAMATION - BOYS CLUB WEEK

Councilman Dryden read and Councilman Lebermann presented a proclamation
proclaiming the week of April 8-14, 1973, as Boys Club Week in Austin. Represent-
ing Boys Club of Austin were Jimmy Guerra, Hugh Woodard, and Harvey Murchison, and
a poster with the national slogan of Boys Clubs of America was presented to the
City Manager.

PROCLAMATION - SENIOR CITIZENS WEEK

Councilman Nichols read and then presented a proclamation to Mrs. Lottie
Henry and to Mr. Jones, President of the Texas Senior Citizens Association, pro-
claiming the week of April 8-14, 1973, as Senior Citizens Week in Austin. Mr.
Jones noted that their State convention would be held in Austin during the same
week and expressed his appreciation to the Council.

MAYOR BUTLER ENTERS

Mayor Butler entered the Council Chamber at this time.

RECOGNITION OF CADETS

Mayor Butler recognized the presence of the 49th Police Cadet Class of the
City Police Department in the audience.

EASEMENTS RELEASED

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

1 foot of a 5 foot public utilities easement out of Lot 6, Block B, THE VILLAGE, SECTION FIVE. (Applicant - W.T. Williams, Jr. for Nash Phillips-Copus)

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

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

Noes: None

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

2 feet out of a 7 1/2 foot public utilities easement out of Lots 4, 5, 6, and 7, CAMELOT, SECTION 2, PHASE 2. (Applicant - Joseph Witherspoon III for Don Weedon, Jr. and Kirk Michaux)

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

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

Noes: None

CONTRACT AWARDED

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

GRAVER TANK & MANUFACTURING -	Four Fuel Oil Storage Tanks,
COMPANY	Decker Creek Power Station,
(Houston, Texas)	Unit No. 2, Contract D-214A -
	\$439,400.

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

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

Noes: None

In response to Councilman Lebermann's question, City Manager Davidson stated that this was the first of a series of contracts to bring the City's storage capacity to 16.4 million gallons by October 1, 1973, an increase of 12.5 million gallons.

BIDS APPROVED

The Council had before it for its consideration approving certain bids totaling \$69,811.99 and rejecting all other bids for the sale of surplus real property. In response to Councilman Nichols' question, City Manager Davidson affirmed that the high bid for one of these properties, submitted by Mitchel Wong, had not been considered because a personal check had been sent, rather than a cashier's check. He also affirmed that the Council could waive the cashier's check requirement. In response to Councilman Lebermann's question, City Manager Davidson stated that the capacity of the bidder to fulfill his obligation had been examined.

Public Property Manager Joseph Morahan explained that the specifications in the bids called for cashier's check, certified check, money order, or an approved bond, to guarantee performance by the bidder.

Mayor Pro Tem Love moved the Council waive the cashier's check requirement and adopt a resolution approving the following bid for sale of surplus real property:

MITCHEL WONG - \$25,160.60

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

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

Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution approving the following bid for sale of surplus real property:

JOHN ROSS BRECKENRIDGE, JR. - \$26,700.00

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

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

Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution approving the following bid for sale of surplus real property:

ARTHUR MOUSER - \$13,600.00

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

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

Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution approving the following bid for sale of surplus real property:

PANTUR, INC.

-

\$5,501.99

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

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

Noes: None

CONSULTING SERVICES SELECTED

Councilman Nichols moved the Council select Trinity Engineering Testing Corp. as Consulting Services for soils and foundation investigation and engineering testing services in connection with the following 1973 Capital Improvements Program Project:

North Austin (Georgian Drive) Water Transmission Main
Project Nos. 4082 0 and 4082 1.

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

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

Noes: None

AERIAL PASSAGEWAY APPLICATION CONSIDERED

The Council had before it for its consideration an application of Travis County for an overhead aerial passageway over San Antonio Street connecting the existing Travis County Courthouse to the new annex under construction in the southwest corner of West Eleventh and San Antonio Streets. (Applicant - Travis County Judge J.H. Watson).

