

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 13, 1975
1:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND JOHN TOWERY, Congregational Church of Austin.

RESOLUTION NAMING POOL

Mayor Butler read and then presented a resolution signed by the Council to Mrs. David Kennemer, noting that the new north Austin swimming pool adjacent to Lanier High School will be known as KENNEMER POOL. It was noted that a tragic accident on October 20, 1974, took the lives of David Kennemer and his sons, Brent and Troy. Mayor Butler called on all residents to recognize this as a tribute to civic pride and the promise of Austin's young people and as a memorial to David Kennemer and his sons. Mrs. Kennemer thanked the Council.

SUSAN B. ANTHONY DAY

Councilman Friedman read and then presented a proclamation to Ms. Micheline M. Fountain and Ms. Donna Walker-Ashworth proclaiming February 13, 1975 as "Susan B. Anthony Day." It was noted that she had devoted her life to freedom and enfranchisement for American Negroes and women before her death in 1906; and the Council encouraged all residents to join the Council in honoring this woman, her energy and steadfast purpose, and the millions of women who follow her example.

ENGINEER'S WEEK

Councilmen Binder read and then presented a proclamation to Mr. Ben Alley, President, Travis County Chapter, Society of Professional Engineers, designating the week of February 16-22, 1975, as "Engineer's Week" and called on all residents to recognize the contributions of the men and women in this important profession. Mr. Alley thanked the Council and recognized Mr. Robert Tieman as the outstanding engineer for the year.

QUARTER SYSTEM AWARENESS WEEK

Mayor Butler read and then presented a proclamation to Dr. Bill Smoot proclaiming the week of February 17-23, 1975, as "Quarter System Awareness Week" and urged all citizens to learn about the new quarter system concept (to be effective as of September, 1975) and all parents to attend one of the "Course Fairs" sessions during Quarter System Awareness Week. Dr. Smoot thanked the Council.

RECOGNITION

Mayor Pro Tem Dryden read and then presented a resolution signed by the Council to Mrs. Ida B. Hill, Mrs. Irene Hill Thompson, and Mr. and Mrs. James Hill in recognition of the late Mr. Jerome Hill, who served the citizens of Austin for almost 25 years as a member of the Public Works Department of the City. Mayor Pro Tem Dryden called on all residents to recognize Mr. Hill's many contributions to the City. Mr. James Hill, son of Jerome Hill, stated that it was an honor to represent his mother, his sister, and his wife in accepting this resolution.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Minutes for February 6, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

RELEASE OF EASEMENTS

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

The north 417.42 feet of the Public Utilities Easement seven and one-half feet in width that traverses the interior of Lots 1-A, 2-A, and 3-A of the GRAY & BECKER INDUSTRIAL ANNEX, a subdivision, said easement being 100.00 feet from and parallel to the rear line of said lots. (Requested by Mr. B. F. Priest, Registered Public Surveyor representing Gray & Becker, Inc., owner.)

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

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

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

The two portions of the Drainage and Public Utilities Easement ten feet in width, that was provided in Lots 1 and 2, Block 44, THE HIGHLANDS, and in Lot 3, Block 3, SMITH & ABRAHAMSON, SUBDIVISION, by instrument of record in Volume 1640 at Page 204 of the Deed Records of Travis County, Texas, one of said two portions being all of said 10-foot Easement in said Lot 3, Block 3, SMITH & ABRAHAMSON SUBDIVISION, south of the Electric Easement that covers all of the north five feet of said Lot 3, and the other portion being all of said 10-foot Easement in said Lots 1 and 2, Block 44, THE HIGHLANDS. (Requested by Mr. Steve Price, agent for Mr. Frederick J. Schnitzer, owner.)

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

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

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

Three Easements, all being out of and a part of the RESUBDIVISION TRACT 2, NORTH VILLAGE, a resubdivision of record in Book 70 at Page 77 of the Plat Records of Travis County, Texas: A public Utilities Easement seven and one-half feet in width that covers all of the west seven and one-half feet of Lot A, of said resubdivision; a Drainage Easement ten feet in width by 461.09 feet in length in two segments that traverses a westerly portion of Lot B of said resubdivision; and a Drainage Easement ten feet in width by 165.00 feet in length that traverses a southeasterly portion of said Lot B. (Requested by Mr. B. F. Priest, Registered Public Surveyor representing Gage Western Investments, Inc., owner.)

