

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 21, 1975
7:00 P.M.

Council Chambers
301 West Second Street

Mayor Friedman called the meeting to order.

Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

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

RECOGNITION

Councilmember Himmelblau read and then presented a resolution signed by the Council to Mr. Ray Keeler and Mr. Richard White, coaches of the Northwest Colt League, in recognition of the achievements during the season and tournaments of the All Star Team of the Northwest Colt League.

Councilmember Himmelblau asked members of the team present to stand and be recognized.

RECOGNITION

Mayor Pro Tem Snell read and then presented a resolution signed by the Council to Mr. Ira Tunnell and Mackie Lawrence, coaches of the Northwest Pony League, in recognition of the achievements during the season and tournaments of the All Starteam of the Northwest Pony League.

Mayor Pro Tem Snell asked members of the team present to stand and be recognized.

Mr. C. W. Hetherly, President of both Leagues, thanked the Council.

WOMEN'S EQUALITY DAY

Mayor Friedman read and then presented a proclamation to Ms. Micheline Fountain and Ms. Donna Walker-Ashworth proclaiming August 26, 1975, as "Women's Equality Day" in Austin to mark the 55th anniversary of the passage of the 19th Amendment to the United States Constitution granting women the right to vote.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had been in an Executive Session earlier in the day and had discussed appointments to the following Committee, which were now before the Council for action.

Councilmember Hofmann moved the Council establish an Alternative Sources of Revenue Committee and appoint the following individuals:

Dr. Chuck Knapp	Randall M. Budd
Dr. Vince Geraci	Steve Katz
Ronald G. Brey	T. J. "Pat" Holman
Mary Sanger	James Ramirez
Daniel L. King	Gabe Gutierrez
Sherry Van Winkle	Jo Anne Miduikis
Cheryl Hazeltine	David Kuperman
Tina Trotcka	

Councilmember Hofmann further moved that the Committee report their suggestions, recommendations, and any proposals they may come up with to the City Council on an immediate and recurring basis so as to allow the Council to take action as soon as possible and to have the benefit of the Committee's recommendation. The Committee members shall serve one (1) year term, commence their meetings as soon as practicable and develop their own rules of procedure. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

REPORT ON FILING PETITIONS
BY WEST 19TH STREET ASSOCIATION

Mr. Marion B. Findlay, representing the West 19th Street Association, appeared before the Council to report the filing of petitions. Mr. Findlay stated that on August 13, 1975, the Association filed petitions bearing 17,064 signatures requesting that the name change of West 19th Street be rescinded. Subsequently the City Attorney issued an opinion which had been requested by the City Clerk. The opinion ruled the petitions invalid.

Mr. Findlay then reviewed three options which were open to the Association and the City Council:

1. Court action to try to overrule the City Attorney's opinion. Court action would be expensive and prolonged, and Mr. Findlay hoped that alternative would not be necessary.

2. The Association could file petitions under the initiative clause of the Charter. The names could be obtained, but the controversy would again be drawn out. He hoped also that the second alternative would not be necessary.
3. He stated since the intent of the voters signing the petition was clear he asked that the matter be placed on the October 4, 1975 referendum. The Council would not be disregarding the ruling of the City Attorney, but would be exercising its prerogative.

The West 19th Street Association recommended that the Council place the issue on the October 4, 1975 referendum ballot.

Since there was no motion, Mayor Friedman stated that the decision of the Council to keep Martin Luther King, Jr., Blvd. named as such remained the same and that Mr. Findlay had any option at his disposal.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes of August 14, 1975. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann,
Linn, Trevino, Mayor Friedman
Noes: None
Not in Council Chamber when roll was called: Councilmember
Himmelblau

POSTPONEMENT OF DISCUSSION ON COMMUNITY DEVELOPMENT MINORITY ECONOMIC DEVELOPMENT PROGRAM

Councilmember Trevino stated that Mr. Arturo Casillas and other members of the Consortium who had requested funds from the City for minority economic development had agreed to a postponement. Councilmember Trevino moved that the Council agree to postpone the item until further notice. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Not in Council Chamber when roll was called: Councilmember
Himmelblau

PROPOSAL FOR MEMORIAL PARK

Mr. Steve Clark, Senior Patrol Leader, Troop 10, Pioneer District, Capital Area Council, Boy Scouts of America, appeared before the Council to request that the Council set aside land next to the new central library for a memorial park. The park would be dedicated to those individuals of the Fire and Police Departments who died in line of duty. The scouts would raise funds for a monument to be erected at the park site and this would be their Bicentennial gift.

Councilmember Hofmann expressed interest in the project and stated that it coincided with one she had been exploring. She suggested the area next to the new police training building along Waller Creek as a site for the park. She suggested that a tree be planted next January during "Think Trees Week" for each City policeman who had died in the line of duty. A memorial would also be erected. Other departments of the City would also be asked to participate to include employees who had died in the line of duty. She asked Mr. Clark if she could work together with Troop 10 on the project. Mr. Clark indicated that the Troop would be willing to help fund the project.

Mayor Friedman stated that Councilmember Hofmann and Troop 10 should get together with Jack Robinson, Parks and Recreation Department, to consider what land might be available for the park site. Since both the Police and Fire Departments were involved, Mayor Friedman felt that a neutral location for the park might be advisable.

RELEASE OF EASEMENT

Councilmember Linn moved that the Council authorize the release of the following easement:

The north one (1.00) foot of the Public Utility
Easement five (5.00) feet in width and 132.00
feet in length in Lot A, PTI RESTAURANT ADDITION.

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

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Not in Council Chamber when roll was called: Councilmember
Himmelblau

CONSTRUCTION CHANGE ORDER

Councilmember Lebermann moved that the Council approve a Construction Change Order in the amount of \$6,875.69 to Contract No. 74-Pb-140, C.I.P. 6211 1, for the construction of William Cannon Drive from Manchaca Road to I. H. 35. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

AMENDMENT TO URBAN MASS TRANSPORTATION GRANT

Councilmember Linn asked why the City was so long in determining that there was a problem with retrofitting the buses with lifts.

Mr. Bullock, Urban Transportation Department, stated that the department first came to the Council on April 24, 1975 to request the retrofitting. Since

that time, it was determined that retrofitting was not technologically feasible at this time. The present amendment involved the purchase of 14 standard coaches.

Councilmember Linn asked if the request had any effect on the litigation brought by MIGHT. Mr. Bullock stated that it did not.