Building Department Director Dick Jordan stated that the Building Code did not consider an aerial passageway over a street although it did lay down specifications for an aerial passageway over an alley. He stated that this passageway would comply with the alley passageway requirements. In response to Mayor Butler's question, he stated that it would be 16' 2" above the street level. He noted that other City Departments, as well as the phone company, cable company, and gas company, had been contacted.

In response to Councilman Nichols' question, Mr. Jordan stated that the architects had indicated that an underground passageway requiring 26' of cut for a stairway on the Courthouse side, and 16' underground, would be impossible. City Manager Davidson thought there would be some who would feel this to be a visual obstruction over the street. In response to Councilman Lebermann's question, City Manager Davidson stated that the Citizens Environmental Board had not examined this proposal.

Motion

Councilman Nichols moved that this proposal be referred to the Environmental Board for recommendations and for a general policy statement.

There was discussion among the Council as to whether any other aerial passageways over a street had been approved. There was discussion with the architect as to the feasibility of an underground passageway.

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

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

Noes: None

APPLICATION AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing the Department of Community Action to apply for refunding of the Child Development Program from the Department of Health, Education and Welfare, to provide child care services to disadvantaged families for a period of one year, May 1, 1973 to April 30, 1974. Total funding requested is \$928,675.

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

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

Noes: None

TERMINATION AGREEMENT AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing the execution of a Termination Agreement with Barnes, Landes, Goodman and Youngblood for Architectural Services in connection with Phase 1B of the Brackenridge Hospital Development. Councilman Friedman noted that this termination would enable the City to proceed with this firm on a new project by contract. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

COMMUNITY DEVELOPMENT STATEMENT APPROVED

The Council had before it for its consideration approval of the Community Development Statement and forwarding to the United States Department of Housing and Urban Development. In response to Councilman Nichols' question, City Manager Davidson stated that the Model Cities Commission had yet to submit their recommendations and the Council had yet to determine the final priorities for the Model Cities funding.

Mr. Bill Stoll, of the Model Cities Division, stated that the Department of Housing and Urban Development had invited the City to submit one master application for funds prior to the beginning of the federal fiscal year, rather than several individual applications during the course of the year. This master application consisted of the Community Development Statement which summarized the City's overall needs, priorities, and funding request. After the submission of this Statement, HUD would enter into negotiations with the City for the amount of funds to be granted the City for the next fiscal year. Because most federal funds were frozen or terminated, this Statement would enable the City to obtain funds for only several community projects, among which would be Model Cities, Urban Renewal, and Public Housing. An agreement was expected with HUD by June 1.

He stated that this Statement would also be the application for Community Development Special Revenue Sharing, should the Special Revenue Sharing be passed by the Congress. In response to Councilman Friedman's question, he stated that the priorities were being established by the amounts of money requested by the City Departments and community programs involved. Councilman Friedman feared that this was setting the priorities before there was public input and that the federal government would be dictating priorities to the City. City Manager Davidson stated that the priorities submitted in the Statement were based on Council-established priorities in the Capital Improvements Program, the Workable Statement, and the Annual Budget. He also noted that this agreement would be back before the Council after being reviewed by HUD at which time the Council could make changes in the priorities. Councilman Handcox stated that the inputs upon which these priorities were established had not been made in light of the recent cutbacks, and he believed that new input was necessary.

Mr. Stoll stated that time had been short in preparing this application and that HUD had been informed that this meant limited time for gaining the citizen input which the City had requested. Councilmen Friedman and Handcox inquired about the feasibility of a delay which Mr. Stoll believed would be detrimental in that negotiations with HUD should begin immediately. City Manager re-stated that citizen input could be obtained for the setting of final priorities after HUD had agreed on the amount to be granted based on this Statement. City Manager Davidson also noted that Austin had gotten a headstart with its Statement and was being cited by HUD as a model for other Cities to follow. There was discussion among the Council as to how much flexibility there would be in realigning priorities after HUD's approval. Mr. Stoll stated that the application was primarily for a total amount of funding in broad categories, but HUD had given assurance that the City would retain flexibility in setting priorities.