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

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

LICENSE AGREEMENT - UNIVERSITY PRESBYTERIAN CHURCH

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

UNIVERSITY PRESBYTERIAN CHURCH - permitting encroachment by a new portion of concrete slab of the GARDEN CAFE at 413 West 23rd Street upon a strip of the WEST 23RD STREET right of way, said strip being of 2.39 feet average width and extending from the northerly prolongation of the west line of the San Antonio Street alley in a westerly direction 50.5 feet adjacent to Lot 25 of the LOUIS HORST'S SUBDIVISION OF OUTLOT 35, DIVISION D. (Requested by Mr. W. A. McCormack and Mr. R. W. Barrett, co-owners of said Garden Cafe and lessees of the rear portion of said Lot 25, which is owned by the University Presbyterian Church.)

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

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

COST DIFFERENCE PAYMENT

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing payment to EDWARD R. RATHGEBER, the cost difference of 16" and 12"/8" water and wastewater mains to serve Onion Creek Forest, Section 2, in the amount of \$8,202.81. The motion, seconded by Councilman Binder, carried by the following vote:

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

CASH SETTLEMENTS

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

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS - 60/40% cash settle-
ment for water and wastewater utility installations at
the Wallace E. Johnson Subdivision:

Estimated cost of water main extension	- \$5,760.00
Developer's share @ 40%	- \$2,304.00
City's share @ 60%	- \$3,456.00
Estimated cost of wastewater main extension	- \$ 350.00
Developer's share @ 40%	- \$ 140.00
City's share @ 60%	- \$ 210.00

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

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

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

SCHOLARS INN, INC., Beatrice I. Smith, President -
 60/40% cash settlement for wastewater service installation in Smith and Scholars Addition:

Estimated cost of construction	-	\$375.00
Developer's share @ 40%	-	\$150.00
City's share @ 60%	-	\$225.00

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

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

Councilman Friedman noted that this was the first time since November, 1971, that he had voted affirmatively for a cash settlement. Councilman Binder noted that despite his personal feelings, some people would be caught in a "crunch" between a 7 and 5-person Council if the Council did not "make up the slack"; and this, he explained, was the reason for his vote.

CONTRACTS AWARDED

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

E. E. STUESSY COMPANY	-	Electric Ductlines and Concrete
2716 East 5th Street		Foundations at Warren Substation -
Austin, Texas		\$29,251.00

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

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

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

MINE SAFETY APPLIANCE COMPANY	-	Air Masks, complete with
5706 Savoy		cylinders, Fire Department.
Houston, Texas		Item 1 - \$5,092.50

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

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

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

LARSON-PUGH, INC
2415 Exposition Boulevard
Austin, Texas

- Buttermilk Creek Improvements,
C.I.P. Project Nos. 7030 0,
6534 1, and 6534 2 - \$381,389.25

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

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

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

H & H CONCRETE CONSTRUCTION
203 Comal Street
Austin, Texas

- For the installation of approxi-
mately 4,629 linear feet of 60"
wastewater mains and appurtenances
for Bull Creek Wastewater
Interceptor, C.I.P. Project
No. 5031 1 - \$758,989.00

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

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

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

AUSTIN ENGINEERING
P. O. Box 3255
Austin, Texas

- For the installation of 12" D. I.
water approach main along Anderson
Mill Road, C.I.P. Project No. 4096 0 -
\$41,124.00

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

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

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

UNDERGROUND UTILITIES
P. O. Box 2061
Austin, Texas

- For the installation of 24" C.S.C.
water transmission main in Chunn
Lane, C.I.P. 4079 0 - \$250,760.00

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

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

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

INTERNATIONAL PAPER COMPANY
4140 S.W. Freeway
Houston, Texas

- Wood Electric Utility Poles,
Electric Department. 2-year
supply agreement.
Item 1-16 - \$554,551.55

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

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

LICENSE AGREEMENT - SOUTHERN PACIFIC TRANSPORTATION COMPANY

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a license agreement with the Southern Pacific Transportation Company for the purpose of installing an 8-inch sanitary sewer main beneath said railroad's right of way at a point 785 feet northwest of the switch known as the Magnesium Spur. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