Councilmember Linn asked if MIGHT had been contacted with regard to the requested change, and Mr. Bullock stated that they had not been formally contacted. The change was being requested due to technological feasibility and not due to need. The Department recognized that there was a need.

City Manager Davidson stated that the City had no intention of changing the commitments made to MIGHT in connection with the lawsuit.

Councilmember Linn asked if any additional funds were available for an additional special bus since what was requested in large buses was not available. Mr. Bullock stated that the grant which would be discussed at the public hearing next week would provide for the special needs of the mobility impaired.

Councilmember Linn asked how many small buses were involved, and Mr. Bullock indicated that five specially equipped vehicles for the mobility impaired were included in the grant to be discussed next Thursday.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the submission of a substitute amendment to Part 1, Section 2 of the Capital Assistance Grant (TX-03-0023) to the Urban Mass Transportation Administration, Department of Transportation to purchase 45-passenger buses. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

SELECTION OF PROFESSIONAL ENGINEERING SERVICES

Councilmember Linn moved that the Council select the firm of Bryant-Curington, Inc., for professional engineering services for the following C.I.P. project for the Public Works Department:

Bridge & Roadway Improvements, West Oltorf at West Bouldin
Creek. C.I.P. Project No. 6510 1.

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

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Lebermann,
Linn
Noes: None

DEMOLITION OF STRUCTURES

Mayor Pro Tem Snell moved that the Council authorize demolition of structures as follows:

Accept negative bids - to be demolished only

a. 8901 Balcones	Southwest Rathgeber	\$198.00
b. 8903 Balcones	Southwest Rathgeber	\$198.00
c. 8905 Balcones	Southwest Rathgeber	\$198.00
d. 8907 Balcones	Southwest Rathgeber	\$198.00
e. 8921 Balcones	Southwest Rathgeber	\$199.11
f. 7001 East Riverside Drive	Clarence Cullen Co.	\$191.00(Second unit)
		\$324.00(Third unit)
		\$224.00(Fourth unit)
		\$149.00(Triplex)
g. 17 Chicon	Clarence Cullen Co.	\$224.00

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

CONTRACTS AWARDED

Councilmember Linn asked what was the problem with the low bidder on Item 6d. City Manager Davidson replied that litigation was expected with the low bidder on a project that they were now working on. He could not recommend that the Council award the firm another contract. (Austin Engineering Co.)

City Manager Davidson pointed out that on Item 6a, there was a 35% savings to the City on forms. Due to a new innovation in the Data Systems Department, the City would save about \$57,000 annually. (Moore Business Forms)

In response to Mayor Friedman's question, the City Manager stated that the location of the fuel cost adjustment on the bill would be made clear to City customers.

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

MOORE BUSINESS FORMS, INC.	- Utility Statements used by
827 West 12th Street	Data Systems for Water and
Austin, Texas	Light Department - \$6,500.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

BURKS REPRODUCTION AND SUPPLY	-	Diazo Whiteprint Reproduction
4402 North Lamar		Machine, Electric Department.
Austin, Texas		Item 1 - \$7,734.80

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

WEMCO DIVISION, ENVIROTECH CORP.	-	Horizontal, Vortex-type Pump
721 North B Street		Water and Wastewater Department.
Sacramento, California		1 each @ \$9,921.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

AUSTIN ENGINEERING COMPANY	-	Electric Ductlines and Concrete
6304 West Bee Caves Road		Foundations at Bergstrom Substa-
Austin, Texas		tion - \$10,788.00.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

POSTPONEMENT OF ACTION ON DELEGATE AGENCY CONTRACT
FOR RURAL NEIGHBORHOOD CENTERS

Mayor Pro Tem Snell requested postponement of action on the item until he received a report on the ethnic balance and who was in charge of the rural neighborhood centers.

Mr. Jim Miller, Assistant City Manager for Community Services, stated that he thought Mayor Pro Tem Snell had wanted the ten-county breakout of the Manpower program, but not realized that the request had nothing to do with the Manpower program.

Councilmember Trevino asked Mr. Miller if it was the unanimous consent of the four advisory committees to be absorbed by the County Commissioners.

Mr. Miller stated that he thought it was, plus the Community Development Commission voted last Monday night to recommend it to the City Council. He then called on Mr. Andy Ramirez to elaborate.

Mr. Ramirez stated that at the Community Development Commission meeting last Monday night all four advisory committees voted to be absorbed by the County Commissioners.

In response to Councilmember Lebermann's question, Mr. Miller stated that no City funds were involved.

Mayor Friedman stated that the item would be postponed without a motion until the report requested by Mayor Pro Tem Snell was received.

GRANT AWARDED TO
BRACKENRIDGE HOSPITAL SCHOOL OF NURSING

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to accept a grant awarded to Brackenridge Hospital School of Nursing by the Department of Health, Education and Welfare in the amount of \$24,404. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

PUBLIC HEARING ON 1975-80
CAPITAL IMPROVEMENTS PROGRAM

Mayor Friedman opened the public hearing scheduled for 7:30 P.M. on the 1975-80 Capital Improvements Program.

ELECTRIC

No one appeared to be heard.

TRAFFIC SIGNALIZATION

Ms. Brenda Lucas, representing the Stonegate Neighborhood Association of East Austin, requested that the City Council place speed limit signs from the 1100 block of Springdale Road through the 1900 block of Webberville Road. She stated that there were two area schools, but that there were no more than two speed limit signs on the entire street.

Mayor Friedman stated that the item was not directly in the CIP, but that he would be getting a report soon to see what could be done now.

Mr. Curtis Coursey, Stonegate Neighborhood Association, requested that something be done about the signal lights at Martin Luther King, Jr. Blvd., Heflin Lane and Springdale Road. There seemed to be problems with right turns due to the different access roads coming into the intersection.

WATER AND WASTEWATER

No one appeared to be heard.

PUBLIC WORKS

76/70-09 (Johnson Creek Drainage Improvements/Enfield Road to Margranita Crescent)

Mr. Ed Ramsey, Chairman, Johnson Creek Neighborhood Group, felt that the \$230,000 proposed for the project would not be enough. The Association also felt that the proposed improvements would not serve the neighborhood or improve the drainage system. Mr. Ramsey stated that the City Engineer was nearing completion of the plan for the area, but no counter proposal could be offered by the Association at this time because they had not seen the City plan. The Association had been before the Council the latter part of last year to discuss the matter. At that time, they were told by the City Manager and City Engineer that the City would conduct a survey, make preliminary plans and present the plans to the group for further consideration and discussion. The plans were presently incomplete, but would be ready in the near future. A subcommittee of experts from the Association would like to get together with the City Engineer's staff and discuss further the improvements which would be recommended by the City staff. At a later date, the Association might come before the Council with a compromise proposal or a different plan as the Council had asked them to do at a previous meeting.