Motion

Councilman Nichols moved the Council adopt a resolution approving the Community Development Statement and authorizing forwarding to the United States Department of Housing and Urban Development with the understanding that the Council would retain flexibility in aligning priorities. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

COMPENSATION ESTABLISHED

Councilman Nichols moved the Council establish compensation for Election Officials for the Municipal Election as recommended. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Handcox

In response to Mayor Butler's question, City Attorney Don Butler stated that printed instructions would be sent out to the Election Judges noting that voters could not take into the polling place printed markers telling them how to vote. Mayor Butler noted that this had occurred in the absentee voting. City Manager Davidson responded affirmatively to Mayor Butler's request for members of the staff to call the Election Judges personally reminding them of this regulation.

LEASE AGREEMENT AUTHORIZED

Councilman Handcox moved the Council adopt a resolution authorizing a lease agreement with Junior Achievement providing for the construction of a service building on City owned land. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

ORDINANCE TO AMEND BUILDING CODE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 36 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW SUBSECTION TO SECTION 36-1705 THEREOF, REGULATING THE USE AND MANNER OF INSTALLATION OF FIBERBOARD IN APPROVED WALL ASSEMBLIES, WAIVING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Building Department Director Dick Jordan stated that there had been several fires at the time of construction involving the type of fiberboard under consideration. After investigation, the Fire Marshal had discovered that fires had been started due to the use of an open blowtorch in conjunction with this type of board. In response to Mayor Butler's question, Mr. Jordan noted that this would occur during construction and not during occupancy. He stated that the manufacturers of the board would analyze it and attempt to produce a fire-rated board comparable in price, which would probably take a year and a half. The ordinance would permit the fiberboard which was sound for its purposes but place restraints on installation procedures.

Mr. Trigg Forister, President of the Austin Association of Builders, stated that the Association was in agreement with the ordinance and recommended adoption. City Manager Davidson expressed appreciation to the homebuilders, lumbermen, and others in providing input to draw up this ordinance.

Motion

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENTS TO ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

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

TRACT 1: A 303 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE
DISTRICT AND "O" OFFICE DISTRICT TO "A" RESIDENCE DISTRICT;
AND,

TRACT 2: A 4.69 ACRE TRACT OF LAND, FROM "A" RESIDENCE
DISTRICT TO "BB" RESIDENCE DISTRICT;
LOCALLY KNOWN AS THE REAR OF 3633-3723 MANCHACA ROAD; 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.

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

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

Noes: None

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:

TRACT 4: A 4.43 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 7018-7024 BALCONES DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, 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.

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

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

Noes: None

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:

TRACT 1: A 1.17 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6911 THORNCLIFF DRIVE; THE REAR OF 3807-3811 NORTH HILLS DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 5.52 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 3501-3600 NORTH HILLS DRIVE; THE REAR OF 6500-6643 VALLEYSIDE DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" 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.

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

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

Noes: None

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:

LOTS 20, 21 and 22, JOHNSTON TERRACE SUBDIVISION, SECTION 8, LOCALLY KNOWN AS 6323, 6325 and 6401 THURGOOD AVENUE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols 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: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann

Noes: Councilmen Friedman, 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:

(1) THE SOUTH 103 FEET OF BLOCK 6, DRISKILL AND RAINEY SUBDIVISION, LOCALLY KNOWN AS 60 RAINEY STREET; 606-608 RIVER STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,

(2) LOT 2, O.A. DOBBINS ADDITION, LOCALLY KNOWN AS 107 LELAND STREET, FROM "BB" RESIDENCE DISTRICT TO "O" OFFICE 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.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO CIP APPROPRIATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720810-F TO APPROPRIATE FROM REVENUE BOND FUNDS OR CURRENT UTILITY REVENUE FUNDS AN

