

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 27, 1975
1:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND CLIFFORD ZIRKEL, JR. -
Tarrytown United Methodist Church.

APPROVAL OF MINUTES

Councilman Binder moved that the Council approve the Minutes for March 20, 1975. The motion, seconded by Councilman Snell, carried by the following vote:

Ayes: Mayor Butler, Councilman Binder, Snell, Lebermann

Noes: None

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

RELEASE OF EASEMENTS

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

The Public Utilities Easement that covers all of the west seven and one-half (7.50) feet of Lot 1, Block "D" GREAT HILLS IV, a subdivision, said Lot 1 also being known locally as 8422 Adirondack Trail. (Requested by Capital/Northwest, Inc., owner of said Lot 1.)

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

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

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

A portion of the Access and Public Utilities Easement 30.00 feet in width centered on the common lot line between Lots 5 and 7, BARTON MARKET SQUARE, a subdivision. (Requested by S. A. Garza Engineers, Inc., representing Barton West Associates, Ltd., owner of Lots 5 and 7.)

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

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

LICENSE AGREEMENT

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

Permitting construction of a pedestrian overpass over EAST 26TH STREET approximately 327.00 feet east of the intersection of the center lines of East 26th Street and Speedway. (Requested by the University of Texas System.)

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

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

COST DIFFERENCE PAYMENT

Councilman Binder moved that the Council adopt a resolution authorizing payment to BAKER-CROW COMPANY for the cost difference of 12"/8" water mains installed in the Great Hills Planned Unit Development A-1 - \$2,821.71. The motion, seconded by Councilman Snell, carried by the following vote:

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

SALE OF STRUCTURE

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

To be removed - Accept positive bids:

2006 East 21st Street	William D. Lynch	\$ 210.00
1101 East 1st Street	Fred C. Barkley	\$1,536.00

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

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

ANNUAL SPRING CLEAN-UP WEEK

Mayor Butler read and then presented a proclamation to Mr. Jim Colbert proclaiming the week of April 7-11, 1975, as "Annual Spring Clean-Up Week" and invited all residents to join the Council in making the City and homes safer through the elimination of fire hazards.

TEMPORARY CLOSING OF STREETS

Councilman Binder moved that the Council adopt a resolution authorizing temporary closing of the following:

NEWTON STREET (1900 Block) from Mary Street to Johanna Street on April 19, 1975, from 12:00 noon to 8:00 p.m., as requested by the Neighborhood of Newton and Johanna Streets.

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

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

Councilman Binder moved that the Council adopt a resolution authorizing temporary closing of the following:

WEST 21ST STREET (700 Block) from Rio Grande Street to Pearl Street from 6:00 p.m., April 4, 1975, to 2:00 a.m., April 5, 1975, as requested by College Houses Co-Op, Inc., Austin Community Project, and I.C.C.

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

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

Noes: None

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

Councilman Binder moved that the Council adopt a resolution authorizing temporary closing of the following:

PEARL STREET (2400 Block) from 24th to 25th Streets on
April 11, 1975, from 3:00 to 7:00 p.m., as requested by
Sigma Alpha Epsilon Fraternity.

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

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

Noes: None

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

Councilman Binder moved that the Council adopt a resolution authorizing temporary closing of the following:

PEARL STREET (2400 Block) from 24th to 25th Streets on
April 4, 1975, from 3:30 to 6:00 p.m., as requested by
Lambda Chi Alpha Fraternity and Texas Relays Commission.

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

Ayes: Councilman Lebermann, Mayor Butler, Councilman Binder,
Snell

Noes: None

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

CONTRACTS AWARDED

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

RICKS CONSTRUCTION COMPANY
11900 North Lamar Boulevard
Austin, Texas

- The installation of 12" water
main in Buell Park, C.I.P.
No. 4095 8 - \$108,356.00

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

Ayes: Mayor Butler, Councilmen Binder, Snell, Lebermann

Noes: None

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

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

<p>THOMAS BROTHERS CONSTRUCTION COMPANY P. O. Box 6188 Austin, Texas</p>	<p>- Construction of two reinforced concrete multiple box culverts in Foster Lane at Shoal Creek Boulevard and related roadway and utility construction, C.I.P. Nos. 6533 0, 6514 2, 4032 4, and 5016 7 - \$235,156.30</p>
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The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

<p>THREEBEE CONSTRUCTION COMPANY, INC. P. O. Box 9401 Austin, Texas</p>	<p>- Construction of Congress Avenue Improvements, Demonstration Phase at 10th and 11th Streets, C.I.P. No. 6208 0 - \$86,783.30</p>
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Councilman Binder took this opportunity to note that this would provide ramps for the handicapped and trees on corners. He felt that this was a very exciting project and was wonderful for the downtown area and Austin.

