

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 31, 1975
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND MARVIN GRIFFIN, Ebenezer Baptist Church.

APPROVAL OF MINUTES

Councilmember Lebermann moved that the Council approve the Minutes for December 18, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

RECOGNITION

Mayor Friedman read and then presented a resolution signed by the Council to Mr. Conrad R. Sobeck, Jr., in recognition of the fact that Mr. Sobeck had contributed much to the welfare of the citizens of Austin during his many years of service as survey party chief for the City and encouraged all residents to join the Council in recognizing his efforts in behalf of the citizens. It was noted that Mr. Sobeck retired on December 31, 1975, after 36 years of service. Mr. Sobeck thanked the Council and stated that he had enjoyed working for the City and with various Councils.

VOLUNTEER BLOOD DONOR MONTH

Mayor Friedman read and then presented a proclamation to Dr. Donald C. Spencer, President of the Travis County Blood Bank, and Dr. John Kemp, Executive Director of the Travis County Blood Bank, proclaiming the month of January as "Volunteer Blood Donor Month" and urged all citizens to participate in this observance by urging their friends to pledge or donate a unit of blood to establish protection for themselves and loved ones.

Dr. Kemp thanked the Council and noted that this organization served 23 hospitals in the central Texas area as a part of the Travis County Medical Society. He stressed that the need was great for donations of blood and hoped that this proclamation would aid in receiving the necessary supply.

EMANCIPATION PROCLAMATION DAY

Mayor Pro Tem Snell read and presented a proclamation to State Representative Wilhelmina Delco, Mrs. Marie Gilbert, Mrs. Ada Simon, and Mrs. Vera Jones, January 1, 1976, as "Emancipation Proclamation Day" and further proclaimed that Congress Avenue shall be called Emancipation Avenue throughout the day of January 1, and called on all residents to join the Council in commemorating this historic event. The anniversary of this historic event will be commemorated in ceremonies at 10 a.m., New Years Day, in the Capitol Rotunda.

Representative Delco thanked the Council and noted although the proclamation was signed by the President of the United States on January 1, 1863, it was not implemented in the State of Texas until June 19, 1865. She hoped that the ceremony to be held on January 1 would get the New Year off to a "roaring start" for all citizens in the State of Texas.

Mrs. Simon commented that it was in 1619 that the Dutch warship brought the first cargo of Negro slaves to Virginia and for numerous years their forefathers held and kept the faith that some day there would be freedom for them and all mankind. She felt it was appropriate that the day the Emancipation Proclamation was read should not be forgotten since it was the beginning; and other steps and phases in the struggle for freedom have continued. Mrs. Simon noted that Martin Luther King of the Southern Christian Leadership Conference; Roy Wilkins, NAACP; A. Phillip Randolph, Sleeping Car Porters Union; Dorothy Height, National Council of Negro Women, and leaders of many other Black organizations marched before Lincoln's Memorial. When Martin Luther King stated they were free at last, he meant free to continue the struggle to full citizenship. On behalf of those that died in the struggle; those who died for the struggle and those continuing in the struggle, she thanked the Council for the proclamation. Mrs. Simon asked the Council to join their cause so that someday all mankind could enjoy full citizenship.

Mr. Volma Overton, President of the National Association for the Advancement of Colored People, pointed out that the signing of the Emancipation Proclamation was of great significance. On behalf of the NAACP, he expressed appreciation to the Council and people of Austin for commemorating this event.

Reverend Marvin Griffin expressed gratitude and called on all citizens to rededicate themselves to making freedom in this country a reality for all. Mayor Friedman thanked everyone and was looking forward to attending the ceremonies at the Capitol.

ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

Zoning Postponed

CARL WOOTTEN
By James A. Brady
C14-74-007

Lakeshore Drive,
Westlake Drive and
Lake Austin
(Colorado River)

From Interim "A" Residence
1st Height and Area
To 124 attached and detached
single-family dwelling units
with common open space and
recreation area called
"HARBOR VILLAGE," a Planned
Unit Development

Councilmember Linn stated that a letter had been received regarding this case from Mrs. Charles Cleland of the "Save our Lake" organization requesting a postponement due to their absence from the City. MR. DAN WOMACK, representing the applicant, stated his preference in not postponing the case since it had already been postponed several times.

Councilmember Linn moved that the Council postpone this zoning case and set it as the first zoning case on January 8, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Linn,
Mayor Friedman

Noes: Councilmembers Himmelblau, Lebermann, Trevino

Zoning Granted

WEST NINTH STREET
PARTNERSHIP
By Ted Siff
C14-75-110

809 Rio Grande
Street
611 West 9th Street

From "O" Office
2nd Height and Area
To "GR" General Retail
2nd Height and Area
NOT Recommended
RECOMMENDED "LR" Local Retail
2nd Height and Area, subject
to a restrictive covenant
prohibiting removal of existing
structure, by the Planning
Commission

Mr. Tom Knickerbocker, Assistant Director of Planning, reviewed this by stating that the applicant had requested "GR" General Retail, zoning in order to conduct and continue some business located in the structure. After a hearing by the Planning Commission, the applicant agreed to "LR" Local Retail zoning

and felt it would be sufficient to meet his needs. Mr. Knickerbocker commented that it was not possible to permit the use that was present without changing the zoning. The present uses are in violation of the ordinance and the only remedy would be to change the ordinance. The confusion existing is due to the varying uses in the building. The staff's recommendation was to deny the case as an intrusion into a rebuilding area. If the zoning was granted, off-street parking would be required, and the applicant indicated that arrangements had been made concerning this requirement.

Councilmember Himmelblau expressed concern that a way be developed that the restrictive covenant would show on the land use map. Mr. Knickerbocker indicated that restrictive covenants were filed with various departments and flagged, and felt that there was a possibility of coding the land use map to eliminate the "domino theory." At the present time, he noted that a flagging system was being developed to provide every department with a copy of the restrictive covenant.

In response to Councilmember Hofmann's question concerning the areas zoned "C" Commercial, Mr. Knickerbocker indicated that there would not be any possibility for a rollback in this area at the present time.