AMOUNT TO BE EXPENDED FOR CERTAIN SYSTEM IMPROVEMENTS AT HOLLY POWER PLANT AND DECKER POWER PLANT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

ELECTION OFFICIALS APPOINTED

Councilman Nichols moved the Council appoint Election Officials as recommended for the Municipal Election, April 7, 1973, with the designation of Brenda Bell as representative of the news media to serve as a Central Counting Station Clerk. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

DONATION OF PARK LAND DISCUSSED

Mr. Donald Walden, member of the Austin Regional Group of the Sierra Club, brought before the Council the item of acquiring and preserving an area in the neighborhood of Northwest Hills, near the intersection of Rindale and Longpoint Streets on the edge of residential development. With the use of a map, he located the area in question.

He stated that residents in the area had attempted to preserve this land from the encroachment of developments. He stated that the spring site was one of the few remaining such habitats on the Edwards Escarpment, important from a geological and hydrological aspect. He stated that the site was small, comprising 2 1/2 acres. Intricate and delicate formations of travertine deposits as well as plants and animals made for a unique environment. An extensive botanical survey was planned by the Sierra Club but it had already been determined that a significant number of rare and endangered plants inhabited the site. He noted the deer, raccoon and other animals found in the area.

He stated that the owners had agreed to work to keep the site from being undisturbed by development. They would be willing to donate the land under the conditions that it be open to the public and that it not become a detriment to the neighborhood. There were difficulties with a private organization such as the Sierra Club or the Audubon Society owning and maintaining the area.

Working with the Environmental Quality Office, Parks and Recreation, and other City Departments, they had explored avenues for City acquisition of the land. In response to Mayor Pro Tem Love's question, Mr. Walden stated that he had not appeared before the Parks and Recreation Board. Councilman Friedman noted that there was a time consideration and hoped the Council could give Mr. Walden some direction in how to proceed with his request. In response to Mayor Pro Tem Love's question, City Manager Davidson stated that the next meeting of the Parks and Recreation Board would be in about three weeks. Mayor Pro Tem Love suggested that this item should be brought before the Board.

In response to Councilman Lebermann's question, Mr. Walden stated that there was additional property associated with this which was available for purchase. In response to Councilman Handcox's question, he stated that the maximum amount of land which might be available was 10 acres. There was general agreement among the Council that Mr. Walden should appear before the Parks and Recreation Board with his proposal, and their recommendations would then come before the Council.

Councilman Dryden pointed out that the Sierra Club had agreed to help maintain this area. City Manager Davidson stated that Mr. Walden would be notified as to when this item would be on the Parks and Recreation Board agenda.

REPORT ON CRIME RATE

Mayor Butler reported on the report recently released by the F.B.I. that for the 12 months of 1972, the crime rate in Austin had decreased, and that Austin ranked next to the lowest in crime rate among 17 cities in its population bracket. City Manager Davidson pointed to the increased appropriations by Council for police manpower and equipment, the caliber of Police officers now being recruited, and the citizens who wanted good crime protection.

REQUEST TO CLOSE STREET GRANTED

Councilman Nichols moved the Council grant the request of Ms. Pat Cuney, of the Student Government Committee to Get Out the Vote, for the closing of Whitis Avenue between 20th and 21st Streets from 4:00 P.M. till 12:00 midnight, Friday, April 6, 1973, for the purpose of holding a Street Dance, subject to Departmental requirements being met. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

POST OFFICE RE-ESTABLISHED

Councilman Nichols moved the Council adopt a resolution authorizing the re-establishment and funding of a contract Post Office Station in the Montopolis Area. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