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

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

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

<p>Bid Award:</p>	<p>- Trucks for Vehicle & Equipment Service Department</p>
<p>INTERNATIONAL HARVESTER COMPANY 4711 East 7th Street Austin, Texas</p>	<p>- Item 16 - \$78,448.00</p>
<p>COURTESY DODGE 7309 North Interregional Austin, Texas</p>	<p>- Items 7, 8, and 9 - \$164,882.00</p>
<p>LEIF JOHNSON FORD 501 East Koenig Lane Austin, Texas</p>	<p>- Items 10, 11, 12, 13, 14, and 15 - \$455,795.00</p>

CAPITAL CHEVROLET - Items 3 and 5 - \$36,100.00
501 North Lamar Boulevard
Austin, Texas

AUSTIN AMC/JEEP - Item 2 - \$25,785.00
5505 North Lamar Boulevard
Austin, Texas

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

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

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

O. M. SCOTT & SONS - Fertilizer for Parks & Recreation
4403 Continental - Box 144 Services Department.
Alief, Texas Items 1-13 - \$26,190.10

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

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

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

BESCO, INC. - Three 500 KVA Single-Phase
1616 West 5th Street Transformers for Electric Department
Austin, Texas Item 1; 3 ea. @ \$2,550.00
Total - \$7,650.00

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

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

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

MAINTENANCE ENGINEERING CORPORATION - Cation and Anion Exchange Resins
3711 Clinton Drive used in the demineralizer at
Houston, Texas Holly Power Plant - \$15,445.50

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

Ayes: Mayor Butler, Councilmen Binder, Snell, Lebermann

Noes: None

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

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

ADDRESSOGRAPH-MULTIGRAPH
CORPORATION
223 West Anderson Lane
Austin, Texas

- Convert Lease Purchase Agreement
to Purchase Copy System and
Collator, Public Information
Department - \$19,111.11

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

Ayes: Mayor Butler, Councilmen Binder, Snell, Lebermann

Noes: None

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

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

ESCO SUPPLY COMPANY
4315 Terry-O-Lane
Austin, Texas

- Miscellaneous Steel Fittings
and Pipe.
Item Nos. 1-26 - \$18,976.30

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

Ayes: Mayor Butler, Councilmen Binder, Snell, Lebermann

Noes: None

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

APPLICATION TO CONTINUE NEIGHBORHOOD CENTERS PROGRAM

Councilman Lebermann moved that the Council adopt a resolution authorizing the Community Development Office to submit an application for Community Services Administration funds to continue the Community Action Neighborhood Centers Program and the initiation of special projects for the next fiscal year. Total amount requested is \$591,126. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Binder, Snell, Lebermann, Mayor Butler

Noes: None

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

EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR RUNDBERG LANE

Councilman Binder moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire property for the widening and improvement of East Rundberg Lane:

2,878 square feet of land out of Lots 11 and 12, Block 1,
Georgian Acres. (Onie L. Carter)

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

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

ACQUISITION OF LAND FOR RUNDBERG LANE IMPROVEMENTS

Councilman Binder moved that the Council adopt a resolution authorizing the acquisition of certain land for Rundberg Lane improvements, I.H. 35 to Lamar Boulevard:

1,114 square feet of land out of the John Applegait Survey
(411 East Rundberg Lane). (Betty T. Gordon et vir, Paul
Gordon and N. A. Giblin)

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

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

APPLICATION FOR CASWELL HOUSE REPAIRS

Councilman Lebermann moved that the Council adopt a resolution authorizing the submission of an application for \$50,000 to the National Register for repairs to the Caswell House. Local matching funds of \$50,000 have been requested under the Housing and Community Development Act funds in the recently submitted Community Development Plan. The motion, seconded by Councilman Binder, carried by the following vote:

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

Councilman Friedman entered the Council Chamber at this point.

HEARING ON VACATION OF STREET

The Council had before it a public hearing on the proposed vacation of a street and the passage of the ordinance.

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF VICTORY COURT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING IMPROVEMENTS

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. (Dungan Street and other streets)

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 Councilman Binder, carried by the following vote:

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH CAROLINE REALTY COMPANY; BAKER-CROW COMPANY; EDWARD R. RATHGEBER; BILL MULBURN, INCORPORATED; AND JONES-LAKE COMPANY. (Whispering Oaks IV Subdivision; Great Hills A-II; Onion Creek Forest, Section 2; Vista West, Section 5; Summer Wood P.U.D.)

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 Councilman Snell, carried by the following vote:

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING BIDS FOR CERTIFICATES OF OBLIGATION

The Council had before it for consideration the setting of Thursday, May 1, 1975, 10:30 a.m., CDT, as the time to receive bids for the sale of Certificates of Obligation in the amount of \$750,000. (Approved in the form of a Motion on March 20, 1975.)