In response to Councilmember Lebermann's question regarding the residential character of the neighborhood, Mr. Knickerbocker commented that the staff recommended to the Planning Commission that the case be denied as an intensive commercial intrusion into an office residential district. The Commission recommended "LR" Local Retail zoning in lieu of the "GR" General Retail zoning, and a restrictive covenant that would prohibit any removal of the structure to retain the residential character. At the present time, there are seven businesses located in the building.

Mayor Friedman submitted that comments from 23 people had been received, and seven approved, 14 objected and two had no comments. Mr. Knickerbocker was reasonably sure that the Old Austin Neighborhood Association supported the change.

MR. TED SIFF, President of the Old Austin Neighborhood Association, stated that the application was supported by the Association. Mr. Siff commented that as representative of the West Ninth Street Partnership, he had never wanted "GR" General Retail zoning; however, he was informed by the Building Inspection Department and the Planning Department that this was required. The Association accepted "LR" Local Retail and suggested that the restrictive covenant be placed with the structure so that demolition of it would not be possible. He felt they were attempting to restore the building. The only part of the structure that is used for other than residential is the first floor which consists of a cheese shop, cafe and a craft shop. Mr. Siff noted that the difference in the number of tenants would be contributed to the fact that the craft shop employed three different workers.

In response to Councilmember Linn's questions, Mr. Siff stated that the craft shop opened in January, 1975, and the cheese shop opened in April and felt they were in compliance with requirements at the time they were opened. In reviewing the area, the Building Inspection Department noted that if the zoning was changed that the exterior seating would not be allowed. Mr. Siff informed the Council that Mr. Jim Bennett from the Building Inspection Department had indicated that the two shops could operate in the building.

Mr. Lonnie Davis, Director of the Building Inspection Department, stated that the craft shop would qualify for the "O" Office zoning; however, the cheese shop and cafe would not. The inspector inspected the establishment in order to locate any changes, and after researching records in the Building Inspection Department, he did not locate any permits reflecting any change of use or any new establishments. Under the current zoning, the cheese shop or the cafe would not be permitted.

Mr. Siff felt that there were several problems with the Zoning Ordinance since it was a very complex document and felt that Performance Standard Zoning would be a more workable system for the City. He noted that the "LR" Local Retail zoning would prevent a more intensive use of the land and by voting for this, it would allow for the continuation of services that the neighborhood supports.

Councilmember Hofmann expressed that the main concern was the possibility that several stores were being created in a neighborhood that everyone was attempting to preserve as a residential neighborhood. Mr. Siff noted that the residents were not opposed.

Councilmember Linn moved that the Council grant "LR" Local Retail, 2nd Height and Area, and that it be flagged for department notice; with the intent that since there are not any performance standards for zoning that this zoning not be taken as precedent but used only in regards to the restrictive covenant that prohibits the removal of the building. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail, 2nd Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mr. Siff pointed out that there were plans for rollback recommendations, and the Neighborhood Association was working with the Planning Department to form a City-wide planning project that would include a land use plan.

Zoning Withdrawn

MITCHELL MAYS
By John R. Howard
C14-75-094

2307 East 13th
Street

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT RECOMMENDED by the
Planning Commission

MR. JOHN HOWARD, representing the applicant, requested that the zoning application be withdrawn.

Councilmember Linn moved that the Council accept the withdrawal of the above zoning. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

HEARING TO CONSIDER GRANT APPLICATIONS TO THE URBAN MASS
TRANSPORTATION ADMINISTRATION

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. to consider grant applications to the Urban Mass Transportation Administration and passage of resolution authorizing the submission of these grant applications. MR. BILL BULLOCH, Assistant Director of Systems Development, commented that in the current Capital Improvements Program the Council authorized City funds to implement a very ambitious transit improvement program. He stated that the grant applications would include Section 5, Operating and Capital Grants, and a Section 3 Capital Grant that would be submitted to the Urban Mass Transportation Administration for their approval.

In discussing Section 5 Operating Assistance Grant, Mr. Bulloch noted in order to become eligible for Federal Operating Assistance, the City must continue a maintenance of effort for its transit system. This would amount to \$852,432 which is the average City contribution of the previous two years. The request for \$414,243 of the total 1975 Section 5 allocation would be used for operating assistance.

In referring to the material distributed concerning the report, Mr. Homer Reed, Deputy City Manager, noted that there are three applications. The first would be for Operating Assistance with the City contributing \$1,272,584. Section 3 and 5 would be Capital Assistance and would include the capital items to be acquired as part of the 1975-1976 Transit Improvement Program.

The second grant, the Section 5 Capital Grant has a total cost of \$790,586. 80 percent would be a Federal grant, 13 percent would be requested in State funds and the City would match \$55,341. Mr. Bulloch enumerated the items in this project. Mayor Friedman expressed concern with the supervisory vehicles, and Mr. Bulloch commented that they were necessary to check the routes, times and the speed of operation. He noted that this was a standard practice in almost all transit systems to be able to properly monitor the operation of the system out in the field.

Councilmember Hofmann asked what would become of the fare boxes if the "no-fare" system was instituted because they were rather expensive.

Mr. Bulloch stated that the new look for the buses was a change in design that would give a more pleasing look. It would be a redesign of the exterior of the coach, larger windows, more comfortable seating and easier access for all patrons. Councilmember Hofmann was in favor of the change and felt that the reason many people were not riding the buses was due to the rather forbidding look of the buses.

Mayor Pro Tem Snell asked if it would be possible to examine the section of the City where the buses would be located, and Mayor Friedman noted that the routes could be moved anytime. Mr. Bulloch indicated that when they were finished with the Capital Grant, the buses would be reviewed as well as the location. Mr. Homer Reed stated that the entire system would be reviewed periodically to put the equipment where it could be best utilized.

Mr. Bulloch reviewed Section 3 and noted that this project would be \$1,209,600 of which 80 percent would be from the Federal Government; the State Grant of 13 percent; and the City match of \$84,672. Included in this project would be additional passenger buses to be used on heavily traveled lines in East Austin to provide a better level of service in that area.

In response to Councilmember Hofmann's question regarding the "no-fare" transit system, Mayor Friedman commented that funds had not been released for this system. As a member of the United States Conference of Mayors' Committee on Transportation, he noted that a meeting would be conducted in January to discuss projects of all sorts; but there have been no funds released at this time.