UTILITY JOINT USE AGREEMENT

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a Utility Joint Use Agreement with the Texas Highway Department for the purpose of utility installations and adjustments in Loop 1 from north end of the Colorado River Bridge southwest to U. S. Highway 290. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

CONTRACTS TO PROVIDE ELECTRIC SERVICE AT AIRPORT

Councilman Friedman moved that the Council adopt a resolution approving Federal Aviation Administration Contracts FA755W-1119, 1120, and 1121 to provide electric service to navigation aids at the Austin Airport. The motion, seconded by Councilman Binder, carried by the following vote:

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

DISPOSITION OF PARCELS

Councilman Lebermann moved that the Council adopt a resolution approving disposition of Parcel Nos. R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, and R-26 in the Glen Oaks Project Area, Tex A-11-4, as recommended by the Urban Renewal Agency. The motion, seconded by Councilman Friedman, carried by the following vote:

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

AGREEMENT CONCERNING JOLLYVILLE RESERVOIR PROJECT

Councilman Friedman moved that the Council adopt a resolution approving an agreement between the City of Austin, Howard Stitch & Son, Inc., Travelers Indemnity Company, and Stephens Contracting Company by substituting Howard Stitch & Son, Inc., for Stephens Contracting Company on Phases II and III of the Jollyville Reservoir 48" Feeder Main Water Line Project. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

APPLICATION TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

It was noted that the Council had before it the possible authorization of submission of an application to the U. S. Department of Housing and Urban Development for \$7,976,000 in funding made available under Title I of the Housing and Community Development Act of 1974. Mr. Fran Szarejko, Acting Director, Community Development Office, reviewed the application and plan as follows:

Housing Rehabilitation	\$ 495,000
Comprehensive Watershed Development Planning	\$ 325,000
Aerial Survey and Topographical Mapping	\$ 320,000
Clarksville Neighborhood Planning Study	\$ 25,000
Senior Activity Center	\$ 468,000
Historic Preservation	\$ 50,000
Removal of Architectural Barriers	\$ 100,000
Model Cities Improvements	\$1,160,572
Urban Renewal Projects	\$2,796,000
Health and Social Services	\$ 325,000
Montopolis Recreation Center	\$ 154,000
Acquisition of Temporary Housing	\$ 100,000
Flood Abatement Projects	\$ 520,000
Multipurpose Facility	\$ 250,000
Sidewalk	\$ 20,000
Economic Development	\$ 50,000
Planning and Management Development	\$ 132,420
Administration	\$ 185,000
Local Option Activity	\$ 500,000

In response to Councilman Friedman's comment that \$50,000 for Economic Development seemed low and that it should be increased, Mr. Szarejko stated that the \$50,000 would provide technical assistance and would be adequate to staff such an office in developing this program. Councilman Friedman suggested that this could be increased to \$100,000 to provide a first-class program instead of a small variation of it. Mr. Jim Miller, Assistant City Manager for Community Services, pointed out that the \$50,000 was not designated for any particular organization; and those organizations that might be interested would submit a project to the City that would be considered and brought back to the Council.

MR. ROBERTO AMAYA, President of the Austin Minority Economic Development Corporation, addressed himself to the Economic Development portion of the application and plan by the use of a film presentation. He felt that there was a need for minority economic development in that Spanish-speaking people did not understand business terminologies; and he stated that of the 200 businesses the Corporation had helped establish, only 5 had failed. He felt that a minimum of \$420,000 would be necessary to have a program that would create an impact and cash flow. He supported the efforts of the Junior Achievement program and felt that it was one of the best in the City, but he submitted that the minority children were not participating in this and needed the chance to learn.

City Manager Davidson reiterated that when the application is submitted, there would be no indication in the application that the City would contract with any particular agency or organization within Austin to help carry out these programs. He requested that from the staff's standpoint, this organization should be examined for application.

In response to Mr. Amaya's comment that they had been told by staff they did not qualify, Mr. Miller stated that in December the representatives had been requested to submit a letter with a budget proposal; and the staff received no such letter or application.

Another representative stated that it was not their request to come here today to be funded; but it was their intent to show there was a need for minority economic development, and the amount had to be somewhere in the vicinity of \$420,000 if there was to be an impact. He was aware that if this was approved, it would be contracted to organizations that qualified.

