

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 28, 1975
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell residing.

Roll Call:

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

Absent: Mayor Friedman

The Invocation was delivered by DR. BROWNING WARE, First Baptist Church.

APPROVAL OF MINUTES

Councilmember ~~Hofmann~~ moved that the Council approve the Minutes of the Special Meeting of August 21, 1975, and the Minutes of the Regular Meeting of August 21, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

POSTPONEMENT OF WORK SESSION

Mayor Pro Tem Snell stated that Mayor Friedman had requested postponement of the work session on the operating budget scheduled for September 5, 1975.

UNION DUES CHECKOFF

Mr. Royal Masset appeared before the Council to discuss Union dues checkoff of City employees. He requested that a city-wide election be held to determine whether the people of Austin wished to have union dues checkoff. He questioned the legality of the resolution which set up the election calling for dues checkoff representation. Councilmember Linn responded that the resolution was hers and that there would be one union, the union selected by a majority of City employees, in accordance with State law. The State law did not say how the union would work with the City Council, but it was not necessarily for bargaining purposes.

Mr. Masset then distributed copies of an ordinance which he was proposing. The ordinance would allow employees to join the union of their choice. Payroll deductions could be made to whichever union employees chose. Councilmember Hofmann stated that the people elected the Council to represent them, and it was the Council's responsibility to make the decisions and bear the consequences.

In response to Councilmember Himmelblau's question as to when the issue should be placed on a ballot, Mr. Masset recommended placing it either on a bond election ballot or the Charter revision ballot. Councilmember Himmelblau stated that she did not mind taking the issue to the citizens. She felt that the issue affected every citizen and taxpayer of Austin.

Motion

Councilmember Himmelblau moved that the Council place the item of dues checkoff on the October 4 referendum ballot. The motion died for lack of a second.

Councilmember Lebermann stated that he would like to consider the matter further before acting upon it.

MR. CHUCK CALDWELL, representing the American Federation of State, County, and Municipal Employees (AFSCME), stated that no City employee was being forced to join any union. Individuals had that right under State law even before the Council took any action. The dues checkoff election between AFSCME and CWA was being paid for by those two organizations, and participation by City employees was voluntary. Mr. Caldwell then presented the Council a check for AFSCME's share of the October 17 election's cost.

Mr. Masset stated that his concern was that after the election, employees would have the option of only one union dues checkoff. He felt that employees should be able to have dues deducted from any employee association, not just one.

APPEARANCE CONCERNING REZONING

Mr. Alexander Maynard appeared before the Council to discuss a right-of-way matter involving his property at 700 West St. Johns Avenue. At the time of his zoning hearing, he had agreed to convey 15 feet of right-of-way while under the impression that he owned the land to the curb. However, when he received the deed to sign over the right-of-way to the City, he discovered that the City already owned 10 feet of land from the curb. If he gave another 15 feet of

right-of-way, the property would be useless for the "LR" Local Retail that he had intended to use it, because there would be no room for parking. He asked that the Council allow him to dedicate only an additional 5 feet rather than the 15 feet.

Mr. Dick Lillie, Planning Director, stated that St. Johns Avenue was a part of the major street plan for the City and had a proposed right-of-way of 90 feet. Mr. Maynard would be required to dedicate the additional 15 feet of right-of-way to bring St. Johns up to 90 feet in that area. Mr. Maynard had the option of tearing down a garage and placing parking in the rear to meet ordinance requirements.

In response to Councilmember Himmelblau's question, Mr. Lillie stated that the property was not subject to variance, but that dedication of the 15 feet of right-of-way would leave a legal lot. Mr. Lillie recommended that the Council uphold its past action.

City Manager Davidson stated that the City was obtaining right-of-way for the future at the time of rezoning. St. Johns was scheduled for future widening even though the City might not be able to say when.

Mr. Lillie pointed out that the 1975-80 Capital Improvements Program did not include the widening of St. Johns Avenue.

RELEASE OF EASEMENTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the release of the following easements:

The west 99.50 feet of the Public Utility Easements ten (10.00) feet in width centered on the common lot line between Lots 5 and 6, and Lots 10 and 11, Block "H", DOVE SPRINGS SECTION II, PHASE I. (Requested by Bryant-Curington, Inc., Consulting Engineers representing Austex Development Company, owner.)