MR. MAX ULLRICH, Study Engineer of the Austin Transportation Study, confirmed earlier remarks by Mr. Bulloch regarding the action of the Austin Transportation Study Committee on grant programs. He submitted that the Steering Committee of the Study acted on December 16 to endorse and recommend the City of Austin 1976 annual grant program for Section 5. The Policy Advisory Committee of the Study also took subsequent action to approve this program.

Motion

Councilmember Lebermann moved the public hearing be closed and the Council approve the grant applications to the Urban Mass Transportation Administration and passage of the resolution authorizing the submission of these grant applications. 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

APPEARANCE CONCERNING STATE LAND COMMUNITY GARDEN SITE

Mr. Tom W. Ellison, Coordinator of Austin Community Gardens, appeared before the Council to discuss the proposal regarding a new 5-acre state land community garden site. Mr. Ellison stated that the ultimate goal was to create a series of gardens across Austin that would be convenient to everyone. Although the County and State were assisting in this project, he felt that it was necessary for the City to participate in this project in order for it to be a success. As detailed in the proposal that was distributed to the Council, Mr. Ellison requested that cost for the water meter installation be waived and a portable toilet that would be rent free. He also indicated the need for a garden tractor and submitted that the items would be used daily and would contribute to their expansion. Mr. Ellison did request the possibility of utilizing the Parks and Recreation Department's tiller on the weekends.

Councilmember Hofmann stated that she was most impressed with the project and felt that any available land should be used in this manner.

Mayor Friedman pointed out that there were problems of amending the budget to cover the cost of the tractor; however, the water fee would be waived and the portable toilet could be provided. The use of the Parks and Recreation Department's tiller would not be feasible at this time due to a liability problem. Mayor Friedman noted that when the next budget hearings occurred, these requests would be discussed. He also expressed the desire to develop with the County the Farmers Market idea that the County was presently doing to provide people with low cost vegetables and fruits.

Mayor Pro Tem Snell was concerned with the manner in which this project was accepted and felt that the Allied Clubs, that appeared before the Council at their last meeting, were not given this same acceptance.

Mr. Homer Reed, Deputy City Manager, commented that the City was prohibited from providing utility services available free for anybody. Therefore, he submitted that the charge for the water tap be made to the Parks and Recreation Department.

Motion

Councilmember Lebermann moved that the Council designate that the charge for the water tap would be made to the Parks and Recreation Department; that the portable toilets be provided and study the feasibility of utilizing the tiller. The motion, seconded by Councilmember Linn, carried by the following vote:

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

REQUEST TO HANG BANNERS

Councilmember Linn moved that the Council approve a request by Mr. Edward L. Karaback for permission to hang banners at 1200 South Lamar and Ben White Boulevard and Manchaca Road from April 26 through May 9, 1976. 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

APPEARANCE CONCERNING A ZONING CASE

Ms. Rosa Lewis Fowler appeared before the Council to discuss Zoning Case No. C14-74-175 (Edmund J. Fleming, Jr.), which was heard by the Council on January 2, 1975. She noted that approval was granted for a warehouse distribution center; however, at the present time the warehouse center has not been built and she was requesting that the concerned parties show cause as to why the center has not been built. Ms. Fowler expressed concern with the car wash that was being developed since it would produce excessive noise, pollution and could possibly be dangerous in some manner. She referred to a letter that was written by one of the proponents and requested that the Council deny the proponents the right to continue construction of a car wash.

In response to Councilmember Linn's question, Ms. Fowler indicated that the present building located on the property was supposed to be demolished by the proponents but has not been done.

Mrs. Esther Jackson, a resident at 1800 Loretta Drive, stated that she was concerned with this matter and when it was originally discussed, she understood that the warehouse would be the only structure built on the site in question. After viewing the area, Mrs. Jackson noted that a sign had been erected concerning a car wash. She pointed out that the Planning Commission discussed "LR" Local Retail zoning to "GR" General Retail with conditions and a special permit, and the developers wanted "GR" General Retail tied to the special permit for a warehouse complex. At this time, Mrs. Jackson played a tape of the Planning Commission meeting that noted this request of the developers. She referred to the Minutes of the Planning Commission meeting and stated that the request for "GR" General Retail zoning was granted excluding a 25-foot buffer of "A" Residence along the two minor residential streets subject to a special permit. The Minutes excluded reference to tying "GR" General Retail to the special permit or reversion to "LR" Local Retail. The Council accepted the recommendation for change from "LR" Local Retail to "GR" General Retail subject to a special permit and conditions, and then ordered the City Attorney to draft the proper ordinance. She pointed out that the ordinance was drafted but it excluded the language concerning the special permit and conditions. Mrs. Jackson recommended that the Council stay the effect of this ordinance pending the resolution of a conflict between the legitimate act of the Council and the failure of the City Attorney to carry out their act. She distributed pictures of a car wash that was already located in the area and noted several others; therefore, she could not see the necessity or basis for another one. The main concern was the change in zoning and what could be placed in this area due to this change.

Councilmember Himmelblau submitted that she was a member of the Planning Commission when this case was discussed and was convinced that when the zoning change was granted it was tied to the permit. The strip of "A" Residence was requested since it would tie in with the walls of the warehouse to give the residential neighborhood privacy. With the withdrawal of the permit and the subdivision of the land, a privacy fence could not be required along the "A"

Residence strip because the car wash would not be contiguous to the "A" Residence strip and felt that everything the Planning Commission had tried to do to protect the residential neighborhood a year ago had been undone.

Mayor Friedman commented that when this was granted, his vote for it was subject to the owner proceeding with the assurances that were given the Council to build what was displayed to the Council.

Mayor Pro Tem Snell hoped that the citizens would entertain the idea of initiating a rollback. Mayor Friedman indicated that the use was already established and if it was rolled back the use would stay. Mayor Pro Tem Snell felt that none of the promises by the applicant had been fulfilled.

Councilmember Lebermann submitted that he was also a member of the Council that approved the zoning and was convinced that it was appropriate at the time it was presented. He felt that the applicants should be contacted to appear before the Council and have the opportunity to describe what their intentions are to protect the neighborhood as well as the use of the property.

Mr. Lonnie Davis, Director of Building Inspection, stated that a building permit had been issued for a car wash.