Mayor Friedman stated that several individuals from the area had appeared last week on the same item. The Mayor assured Mr. Ramsey that no Council action would be taken on the item until the area residents had reviewed the City's plan and reported back to the Council.

Mr. Ramsey asked that at least the amount (\$230,000) proposed for the project be committed at this time and that it not be delayed until the City plan was completed. He stated that the neighborhood might come back later and request additional work.

73/62-23 (Spicewood Springs Road/Balcones Drive to West Loop 360)

Mr. Tom Whitley, Project Director, for The Great Hills, appeared before the Council to support the subject CIP project. His organization had already invested \$14 million in The Great Hills and was committed to \$20 million more. The project was based on three premises:

1. Completion of Loop 360.
2. Completion of the Crosstown Interceptor Sewer Tunnel.
3. Improvements to Spicewood Springs Road from Anderson Lane to Loop 360.

He reviewed his organization's master plan which had been approved by the City in June, 1974. At the City's request, The Great Hills had dedicated two miles of right-of-way for the new Spicewoods Springs Road through the development. The proposed road included 80 feet of right-of-way and 60 feet of pavement. The area was being annexed as development was completed. 200 acres had already been annexed.

The City Planning Department had requested the building of the street through The Great Hills so as to connect with Broadoaks Drive in the Oak Forest Subdivision. Broadoaks Drive extended to Highway 183 out to the entrance to the Texas Instruments plant.

Mr. Whitley stated that it had been rumored that this portion of the CIP might be in jeopardy. He requested that the Council support the proposed project.

In response to Mayor Friedman's question, Mr. Whitley stated that his project was not contingent upon the building of the road.

In response to Mayor Pro Tem Snell's question, Mr. Whitley stated that there would be no restrictions to the use of the country club, that the golf course was open to the public.

In response to Councilmember Hofmann's question as to which portion of Spicewood Springs Road had been dedicated by The Great Hills, Mr. Whitley stated 200 acres had been annexed. It was all of the land they owned south of Loop 360. Spicewood Springs Road north of the Loop was in the county, and will be annexed as final plats were filed. The Right-of-way was to be dedicated as plats were filed. The plats were expected to be filed within the next six months.

In response to Councilmember Linn's question regarding how much of the project was in the City limits, Mr. Whitley stated that 200 acres were presently in the City. The entire project eventually would be annexed as plats were filed.

In response to Councilmember Linn's question as to whether refund contracts were anticipated, Mr. Whitley stated that his organization would abide by whatever rules the Council set.

Item not in CIP

Ms. Brenda Lucas, Stonegate Neighborhood Association, appeared before the Council to request that improvements to two creeks in her neighborhood be added to the proposed CIP.

Mayor Friedman stated that the City had a master drainage plan under way. He could not assure her that the problem would be solved this year, but the problem was being worked on.

76/75-01 (Sidewalk Construction)

Ms. Susan Reed, President, League of Women Voters, supported the subject project, but requested that \$300,000 per year be allocated instead of \$200,000.

76/75-02 (Sidewalks - Participation Basis)

Ms. Susan Reed, President, League of Women Voters, supported the subject project, but requested that \$100,000 per year be allocated instead of \$75,000.

75/79-01 (Bikeway & Sidewalk Ramps)

The League of Women Voters supported the initial \$50,000 expenditure for the project, but requested that far more money be budgeted than the total of \$450,000 for the five year program.

Item not in CIP

Mr. Curtis Coursey, Stonegate Neighborhood Association, requested paving and sidewalks in the Webberville Road-Heflin Lane-Springdale Road area.

AVIATION

No one appeared to be heard.

FIRE PROTECTION

No one appeared to be heard.

HOSPITAL

No one appeared to be heard.

LIBRARY

No one appeared to be heard.

PARKS AND RECREATION

75/86-45 (Southeast District Park Development)

Ms. Martha Simmons, Far South Austin Community Association, requested that the Olympic pool be moved up to the third year CIP. She would like to see it considered in the first year.

Mayor Friedman stated that development of the park itself was planned for the second year. The second or third year would be the appropriate time to lock in the pool.

75/86-29 (St. Elmo Park Improvements and Pool)

This item had been cut from the proposed CIP. Ms. Simmons requested that the item be restored to the CIP.

Item not in CIP

Mr. Leo Hernandez, representing the Pan American Recreation Advisory Committee, requested that a spray pool or fun fountain be built at Pan American Center.

Ms. Marie Kelso, Parks and Recreation Department, estimated the cost of the pool at about \$5,000 to \$8,000.

Mr. Jack Robinson, Director, Parks and Recreation Department, stated that the cost would be more in the range of from \$15,000 to \$25,000. It was basically the same type of pool that was located at Metz. The appropriate size for the pool should be about 30 feet in diameter. The pool would have to be located in the area of the play apparatus just due west of the building between there and the football field. The play apparatus would have to be reworked within the play apparatus area.

Mr. Leo Hernandez also requested that an Olympic size pool be built in the area in conjunction with the School District.

Mr. Friedman stated that he felt the Council would be discussing such a proposal with the School Board, but that they might not be able to get to it right away.

POLICE

No one appeared to be heard.

GENERAL GOVERNMENT

No one appeared to be heard.

TRANSIT

Mr. Leo Hernandez, representing the Santa Rita Courts Tenant Council, requested that bus shelters be built in the 2300 block of East Second Street.

In response to Mayor Friedman's question, Mr. Joe Ternus, Urban Transportation Director, stated that funds were in the CIP for shelters at the requested locations.

Ms. Susan Reed, President of the League of Women Voters, stated that the League supported the following projects:

- 73/90-02 (Municipal and Support Equipment)
- 73/90-04 (Passenger Facilities)
- 73/90-20 (Bus Stop Shelters for Community Development Districts)

She noted that \$11 million in Federal funds were available for the transit improvements and that the City would be dedicating little funds in proportion to the value received for the transit requests.