Mr. Miller pointed out that he had informed the representatives that HUD had given a ruling that under the Constitution the City could not provide funds for a loan program. City Attorney Don Butler reiterated Mr. Miller's remark.

There was discussion with regard to what would be handled under Planning and Management Development and Administration and Local Option Activity. There was further discussion concerning the possibility of increasing the amount of Economic Development by utilizing part of the funds allotted for other areas. In response to Councilman Binder's question, Mr. Miller suggested that the additional money should come from the Local Option Activity category.

After discussion, Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to submit an application as aforementioned to the U.S. Department of Housing and Urban Development for \$7,976,000 in funding made available under Title I of the Housing and Community Development Act of 1974, with a specific change in Local Option Activity from \$500,000 to \$400,000 and increasing the amount for Economic Development from \$50,000 to \$150,000. It was noted that the budget could be changed by this Council or another Council after it comes back. The motion, seconded by Councilman Binder, carried by the following vote:

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

APPLICATION FOR GRANT TO CONTINUE FAMILY PLANNING SERVICES

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing the Austin-Travis County Health Department to apply to the U. S. Department of Health, Education, and Welfare, Public Health Services, for a \$72,969 grant to continue the Model Cities Family Planning Services. Total cost will be \$199,392, with \$126,423 to be provided by a City match and third party reimbursements. Project period will be from March 1, 1975, through February 28, 1976. The motion, seconded by Councilman Friedman, carried by the following vote:

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

CAPITAL AREA MANPOWER CONSORTIUM AGREEMENT

It was noted that the Council had before it the authorization of the City Manager to sign the Capital Area Manpower Consortium Agreement for the Department of Labor comprehensive manpower program with Travis, Burnet, Blanco, Bastrop, Caldwell, Fayette, Lee, Hays, Llano, and Williamson counties. Mr. Miller reviewed this by stating that three memorandums had been submitted to the Council from the City Manager which addressed themselves to the following:

1. The request for the resolution on the agenda for the continuation of the Agreement. He noted that this memo laid out some of the benefits of entering into the Agreement.
2. Points related to SER representative's request to be on the agenda. He noted that this pointed out it was possible for this Council to fund SER as long as it was within the comprehensive program. He further noted that it had been made available for them to contract for part of the service within the program; but under the Federal comprehensive guidelines, it was not possible to fund SER as a separate organization as had existed previously.
3. A memo accompanying a letter received from the Department of Labor requesting proposals to be submitted under Title III. He noted that this information was being distributed to community-based organizations along with requests to submit proposals for possible funding.

In response to Councilman Friedman's comment that the road had been opened somewhat for SER, Mr. Miller noted that under the new Title III, the applications had to be related to the comprehensive program and would require an affirmative vote of the Council and the Consortium. In response to Councilman Friedman's question, it was determined that representatives of SER had not received a copy of the Department of Labor letter.

MR. ERNEST PERALES, SER Board Member, felt that there would still be a problem in that the Consortium would still have the final say on proposals submitted. In response to this, Mr. Miller noted that the Council would have the authority to authorize specific contracts. It was pointed out that this was an effort to do away with duplication of effort.

In response to City Manager Davidson's question, Mr. Andy Ramirez, Director of Manpower Training, stated there was no reluctance on his part to contract with SER. In response to Mr. Perales' question as to whether or not the Consortium had the final say on plans submitted by Austin, Mr. Ramirez indicated that the Consortium had the final say on comprehensive plans.

Mr. Perales suggested that there were other alternatives and asked the Council to look into them, keeping in mind that SER was doing a good job.

City Manager Davidson suggested that if the staff thought another approach would work for this county, they would have recommended it. He noted that the City had a deadline to meet in renewing the Consortium agreement. He stated that the staff was asking for the Council to approve this and give them an opportunity to get the funds in accordance with the plan.

MR. HECTOR PENA, Regional SER Office in Dallas, submitted that in every other area in this region where there were SER programs, they were funded as separate programs. He felt that the Council would "have its hands tied" because the Consortium could veto what the Council proposed.

Mr. Jan Kubicek, Assistant City Attorney, stated that the problem had been in the comprehensive plan; but if SER contracted for a specific area, they had a "different ball game."