Councilmember Himmelblau expressed displeasure at the way this case was handled and noted that her vote was in good faith to protect the neighborhood and felt that this had been completely reversed.

In response to Councilmember Linn's question concerning the identity of the applicant, Mr. Tom Knickerbocker, Assistant Director of Planning, commented that it was Mr. Edmund J. Fleming, Jr., and the firm was Nieman Hanks and Puryear. Councilmember Himmelblau indicated that she had contacted the firm and was given assurance that someone would be present today to speak to this case.

Mayor Friedman requested that the applicant be contacted to cease any building at the site and that a hearing be set to discuss the matter. At this time he read the letter that was sent by Mr. Jerry Reed and written on Nieman Hanks and Puryear stationery:

"Dear Mrs. Fowler:

Even though you did not get your wishes regarding the recent zoning case, I hope you take some satisfaction in your excellent presentation to the City Council of Austin. Also your efforts have insured that the City Planning Department will be watching closely the progress of the project.

Please be assured that I intend to make certain that the plans and specifications are followed to the letter; and the landscape plan finished in accordance with those filed with the City. Larry Nieman and I did not deliberately mislead any of the citizens in your community and feel that we only stated realities and facts. If a misunderstanding exists, it was not intended.

I would like to think that if you don't approve of our project now, you will give us time to vindicate ourselves and erect a property that is inoffensive to you and your neighbors and will provide a utility to the neighborhood. Please call me if I can be of service to you.

Sincerely,

(Sgn) Jerry Reed"

Councilmember Himmelblau felt that improper action had resulted by the applicant since the Council and the Planning Commission were presented with a plan that had not been fulfilled.

At this time Councilmember Lebermann left the Council Chamber.

Motion

Mayor Friedman moved that the Council set a hearing for 3:00 p.m. on January 8, 1976, on Zoning Case C14-74-175, Special Permit C14p-74-045 with immediate notice being sent to the applicant requesting their appearance and instruct the Building Inspection Department and Legal Department to stop any activity on the property pending the hearing; and a report to the Council next week as to the decision of the applicant in the continued work. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

REQUEST CONCERNING THE CONTINUATION OF A LEASE

Ms. Shannon Sedwick appeared before the Council to discuss the continuation of a lease of City property at 405 West 2nd Street. Ms. Sedwick commented that she was employed at Liberty Lunch, an establishment in the immediate area. Ms. Sedwick indicated that the building and property were involved in eminent domain proceedings at the present time and were in danger of being demolished. After contacting the Property Management Division, she was informed that once the proceedings are completed the land would be recontracted and the stalls located in the rear would be torn down. She was requesting that when the City does acquire the property, that the lease be continued, with the City as the landlord until a specific use is designated by the City. Also Ms. Sedwick asked that the City develop the market place or the School of Art to be located in the rear of the property.

In response to Mayor Friedman's question concerning the lease, Ms. Sedwick commented that when the lease was signed, a condemnation clause was included in it, but after conversing with numerous City departments, found the situation to be an amorphous one that could change any time. Since the City has no use for the property at the present time, she asked that they be allowed to continue to renovate the property in making it an asset to the Bicentennial year.

In response to Councilmember Hofmann's question concerning the immediate use of the property, Mr. Joe Morahan, Public Property Manager, noted that there were no immediate plans to build any new facilities at the site. Past plans have been that upon acquisition the structures would be demolished and the property to be used on an interim basis as needed.

Mr. Homer Reed noted a definite need for the property to be used for parking. The present use of portions of the property are in violation of the City's building code and one of the reasons for acquiring the property was to give uplift to this area adjacent to Town Lake. He felt that the stalls were an eyesore to the area. Ms. Sedwick submitted that they were agreeable to removing the stalls and would like to landscape the area themselves.

Councilmember Hofmann expressed that as long as the City was being provided with income, a place to eat and that the stalls would be removed in compliance with building inspection requirements she could see no reason for ceasing the current use of the property.

Deputy City Manager Homer Reed pointed out that recently the Council awarded a contract to another contractor to lease City space to operate a restaurant for the annex; and he felt that if the Council was going to consider a lease to an additional restaurant operator in the annex, then they should be on a similar basis.

Motion

Councilmember Hofmann moved that the Legal Department create a lease based on the terms of the food service located in the annex as well as an agreed upon rental for the remainder of the space. The motion was seconded by Councilmember Linn.

Amendment to Motion

Mayor Friedman offered an amendment to Councilmember Hofmann's motion, whereby the lease would be reverted back to January 1, 1976. Councilmember Hofmann accepted the amendment.

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman

Noes: Councilmember Himmelblau

Absent: Councilmember Lebermann

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

Mr. Morahan noted that a 90-day notice would be given to the occupants before any improvements or demolishing is done to the property. Councilmember Hofmann expressed that she was reluctant to utilizing the property for parking spaces. Mr. Lonnie Davis pointed out that lumber sheds could not be converted to another use since they were wood.

APPEARANCE TO DISCUSS THE NEW YEAR

Mr. Roland DeNoie appeared before the Council to express his anticipation regarding the New Year, especially since it was the Bicentennial year. He felt that people were becoming bored with the Bicentennial and indicated that the

Bicentennial should be celebrating the principles on which the country was founded. This would be individual liberty, individual freedoms and the principles of limited government. Mr. DeNoie commended the Council for its actions, particularly since the new Council was invested.

In speaking to the recent Bond Election, he addressed himself to the Water and Wastewater Bonds and felt that the Council should consider the possibility of banning septic tanks; then the developers would cease developing or would create an alternative. One of these alternatives could be the use of methane digesters, something that has already been developed. He hoped that the Council would approach new problems with a view towards the future.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

RELEASE OF EASEMENT

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

Two portions of Public Utilities Easements two and one-half (2.50) feet in width and being out of and a part of Lot 13, Block A and Lot 13, Block B, THE WOODS OF ANDERSON MILL, a subdivision in Williamson County, Texas, of record in Book 10 at page 35 of the plat records of Williamson County, Texas. (Requested by Mr. William T. Gunn III, owner of Lots 13, Block A and B.)