Mayor Friedman announced that the second hearing on the CIP was concluded. He stated that at 3:00 P.M., September 3, 1975, the Council would hold its last work session with the staff on the CIP and take action on it on September 11, 1975. On behalf of the Council he thanked those citizens who spoke tonight. He felt that the public input was one of the best he had seen during his four years on the Council. He asked for support of the bond program which would be needed to fund many of the programs.

HEARING ON BLASTING REGULATIONS

Mayor Friedman opened the public hearing scheduled for 8:00 P.M. to amend the Austin Fire Code pertaining to Blasting Regulations.

City Manager Davidson called on Mr. Charles Graves, City Engineer, and Mr. Bill Pugh, Assistant Fire Marshal, to make the presentation.

Mr. Pugh stated that four basic changes were proposed:

1. The Fire Chief could designate someone else to handle enforcement.
2. Sets up a fee system.
3. Makes the blaster or powder man prove his experience, skill and integrity.
4. Sets up an appeals board.

He stated that the Fire Marshal's office had enforced the blasting code since 1956 and had done a good job, but he felt that the Engineering Department could do a better one. Ninety per cent of all blasting in Austin was for utility lines, and the Engineering Department knew where those lines were located. Also, one man in the Engineering Department was more knowledgeable about explosives than anyone in the Fire Marshal's Office. Austin, with an average annual usage rate of about 300,000 pounds, did the highest amount of blasting in the State.

City Manager Davidson stated the study resulting in the present recommendation began when a number of complaints came before the Council about improper blasting within the City limits. After consulting with specialists in the field, and with various contractors, he was now making his recommendation.

In response to Councilmember Linn's question, Mr. Pugh stated that a professional engineer would not have to review the permits. A contractor would have to obtain a license to blast from the Engineering Department. The individual doing the blasting would have to prove to the Engineering Department that he had a knowledge of blasting.

In response to Councilmember Linn's question about placement of mats, First Assistant City Attorney Tulk stated that the ordinance contained a rebuttable presumption that if a rock were blown free of the blast area, that the mat was either inadequate or not used. Without that provision, there was no way to prove what happened at the job site, unless someone oversaw every blast.

City Manager Davidson stated that it was impractical to have someone from the City present at each blasting site. The proposal under consideration would place the responsibility on the contractor.

In response to Councilmember Linn's question, Mr. Pugh stated that he was satisfied with the composition of the Board as proposed. He pointed out that the ordinance also sets up an appeals board which is appointed by the Council.

Mr. Charles Graves stated that appointment of the Explosives Appeals Board had been changed from the City Manager to the City Council.

In response to Councilmember Himmelblau's question, Mr. Graves stated that fees were based on cost of enforcement, and not cost plus.

Councilmember Himmelblau wondered that with inflation if sufficient charges had been built into the fees within the next 12 or 18 months.

City Manager Davidson stated that he would like the privilege of bringing back the item if experience showed that charges were too low or that the fees needed to be adjusted.

Mayor Friedman then invited discussion from the audience. No one appeared to be heard.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR THE LICENSING AND CONTROL OF BLASTING OPERATIONS; PROVIDING FEES FOR BLASTING LICENSES AND PERMITS; PROVIDING FOR THE CONTROL OF THE USE OF BLASTING MATS; PROVIDING A PENALTY CLAUSE; SETTING OUT A MINIMUM FINE FOR THE PERFORMANCE OF UNLICENSED BLASTING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Hofmann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance amending the Austin Fire Code effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

The Mayor announced that the ordinance had been finally passed.

COST DIFFERENCE PAYMENTS

Mayor Friedman moved that the Council adopt a resolution authorizing payment to AUSTEX DEVELOPMENT COMPANY, LTD. the cost difference of 12"/8" water mains and appurtenances installed in Westgate Boulevard Street Dedication, in the amount of \$3,792.60. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

Mayor Friedman moved that the Council adopt a resolution authorizing payment to TRAVELODGE INTERNATIONAL, INC., for the cost difference of 12"/8" water mains and appurtenances installed in Travelodge International, Inc., Subdivision No. 1 in the amount of \$3,247.65. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

Mayor Friedman moved that the Council adopt a resolution authorizing payment to THORNTON-CASKEY VENTURE, INC. for the cost difference of 12" / 8" water mains and appurtenances installed in Jollyville Estates in the amount of \$26,611.25. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

LAND ACQUISITION FOR NORTHEAST FIRE STATION SITE

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of the Northeast Corner of Rundberg Lane and Aberdeen Way (Point Vista Link, Inc.) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

LAND ACQUISITION FOR EAST RIVERSIDE DRIVE PROJECT

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of 2,166 square feet of land out of the Bantiago Del Valle Grant (Hixon Development Co.) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

AGREEMENT WITH MISSOURI PACIFIC RAILROAD COMPANY

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to execute an agreement with the Missouri Pacific Railroad Company to install automatic signal protection devices at the following locations:

- a. Vinson Drive at Missouri Pacific Mile Post 0.3
- b. St. Elmo Road at Missouri Pacific Mile Post 0.4
- c. Terry-O Lane at Missouri Pacific Mile Post 1.3
- d. Todd Lane at Missouri Pacific Mile Post 2.7
- e. Industrial Boulevard at Missouri Pacific Mile Post 1.2

Mr. Councilmember Himmelblau's question as to whether or not the City Manager should be authorized to execute the agreement. Mr. Bullock stated that it was because

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

In response to Councilmember Himmelblau's question as to why the City paid such a large share of the costs, Mr. Bullock stated that it was because of State law.

In response to Councilmember Trevino's question as to whether any Housing, Community Development or Revenue Sharing monies were used to pay the City's share, the City Manager said No.

PUBLIC HEARING AND SCHEDULE SET
ON 1975-76 ANNUAL OPERATING BUDGET
AND C.I.P. BUDGET

Mayor Friedman moved that the Council set the following hearings:

September 3 - 3:00 P.M. - Last C.I.P. Work Session
*September 5 - 3:00 P.M. - First Budget Work Session
*September 10 - 3:00 P.M. - Budget Work Session
September 11 - Council Decision on C.I.P. (Regular Session)
*September 12 - 3:00 P.M. - Budget Work Session
September 18 - 7:00 P.M. - First Public Hearing on Budget
September 25 - Second Public Hearing if needed and
Decision on Budget

*Work Sessions will be from 3:00 P.M. to 6:30 P.M.
and from 8:00 P.M. to 10:00 P.M.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

The Regular Meeting of the City Council would be held at 10:00 A.M.
September 18, 1975.