"NO-FARE" TRANSIT STUDY REPORT

City Manager Davidson reported on study of the "No-Fare" Transit Proposal. He stated that it would take the Traffic and Transportation Department approximately 90 to 120 days to evaluate the current transit system, and these figures would be needed by any committee to be appointed before it examined any "no-fare" transit system. He recommended that should a committee be established to study this proposal that it be a committee selected for that purpose only. He also recommended that should a citizens' board be selected to advise on this, that it be charged with a broader responsibility, including all aspects of transportation in the Austin area. There was discussion between Councilman Lebermann and Mayor Pro Tem Love as to whether a citizens' advisory board should be an ad hoc or permanent body. Councilman Nichols opposed the establishment of a board until after the report from Traffic and Transportation.

A spokesman for the Concerned Citizens for No-Fare Transit recommended the creation of both a temporary committee to study no-fare transit and a permanent Urban Transportation Committee to study the overall transportation situation. He stated that the Environmental Protection Agency had given Austin until April 16 to design a plan to reduce pollution, and he feared federal intervention. While he believed the permanent committee should be established sometime in the future, he recommended that the temporary committee be established at this time. Councilman Friedman suggested that action along this line might be taken in executive session following the Regular Meeting.

ANNOUNCEMENT OF EXECUTIVE SESSION

Mayor Butler announced at this time that the Council would meet in executive session following the Regular Meeting (which would re-convene at 2:00) in order to make some appointments, particularly to the Mental Health-Mental Retardation Board.

REPORT ON INSURANCE FOR CITY VEHICLES

City Manager Davidson distributed to the Mayor and Council members a report on Insurance for drivers of City Vehicles. This item would be brought back before the Council after they had a chance to read the report. In response to Councilman Nichols' question, City Manager Davidson stated that one of the options was for the City to take out liability and property damage insurance on its City employees. He also stated that this could cost as much as \$150,000 a year.

ANNUAL FINANCIAL STATEMENTS PRESENTED

Mayor Butler reported that according to the Annual Financial Statements for the Fiscal Year 1971-72, the City had a net position about \$760,000 better than anticipated, and he believed this supported the wisdom of the tax cut instituted by the Council the previous year. Councilman Nichols noted that the overall improvement was about \$2 1/2 million.

RECESSED MEETING

2:00 P.M.

The meeting re-convened at 2:00 P.M. with Mayor Butler presiding and noting that Mayor Pro Tem Love would be absent.

PUBLIC HEARING ON CONSUMER AFFAIRS ORDINANCE

At 2:00 P.M. Mayor Butler opened the public hearing scheduled for that time on the proposed Consumer Affairs Ordinance. Mr. Lloyd Doggett stated that a re-draft had been made with minor changes from what had been presented to the Council the last time. One of these changes would provide the Council with an advisory board that would assist in advising the Office of Consumer Affairs in carrying out its duties. The other area of dispute concerned the issue of women in the area of credit.

Mr. Will Davis expressed his appreciation to Mr. Doggett and City Attorney Don Butler for their assistance in drafting the proposed ordinance which he believed answered the needs of all the interested parties in consumer-vendor affairs. Section 23-47 concerned the citizens' advisory board on consumer-vendor affairs, which did not have the endorsement of a majority of his committee. Two members of the committee did not feel that it was necessary to the ordinance, but they did feel that the language of this section was the appropriate language should the Council wish to include it. Section W concerned women's rights and presently stated "Denying an individual credit or loans in his or her name or restricting or limiting the credit or loan granted on the basis of sex or marital status of the applicant." His objection was that the following should be added: "except to the extent required or authorized by law." He stated that there was presently uncertainty as to what the State legislature might authorize in this area, and he did not feel that the City should be more restrictive than State law might be. He personally recommended that the penalty for violation of the ordinance, instead of a flat \$200 fine for any violation, should be as follows: first offense, maximum fine of \$25; second offense, maximum of \$50; third offense, maximum of \$100; all offenses beyond the third, maximum of \$200.