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

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

AMENDING A CONTRACT TO REFLECT AN INCREASE IN FEDERAL FUNDS

Councilmember Himmelblau moved that the Council adopt a resolution amending the contract between the Texas State Library and the City of Austin to reflect an increase in federal funds of \$55,765. The motion, seconded by Councilmember Linn, carried by the following vote:

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

APPROVAL OF COOPERATION AGREEMENT

Councilmember Linn moved that the Council adopt a resolution approving the Cooperation Agreement on the following:

Inspection services in connection with the construction of underground electrical ductline installed in new Red River Street in the Brackenridge Area, Tex A-11-1 - for payment to the City of Austin in the amount of \$1,981.00.

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

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

Councilmember Linn moved that the Council adopt a resolution approving the Cooperation Agreement on the following:

Miscellaneous engineering services in connection with the construction of Red River Street and Waterloo Park in the Brackenridge Area, Tex A-11-1 - for payment to the City of Austin in the amount of \$15,726.35.

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

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

HEARING SET TO DISCUSS URBAN TRANSPORTATION
COMMISSION

Mayor Friedman moved that the Council adopt a resolution setting a public hearing for 10:30 a.m. on January 22, 1976, to discuss the proposed Urban Transportation Commission. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Councilmember Hofmann stated that the Environmental Board had taken an interest in this, and the League of Women Voters was very pleased with that. They expressed that the hearing be held after the Environmental Board meeting on January 13, 1976. Mr. Jay Weinheimer, Acting Director of the Office of Environmental Resource Management, pointed out that Councilmember Lebermann asked Mr. Cory, Chairman of the Citizen's Board of Natural Resources and Environmental Quality, to provide input from the Board into this new Commission.

ZONING ORDINANCE

The Council had before it for passage an ordinance amending Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance) to cover the following changes:

BARROW CORPORATION	8101-8307 Brodie	From Interim "A" Residence
By Leroy Lange	Lane, also bounded	To "LR" Local Retail and
C14-75-002	by Thomas Kincheon	"A" Residence
	Street, Dunliegh	
	Drive and Plantation	
	Road	

Councilmember Linn asked if this would involve strip zoning along Brodie Lane, and Mr. Tom Knickerbocker, Assistant Director of Planning, commented that this could occur and many of the residents felt this same way. Councilmember Linn stressed that this is what occurred with Burnet Road several years ago, which is strip zoning.

Councilmember Hofmann asked where the proposed school would be located and MR. WOODROW SLEDGE, Austin Independent School District, noted that the school site was purchased three years ago and agreed to a shopping center on the west side of the street; however, he opposed extending the center 2,000 feet up Brodie Lane.

Councilmember Linn recalled the action of the neighborhood that protested concerning the Motorola project, and the Council assured them that they would not allow Brodie Lane to become another Burnet. She felt this type of zoning would only encourage this. Councilmember Himmelblau stated she had no objection to granting this since specifications have been met, but was concerned with servicing this type of center due to the Water and Wastewater curtailment. Mr. Homer Reed indicated that this ability to service the area would depend on a recommendation that would be presented to the Council in connection with the follow-up report on the Water and Wastewater systems.

In response to Councilmember Hofmann's question concerning the response of the Brodie Lane Homeowner's Association, Mr. Tom Knickerbocker noted that they were opposed to this.

Motion

Councilmember Linn moved that this item be postponed until a report was received regarding the Water and Wastewater capabilities. The motion was seconded by Councilmember Trevino.

Mayor Friedman pointed out that the Council refused the finalization of the zoning across the street and felt this should be considered.

MR. LEROY LANGE, representing the applicant, commented that the public was notified of the intentions of this applicant in March 1973 that it would be used at a later date for Local Retail property. All the requirements have been complied with, and he felt that the ordinance should be passed. In response to Councilmember Hofmann's question, Mr. Lange stated that a convenience store would be built on one corner and one-story offices built on the remaining areas.

Councilmember Himmelblau commented that she would prefer to delay this until the Water and Wastewater report.

Councilmember Lebermann submitted that a hearing had been held and all the requirements had been met and he requested what procedure to follow on this. City Attorney Don Butler commented that if the City was unable to furnish the facilities to the area, then the applicant could attempt deannexation.

Councilmember Lebermann felt that the citizens deserved the right to know where the City was going and in what time frame so they could respond. He agreed with Councilmember Linn's concern regarding the Burnet Road syndrome and felt that in this instance judgement was made with this in mind.

Substitute Motion

Councilmember Lebermann moved that the Council approve passage of this ordinance. The motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Himmelblau

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

Motion

Mayor Friedman moved that the Council reconsider the zoning case. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Trevino, Hofmann,
Himmelblau, Lebermann

Noes: Mayor Pro Tem Snell, Councilmember Linn

Motion

Mayor Friedman moved that action be postponed until the report concerning the Water and Wastewater capabilities was prepared. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Mayor Friedman explained the action that was taken by the Council by stating that action was postponed on this zoning until the Water and Wastewater report was prepared so that a use was not authorized that would overburden the system.

ZONING ORDINANCE

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:
LOTS 1 AND 2, BLOCK 4, LEE'S HILL ADDITION, PLUS THE ADJACENT PORTION OF VACATED STREET, LOCALLY KNOWN AS 4100 MARATHON BOULEVARD AND ALSO BOUNDED BY WEST 41ST STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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. (Lillie Bess Hamilton, C14-75-097)

Councilmember Himmelblau 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 Linn, 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.

AMENDING THE BUILDING, PLUMBING AND HEATING AND AIR CONDITIONING
CODES

The Council had before it for consideration amending the Building Code, Plumbing Code and the Heating and Air Conditioning Code to adopt new fee schedule and new provisions for inspection services provided by the Building Inspection Department.

In response to Councilmember Himmelblau's question concerning the fee charged for inspections outside the City limits, Mr. Lonnie Davis, noted that before the new ordinance was adopted, a fee was charged only on the plumbing inspection. The heating, air and electric codes were without any fee outside the City limits. With the adoption of the new schedule, they were proposing a flat \$10.00 fee that would be applied to all three of the mechanicals. Mr. Davis stated that there was an error that needed to be corrected. In referring to the report that was prepared, he noted that there was objection to the fee being charged on product refrigeration up to 3 horsepower. After contacting the National Code Headquarters, Mr. Davis was advised that the up to 3 horsepower would be limited; that the Heating and Air Code was not written to require a permit on an item this small. The Heating and Air Conditioning Board was presented with this matter and they concurred that this should be deleted from the fee schedule. Mr. Davis pointed out that the Chairman of the Plumbing Board was present at the Council meeting and that earlier other members of the Board had been at the meeting. He recognized the many hours that the members had contributed in creating the new schedule of fees.