MINUTES PERTAINING TO PASSAGE AND ADOPTION OF ORDINANCE BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, MAKING CERTAIN FINDINGS AND AUTHORIZING THE GIVING OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION AND TO RECEIVE BIDS FOR THE SALE OF SUCH OBLIGATIONS.

THE STATE OF TEXAS X
 X
COUNTY OF TRAVIS X
 X
CITY OF AUSTIN X

ON THIS, the 27th day of March, 1975, the City Council of the City of Austin, Texas, convened in regular session at the Council Chambers, Municipal Annex, the meeting being open to the public and notice of said meeting having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

ROY BUTLER

MAYOR

DR. S. H. "BUD" DRYDEN

MAYOR PRO TEM

BOB BINDER)

LOWELL H. LEBERMANN)

JEFFREY M. FRIEDMAN)

JIMMY SNELL)

(vacancy))

COUNCILMEN

and with the following absent: None,
constituting a quorum; at which time the following among other business was
transacted:

Mayor Butler introduced the following ordinance:

"AN ORDINANCE by the City Council of the City of Austin,
Texas, making certain findings and authorizing the
giving of notice of intention to issue certificates
of obligation and to receive bids for the sale of
such obligations and declaring an emergency."

The ordinance was read and Councilman Binder moved that the rule
be suspended which requires that no ordinance shall become effective until the
expiration of ten days following the date of its final passage, that such
ordinance be finally passed and adopted at this meeting, and that, for the
reasons recited therein, said ordinance be passed as an emergency measure for
the immediate preservation of the public peace, health, and safety of the
citizens of Austin as permitted by the City Charter. The motion was seconded
by Councilman Lebermann and carried by the following vote:

AYES: Mayor Butler and Councilmen Dryden, Binder, Lebermann,
Friedman and Snell.

NOES: None

The ordinance was read the second time and Councilman Binder moved
that the rules be further suspended and that the ordinance be passed as an
emergency measure to its third reading. The motion was seconded by Councilman
Lebermann and carried by the following vote:

AYES: Mayor Butler and Councilmen Dryden, Binder, Lebermann,
Friedman and Snell.

NOES: None

The ordinance was read the third time and Councilman Binder moved
that the ordinance be finally passed as an emergency measure. The motion was
seconded by Councilman Lebermann and carried by the following vote:

AYES: Mayor Butler and Councilmen Dryden, Binder, Lebermann,
Friedman and Snell.

3-27-75

E.5. Minutes for Revenue Bonds

The Mayor then announced that the ordinance had been finally passed and adopted.

MINUTES APPROVED, this the 27th day of March, 1975.

/s/ Roy Butler
Mayor, City of Austin, Texas

ATTEST:

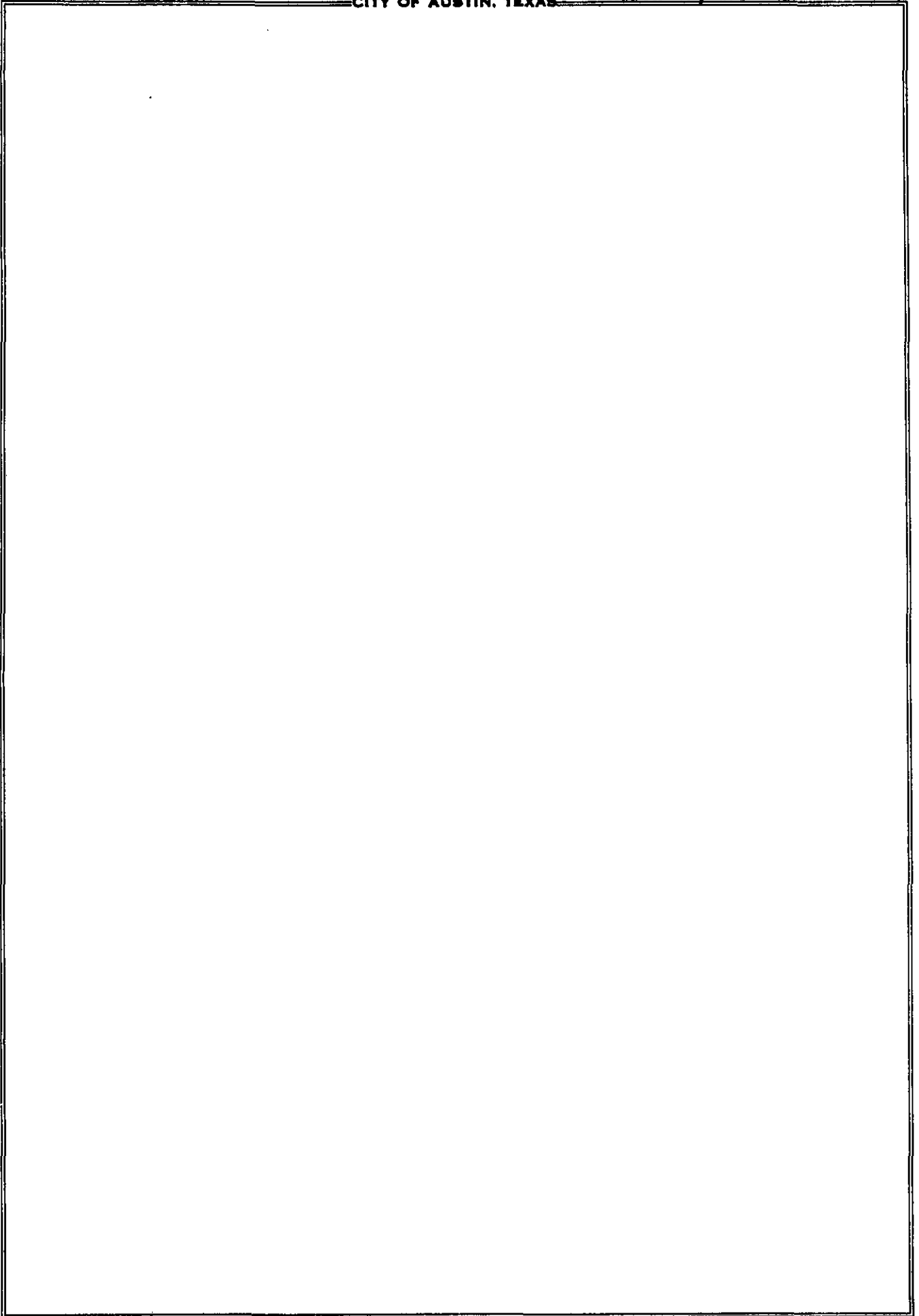
/s/ Grace Monroe
City Clerk, City of Austin, Texas

(City Seal)

ORDINANCE CONCERNING BIDS ON REVENUE BONDS

The Council had before it for consideration the setting of Thursday, May 8, 1975, 10:30 a.m., CDT, to take bids on Electric Light and Power, Water works and Sewer System Revenue Bonds as follows: (Approved in the form of a Motion on March 20, 1975.)

Electric System - Nuclear \$7,500,000 Authorized 11-17-73



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Mayor Pro Tem Dryden entered the Council Chamber at this point.

ITEM CONCERNING MOPAC BOULEVARD

Mrs. John White, representing Windsor Road area, had requested to appear before the Council regarding MoPac. However, MR. TERRY BRAY appeared in her stead. He felt that it would be helpful to review the aspects of MoPac's development in relation to other traffic planning at the time it was being considered and noted that the Council had disrupted some arterials in respect for neighborhood integrity and vitality. He pointed out that in 1973 a public hearing was held, and the Council unanimously rejected the plan and decided that it should not be completed. He indicated that the concern in the neighborhood was that the present plan for the Interchange on MoPac might be inconsistent with the policy in 1973, which was not to change Windsor. He submitted that the traffic flow that would result from this would cause Windsor to be widened. He reviewed the present plan for the Interchange. He noted the following:

1. According to the Highway Department, Windsor was presently carrying almost all the traffic it could at peak hours.
2. Would have the net effect, when opened, of pouring traffic on to Windsor.

He submitted that with the additional MoPac traffic, it would be reasonable to anticipate that Windsor would not handle all the traffic and might result in such pressure that it should be widened; and bridges across Lamar would be built.

He suggested the following:

1. Council confirm its 1973 decision about no major east-west arterial being constructed along Windsor, Windsor not be widened or expanded, and no bridges be built across Lamar.
2. Council request the Highway Department suspend construction of MoPac-Windsor ramps until the Interchange is studied along with the Austin Transportation Study and a decision made based on the results of these studies. He asked that citizen input be obtained.

He suggested that a certain way to be sure the study was completed as promptly as practical would be to suspend construction of the ramps until the study was completed.

MR. RUSSELL FISH stated that they did not object to MoPac and felt that it was a necessary traffic artery for Austin, but they felt that poor engineering was involved in the Windsor Road Interchange. He presented the Council with a petition of signatures of over 250 residents in the area who were in opposition. He noted that they had met with representatives of the Highway Department and had worked out many solutions to questions, and it was their suggestion that the residents come before the Council.

City Manager Davidson took this opportunity to announce that the staff would not recommend a suspension of this project.

The following appeared in opposition to the suggestions made by the Windsor residents:

MR. JIM LANDRUM, Balcones Civic Association, recommended that all entrances and exits which had been thoroughly reviewed continue as presently designed.