Mr. Doggett stated that he would agree to Mr. Davis' proposed amendment to Section W. Mr. Davis stated that changes had been made in the proposed ordinance so as to provide protection for the vendor as well as for the consumer.

Mayor Butler felt that these latter changes were quite important. Mr. Davis felt that Section 23-47 was unnecessary in that it duplicated Section 23-44 which authorized the City Manager to contract for professional consumer counseling and information services with any private organization, and he believed that control should remain in the hands of government rather than an ad hoc ex officio committee. Councilman Friedman pointed out that the board would be merely advisory, not taking away any of the City's governing powers. Mr. Davis stated that advisory committees assume the public notoriety but without the responsibility of government. If the Council desired this section, Mr. Davis recommended the language proposed here rather than the original language. In response to Mayor Butler's question, Mr. Davis stated that the powers of the advisory board to receive suggestions from any citizen regarding the operation of the Office of Consumer Affairs did not mean that the board could give orders to the Office which would be under the responsibility of the City Manager. Recommendations could be made to both

the Office of Consumer Affairs and the Council. In response to Councilman Nichols' question, Mr. Davis stated his belief that complaints could be received by the City Manager who would refer them to the Council. Councilman Dryden believed that the more boards created, the slower would be the solution to problems.

Mr. Mike Hudson, State Director of TexPIRG, distributed the results of a survey conducted the previous week with the assistance of the UT Business School, the Department of Marketing Research, and Mr. Douglas Longman who conducted the survey. He stated that the Department conducting the survey was the same one which had conducted a similar survey the previous year for the Council on City services available. The study was conducted by 56 business students at 10 interviews per student for a total of 560 interviews. He believed that the high number of respondents in the 18 to 25 age bracket was explained by the great number of students and young people in the City as well as the multiple and single telephone listings more prevalent among students and single people. By multiple listings, he meant that several individuals with the same phone number might be listed separately in the phone book.

Mr. Hudson highlighted some of the survey results: 94% favored a consumer ordinance; 92% felt this was an important issue before the City; 76% favored penalty of a \$200 fine; 97% favored a provision requiring merchants to honor guarantees and warranties (which section had been deleted from the ordinance). He urged reinstatement of the guarantees and warranties section. He stated that 82% of respondents were favorable to a citizens' advisory board. Of 61 respondents who indicated an association with a business owned in Austin, a larger percentage favored passage of the ordinance than did those not associated with an Austin business. There was discussion between Councilman Friedman and Mr. Hudson as to how the percentages reported were computed.

Mr. Hudson requested that the wording of Section 23-44 be changed from "...the City Council may contract for professional consumer counseling and information services with any private organization or entity..." back to the original wording which substituted the word "shall" for "may." He also believed the wording of Section 23-47 concerning the citizens' advisory board should be changed back to the original wording to provide a directive rather than advisory role. In response to Councilman Dryden's question, he stated that the survey did not ask about the nature of the advisory board.

Miss Dorothy Dubose, a member of the National Organization for Women and the Texas Women's Political Caucus, stated that there had been discussions concerning discrimination in the extension of credit based on sex and marital status. She favored the proposed wording in Section W. This did not advocate that credit be given to an applicant just because she was a woman, but it would guarantee that credit would not be denied just because she was a woman. This would mean more money for Austin businesses than could be spent on a cash-only basis. She stated that she had letters from a number of women who had been denied making purchases on a credit basis. She cited examples of these and the hardships that were imposed, particularly for divorced women.

Miss Dubose stated that the rationale usually given for credit restrictions to divorcees was that they were in an emotionally unstable situation. While it was argued that this was not discriminatory in that it applied to both men and women, Miss Dubose stated that the only victims who really suffered from this were women. She believed that the solution was for credit bureaus and departments to be required to establish separate credit ratings for any individual earning a salary so that a woman would not have to re-apply for credit should she lose her husband in whose name the credit rating had solely been established.