MS. ANNABELLE VALLE, Project Director for SER, suggested that the Council review the agreement and realize that the City would be giving up 60% of its power in that Austin had close to 68% of the population of the Consortium and should have the right to 68% of the vote; but by signing this agreement, Austin would only have 10% of the vote.

In response to City Manager Davidson's question, Mr. Perales stated that he wanted to work as best he could with the City and felt there should be no duplication if possible.

There was discussion concerning the type of agreement San Antonio had with other counties. Councilman Friedman suggested that this information be obtained by next week and see if Austin could draw up an agreement along those lines. Mayor Butler noted that the other counties would have to vote in favor of this. Mr. Kubicek pointed out that a consortium could not be formed unless one of the governing bodies had a population of 100,000 or more.

In response to Mr. Pena's request that the Council look at other consortium agreements, City Manager Davidson stated that this had to be submitted by March 1; and the staff felt it was important that the Council act today. Mr. Davidson pointed out that if the staff felt the City was limited, they would not have asked the Council to approve the agreement.

Mr. Homer Reed, Deputy City Manager, pointed out that regional planning in this area hung on a very delicate balance; and, therefore, this arrangement with CAPCO had been very delicately negotiated. He mentioned that the City had more power than was known in that the City appointed 10 out of a 19-member executive committee, which was really in charge of the program after the initial plan was approved, or when the plan was amended. He suggested that even if it was determined that San Antonio had such an arrangement whereby it could overrule the other counties in its consortium, he did not believe that would be what the staff would recommend to the Council for Austin because it might kill the program and present a hazard of doing severe damage to the rest of the regional planning effort in this area.

Councilman Lebermann agreed that regional planning was needed and felt it would be a disservice to regional planning if the consortium was interrupted.

In response to City Manager Davidson's question, Ms. Valle stated that she would be willing to work with the staff to get SER funded if the Council approved this agreement; however, she did not want to take two staff people and have that represent SER. Mr. Davidson assured her that the staff was not talking about abolishing SER and taking it under the City's "wing."

MR. GABE GUTIERREZ felt that the Council's responsibility was to the citizens of Austin and asked which programs the City would be willing to allow SER to handle and what the funding amount would be. In response to this, Mr. Davidson stated that until the Council approved this and negotiations began with contracting agencies for services, the staff had no idea what to contract for. He noted that the City wanted to contract with SER for certain services. Mr. Kubicek reiterated that the staff was not in a position to make recommendations to the Council at this time.

Mr. Miller stated that the staff had requested that SER contract for various services under Title I.

Mayor Pro Tem Dryden felt that the Council wanted the same thing for SER and stated that if the Council approved this, they would see that SER got a certain amount of money for their program.

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing the City Manager to sign the Capital Area Manpower Consortium Agreement for the Department of Labor comprehensive manpower program with Travis, Burnet, Blanco, Bastrop, Caldwell, Fayette, Lee, Hays, Llano, and Williamson counties and encouraged the staff to work in every possible way to effect a contract with SER in as many areas as they could. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

In response to Mr. Pena's request that a contract be drawn up and presented to SER for consideration, Mr. Miller stated that the staff wanted to sit down with SER and work out a contract.

HEARING SET ON RELOCATION OF WEBBERVILLE ROAD

Councilman Friedman moved that the Council set a hearing at 1:00 p.m. for March 20, 1975, on the proposed relocation of Webberville Road across a point 0.062 acres of the northwest corner of Zaragosa Park. The motion, seconded by Councilman Binder, carried by the following vote:

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

EMINENT DOMAIN PROCEEDINGS

Councilman Lebermann moved that the Council adopt a resolution authorizing eminent domain proceedings for acquisition of land for Barton Creek Park:

18.21 acres of land out of the Henry P. Hill Survey No. 21
and the Charles H. Riddle Survey No. 19. (Frances G. Brodie)

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

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

Noes: None

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

REQUEST CONCERNING TRANSPORTATION

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to request the Governor of the State of Texas name the City of Austin as the "designated recipient" for federal monies provided in the National Mass Transportation Assistance Act of 1974. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