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

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

Councilmember Hofmann moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of Public Utility Easement in the Common Area of OLD TOWN PHASE TWO, SECTION ONE, said portion being two and one-half (2.50) feet in width and sixty-five (65.00) feet in length and contiguous with the south lot line of Lot 14 in said subdivision. (Requested by Clinton P. Rippey, Registered Public Surveyor, representing NPC Associates, owner.)

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

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

DEDICATION OF EASEMENT

Councilmember Linn moved that the Council adopt a resolution authorizing dedication of a Public Utility Easement five (5.00) feet in width in City-owned Lots 7 and 8, BAHN'S SUBDIVISION OF OUTLOT NO. 3, Division "E", of the Government Outlots adjoining the Original City of Austin. (Requested by Southwestern Bell Telephone Company, owner.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CONTRACT APPROVED

In response to Councilmember Hofmann's question, Mr. David Earl Holt, Library Director, stated that a statewide average was used to determine how much the Austin Library would receive for each inter-library loan processed. The statewide average was \$3.50, and that amount would be received by the City for each transaction.

Councilmember Lebermann moved that the Council adopt a resolution authorizing approval of a contract for a three-month renewal of the Austin Public Library's present contract for inter-library cooperation through the Texas Library Systems Act, in the amount of \$3,812.00. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

LIBRARY MATERIALS ACQUISITION APPLICATIONS APPROVED

Councilmember Lebermann moved that the Council adopt a resolution approving an application for \$217,060.00 for library materials acquisition for the Central Texas Library System under the State Library Systems Acts and the Federal Library Services and Construction Act, Title I. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Councilmember Lebermann moved that the Council adopt a resolution approving an application for a grant under the State Library Systems Act and the Federal Library Services and Construction Act, Title I, to provide \$18,000.00 in salary and support for a Central Texas Library System Coordinator. The motion, seconded by Councilmember Linn, carried by the following vote:

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

COST DIFFERENCE PAYMENT

Councilmember Hofmann moved that the Council adopt a resolution authorizing payment of the following:

HIGHLAND LAKES NATIONAL MORTGAGE COMPANY, John B. Selman, Vice-President, the cost difference of 12"/8" water mains and appurtenances installed in Franklin Park - \$8,815.80.

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

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

CASH SETTLEMENT

Motion

Councilmember Lebermann moved the Council adopt a resolution authorizing the following cash settlement. Councilmember Himmelblau seconded the motion.

HIGHLAND LAKES NATIONAL MORTGAGE COMPANY, John B. Selman, Vice-President, 75%/25% cash settlement in lieu of a 5-year Approach Main Contract for installation of the wastewater Approach Main serving Franklin Park. (Total cost \$6,251.70; City's cost at 75% \$4,688.78.)

Substitute Motion

Councilmember Linn offered the substitute motion that the item be postponed until the new policy covering cash settlements was determined. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

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

Roll Call on Original Motion

Roll call on the original motion showed that it failed to carry by the following vote:

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

The item was reset on the Agenda for September 4, 1975.

CONTRACTS AWARDED

In response to Councilmember Himmelblau's question, Mr. Jack Robinson, Parks and Recreation Department Director, stated that the contractor would incur any improvement costs relating to the rental concession.

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

JOHNNY R. FRY, d/b/a 7 J's 2100 Oxford Avenue Austin, Texas	- Concession, Rental, Non-powered Boats for Lake Austin Park, Parks and Recreation Department. 2-1/2 year contract.
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The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

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

BERNHARD ASSOCIATES 2550 Manna Street Dallas, Texas	- Six pump control valves. Water Distribution Division. Item Nos. 1-5 - \$10,660.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

CUES, INCORPORATED
3801 Vineland Road
Orlando, Florida

- One Television Inspection System, additional equipment and two upgrade of Television Inspection Equipment, replacement, Water and Wastewater Department. Item Nos. 1; 1 ea. @ \$24,896.00
Item No. 2; 2 ea. @ \$11,786.00.
Total - \$48,468.00

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

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

City Manager Davidson stated that the City had used the system for a number of years and saved tremendous amounts of money by not having to dig up streets unnecessarily to locate sewer line leaks. In many instances, after the leaks were found, they could be sealed internally.