Problems with mortgage transactions resulted largely from bankers' fears that a woman in child-bearing years would become pregnant, adding a burden to the family's financial resources at the same time as losing her salary. Some mortgage lenders even required information on birth control measures used. FHA guidelines recommended that a young wife's income be counted in full; Miss Dubose quoted from this manual, which should allay the fears of lenders. 89% of working women's income had been counted for FHA loans since 1965, and the default rate in such cases was much lower than for loans made just on the basis of the husband's income. Miss Dubose stated that two bankers to whom she had talked speculated that their success was due in part to mortgages extended to women often turned down by other institutions.

Miss Dubose stated that evidence suggested that marital status was not an important factor in determining a person's credit worthiness and that women, not men, were the preferable credit risks. A 1970 study by the National Bureau of Economic Research indicated that women were better credit risks than men. 32 million women, or 40% of all women in the United States, were now employed in the work force.

Mayor Butler commented that retail merchants would seem to have the incentive to extend credit so as to increase their sales. Miss Dubose summarized her recommendation for the sex discrimination provision in the ordinance and the additional recommendations of a requirement of individualized credit ratings for anyone with an income, a prohibition on creditors discontinuing credit after any change in marital status if ability to pay bills can be demonstrated, and a requirement that a wife's income be considered for a home mortgage loan. In response to Councilman Friedman's question, she stated that the amendment to the provision offered by Mr. Davis was acceptable.

Councilman Dryden thought there would be some difficulties in application to specific cases of the recommendation for a prohibition on creditors discontinuing credit solely on the basis of a change in marital status. He also questioned the propriety of the Council levying requirements such as those recommended on retail merchants. Councilman Nichols was concerned with mortgage bankers who sold their notes outside the City, over which the Council would have no jurisdiction. City Attorney Don Butler was concerned with the ability to define precisely the nature of the offense which was pre-requisite for a criminal ordinance. He concurred with Miss Dubose's idea that many cases could be mediated outside of Court by the Office of Consumer Affairs.

Mrs. L.V. Gilbert, representing Miss Jennie Wilmot, Chairman of the Advisory Committee of the Consumer Information Desk, stated that a training program had been held for the past five weeks at Westminster Presbyterian Church to train persons who would man the Consumer Information Desk which would open on April 10 in the First Federal and Savings Office. She stated that the Austin Retired Teachers Association endorsed an extended program of consumer protection. She stated that the Austin chapters of the Austin Retired Teachers Association and the Austin Association of Retired Persons sponsored the training program which she had mentioned, and she cited the persons working in the program.

Mrs. Joyce Sampson, representing the Travis County Democratic Women's Committee, spoke in favor of a Citizens Advisory Board. She felt it would relieve consumers and vendors wishing to lodge complaints of any political pressure. She

believed that an appointed board would be responsible to the public. She believed they would be an excellent advisory group to the Council and an educational agency to the community. She also recommended the "Equal Credit Rights for Women" provision. She knew working women who had difficulty in obtaining credit.

Mr. Robert A. Bond, President of the Texas Electronics Association and representing the Central Texas chapter of the Texas Electronics Association which represented the home electronics sales/repair/service industry, favored the ordinance. He agreed with Mr. Davis that a citizens advisory board was unnecessary and should be established only if the Office of Consumer Affairs was not working adequately in airing complaints.

Mr. Raymond Donley, in the real estate business, favored a clause prohibiting landlords from confiscating security deposits on consignment by the tenants, prohibiting them from locking tenants out and taking over tenants' personal property, and guaranteeing tenants' rights of privacy.

Motion

Councilman Friedman moved the Council close the hearing, waive the requirement for three readings and declare an emergency and finally pass the ordinance, as proposed with the following changes: in Section 23-44, the wording "may" be changed to "shall"; Section W be amended to include "except as required by State law"; and the deletion of Section 23-47 concerning a citizens advisory board, with instruction to the City Manager to report back to the Council in one week on specific guidelines for that board. Mayor Butler opposed the change in wording in Section 23-44, believing that it was not necessary to mandate contracting with private professional services. City Attorney Don Butler stated that this wording change would not accomplish binding the Council to such a contracting. Councilman Friedman amended the motion to delete the wording change from "may" to "shall" in Section 23-44.