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

NAMING OF SWIMMING POOL

Councilman Friedman moved that the Council adopt a resolution accepting the recommendation of the Parks and Recreation Advisory Board to name the swimming pool adjacent to Lanier High School the "KENNEMER POOL" as a memorial to the late David Kennemer and his sons, Brant and Troy. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

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

AUTHORIZATION OF SALE OF STRUCTURES

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

Accept negative bids - to be demolished only

1. W. W. Bennett 2106 Bergman Avenue \$ 140.00
2. Ronald P. Neve 7515 Bennett Avenue \$ 99.00
3. Vince Ferrer 1005 Lydia Street \$1,666.00

Accept positive bid - to be moved

Fred C. Barkley 2705 Canterbury St. \$1,810.00

and deleting consideration of the following:

Accept negative bid - to be demolished only

August Heyer 35 Lynn Street \$ 35.00

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

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

APPEARANCE CONCERNING PARKING RESTRICTIONS AT MUNICIPAL BUILDING

Aumla appeared before the Council to discuss parking restrictions at the Municipal Building. He stated that all candidates for City elections were required to file various forms with the City Clerk at the Municipal Building, and he considered this filing of statements official business with parking to be provided. City Manager Davidson noted that there was not adequate parking to provide such a request. Aumla suggested that there were spaces provided for visiting staff and news media that were not always taken. Councilman Friedman suggested that a 15-minute parking limit might be practical. After discussion, it was determined that the Council would take this issue under advisement.

APPEARANCE CONCERNING CHARTER AMENDMENT

Mr. Robert C. "Lou" McCreary appeared before the Council to present a proposal of Taylor Glass, et al, regarding a Charter amendment. He noted that the following was a compromise to the pay issue problem and asked that the Council pass a resolution saying:

1. No Council may increase their salary or expenses during the term of office for which they are elected.
2. Any increase in Council salaries or expenses shall be approved by the voters before becoming effective.

He pointed out that the reason for his appearance was an attempt to put an end to the litigation. He felt that this would be an explanation to the people concerned about the problem and would point out the problem to the recently created Citizens Charter Review Committee.

Councilman Lebermann pointed out that for this to appear as a Charter change would prevent the Committee's recommendations from being moved forward when they choose.

Mayor Butler felt that Council pay was a very integral part of the Charter and stated that the Committee could study this. He felt that what Mr. McCreary was asking would come about but did not know why revisions to the Charter should be attacked piecemeal.

Councilman Friedman commented that the Council was not going to specifically instruct or interfere with the study. He suggested that Mr. McCreary go to the Commission when it is appointed and make sure they speak to this issue when they make their recommendations to the Council in the future.

Councilman Binder felt it was inappropriate to pass a resolution to tell the Commission what to look into on a piecemeal basis.

Mayor Pro Tem Dryden stated that the Council could not give any commission specific instructions, but he felt that the resolution would mean that this was a high priority issue when the Commission begins their work.

Councilman Lebermann noted that the Committee would study every aspect of the Charter and would move this request forward as one of the aspects to be reviewed and studied.

Mr. McCreary submitted that this issue started with this Council and should end with this Council.

Motion

Mayor Pro Tem Dryden moved that the Council instruct the Committee that the pay issue is a high priority item to be examined by the Committee. Mayor Butler seconded the motion.

Substitute Motion

Councilman Binder moved that the Council instruct the Committee that the entire Charter is a high priority item, and the Committee should study the entire Charter. The motion, seconded by Councilman Friedman, carried by the following vote:

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

APPEARANCE CONCERNING RIGHT OF WAY POLICY

Mr. Jon Coffee, Attorney representing Houston Instruments Division (owners of the Houston Square PUD), had requested to appear before the Council requesting right of way dedication requirements in accordance with the previous 70-foot right of way policy instead of the 90-foot right of way policy adopted January 1, 1975. City Manager Davidson pointed out that the staff was in agreement with this request and suggested that the Council agree to the application of the previous year's policy. He noted that no action should be taken today in that there was additional work to be done with the City Attorney, and at such time the staff would bring this back to the Council for consideration in a more formal way.