5-YEAR APPROACH MAIN CONTRACT

In response to Councilmember Linn's question, Mr. Curtis Johnson stated that the Travelodge was located on I.H. 35 just south of St. Elmo Road. The approach main ran to the south back to Williamson Creek. The area was annexed in November, 1972, and was in conformity with the present refund contract policy. Travelodge had been refunded previously for the cost of an oversize main.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH TRAVELODGE INTERNATIONAL, INC. (Travelodge International, Inc., Subdivision No. 1)

Councilmember Trevino 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 Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Lebermann, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: Councilmembers Hofmann*, Linn

The Mayor announced that the ordinance had been finally passed.

*Councilmember Hofmann stated that she voted "No" because the entire subject matter was being studied currently and that a recommendation would be forthcoming soon.

INCREASED INSURANCE COVERAGE FOR AIRPORT

Councilmember Hofmann moved that the Council adopt a resolution increasing bodily injury and property damage liability coverage for the Airport from \$400,000 to \$10,000,000 single limit, annual premium for which would be \$11,100.00. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

WRECKER ORDINANCE--SECOND READING

Councilmember Lebermann requested that the Council pass the proposed ordinance only through its second reading.

Mr. Charles Bluntzer, Law Department, discussed the changes which were made in the ordinance since its first reading.

Councilmember Himmelblau stated that she had had some complaints on Section 34-122a of the ordinance regarding the size of the signs for apartment parking lots. Some owners felt that having to replace the signs would be a hardship. The State statute referred only to readable signs. She wondered if the ordinance could be amended and just go with the State statute.

Councilmember Lebermann stated that the ordinance should set minimum standards for sign location, size, etc., else he was afraid other provisions would become unenforceable. In discussions with the Apartment Owners Association he had assured them that the ordinance would be passed only through its second reading if the Council so desired. Additional time would then be available to work out the issues which were of primary concern to the Association.

The following individuals appeared in opposition to the proposed ordinance:

MS. PAULA BERRY stated that the wrecker drivers/owners had drafted an ordinance which was to be incorporated into the proposed ordinance. Nothing was in the ordinance which they had requested.

Mayor Friedman then asked Ms. Berry to introduce her comments:

Ms. Berry stated that they had asked that collision fees be \$35 and \$15 for dollies. The \$2 per day storage charge was too low. Fifty dollars for a big truck was feasible, but \$20 for an extra hour was not. She stated that she did not object to a reasonable increase in fees charged to the wrecker owners, but felt that the proposed increases were unreasonable. She asked that the Council change some of the proposed items in the ordinance.

Councilmember Lebermann stated that he had asked for industry input and had been dealing for the last two weeks with two attorneys who represented wrecker owners.

Ms. Berry stated that the two attorneys had misrepresented what the wrecker owners had wanted.

Councilmember Lebermann stated that the attorneys came as representing the wrecker owners, and their input and information were accepted in good faith. He stated that Mr. Bluntzer had worked hard to make the ordinance as realistic and responsive to industry needs based on their economic information. He did not see how anything more could have been done, and felt that those individuals who came before the Council to complain should get together with Mr. Bluntzer to work out the problems, as they had been invited to previously.

Councilmember Lebermann then called on Mr. Bluntzer to respond to Ms. Berry's comments. Mr. Bluntzer commended Mr. John Stratten for the hours he had worked on the proposed ordinance. Mr. Ed Fuller had also done some work on the ordinance. Two other attorneys had called once, but he had heard no more from them.

Councilmember Lebermann pointed out that Mr. Les Rogers had been extremely helpful in providing technical information for Mr. Bluntzer. They had tried to operate in good faith in developing the ordinance so that it would not be confiscatory or hurtful to the industry while protecting the consumer as well. He invited Ms. Berry to come in with her information to talk with Mr. Bluntzer.

MR. RUSS WARD, representing the Austin Apartment Association, objected to the 4" high letters for signs. The signs would be approximately 2' by 5' and would be expensive. The State statute read "readable at the entrance," which permitted much smaller signs. The Association was in compliance with the State statute, and preferred that the City ordinance read similarly. Also, an existing sign ordinance required that a 2' by 5' sign had to be 9' above the ground. Meeting that requirement would incur additional expense. Basically, the Association agreed with the ordinance, but he felt that the ordinance should be changed.

Councilmember Lebermann asked Mr. Ward to come by his office early next week to work out the problems.

MR. GUADALUPE VILLAREAL, a wrecker owner/operator, felt that City fees and insurance were too high. Also, no insurance was available for storage of vehicles. He thought that the charges allowed the wrecker operators were too low, and that if the ordinance passed as is wrecker owners would be out of business.

In response to Mayor Pro Tem Snell's question, Mr. Villareal stated that having to buy additional insurance coverage would increase his rates.

MR. BOB LUSK asked if the primary reason for the ordinance was due to complaints from people who had had their cars towed off private parking lots and who had to pay excessive fees to recover their cars.

Councilmember Lebermann stated that it was not. Work had been under way on the ordinance for about two years. The entire ordinance needed reviewing and updating.

Mr. Lusk questioned the need for an owner to place signs on his property stating that illegally parked cars would be towed away. He also felt that the Council should not be in the business of price setting.

MR. JIM HENERY, owner, Jim Henery Body and Paint Shop, Inc., stated that he thought parts of the proposed ordinance were good, but he objected to some provisions. He did not think that the City Council should set insurance rates for wrecker owners. He agreed that property damage and theft insurance was not available for vehicle depositories, and would have bought it long ago if it had been. He asked if he bought permits 1 and 2, did he have to buy permit 3.

Mr. Bluntzer stated that it was necessary to take pound hauls to be placed on rotation wrecker. The addition was a \$10 charge for paperwork handling.

Mr. Henery asked why permits 2 and 3 could not be combined, and Mayor Friedman responded that the two could be combined, but that the fee permit also would be combined.

Mr. Henery stated that he was a member of the Independent Garage Association. He recommended that interested parties look at their bylaws whether or not they joined the Association. He requested 60 days to organize the Association and others who were interested in the ordinance and work out something.

Councilmember Lebermann stated that more time could be granted, but that two months was excessive. He felt that a sound ordinance could be developed in less time.

In response to Mayor Pro Tem Snell's question, Mr. Henery stated that September 25 would be too soon to bring in the ordinance.