Mayor Butler was unsure that the Section W dealing with sex discrimination in credit transactions was appropriate in an ordinance dealing with deceptive trade practices. The ordinance before the Council defined offenses having to do with the sale, advertising, repair, and purchase of merchandise. He believed that the issue of sex discrimination could be more effectively handled through other legislation. He did not believe that Section W had had the same opportunity for community input as had the other sections. Mayor Butler proposed that the Council instruct the City Attorney to draft an ordinance authorizing the Human Relations Commission and their staff to investigate and mediate cases of credit denial because of sex or marital status, and that the Council request a report on their findings and recommendations in this area as soon as possible.

Miss Dubose stated that there was both State and Federal legislation proposed almost identical in wording to the proposed Section W in the ordinance. Councilman Dryden believed that such legislation would be more effective at the State level than at the City level, and without State legislation, he was concerned with the enforceability at the City level. In response to Councilman Friedman's question, City Attorney Don Butler stated that the penalty section in the proposed ordinance would be the standard \$200 fine. Councilman Nichols questioned whether there were means of relief for cases of sex discrimination other than the proposed ordinance. Mr. Doggett had no objection to the Human Relations Commission enforcing this provision in the ordinance, but he felt that Section W should be included in the ordinance. In response to Councilman Nichols' question, Mr.

Doggett stated that it would be acceptable to him if the Council were to instruct the City Attorney to draw up another ordinance specifically addressed to this issue. There was discussion between Councilmen Friedman and Nichols as to what Miss Dubose had requested, and Miss Dubose re-affirmed that she did want a statute with enforcement powers. There was further discussion between Councilmen Friedman and Dryden as to whether referring this item to the Human Relations Commission would authorize such enforcement.

City Attorney Don Butler was concerned with the enforceability of Section W as worded and was also concerned with the lack of input from those in the business of making loans as the focus had been primarily on merchandising problems. Mayor Butler concurred that the banking community had not been involved in previous discussions and negotiations.

Ms. Shirley Billingsley, of the Credit Task Force for the National Organization of Women, felt that the sex discrimination item fell within the responsibility of the Council. She noted that the proposed ordinance was designated as Consumer Protection, not Deceptive Trade Practices, and she felt that Section W was appropriate within that title. She did not see what damage could result from this provision. Ms. Billingsley further discussed with City Attorney Don Butler the enforceability of this provision.

Councilman Handcox suggested that a decision be postponed until input could be obtained from that portion of the private section from which input had not yet been obtained. In response to Mayor Butler's question, Mr. Doggett stated that there had been no sex discrimination provision in the ordinance originally proposed. Mr. Doggett suggested that perhaps the Council could endorse the concept of an advisory board and limit the sex discrimination provision to retail installment purchases.

Original Motion - No Second

Councilman Friedman's original motion died for lack of a second.

Second Motion

Councilman Lebermann moved the Council postpone action on the ordinance for one week during which time Mr. Doggett, Mr. Davis, Miss Dubose, and the City Attorney should meet to work out the language in Section W and to develop the guidelines for the citizens' advisory board. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

Mayor Butler suggested that individuals in the lending business be put on notice that a public hearing would be held on this matter at the next Council meeting.

ADJOURNMENT

The Council then adjourned.

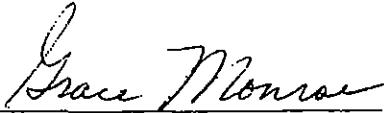
APPROVED:

Mayor

Handwritten signature of Ray Butler in cursive script.

ATTEST:

City Clerk

Handwritten signature of Grace Monroe in cursive script.