AMENDMENT TO TAX DEPARTMENT OPERATING BUDGET

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE PERIOD COMMENCING OCTOBER 1, 1974, AND TERMINATING SEPTEMBER 30, 1975, BY INCREASING THE AUTHORIZED NUMBER OF CLERKS AND SECRETARIES IN THE TAX DEPARTMENT; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND 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 4, LOT 5, SAVE AND EXCEPT THE NORTH TWENTY-FIVE FEET OF LOT 5, WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, AND LOT 3, SAVE AND EXCEPT THE WEST TWENTY-FIVE FEET OF LOT 3 WHERE ADJACENT TO LOTS 6 AND 7, DAMON "A" SUBDIVISION, WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, AND SAVE AND EXCEPT THE NORTH AND EAST TWENTY-FIVE FEET OF LOT 3, WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 620 DITTMAR ROAD AND 7813-7815 SOUTH 1ST STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, 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.
(Burt E. Dallas et ux, C14-74-166)

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

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

The Mayor announced that the ordinance had been finally passed.

IMPROVEMENTS TO WILLIAM CANNON DRIVE

Mayor Butler introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING

OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

REVOCATION OF ORDINANCE

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

AN ORDINANCE REPEALING PART 2 OF ORDINANCE NO. 740919-I, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 19, 1974, WHICH AWARDED A REFUND CONTRACT FOR WATER AND SANITARY SEWER MAIN CONSTRUCTION IN WOODSHADOWS, SECTION V, TO WOODSHADOWS APARTMENTS, LTD., IN THE AMOUNT OF \$14,108.43; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Butler brought up the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH PROVIDENT DEVELOPMENT COMPANY. (Meadowcreek, Section 1)

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH GARY L. THORNTON AND ROBERT VINCENT MURRAY, JR. (Jolly Oaks Subdivision; Northgate Terrace, Section 2)

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

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

The Mayor announced that the ordinance had been finally passed.

BARRICADE ORDINANCE

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

ESTABLISHMENT OF PRECINCT BOUNDARIES FOR SPECIAL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 730301-B CONFORMING THE BOUNDARIES OF VOTING PRECINCTS IN THE CITY OF AUSTIN TO THE BOUNDARIES OF THOSE VOTING PRECINCTS OF TRAVIS COUNTY WHICH ARE WITHIN THE CITY; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING SPECIAL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE SPECIAL MUNICIPAL ELECTION TO BE HELD MARCH 8, 1975; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR THE CONDUCTION OF SAID ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; DIRECTING THAT AN INSTRUCTION SCHOOL FOR ELECTION OFFICERS SHALL BE CONDUCTED; PROVIDING NOTICE OF SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

POSTPONEMENT OF VACATION ORDINANCE

The Council had before it the third reading of an ordinance vacating the following street:

The east twenty-nine (29.00) feet of the BAYLOR STREET 60-foot right of way extending from the north property line of WEST 29TH STREET in a northerly direction 170.00 feet to the westerly prolongation of the north line of Lot 7, Block 8, SILLIMAN ADDITION. (Requested by Mr. Trev Seymour and Mr. Laird Palmer, owners of Lot 7, same being the property adjacent to said street area requested to be vacated.)

In response to Mayor Butler's concern, City Manager Davidson noted that the Planning Commission was considering a request on this for a zoning change. In response to his question as to whether or not the applicant would need the vacation if the zoning change was not granted, Mr. Dick Lillie, Planning Department Director, noted that the house was sitting in a right of way; and this was the primary reason for the vacation. He further noted that the Historic Landmark Commission denied a request for "H" Historic Zoning in that they did not feel this was anything in the way of an historical structure.

There was mention of the right of way coming back to the City in the event the existing structure was removed. City Attorney Don Butler stated that usually there was a license agreement involved in these types of situations.

There was further discussion, and it was determined that this should be postponed in view of Councilman Lebermann's having left the Council Chamber and so that this might be worked out by the Legal Department.

ITEM CONCERNING ZONING

City Manager Davidson took this opportunity to state that last week in Zoning Case No. C14-74-178 the Council had suggested that the attorney representing the applicant and the attorney representing the property owners get together and work out agreements on certain conditions and covenants. He noted that this had been done, but the results had not been presented to the Council until 1:00 p.m. today; therefore, he had advised the applicant and neighborhood that this would be on the agenda for February 20, 1975, along with the staff's recommendation.

ADJOURNMENT

The Council adjourned at 4:30 p.m.

APPROVED


Mayor

ATTEST:


City Clerk