DR. BAXTER WOMACK, 4900 Beverly Skyline, pointed out that the need for east-west traffic patterns had long been established. He noted that the Windsor Road Interchange was the shortest link over to Lamar and the most direct to the University. He appreciated the feelings of the area residents but hoped the Council would do something to expedite the east-west traffic flow.

MR. CLARK RECTOR, Northwest Austin Civic Association, felt there was a need for this Interchange and wondered where the traffic would go if it was closed. He, therefore, requested that this be left open and submitted that if it was closed, Austin would have a highway that went no where, came from no where, and served no one. MR. NORMAN HAERTIG, 7108 Sungate Drive, reiterated the previous remarks. MR. TERRY SASSER, 4528 Balcones Drive, also reiterated previous remarks.

MR. DULIE BELL, President of Austin Chamber of Commerce and resident of 1608 Northumberland, noted that he was appearing as a resident of the area. He indicated that he was against any more delays in the building of this. MR. HAROLD ESTES, Balcones Civic Association, reiterated previous remarks. MR. JOE MANN, 4100 Tablerock, was opposed and hoped the Council would continue the planning of this. MR. DOYLE WYATT, 4210 Tallowood, reiterated previous remarks.

MS. BETTYE CALVERT, 3905 Rockledge Drive, felt that all proposed ramps should be left open. MR. CHARLES STAHL, 1906 Mountainview Road, felt that everything had been said and stated that he wanted to drive on the MoPac. MR. WILLIAM TRYON, President of Northwest Austin Civic Association, wanted to see this left open. MR. RICHARD STERLING, Balcones Civic Association, wanted to see all exits left open.

MR. PETER VORHIES, 1605 Wethersfield, felt that this should be left open to get people into the University area, the Capitol complex, and downtown. MR. BOB MASSENGALE, 6810 Glen Ridge, reiterated previous remarks. MR. DAVID BARROW, 6201 Cat Mountain, felt that MoPac as a whole required that all interchanges be left open so that traffic might be disbursed.

MR. DON CUMMINS, 3400 Northland Drive, felt that the area would have increased traffic; but he did not know of another solution in that by closing this, there would be more congestion at the remaining interchanges. He felt it would be a mistake to close any interchanges.

DR. O. L. DAVIS suggested that by being for MoPac, one must be for getting on and off. He was concerned about the suggestion of a postponement. He felt that this was strategy to kill rather than study. He felt that there needed to be a study to increase the number of interchanges rather than decrease and suggested the following:

1. If there needed to be a study, the Council should set a clear and early date for completion of the report.
2. Set a Council agenda item and date for action on the report.

He felt that there needed to be a good way to get to the University area and hoped that the Council would not postpone this and work to keep the Interchange "on the books" and under consideration.

MR. CLIFF MOFFITT sympathized with the residents, but he felt MoPac should be completed.

The following appeared in support of the suggestions made:

MRS. MARIETTA BROOKS, 1500 West 24th, felt it was rather illuminating to hear this many speakers from another part of town try to tell this neighborhood what to do with theirs. She felt that they needed some consideration of the quality of life and asked for "mercy."

MR. JOHN GALLERY, Director of City Planning at the University, felt that one of the problems in interchange planning was how large-scale expressway traffic was introduced to normal streets. He also felt that what the residents were asking for was quite reasonable and submitted that they were not asking the City to abandon their decision but re-examine in the light of overall traffic planning and in the light of the transportation decision already made.

MR. MICHAEL EAKIN, 1414 West 6th, felt that the land was already immensely overused; and if the Interchange was left open, this would not be a nice place to live. He urged that the Council postpone this for the welfare of all residents in the City. MR. DAVID BLOCK suggested that the more roads there were, the more traffic Austin would be getting.

MR. DONALD BELL was against MoPac and felt that it should be abandoned. He did not believe that many people were consulted when MoPac was instituted. Instead of using more money on this project, he suggested that MoPac be abandoned and the money used for mass transportation.

MR. SHEFFLIN had great empathy for those who had decided to stay in this area. MR. BRAY emphasized the fact that he was not by himself and asked for a show of hands of residents in the neighborhood. He was impressed with the fact that no one was very satisfied with what was at Windsor now. He stated that Mr. Travis Long, District Engineer for the Highway Department, had indicated complete willingness to suspend construction if the Council asked him to do so. In response to Councilman Lebermann's question, Mr. Bray noted that Mr. Long had indicated that he would welcome the opportunity to restudy this intersection and would do so with the ramps unbuilt. Mr. Bray added that Mr. Long was not satisfied with the design as it existed.