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contract for bids which were opened on August 26, 1975:

ALTON WATSON CONSTRUCTION CO.
8908 Glenn Lane
Austin, Texas

- Storage building at Decker Power Plant - \$19,812.39. CIP Project No. 8410 4.

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

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

TRANSPORTATION PLANNING FUNDS CONTRACT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to enter into a contract with the Austin Transportation Study Steering Committee as the Metropolitan Planning Organization (MPO) for receipt of \$38,035.00 of transportation planning funds. (No local matching monies required. \$12,341.00 of previously contracted funds are carried into the next fiscal year through the contract.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TECHNICAL STUDIES GRANT APPLICATION

In response to Councilmember Linn's question, Councilmember Lebermann stated that the grant would encompass a multi-modal approach which would include rail studies.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to submit a Technical Studies Grant Application to the Department of Transportation, Urban Mass Transportation Administration, for a Technical Studies Grant of \$44,000.00 with a local match of \$11,000.00. (Local match to be provided through in-kind services - No cash match involved.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

OJT AGREEMENTS - 1974-75

In response to Councilmember Linn's question, City Manager Davidson stated that a breakdown of sex and ethnic distribution could be provided on individuals who were placed in the On-Job-Training Agreements.

Councilmember Trevino moved that the Council adopt a resolution authorizing the City Manager to execute OJT Agreements developed by the Capital Area Manpower Consortium Program. The motion, seconded by Councilmember Linn, carried by the following vote:

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

MANPOWER SERVICES - CETA CLIENTS

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to enter into a contract with the Texas Employment Commission for the provision of manpower services to selected Comprehensive Employment and Training Act (CETA) clients. (Total cost of contract \$31,593.00; Contract period from August 1, 1975 through June 30, 1976) The motion, seconded by Councilmember Linn, carried by the following vote:

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

SUBMISSION OF EMERGENCY ENERGY CONSERVATION
PROGRAM GRANT REQUEST

In response to Councilmember Hofmann's question, Mr. Andy Ramirez, Community Development Office Director, stated that \$10,000.00 of the grant would be used to pay indigent's utilities bills while \$25,000.00 would be used to insulate homes. The entire allocation for the State of Texas was only \$208,000.00. Councilmember Hofmann felt that the amount of money was not enough. City Manager Davidson stated that the City was viewing the project as a pilot program. Depending upon Austin's success with this small amount, larger amounts could be available in the future.

In response to Mayor Pro Tem Snell's question as to how grant recipients were determined, Mr. Ramirez stated that the grant required the establishing of an advisory committee which was 51% representative of the poor. The committee would make its recommendations. About 500 people would be served by the program. City Manager Davidson stated that the program would be carefully coordinated to follow existing policy regarding utilities cut on and cut offs for the poor, as well as be in line with conservation efforts of the City's Energy Conservation Commission. He felt that there would be a sound basis to determine which families ought to qualify. In response to Mayor Pro Tem Snell's question, the City Manager stated that periodic reports on the program would be made to the Council. In response to Councilmember Himmelblau's question, Mr. Ramirez stated that the emergency assistance to indigents was a new program, and in part, duplicated the efforts of Caritas. City Manager Davidson stated that the program would supplement Caritas' efforts.

Councilmember Trevino moved that the Council adopt a resolution authorizing the City Manager to submit a grant application to the Community Services Administration for funding of an Emergency Energy Conservation Program. (Grant request amount is \$35,000.00 with Community Development Office providing an in-kind contribution of \$6,125.00.) The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

ACCEPTANCE OF GRANT AWARD TEXAS CRIMINAL
JUSTICE DIVISION

Councilmember Hofmann stated that she felt women and minority personnel should be trained to use the polygraph, especially in the case of rape victims. Chief G. A. Phifer, Austin Police Department, stated that the chief polygraph operator was a man with 19 years of experience with the Department of Public Safety and a national reputation in his field. The first person chosen from the Austin Police Department to be a polygraph operator was a white sergeant investigator who was selected because of his interviewing ability and who had requested to be trained for the job. In the future, though, as the polygraph section grew, Chief Phifer saw no reason why everyone should not be given consideration.