In response to Mr. Henery's statement that property damage and theft insurance for vehicle depositories was not available, Mr. John Stratten, an attorney, stated that Dean Davis Insurance Company had told him that the insurance was available.

Mr. Stratten stated that if there was a problem with the insurance, then it could be changed.

Mayor Pro Tem Snell stated that he knew Mr. Henery and his reputation. He felt that the 60 days should be granted if it met with Councilmember Lebermann's approval. Councilmember Lebermann still felt that two months was too much time, but he would accede to the will of the Council. MR. MICHAEL THOMAS felt that two months time would be needed to organize the wrecker people. Mr. Henery asked that interested individuals contact him at his shop. Those people in return would be contacted by him to inform them of anything set up by the Association.

Motion

Councilmember Trevino moved the Council grant the request for a two-month delay.

Councilmember Lebermann stated that he had no problem with that amount of time, but he emphasized that the time should be well spent to produce a good ordinance.

Ameridment to Motion

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

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY RAISING FEES CHARGED FOR THE IMPOUNDMENT AND STORAGE OF ABANDONED VEHICLES; AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY PROVIDING AN AMENDED PENALTY CLAUSE IN SECTION 34-3; BY REPEALING ALL PROVISIONS OF ARTICLE VI THEREOF, AND BY SUBSTITUTING AN AMENDED ARTICLE VI THEREFORE; DEFINING TERMS; PROVIDING FOR PERMITTING OF WRECKER BUSINESSES AND INSPECTION AND CERTIFICATION OF WRECKERS USED IN THE SAME; REQUIRING THAT WRECKER BUSINESSES PERMITTED TO DO BUSINESS WITHIN THE CITY LIMITS OF AUSTIN BE LOCATED WITHIN SAID CITY LIMITS WITH CERTAIN EXCEPTIONS; REQUIRING THE MARKING OF WRECKERS WITH BUSINESS OR OWNERSHIP IDENTIFICATION; REQUIRING INSURANCE TO BE CARRIED BY WRECKER SERVICES; PROVIDING FOR REMOVAL OF WRECKED OR DISABLED VEHICLES ON THE PUBLIC STREETS; PROVIDING FOR USE OF WRECKER SELECTION FORMS AND WRECKER ROTATION LISTS; PROHIBITING THE SOLICITATION OF WRECKER BUSINESS ON PUBLIC STREETS; PROHIBITING THE INTERCEPTION OF POLICE BROADCASTS; REGULATING THE TOWING OF VEHICLES FROM PRIVATE PARKING LOTS AND FROM PRIVATE PROPERTY; PROMULGATING CERTAIN DUTIES OF PERMITTEE; REGULATING FEES AND CHARGES FOR WRECKER SERVICE; PROVIDING PROCEDURES FOR ADMINISTRATIVE AS WELL AS JUDICIAL ENFORCEMENT OF THESE PROVISIONS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS OF ORDINANCES.

The ordinance was read the second time, and Mayor Friedman moved that the ordinance be passed on its third reading, and that the third and final reading be set for October 23, 1975. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

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

Mr. Villareal stated that if the various groups could not get together, he wanted to come back to the Council to discuss the ordinance with them as an owner/operator. Mayor Friedman assured him that the Council would work with him and Mr. Henery.

SETTING OF ELECTION

First Assistant City Attorney Tulk reviewed his discussions with the two unions who were to take part in the election to determine which employee association would be allowed to have payroll deductions for dues. He stated that no agreement had been reached as to what the procedures and guidelines should be for conducting the election. He had proposed the following procedures:

1. Set the election for September 20, 1975 (a Saturday).
2. Have only one polling place (Rathskellar in Municipal Auditorium).
3. Department heads, assistant department heads and division chiefs would be ineligible to vote.
4. Wording on the ballot would read: For or Against payroll deduction status for one of the two groups or however many were in there. If the Council added a third proposition of no payroll deductions, then there would be an Against proposition.
5. He recommended against including the term, "representation," so that the wording would read: "I favor allowing payroll deduction for membership dues for the following organization: (Pick one only)"
6. He recommended that Mr. Gerald Brown, who had 30 years experience with the National Labor Relations Board, be appointed as the election judge and that final authority for conducting the election be given to Mr. Brown.
7. He recommended that upon receipt of a petition, signed by 100 employees, that other organizations (such as the Texas Nurses Association) be placed on the ballot.

Councilmember Linn offered the following proposals:

1. Mr. Gerald Brown to supervise the election, but final authority vested in the Council to approve the results.
2. Employees eligible to vote had to be on the payroll between September 28, 1975 and October 11, 1975.
3. Multiple polling places (between 18 and 20).
4. Set the election for October 17, 1975.
5. Order on the ballot to be determined by coin toss.
6. Wording on the ballot would read: "I favor representation by and allowing payroll deductions for membership dues for the following organization: (pick one only)".
7. The Election Judge should report the results promptly to the City Council.
8. Each union should provide \$1,000 each for the cost of the election as is needed.

Councilmember Linn stated that the nominating petition recommended by Mr. Tulk was not part of her proposal.

Mayor Friedman made the following suggestions:

1. Limit the polling places to no more than 10.
2. Wording on the ballot when referring to "representation" should read "representation as permitted by State law".

Councilmember Linn agreed to the two amendments.

Councilmember Trevino felt that Mr. Gerald Brown should have final authority to conduct the election instead of the Council. He recommended that the election be set for October 3, 1975. Mayor Friedman stated that there might be some problem with obtaining voting equipment since that date was just before the October 4 Referendum election. Councilmember Trevino stated that voting devices could be rented from the County, but there was some question as to how many devices might be available. Councilmember Linn felt that confusion might result from holding two elections so close together.

Councilmember Himmelblau asked if all City personnel would be allowed to vote in the election. Councilmember Linn said "No," that her proposal tracked the Personnel Department's recommendation that department heads and their principal assistants, superintendents and division heads and others, who hire, transfer, suspend, lay off, recall, promote, discharge, regard, discipline, or adjust grievances of other employees, or who effectively recommend such action be excluded.

Councilmember Himmelblau stated that she favored holding the election on Saturday. Councilmember Hofmann stated that she also favored holding the election on Saturday. She did not see why payday should have any effect on the election. She suggested holding the election on October 11, which was a Saturday. Councilmember Trevino stated that if the election were held on a payday, an employee could vote on his coffee break, lunch hour or after working hours.

Councilmember Linn suggested using the payroll check stub as validation.