MR. BEN ALLEY, Highway Department, stated that he had been present at the referenced meeting attended by the residents and pointed out that Mr. Long was insympathy with all involved. Mr. Alley pointed out Mr. Long had been asked what could be done to stop construction; and Mr. Long stated that unless the Council took some action, there would be nothing he could do.

City Manager Davidson asked whether Mr. Long had been in favor of the stoppage of the project. Councilman Lebermann asked if Mr. Long felt there was some merit in taking a look at the design of the Interchange and Windsor Road. Mr. Alley stated that Mr. Long had said he did not object to a study being made, but they did not know how to make additional study other than a traffic count.

In response to Councilman Lebermann's suggestion, Mr. Bray noted that at the meeting there had been discussion of control mechanisms such as signals that would let traffic on and off at intervals. Mr. Bray pointed out that various possibilities should be explored before construction of the ramp was finished.

There was further discussion, and Mr. Alley expressed the desire to go through the public hearing process before any major changes were made. In response to this, Councilman Friedman submitted that it would be logical that there be no further construction until the hearing was held. Mr. Alley suggested that if the Council desired to make other major changes, the whole issue should be looked into and possibly the City and County could come back with another proposal.

City Manager Davidson pointed out that the Council had already heard from two neighborhood groups that had asked that some action be taken to stop contracts that had already been awarded and underway from a legal and technical standpoint. He suggested that this be tabled and the Council direct him to meet with Mr. Long and come back within 3 to 4 weeks with a comprehensive report on all sections of MoPac. He noted that his staff would be willing to lend this very high priority.

Councilman Lebermann was in favor of a hearing and felt that while this was being organized, a study such as the one Mr. Davidson mentioned would be underway. He noted that he would hate to see the Interchange completed that might need to be altered in some way or closed altogether.

Mr. Davidson submitted that from a legal standpoint, the Council did not have the power to close the ramps or ask that they not be constructed. He stated that his suggestion entailed their coming back and telling the Council what would be proper. He reiterated that Mr. Long had been asked what it would take to stop construction, and Mr. Long had indicated that he would have to have some kind of request from the local governmental agency to even initiate such a study.

Mr. Bray did not disagree with the Manager's suggestion, but he felt it was very important to know that the ramps would not be completed while the study was being done. In response to Mr. Davidson's question as to whether or not Mr. Bray would agree with the continuance if he could be assured that at the end of the 3 to 4-week period the Council would not be effected in its ultimate decision, Mr. Bray pointed out that when faced with a completed interchange, the Council might look at it differently.

A lady from the audience did not believe the Manager could come back with a decision in 3 to 4 weeks that would determine what should be done. She felt that the issue should be tied into the whole traffic scheme to be presented by the Austin Transportation Study.

In response to Mayor Butler's question as to whether a 3-week moratorium on construction would have any adverse effects, Mr. Alley preferred to either go ahead or stop; but they would try to honor the request. He hoped that they would not have to stop construction for three weeks, however. He suggested that a fresh look might need to be taken at the whole project.

After further discussion, Councilman Friedman moved that the Council set an agenda date for April 10, 1975, at 1:30 p.m. for the staff and Highway Department to come back with a report, at which time a public hearing would be set. It was noted that the report would include a basic traffic count, cost, whether or not to go ahead, and the impact on other existing interchanges. It was also noted that the City would do whatever was feasible and legal to slow down construction. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Councilman Snell prefaced his negative vote by stating that he was not interested in a two-week study and wanted to see a complete study.

Mr. Bray felt that it would be helpful to have other neighborhoods represented during this study and concluded by expressing his desire that what resulted from the study would be the suspension of construction until the Transportation Study was completed.

Mayor Butler took this opportunity to state that he was a member of this neighborhood, and there were many people in the area who did not agree with the opinions expressed today. He pointed out that three or four of them who had signed the petition had asked that their names be taken off. He felt that neighborhood integrity was important to everyone and noted that people in northwest Austin had the right to use Windsor just as much as those who lived there. He pointed out that MoPac was designed to lessen neighborhood traffic

not increase it. He felt that Windsor Interchange would decrease traffic in this neighborhood. He suggested that everyone get involved in this during the two-week period and determine whether it would be something that would help Austin or hurt it.

Councilman Binder complimented Mr. Bray and the others on the work done on this project.

(Note: Transcript on file in the City Clerk's Office.)

PRESENTATION OF RESOLUTION

Mrs. Linda K. Hunter, representing Austin Black Assembly, requested to appear before the Council to present a resolution concerning the Black people of Austin. However, Mr. A. L. Sims appeared instead. He read the resolution, which noted that there was no publicly owned structure located within Austin, nor a public park, playground, community center, street, or boulevard named in Dr. Martin Luther King's honor and memory. He also pointed out that January 15, his birthday, was not observed as a legal holiday by the City. Therefore, they requested that the Council change East 19th Street from the east side of I.H. 35 through to Ed Bluestein Boulevard and rename it "Martin Luther King Boulevard" on or before April 4, 1975, which is the anniversary of Dr. King's death. They also requested that January 15 of each year be set aside as a legal holiday for all City employees.