He had read the Task Force's recommendation with regard to the training of polygraph operators. He pointed out the problems of licensing a polygraph operator, and stated that the goals of the Task Force might not be reached immediately, but they should be given serious consideration in reaching the total goals of the Police Department. The polygraph operators had a national association which set the standards for their members. The Police Department did not set the standards.

Chief Phifer agreed with Councilmember Hofmann that a rape victim probably would be more at ease with a woman interviewer than a man with many years of experience.

City Manager Davidson pointed out that the certification which Chief Phifer was referring to effected the validity of the polygraph tests being conducted by the Austin Police Department.

Councilmember Hofmann asked if in the interim period, would it not be feasible to have a woman present during the interviewing of a rape victim? Chief Phifer stated that it was a reasonable suggestion and that it was something that could be worked toward. The Police Department had been working closely with the Rape Crisis Center which would acknowledge that through mutual cooperation they had been successful at making rape victims feel more at ease. He felt that having a woman present during the interview would not only be helpful, but probably was essential.

Councilmember Linn asked, with a degree in criminal justice, how long was the polygraph training program? Chief Phifer thought the program was about three months, but there was a period of time for which work under an experienced operator was required. Councilmember Linn asked if it would be possible to have a position in the unit for a part-time woman. Chief Phifer thought it might be possible to create a trainee position. City Manager Davidson asked Chief Phifer to outline the options that might be considered in connection with training positions, etc., that could be reviewed with the Council during the budget discussions.

In response to Councilmember Linn's question, Chief Phifer stated that no private citizen or business would be allowed to use the polygraph unit to screen employees. The machine would be used strictly for law enforcement use. It would be made available to other law enforcement agencies on an emergency basis. MR. DONALD BELL objected to the purchase of the polygraph as an invasion of civil rights. Chief Phifer stated that no one could be forced to take a polygraph test. The test would also be available if an individual requested one.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to accept a grant award from the Texas Criminal Justice Division for the project entitled, "Polygraph Unit for Austin Police Department." (Grant award is for \$65,540.00, Texas Criminal Justice Division support - Program period September 1, 1975, through December 31, 1976.) The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

PRODUCTIVITY MANAGEMENT REPORTING SYSTEM
AGREEMENT

In response to Councilmember Lebermann's question, City Manager Davidson stated that City departmental evaluations were being conducted through the Personnel Department, but probably not with the depth of expertise this particular Agreement would provide. MR. WILL BROWN, Brackenridge Hospital Administrator, stated that the Agreement was part of the overall management planning for the hospital. By applying engineering standards, department heads would be better equipped to examine work distribution and productivity throughout the hospital. City Manager Davidson stated that the Agreement was part of a statewide program sponsored by the Texas Hospital Association. City participation would enable Brackenridge Hospital to compare its standards with other hospitals throughout the State.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to sign an Agreement with the Texas Hospital Association Management Engineering Services to provide Brackenridge Hospital with a Productivity Management Reporting System and a 12-month continuing improvement program. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

PUBLIC HEARING SET ZONING ORDINANCE
CHANGE

Councilmember Himmelblau moved that the Council set a public hearing for September 18, 1975, to consider amendment to the text of the Zoning Ordinance under Section 45-14 (d). The motion, seconded by Councilmember Linn, carried by the following vote:

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

DELEGATE AGENCY CONTRACT RURAL NEIGHBORHOOD
CENTERS

MR. HORACE L. JOHNSON, representing the East Rural C.D.C., first asked the Council to delay action on the item until he had received confirmation of a vote taken by the East Rural Advisory Committee on August 27, 1975. The vote concerned the transition of sponsorship from the City of Austin to the Travis County Commissioners Court for administration of the rural neighborhood centers. In response to Councilmember Trevino's question, Mr. Johnson agreed that he would accept the transition once he had received the confirmation.

Later in the meeting, Mr. Johnson read a letter from the East Rural Advisory Committee which confirmed that on August 27, 1975, at 7:15 p.m., at a

regularly scheduled meeting, the East Advisory Committee voted in favor of making the transition from the City of Austin to Travis County Sponsorship. That vote was the final one taken concerning the matter.