Councilmember Trevino shared the concern of Councilmembers Himmelblau and Hofmann about the City's losing money by allowing City employees to vote all day long. However, he felt that some flexibility should be allowed, such as extending the coffee break somewhat.

City Manager Davidson asked if anyone had considered holding the election for three or four hours after the normal work day on Friday.

Mr. Tulk stated that he was proposing that the polling places be open over a 12-hour period, from 8:00 a.m. to 8:00 p.m., so about three hours would be picked. Any employee who wanted to vote should be able to do so, since there would be multiple polling places, without being let off from work. The polls could remain open until 10:00 p.m., if necessary.

Mr. Jack Eisenberg, representing the American Federation of State, County, and Municipal Employees Union, made the following statements:

1. No objection to Mr. Gerald Brown as Election Judge. He would report to the City Council and be the final arbiter of any problems arising during the election.

2. Agreed with the City Attorney's recommendation regarding individuals who were ineligible to vote.
3. Set the election for September 19, 1975. Originally the union had recommended September 5.
4. Consider striking Item 14 on the City Attorney's draft which referred to the placing of other organizations on the ballot (Intervention provision).

Mayor Friedman stated that he felt there was no need to open up the election to any other organizations at this time.

Councilmember Trevino asked how CWA felt about having Mr. Gerald Brown as the final arbiter of the election. Senator Lloyd Doggett, who worked on the election procedures for CWA, stated that CWA had no objection to Mr. Brown as the Election Judge, but wanted the Council to be the final arbiter of the results. CWA preferred October 17, 1975 as the election date, and 10 polling places were acceptable. MR. JENERO HERNANDEZ, a City employee, wanted the election to be held as soon as possible.

MR. JIM LUMPKIN, a City employee at Brackenridge Hospital, asked that the election be held now and not after the Budget was set. MR. DON MCCULLAR asked that the election be held on September 26, even though it was not a payday. MR. JIM RUSTON, a City employee, asked that the election be set for September 19, 1975.

Motion

Councilmember Linn moved the Council adopt her resolution as presented in writing and set forth as "Payroll Deduction Election Agreement", with Mayor Friedman's amendments that polling places be limited to 10 and that wording on the ballot when referring to "representation" should read "representation as permitted by State law." Mayor Friedman seconded the motion.

Councilmember Himmelblau asked Mr. Tulk why he objected to the wording "representation". Mr. Tulk stated that he felt the Council was putting itself in a position to get sandbagged. State law prohibited recognizing unions for purposes of collective bargaining and entering into agreements. The proposed changes were changes from being simply a payroll deduction election to one that also said the voters would like to be represented by the unions on the ballot and to remove certification of the election results from the Election Judge and place it with the Council. Heffelt that at a later date the election winner would come to the Council and say that they had been recognized for bargaining purposes. He did not want to have any confusion as to what was being voted on.

Councilmember Linn asked Mr. Tulk if the phrase, "according to State law" removed the matter from the area of violating the collective bargaining prohibition and placed it in the area of grievances. Mr. Tulk stated that inclusion of the phrase would cure most of the problem.

Councilmember Himmelblau asked Mr. Tulk if he had any objection to including the wording "representation as permitted by State law" or did he prefer a simpler wording.

Mr. Tulk stated that initially the issue was who was to receive payroll deduction status. Insofar as he was aware, that was the only issue the Council called for an election on, and that was the ballot proposition he had submitted. If the Council wanted to increase the ballot to include a statement by the employee that in addition to favoring deductions he also favored representation by the groups, Mr. Tulk had no objection.

Amendment to Motion

Councilmember Himmelblau offered the following amendment:

"I favor allowing payroll deductions to pay membership dues to:" and then name the two unions.

Councilmember Linn accepted the amendment with the final wording to read:

"I favor allowing payroll deductions for membership dues for the following organization: (pick one only)"

Second Amendment to Motion

Mayor Pro Tem Snell offered the amendment that the election be set for September 19, 1975. Councilmember Linn would not accept the amendment.

Roll Call on Motion

The motion, as amended by Councilmember Himmelblau, and seconded by Mayor Friedman, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Councilmembers
Himmelblau, Hofmann, Lebermann

Noes: Councilmember Trevino, Mayor Pro Tem Snell

Mr. Tulk stated that if an agreement could not be reached on the polling places, then they would have to come back to the Council. He also stated that a problem had arisen regarding soliciting City employees' votes on City premises during working hours. He asked that the Council specifically disapprove opening up to anybody the places not open to the public for purposes of solicitation for the election.

Motion

Mayor Friedman moved the Council adopt a resolution not allowing election campaigning for the election on City property. The motion was seconded by Councilmember Linn.

Amendment to Motion

Amendment to Motion

Councilmember Trevino offered an amendment that the Council prohibit campaigning on City property either for or against the election. Mayor Friedman accepted the amendment.

Roll Call on Motion

The motion, as amended by Councilmember Trevino and seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

ZONING ORDINANCE CHANGES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: MOONLIGHT TOWERS, LOCATED AT THE SOUTHEAST CORNER OF WEST 4TH AND NUECES STREETS; THE NORTHEAST CORNER OF LELAND STREET AND EAST SIDE DRIVE;;THE NORTHEAST CORNER OF CANTERBURY AND LYNN STREETS; THE SOUTHEAST CORNER OF EAST 11TH AND LYDIA STREETS; THE NORTHEAST CORNER OF PENNSYLVANIA AND LEONA STREETS; THE SOUTHEAST CORNER OF WEST 12TH AND BLANCO STREETS; THE NORTHWEST CORNER OF WEST 12TH AND RIO GRANDE STREETS; THE SOUTHWEST CORNER OF WEST 15TH AND SAN ANTONIO STREETS; THE SOUTHWEST CORNER OF WEST 22ND AND NUECES STREETS; THE SOUTHWEST CORNER OF WEST 41ST STREET AND SPEEDWAY; THE SOUTHWEST CORNER OF EAST 23RD AND RED RIVER STREETS; THE SOUTHEAST CORNER OF EAST 11TH AND TRINITY STREETS; THE SOUTHEAST CORNER OF WEST 9TH AND GUADALUPE STREETS; ZILKER PARK AND CITY PARK, FROM VARIOUS ZONING CLASSIFICATIONS TO "A-H" RESIDENCE-HISTORIC DISTRICT; SAID TOWERS BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Moonlight Towers, C14h-74-028)

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman 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: A 4 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8990 RESEARCH BOULEVARD (U. S. HIGHWAY 183), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID TRACT OF LAND BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Lone Star Company, C14-75-070)

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

The Mayor announced that the ordinance had been 'finally passed.