MRS. NELLA CUNNINGHAM, a resident in South Austin, appeared before the Council to support this request by Mr. Lonnie Davis. Due to heavy subdividing now occurring in her area, she felt that the building inspection fees should be increased. She felt that due to a lack of building inspectors, her neighborhood

had deteriorated due to the relocation of houses into the area. Mrs. Cunningham stated that the building inspectors had been contacted concerning the condition of the houses being brought into the area, and failed to get the proper attention to rid the neighborhood of this menace. In referring to the City code, she commented that relocated buildings were required to be maintained by the owner only 1-1/2 days per month.

Mr. Davis indicated that when a building was relocated, it was not inspected because the buildings are usually in a deteriorated condition. Mayor Friedman pointed out that many of Mrs. Cunningham's concerns were being reviewed, and the City was working on a program to upgrade the building code. Mrs. Cunningham concluded by stating that she felt Mr. Davis should have additional inspectors and supported the fees being increased. Mayor Friedman submitted that the increase in fees would not aid in getting additional inspectors but the help would be changing the ordinances to protect citizens from the houses being moved to other locations.

Councilmember Linn expressed her displeasure that a condemned house could be relocated without some type of inspection. City Attorney Butler noted that the City could not enforce private restrictions but only what was in the City code. Councilmember Lebermann commented that since the City was moving in the direction of upgrading the building code, that the Ordinance should be passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 36-303(b) OF THE AUSTIN CITY CODE OF 1967, BY INCREASING THE AMOUNT OF FEES TO BE CHARGED FOR BUILDING PERMITS; AMENDING SECTION 37-44 BY INCREASING THE AMOUNT OF FEES TO BE CHARGED FOR ELECTRICAL PERMITS; AMENDING SECTION 39-304 BY INCREASING THE AMOUNT OF FEES TO BE CHARGED FOR HEATING AND AIR CONDITIONING AND PRODUCT REFRIGERATION PERMITS; AMENDING SECTION 42-A215 BY INCREASING THE AMOUNT OF FEES TO BE CHARGED FOR PLUMBING PERMITS; WAIVING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, with the correction of not charging a fee for Product Refrigeration below 3 HP. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

AUTHORIZING THE USE OF MODEL CITIES FUNDS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE 1975-1976 FISCAL YEAR, BY TRANSFERRING \$150,000 FROM GENERAL REVENUE SHARING FUNDS TO THE HUMAN RESOURCES DEPARTMENT; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Linn asked why \$49,200 was disallowed, and MR. HARRY SAVIO, Budget Officer, commented that some of the administrative positions were not eligible for expenditure.

AMENDMENT TO THE BUDGET ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE 1975-1976 FISCAL YEAR, BY AUTHORIZING FOR TWO ADDITIONAL POSITIONS FOR THE VEHICLE AND EQUIPMENT SERVICES DEPARTMENT; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Himmelblau, 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.

AMENDMENT TO THE BUDGET ORDINANCE FOR YEAR-END ACCOUNTING ADJUSTMENTS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, THE ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1974-1975 BY TRANSFERRING FUNDS FROM THE 1974-1975 GENERAL FUND TO CERTAIN SPECIFIED DEPARTMENTAL FUNDS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau 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, Linn, Trevino, Mayor Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mr. Homer Reed noted that a final report on the fiscal year would be available by the end of January.

AMENDMENT TO THE BUDGET ORDINANCE TO AUTHORIZE FUNDS
FOR THE OFFICE OF MINORITY BUSINESS AFFAIRS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR 1975-1976, BY AUTHORIZING FUNDING FOR THE OFFICE OF MINORITY BUSINESS AFFAIRS FROM HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT; BY AUTHORIZING FOUR ADDITIONAL POSITIONS FOR THE DEPARTMENT OF PURCHASES AND STORES; 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

AMENDING THE AUSTIN CITY CODE TO ALLOW EXPANSION
OF THE PARKING AREA

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-31, SUBSECTION (C), OF THE AUSTIN CITY CODE OF 1967, PROVIDING FOR THE CONTROL OF VEHICULAR PARKING ON CERTAIN LOTS CONTROLLED BY THE CITY OF AUSTIN; PROVIDING AN EFFECTIVE DATE; WAIVING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCES

The Council had before it for consideration an ordinance annexing the following:

89.94 acres of land out of and a part of the Thomas Anderson Survey in Travis County, Texas, unplatted land - Motorola Tract.
(Initiated by City of Austin - Annexation No. C7a-75-013).

Mr. Homer Reed noted that this was the Motorola tract on Brodie Lane and would be coming into the City with all the restrictions in the Planned Development Area previously approved by the Council.

Mr. Woodrow Sledge submitted that part of this area would be for a residential buffer zone and that all of the acreage was not slated to be "D" Industrial zoning.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 84.94 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, 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.

*Councilmember Lebermann commented that he was in favor of the annexation as a tool of planning; however, he felt that the annexations being considered today were not taking place in the interest of additional ad valorem income because the cost is a "wash." If in an annexation procedure the ad valorem tax income will absorb the cost of service deliverability, then a municipality is ahead of the game. In this instance that is indicated to be the case. The dollars are not at issue; planning is the consideration. He regretted that the report came to the Council late in the year and felt it would have been more desirable if this was done in July. This would have given the businesses and industries an opportunity to fold the ad valorem tax liability into their annual operating budget. Councilmember Lebermann noted that he checked the possibility of delaying the annexation until January, but he did not receive favorable response to this. His vote on the annexation is because of his belief in them as a planning tool encouraging development close to the City limits and controlling the extraterritorial jurisdiction protecting it from so-called "bedroom communities" and voted "yes;" but hoped that in the future

there would be better communications early in the proceedings to alleviate the misunderstandings that occurred in this instance.

Mayor Friedman stated that he did think there had been any misunderstandings.