Councilmember Trevino moved that the Council adopt a resolution authorizing the City Manager to enter into a delegate agency contract with the Travis County Commissioners Court for the administration of the rural neighborhood centers. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

PUBLIC HEARING ON CAPITAL AND OPERATING ASSISTANCE
GRANT APPLICATIONS URBAN MASS TRANSPORTATION ADMINISTRATION

Mayor Pro Tem Snell opened the public hearing scheduled for 11:00 a.m. to consider Capital and Operating Grant Applications to the Urban Mass Transportation Administration, Department of Transportation.

MR. JOE TERNUS, Urban Transportation Director, stated that in 1974, Congress passed the National Mass Transportation Assistance Act which established Federal funds for City use. The funds could be used for either capital expenditures (80/20 base) or operating assistance (50/50 matching funds). The present operating grant application provided for \$211,000.00 in operating expenses to be matched equally by the City of Austin. Operating assistance would allow the City to provide and continue its low-fare and expanded transit service.

In response to Councilmember Hofmann's question, Mr. Ternus stated that the no-fare transit program would be possible next year. The present grant application would not interfere with the prepaid system.

No one else appeared to be heard.

Mr. Ternus then discussed the capital assistance grant application. He stated that the City was requesting \$281,600.00 in Federal funds with a local match of \$70,400.00, which had been approved in the Capital Improvements Program. The grant would allow for the development of a special demand responsive transportation system for the mobility impaired. Included in the grant were five specially equipped vehicles for use by the mobility impaired. One vehicle would be assigned to each quadrant of the City, with one being held in reserve. The service would be in operation by spring, 1976.

In response to Councilmember Hofmann's question, Mr. Ternus stated that the study on which the number of vehicles for the mobility impaired was based was not included in the Agenda packet due to litigation the City was involved in with MIGHT. The Federal government had received the information, but it was not being provided to any public citizen who might be involved in the lawsuit. The study was not included in the information filed with the City Clerk's Office.

No one else appeared to be heard.

Councilmember Lebermann moved that the Council close the public hearing and approve the submission of capital and operating assistance grant applications to the Urban Mass Transportation Administration, Department of Transportation. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

PUBLIC HEARING ON SUBDIVISION PARTICIPATION
POLICIES

Mayor Pro Tem Snell opened the public hearing scheduled for 11:00 a.m. on Subdivision Participation Policies. He stated that no decision would be made today.

MR. JOHN FOSTER, President, Austin Association of Builders, stated that the Association's Board of Directors and Land Planning Council supported the Report of Special Task Force Committee on Subdivision Development Participation Policies, which was adopted in October, 1974. Mr. Foster then called upon Mr. John McPhaul, a member of the Task Force, past president of the Association of Builders, and current co-chairman of the Land Planning Council.

Mr. McPhaul stated that prior to 1940, the City of Austin installed water and wastewater lines in subdivisions at no cost to the developer. Those improvements were financed through tax bonds. In 1940, the City adopted the first refund contract, not at the request of developers, but because it was a favorable and alternative method to finance installation of water and wastewater lines. At that time, repayment was five times the annual revenue produced from the subdivision. Rapid development during the late 1940's forced the City to reduce the repayment to two times the annual revenue from the subdivision. In 1953 the policy was amended whereby the subdivider would be reimbursed up to 90% of the cost of installation of water and wastewater lines, with an average payout of 13 years. The system remained essentially the same until 1969. After that point, according to Mr. McPhaul, the issue became political.

In 1974, a Special Task Force Committee was created by the City Council to re-examine subdivision development participation policies. The Task Force was composed of five City staff members, three proponents (Mr. John McPhaul, Mr. Tom Curtis and Mr. W. T. Williams) and three opponents (Dr. Michael Conroy, Mr. Mack Kidd and Mr. Frank R. Booth).

The proponents, even though they professed that elimination of the refund contract was a taking of private property without just compensation, agreed to abide by the recommendations of the Task Force.

The major conclusion of the Task Force Report was that refund contracts would be phased out at a rate of 10% per year over a ten-year period. That recommendation and others were unanimously submitted to the City Council by the Task Force and voted upon favorably by a unanimous decision of the Council.

In conclusion, Mr. McPhaul urged the Council to reaffirm the recommendations of the Task Force.

Councilmember Linn stated that acceleration costs of refund contracts required the Council to look at the problem again.