There was discussion of the possibility of renaming the entire portion of East 19th, but it was decided that it could be considered in the meantime. Councilman Snell moved that the Council set a hearing for April 3, 1975, to consider changing the name of East 19th Street between IH 35 and Ed Bluestein Boulevard to Martin Luther King Boulevard. The motion, seconded by Councilman Friedman, carried by the following vote:

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

In response to Mr. Sims' question, it was pointed out that to make January 15 a legal holiday would require an amendment to the budget; and this would have to be taken up at budget time. City Manager Davidson noted that the staff would take the appropriate steps to be sure this would be handled at the appropriate time.

ITEM CONCERNING COMMUNITY GARDENS

Mr. Tom W. Ellison and Ms. Martha Helen McKenzie, representing Austin Community Gardens, appeared before the Council to discuss a proposal for the leasing of suitable City-owned property as a community garden site. Mr. Ellison distributed information to the Council concerning community gardening. It was mentioned that one of the possible sites under consideration was at the Airport. City Manager Davidson requested that the staff be given an opportunity to review this with the Parks and Recreation Department along with Mr. Joe Morahan, Property Management Director, and come back to the Council

with a report indicating what the options were if the Council would like to get into such a program. He pointed out that the requested property was necessary for some other recreational purposes now or in the future.

Mayor Butler felt that it would be more productive to work with the administration and come back next week.

Mr. Jack Robinson, Parks and Recreation Director, supported the notion of community gardening; but he had not specifically supported the Airport proposal. He noted that there was a program at the Montopolis Recreation Center, and he was disappointed in the participation.

After discussion, the Council endorsed the program and instructed the staff to come back April 3, 1975, with a recommendation.

ITEM CONCERNING BARTON CREEK

Mr. David Block appeared before the Council regarding the ordinance prohibiting the entering of Barton Creek. He asked that the Council consider and perhaps rescind the 1970 ordinance which stated that "it shall be unlawful for any person to willfully swim, bathe, wade or go into the waters of Barton Creek, except Barton Springs swimming pool..." He submitted that a number of changes had taken place since that time; and there were well defined laws against public nudity, and the pollution was negligible.

Mr. Jack Robinson felt very strongly about the need for the ordinance up to the dam and including Campbell's Hole.

Councilman Lebermann expressed the desire of having this ordinance re-examined. Mayor Pro Tem Dryden suggested that this be reviewed by the Legal Department with some suggestions from Mr. Robinson and Mr. Block.

Councilman Lebermann moved that the Council set a hearing for April 10, 1975, for reconsideration of the ordinance. The motion, seconded by Councilman Binder, carried by the following vote:

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

ITEM CONCERNING TELEPHONE RATE PROCEEDINGS

Mr. Gray Bryant, Division Manager of Southwestern Bell Telephone Company, appeared before the Council regarding telephone rate proceedings. He stated that since January 1, 1972, the Company had filed two rate cases in Austin; the first was based on test year 1970; the second, test year 1973. He submitted that the first case went on for 18 months, and they were given less than one-half; and the second went on for 8 months, and the consultants recommended that they receive less than one-third. He pointed out that since that time, they had spent \$95 million, had paid out \$60 million in wages, and had paid more than \$8 million in local taxes. He noted that they were Austin's largest private employer and the largest tax payer. He submitted that the requested rate

increase filed in 1973 would increase residents' telephone bills by \$1.50 per month. He expressed the need for action at this time on their request.

He noted that there had been many inquirers from the press and media as to whether or not the Company intended to hurt service as a lever or a threat to convey their need. He indicated that this was not his intent. He felt that they had proven a need for the \$6.4 million requested and urged that the Council act today by either turning them down or accepting them and suggested that perhaps the best place for them to go was to the courthouse if the Council did not accept them.

Mayor Pro Tem Dryden noted that he had discussed this with the City Attorney and that there had been new figures submitted (1974).

Motion

Mayor Pro Tem Dryden moved that the Council take no action on this request until more study could be done by the City Attorney in view of the 1974 figures. Councilman Lebermann seconded the motion.

City Attorney Don Butler addressed himself to some specific items contained in Mr. Bryant's report and felt that the Company was entitled to some action. He recommended that the Council set a hearing, at which time there would be a presentation of the rate payers case. He pointed out that the Company had been working on 1973 test year. He requested that the Company designate which year it desired to have considered. He submitted that he could move immediately if they wanted 1973. He also pointed out that the threats would have to be investigated; and if cuts in service were made through the employees, this would reduce the expenses the Company would have, and the City would need to make an adjustment and possibly have a rate decrease.