CONSIDERATION OF PLACING ADDITIONAL
ALTERNATIVE ON PAYROLL DEDUCTION BALLOT

The Council had before it consideration of placing alternate provisions on the employee payroll deduction ballot to reject any deductions for labor organization dues.

Councilmember Himmelblau, who introduced the item, stated that she believed in freedom of expression and that to say "don't vote at all if you don't believe in this" is denying someone the freedom of expressing themselves.

Motion

Councilmember Himmelblau moved the Council add the following item to the ballot:

"I do not favor allowing payroll deduction to membership dues for any labor organization."

The motion was seconded by Councilmember Hofmann.

Councilmember Himmelblau referred to some petitions in her possession which contained well over 300 names. The petitions were not solicited by her. Signers of the petitions had requested that the third item introduced by Councilmember Himmelblau be placed on the ballot.

Councilmember Linn wanted to know who would finance the item and would it appear on a separate ballot. She stated that the item was not a union question which was entirely separate and should be financed separately.

Councilmember Himmelblau stated that she did not think so, that the cost would not be that great. Only one individual had spoken to her in opposition to the proposal.

Mayor Friedman stated that at the time of the hearing on dues checkoff, the same item was suggested, and the Council rejected it. He understood Councilmember Himmelblau's feelings on free expression, but did not think that there was any greater expression than not going to the polls. The outcome would remain the same. The Council had agreed that whoever got the most votes between AFSCME and CWA would be given dues checkoff. All that was happening was that somebody was trying to indicate that there was some magic if a certain number of individuals voted against both unions. It would not have any magic with the Council, and he felt that it was superfluous.

Councilmember Himmelblau stated that she did not think that anyone expected any magic about it, that they just wanted to vote also.

Mayor Pro Tem Snell stated that if it would serve no purpose, he saw no reason to put the item on the ballot.

Councilmember Trevino felt that the only issue was which organization would be representing City employees. The best indicator that the Council and the whole community would get would be how many employees voted and whom they supported.

Councilmember Hofmann stated that she seconded the motion because she had had many telephone calls from employees who wanted to be able to express whether they wanted to belong to any union or none at all.

Councilmember Trevino stated that City employees were not being coerced to vote. They had the right to vote and the right not to vote. MR. DON LUMPKIN asked Councilmember Himmelblau if the majority of City employees voted "No," were the unions stopped. Councilmember Himmelblau replied "No."

Roll Call on Motion

The motion failed to carry by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann

Noes: Mayor Pro Tem Snell, Councilmembers Linn, Trevino,
Mayor Friedman

SPECIAL PERMIT POLICY CHANGES

Mayor Friedman stated that the item was proposed by him and Councilmember Himmelblau, and he called on her to explain it. Councilmember Himmelblau stated that there was an automatic renewal of Special Permits if they had not been executed within two years from the time originally granted. She felt that the procedure was bad. She wanted renewal requests to come before the Planning Commission and then on to the City Council.

Mayor Friedman stated that circumstances were so prone to change that if the Council was stymied by a two-year-old decision without a chance for a second look that more harm would be done to neighborhood integrity than by new types of ordinances. Mr. Tom Knickerbocker, Planning Department, stated that the extension was not automatic, that there was a hearing on it before the Planning Commission. Mr. Knickerbocker stated that the proposed change would involve a change in the zoning ordinance text and that it would have to go before the Planning Commission.

With regard to Councilmember Himmelblau's request that a hold be placed on all renewals, City Attorney Tulk stated that under the present ordinance, any Special Permit expired if it was not renewed. And ordinance specified certain criteria for the Planning Commission to apply to determine whether to grant the one-year extension. The Council did not have the authority to declare a freeze on renewals.

In response to Mayor Friedman's question as to how long it would take to get the matter before the Planning Commission, Mr. Knickerbocker replied about two months.

Councilmember Himmelblau moved that the Council direct the Planning Commission to proceed with processing the Special Permit policy changes. The motion, seconded by Mayor Friedman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

PROPOSED IMPROVEMENT IN TAX ASSESSING ABILITY

Mayor Friedman introduced his proposal to improve the City's ability to assess property such as equipment and inventories for taxation. He was requesting authorization from the Council for the City Manager and the Tax Assessor/Collector to implement permitted activities to ensure that the City was receiving full renderings on property so that a final and valid assessment could be made. He felt that some additional revenue could be generated by applying proper taxing procedures.

With regard to Councilmember Lebermann's inquiry as to whether significant additional staffing would be required, the City Manager stated that Mr. Klitgaard indicated only three more people would be needed, but the increased revenue generated would more than pay for itself. Mayor Friedman pointed out that the recent savings realized from combining tax statements which he had recommended would go a long way toward paying for the additional staff needed to implement the present proposal. City Manager Davidson stated that the Mayor's proposal did not mean that the Tax Department was derelict in its duties. They were operating under existing policy, and this proposal would be a change in policy if adopted.

Mayor Friedman moved that the Council authorize the City Manager to proceed with the recommendations. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

PRESENTATION OF RECOMMENDED 1975-76 ANNUAL OPERATING BUDGET

City Manager Davidson stated that the Budget had been delivered to the Council last Friday, and the staff was ready to make a presentation tonight if desired. Mayor Friedman stated that the staff could make its presentation at the first Budget work session.

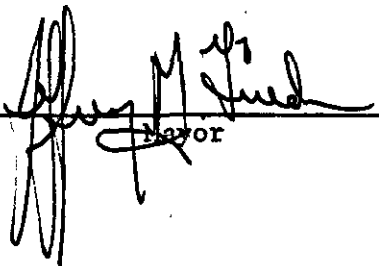
COMBINING OF DEPARTMENT OF ENVIRONMENTAL RESOURCES
MANAGEMENT WITH DEPARTMENT OF PLANNING

Councilmember Lebermann requested that this item be pulled down since the Citizens Board and Councilmembers Hofmann and Himmelblau had requested that action not proceed on this matter. He urged that the City Manager proceed with all deliberate speed in engaging a new director for the Office of Environmental Resources Management.

ADJOURNMENT

The Council adjourned at 10:42 p.m.

APPROVED


Mayor

ATTEST:



City Clerk