Mr. McPhaul stated that the City was receiving a capital improvement to the water and wastewater system, which would generate revenue for the City for 60 to 65 years before it would need to be replaced. He could not understand why, as long as his pipe remained disconnected from the City main, he owned the pipe, but after being connected, the City owned it, but he still had to pay for it.

In response to Councilmember Linn's question, Mr. McPhaul stated that the opinion of City Attorney Don Butler in 1972 relating to refund contracts was only an opinion--not law.

MR. TOM CURTIS, member, Special Task Force Committee, stated that it was a misconception to think that if refund contracts were discontinued, that the money saved could be used for other purposes, such as parks. It was generally understood that 20% was the maximum revenue transfer from the utility fund. If more were transferred, the City's AA bond rating could be in jeopardy.

MR. MACK KIDD, member, Special Task Force Committee, stated that he saw no justification for refund contracts, that they were a subsidy to the home-builders by the City of Austin. He felt that the cost of installing water and sewer lines could be passed on to the home buyer, and that it was a cost of doing business for the home builder.

Mr. Kidd reviewed the reasons why he could not justify the continuation of refund contracts. He agreed that the recommendations of the Task Force were a compromise but he still objected to the rate and length of time of phaseout. He believed that refund contracts would continue to snowball. From a policy standpoint, he saw no justification to continue refund contracts. Mr. McPhaul stated that he agreed that the Task Force recommendations were a compromise, but he asked that the compromise stand.

MR. ED RAMSEY, stated that he served on the citizens' committee which studied refund contracts. He was convinced that refund contracts were a subsidy to real estate interests. He reviewed the history of the refund contract and cited several references to refute arguments of the refund contract proponents. He had read the Task Force Report, and saw nothing in the report to justify continuing refund contracts over a phaseout period of time. He asked the Council to rescind the present policy immediately with no consideration as to phasing it out. There should be no exception for builders of low cost housing, if a serious need for promoting such housing developed. However, if the Council felt that a need existed to promote further low cost housing, then a new type of policy and procedure should be developed for that purpose.

MR. DONALD BELL felt that it was the will of the people to end refund contracts.

DR. PHILLIP L. WHITE, representing the Executive Committee of the West Austin Democrats, stated that his organization had recommended last year that there be a total and complete cessation of refund contracts. He was present today to reiterate that position.

MR. DICK RATHGABER stated that he had built about 300 homes in East Austin. He felt that eliminating the refund contract would effect development in East Austin. He cited his building of the Brookwood Subdivision as an example where the refund contract was his only hope of profit.

MR. PETER W. DAVIS saw no reason why the poor should subsidize the rich in Austin. He urged that refund contracts be stopped now.

MS. SUSAN REID, President, League of Women Voters, stated that the League had studied the refund contract policy in 1968 and 1969, and she had attended public hearings on the matter in 1971 and 1974. It was the League's position that refund contracts be eliminated immediately.

MR. ROBERT YOUNG, spoke on behalf of the following organizations:

Progressive Austin Council
Student Action Committee
University of Texas Young Democrats
Old West Austin Neighborhood Association
Capitol City Young Democrats

He had opposed the refund contract for six or seven years, and felt that it was time to end the refund contract, and cited its regressive nature. He stated that refund contracts promoted new building instead of revitalizing the inner city. Ending the rebate would cause only short-term damage to builders. The City would not lose control of new subdivisions if the refund contract ended.

The groups which Mr. Young represented proposed the following:

1. End refund contracts on all on-site water and wastewater mains.
2. End payment for approach mains.
3. End of refunds for paving street intersections.

The groups were not against the cost differential paid for oversize equipment as long as the difference resulted from City requirements due to future planning concerns and the difference was approved both by Public Works and the Planning Department.

MRS. RUTH EPSTEIN, representing the Travis County Democratic Women, asked the Council to honor existing refund contracts, but not grant any others. She referred to the Task Force on Subdivision Development Participation Policies and stated that only three members of the Committee were opponents of refund contracts. She felt that rent subsidies offered more hope for low cost housing than refund contracts.

Councilmember Lebermann stated that five members of the Task Force Committee were City department heads whose function had relevance as far as any development of new policy and were not advocates for either side.