The Council had before it for consideration an ordinance annexing the following:

545.63 acres of land out of and a part of the Theophilis Wahrenberger Survey, partly out of and a part of the M. Hunt Survey, partly out of and a part of the F. G. Secrest Survey and partly out of and a part of the James D. Goode Survey in Travis County and Williamson County, Texas, unplatted land and portions of U. S. Highway 183, Duval Road, West Duval Road, Bell Avenue, Conrad Road, Tweed Court, McCoy Road, and Howlett Court - Texas Instruments. (Initiated by City of Austin - Annexation No. C7a-75-009)

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 545.63 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE THEOPHLIS WAHRENBERGER SURVEY, PARTLY OUT OF AND A PART OF THE M. HUNT SURVEY, PARTLY OUT OF AND A PART OF THE F. G. SECREST SURVEY AND PARTLY OUT OF AND A PART OF THE JAMES D. GOODE SURVEY IN TRAVIS COUNTY AND WILLIAMSON COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

*Councilmember Himmelblau submitted that she was opposed to corridor annexation.

The Council had before it for consideration an ordinance annexing the following:

127.18 acres of land, out of and a part of the William Cannon League in Travis County, Texas, (Circle "S" Ridge, Resubdivision of Lot 18, Block B, Circle "S" Ridge, Section One, Resubdivision of Lot 21 and North Part Lot 22, Block B, Circle "S" Ridge Section One, East Dittmar Road, Corral Lane and Chaparral Road - John Roberts.
(Initiated by the City of Austin - Annexation No. C7a-75-012)

MR. DOREN ESKEW, representing John Roberts, felt that there was some information pertaining to this item that was not presented to the Council earlier and wanted to present it at this time. Mr. Eskew noted that this company had suffered extensive losses and one of their plants in Oklahoma had been closed due to this problem. A large number of employees at the Austin plant had been terminated with the possibility of even more in the immediate future. Mr. Eskew pointed out that services to the plant were inadequate and felt there was not a foreseeable time when they would be available.

City Attorney Butler pointed out that any contract made not to annex property was only effective for 7 years. Mr. Eskew reiterated that he assumed annexation would occur only when services were available to the plant.

Mr. Homer Reed stated that it was and is the City's intent to provide services to John Roberts. Although sewer service is not available at the present time, he commented that a plan was made to provide service and would be provided well in advance of the requirements of the law. The fire station would be built to put the plant well within the minimum for service for fire protection.

Mayor Friedman asked Mr. Eskew if he was announcing the closing of John Roberts if the annexation was accomplished today. Mr. Eskew noted that he could not say at this time, but that the annexation could be a major factor to this.

Mayor Friedman suggested that the staff, Council and the public were working long and hard to see that everyone in Austin is given quality service, and John Roberts would be treated fairly just as everyone else.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 127.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The Council had before it for consideration an ordinance annexing the following:

481.16 acres of land out of the J. C. Tannehill League, unplatted land and portions of Tannehill Lane and portions of M. K. & T. Railroad - Tracor. (Initiated by City of Austin - Annexation No. C7a-75-011)

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 481.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, 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.

The Council had before it for consideration a ordinance annexing the following:

826.46 total acres of land. (Initiated by City of Austin - Annexation No. C7a-75-010)

- (1) 427.65 acres of land out of and a part of the James Rogers Headright Survey, in Travis County, Texas, unplatted land and portions of F. M. 1325 - I.B.M.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 427.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS HEADRIGHT SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

- (2) 398.81 acres of land, partly out of and a part of the James Rogers Headright Survey and partly out of and a part of the James P. Wallace Survey No. 18 in Travis County, Texas, and portions of Longhorn Boulevard, Industrial Terrace, Reid Drive, United Drive, Business Drive, Neils Thompson Drive and Farm-to-Market Road 1325 - Glastron, Balcones Research Inst. and the Warehouse Commercial Area in between.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 398.81 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JAMES ROGERS HEADRIGHT SURVEY AND PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

SETTING HEARING ON ETHICS, LOBBY REGISTRATION AND FINANCIAL DISCLOSURE

Councilmember Linn moved that the Council set a public hearing for February 19, 1976, at 7:30 p.m. on Ethics, Lobby Registration and Financial Disclosure. The motion, seconded by Mayor Friedman, carried by the following vote:

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

EMERGENCY MEDICAL SERVICE REPORT

Mr. Jim Miller, Assistant City Manager for Community Services, submitted that the Emergency Medical Service was in full operation as of 8:00 a.m. this morning. At this time, the Council was presented with manuals on the EMS Department that contained information regarding the training programs, organizational structure, personnel practices and job descriptions. He noted that in three months this particular system was organized with the cooperation of many City departments. At this point, Mr. Miller noted that Mr. Bill Lever, Director of Emergency Medical Service, would present a series of slides concerning the program.

Mr. Bill Lever stated that it was the intent of this department to have a well-organized and established basic emergency medical service which was already in operation. By the use of slides, he explained the organizational chart of the department. A map of the City of Austin and the ambulance districts was shown, and Mr. Lever commented that District 2 would not have an ambulance permanently stationed in it due to the lack of call load.

The Emergency Medical Technicians in the City are required to complete 120 hours of training before they would be able to qualify as a qualified Emergency Medical Technician. Additional training to bring them to the paramedic level would be another additional 160 hours of training, and he hoped this would start approximately March 1. He reviewed the communication system and how it would function and pointed out the primary requirement in maintaining the entire system would be good discipline. In response to Councilmember Linn's question regarding the station wagons, Mr. Lever indicated that at the present time, there were none.

Mr. Lever stated that accompanying the manual that was distributed, a handout was included that showed the hiring of personnel for the department. There were 196 applications submitted; 76 passed the physical; 76 were interviewed; 19 were accepted into the training program with 12 hired from this program. A total of 42 were hired into the department and 2 people at EMT level declined positions with the City due to not being prepared to move into the City at this time.

In response to Councilmember Linn's question, Mr. Lever stated that the nurse system would be implemented in April.

MR. FRANK OLGUIN submitted that he was a member of the 19 in the training class and said that people were hired after one practical exam and 7 academic exams. He felt that in this type of work one could not base all of their skills on academics but needed more work on practicals. Mr. Olguin made reference to a list that he had enumerated other items that he was supposed to be graded on, but commented that people had already been hired.