After further discussion, City Attorney Don Butler stated that there was no need to take a vote of any kind; and it was up to the Company as to which test year it wanted considered. In response to this, Mr. Bryant stated that they wanted the 1974 figures included.

Mr. Donald Clark Thomas, attorney representing the Company, submitted that they had not received justice from this Council and asked that they not delay further. He asked that they be allowed to go to the courthouse to determine what was just and reasonable.

Councilman Friedman felt that the Council was being forced into court. The City Attorney stated that after these figures had been gone over and a recommendation given to Council, he would be happy to go to court; but he was ready to recommend that Council take action to give the Company whatever it was entitled to.

Vote on Motion

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

Noes: None

In response to Mayor Butler's question as to when this can be completed, Mr. Butler indicated that with the previous figures it would have taken two to

three weeks; however, in view of the 1974 figures, it will take about two to three months.

ORDINANCE CONCERNING FINANCIAL DISCLOSURE

The Council had before it a proposal by Councilman Binder for a Financial Disclosure ordinance:

AN ORDINANCE ESTABLISHING A CODE OF FINANCIAL DISCLOSURE FOR THE CITY OF AUSTIN; PROVIDING STANDARDS OF CONDUCT; REQUIRING THE FILING OF FINANCIAL ACTIVITY STATEMENTS; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

He pointed out that this only effected City officials, which were the Mayor and members of the Council. The filing of a Statement of Financial Activity also effected the official's spouse and dependent children over which the official has actual control for the previous reporting period.

Motion

Councilman Binder moved that the proposed ordinance be passed. Councilman Snell seconded the motion.

Substitute Motion

Councilman Lebermann moved that his proposed ordinance be passed:

AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE CITY OF AUSTIN; PROVIDING STANDARDS OF CONDUCT; REQUIRING FILING OF FINANCIAL ACTIVITY STATEMENTS BY CERTAIN OFFICIALS; ESTABLISHING AN ETHICS REVIEW COMMISSION; PROVIDING FOR CUMULATIVE EFFECT; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Dryden seconded the substitute motion.

Councilman Lebermann noted that the first section spoke to the issue of Code of Ethics, and Financial Disclosure effected members of the Council, Planning Commission, City Manager, and City Attorney. It required the filing with an Ethics Review Commission, which would be comprised of a member of the Travis County Bar Association selected by the Bar, a certified public accountant selected by the Austin Chapter of Certified Public Accountants of the Texas Society of Certified Public Accountants, and a member of the League of Women Voters selected by the organization. He noted that this would require the filing of federal income tax returns for the reporting period as filed by the official, spouse, and dependent children. He pointed out that unless an issue was cleared up in 10 days before the Commission, this would be brought to the attention of the Council for investigation and subsequent action.

Councilman Binder felt that the major difference between the two proposals was who gets to read the financial statements, and he felt the disclosure was for the public.

Mayor Butler felt that this issue should be placed into the Charter so that only the voters could change it.

A representative of the League of Women Voters took this opportunity to announce that since the League had not taken any official action on this issue, they would not be able to participate at this time.

Councilman Snell felt that some segments of people would be omitted from the Ethics Review Commission and wanted to see the Blacks represented.

Mayor Pro Tem Dryden suggested that this should be a high priority item on the Charter review.

Roll Call on Substitute Motion

Roll call on Councilman Lebermann's substitute motion, Mayor Pro Tem Dryden's second, for passage of Councilman Lebermann's proposed Financial Disclosure ordinance, showed the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Dryden

Noes: Councilmen Friedman, Snell, Mayor Butler, Councilman Binder

The substitute motion failed to carry by a 2 to 4 vote.

Roll Call on Motion

Roll call on Councilman Binder's motion, Councilman Snell's second, for passage of Councilman Binder's proposed Financial Disclosure ordinance, showed the following vote:

Ayes: Councilmen Binder, Snell, Friedman

Noes: Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler

The motion failed to carry by a 3 to 3 vote.

SIGN COMMITTEE REPORT

It was noted that the Council had before it a report from the Sign Committee concerning MoPac Boulevard and Loop 360, and they voted to recommend to the Council the following:

"Extend the existing temporary sign ordinance as it pertains to MoPac Boulevard and Loop 360 until December 31, 1975, or until an overall comprehensive sign ordinance revision is recommended to the Council, whichever comes first."

It was determined that this would be placed on the agenda for April 3, 1975, for consideration as an ordinance.

ADJOURNMENT

The Council adjourned at 5:20 p.m.

APPROVED

Ray Butler
Mayor

ATTEST:

Grace Monroe
City Clerk