MR. DAVID BARROW, Developer, appeared before the Council as a proponent of refund contracts. He asked that the Council honor outstanding refund contracts in three subdivisions which he had developed. The outstanding amount was about \$80,000 to \$90,000. MR. DAVID BARROW, JR. was concerned that the Council might not pay for the ones which had been finished. Mr. Homer Reed stated that the Council had a list of finished projects which had not been acted upon.

Mr. McPhaul read Father Underwood's testimony from the Task Force Report wherein Father Underwood favored a refund contract for his low cost housing project in Montopolis.

After some further discussion between Councilmember Linn and Mr. McPhaul, the Council recessed at 12:49 p.m. for lunch.

AFTERNOON SESSION
2:00 P.M.

Mayor Pro Tem Snell called the afternoon session to order.

SUBDIVISION PARTICIPATION POLICIES
HEARING CONTINUED

Motion

Councilmember Linn moved the Council close the public hearing on Subdivision Participation Policies. The motion was seconded by Councilmember Trevino.

Councilmember Lebermann stated that in the past the Council had either continued a public hearing or continued a decision after a public hearing or had closed the hearing and readvertised. He felt that there would be further public discussion on the matter.

Withdrawal of Second

Councilmember Trevino withdrew his second, and the motion died.

The Council agreed to continue the public hearing until 2:30 p.m., September 4, 1975.

SPECIAL ELECTION REFERENDUM CALLED

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE ORDERING A SPECIAL REFERENDUM ELECTION TO BE HELD IN THE CITY OF AUSTIN ON OCTOBER 4, 1975; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENTAL AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn 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 Himmelblau, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

City Attorney Kubicek stated that in connection with the election, an ordinance appointing the Presiding and Alternate Judges would be brought before the Council shortly. The City Clerk had distributed to the Council the list of officials appointed for the May 3, 1975 runoff election. It was desirable to have Council action on September 4, 1975 so that the individuals could be notified. The Council agreed to place the item on the Agenda for September 4, 1975.

CAB FRANCHISE TRANSFER

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE DATED SEPTEMBER 20, 1951 GRANTING A FRANCHISE TO GEORGE KNOX TO OPERATE A TAXICAB FRANCHISE KNOWN AS HARLEM CAB COMPANY IN THE CITY OF AUSTIN, SAID ORDINANCE BEING ON RECORD IN ORDINANCE BOOK "Q" AT PAGES 660 THROUGH 662, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS FURTHER AMENDED BY ORDINANCE NO. 701029-C; BY TRANSFERRING SUCH FRANCHISE IN THE NAME OF GEORGE KNOX, DOING BUSINESS AS HARLEM CAB COMPANY, TO HARLEM CAB COMPANY, INC.; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

Councilmember Linn 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 Himmelblau, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Pro Tem Snell introduced the following ordinance:

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

LOT 7 AND THE WEST ONE-HALF OF LOT 8, BLOCK 8, SILLIMAN'S SUBDIVISION, OUTLOT 5, DIVISION "Z," AND THE EAST TWENTY-NINE FEET OF THE VACATED PORTION OF BAYLOR STREET, LOCALLY KNOWN AS 901 BAYLOR STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Trev Seymour and Laird Palmer, C14-75-067)

Councilmember 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 Councilmember Trevino, carried by the following vote:

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

Noes: None

Abstain: Councilmember Linn

Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONING ORDINANCE POSTPONED

At the request of the applicant's representative, Councilmember Linn moved that the Council postpone the following zoning ordinance until a full Council was present:

ODIE E. AINSWORTH
By C. C. Cook
C14-75-045

908 Holly Street and From "A" Residence
also bounded by San To "LR" Local Retail
Marcos Street and
IH 35

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

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

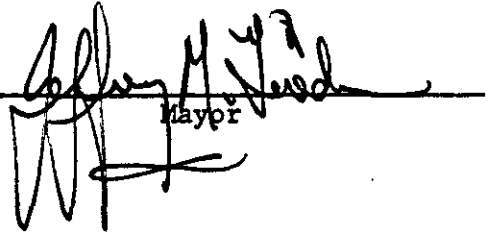
Noes: None

Absent: Mayor Friedman

ADJOURNMENT

The Council adjourned at 2:23 p.m.

APPROVED


Mayor

ATTEST:


City Clerk