Councilmember Linn expressed concern that people were hired before the testing was completed. Mr. Homer Reed pointed out that information concerning this would be provided and noted that Mr. Olguin had filed an appeal through the EEO procedure. Mr. Reed stated that a complete report on the training process, the scores on each of the examinations, the average scores, and the complete history of the entire training process would be provided to the Council.

Mr. Olguin continued by stating that he felt too much emphasis was placed on the academic skills and not enough on the practical. Mr. Lever noted that the full Federal Department of Transportation recommended course was implemented. Mr. Olguin felt that Austin needed more bilingual and black ambulance attendants, and they were not given a full chance to get hired.

In response to Councilmember Linn's question concerning the tests, Mr. Lever commented that they were conducted by persons on the staff. He submitted that the test scores for the practical exam were obtained by use of the American Heart Association recommended test sheets and then they had to complete the CPR testing. This course was conducted in half the time that is normally conducted.

Mr. Olguin pointed out that there were several people in the training class that had previous training such as Licensed Vocational Nurses, orderlies and Emergency room technicians.

MS. DEBBIE SEALS stated that she was a registered Emergency Medical Technician and had applied for the position with the Emergency Medical Service Department. She was contacted that when interviews were conducted, she would be contacted, but she was never notified. Ms. Seals commented that she was also a Registered Nurse. Mr. Lever noted that he was not aware of the applicant applying for a position and would check on this.

MS. REGINA ROGOFF responded to Mr. Lever's statement that two people had applied for positions with the EMS Department but declined the positions. She noted that one of the applicants was her sister and was well qualified as a trained paramedic as well as a paramedic trainer. The other applicant was also just as well trained and in fact had greater length of service. Ms. Rogoff felt that her sister was not given sufficient notice, after being offered the position to transfer to Austin.

Councilmember Linn pointed out that she felt the best qualified people were not hired. One of the applicants Ms. Rogoff referred to was a trained paramedic and would not have been interviewed had it not been for Ms. Rogoff's insistence. Councilmember Linn commented that the best people were not interviewed, much less hired.

MS. CHARLENE BENNETT, a nurse on the Nurse Practice Committee, expressed concern regarding the role that the nurse would have in this program. Also of concern were references made that nurses might not meet certain physical standards, and she hoped that the program had not been written with the assumption that women could not work as well as men in emergency situations.

Mayor Pro Tem Snell pointed out that when this type of program was visited in Louisville, he assumed the Austin Emergency Medical Service program would operate the same and this would include having the nurses in the station wagons. He expressed that until this was accomplished, he would not be satisfied.

Mr. Reed stated that due to limited amount of time involved in getting the system operational, that all of the problems could not be solved immediately. He submitted that a detailed report would be presented to the Council concerning each of the individual cases that were discussed. Mr. Reed commented that

there was an additional problem involved which was the necessity of arranging employment in such a way as to provide an orderly transfer of responsibility from a private contractor to the City. In order to do this, Mr. Lever and Mr. Reed felt it necessary to employ those members of the present staff employed by the contractor who were fully qualified.

In response to Councilmember Trevino's question regarding the number employed, Mr. Lever commented that 22 submitted applications and 17 were hired which were certified EMTA's.

Councilmember Linn pointed out that she was contacted by some of the City administrators and it was suggested that she not ask her questions publicly. Councilmember Linn was very upset at this suggestion since this program was a million dollar system and felt that the public deserved to know the answers. Mr. Reed indicated that he wanted to answer as many of Councilmember Linn's questions as possible in order to expedite the Council meeting.

Councilmember Linn asked where Mr. Lever advertised for the paramedics, and Mr. Lever stated through the Personnel Department. The EMT's were required to have either national or state certification as an Emergency Technician.

In response to Councilmember Linn's question concerning the station wagons, Mr. Lever commented that this system was discussed and felt that at this time, his main concern was the establishment of a basic system with the equipment that exists as it is today. He noted that the six to eight modulances would be sufficient for the City at the present time. Mr. Lever stated that the nurses were scheduled to come on into the department on April 1, 1976, and after additional training would have their services implemented May 1. Discussion then occurred with regard to the applicants and why some were not contacted for interviews and the circumstances involved with the hiring of some and not others.

Mayor Pro Tem Snell thanked Mr. Lever for the report and stated that the Council welcomed the comments from the citizens. He commented that a two-way system was installed in the Councilmembers' automobiles that picked up ambulance calls and was very disappointed with the response time that occurred. Then the report that was called into the hospital was certainly not acceptable in the manner of describing the person picked up. He noted that in order for this type of service to be successful, that the entire citizens of Austin would have to cooperate. Mayor Pro Tem Snell stated that the Council would give their cooperation and expected complete cooperation from the staff.

Councilmember Linn indicated that she wanted the best qualified people for the system regardless of their color or sex and hated to see a very well-qualified person turned down and to hire people who are not as well qualified.

In response to Councilmember Trevino's question regarding the County hiring some of the individuals, Mr. Lever indicated that the individuals that did not meet the level that he felt that they should would certainly be worked with to aid them in qualifying for the state certification exam.

Mr. Reed concluded by saying that this service of the Emergency Medical Service would be one notch above what the citizens of Austin have had available to them in the past. This is not a finished product but only an interim step. He was confident that an outstanding group of employees had been selected, and regretted the matters that had been brought to the Council's attention today, and would certainly move to correct them.

EMERGENCY ITEM CONCERNING A CONTRACT WITH TRAVIS COUNTY FOR
EMS SERVICES

The Council had before it for consideration approval of a resolution that would authorize a contract with Travis County for Emergency Medical Services from December 31, 1975, to January 31, 1976.

In response to Councilmember Himmelblau's question concerning the number of ambulances available at one time, Mr. Lever noted that there would be seven. If any additional support is required, then the two private companies in the County would be contacted.

Councilmember Himmelblau stated that she was aware that this service needed to be provided to the County, but she was not convinced that the City was ready to do this. This would be an interim contract with the County to provide 30 days of service. Mr. Reed indicated that the City was working with the County to develop a proposed contract to present to the Council. Councilmember Himmelblau submitted that the first concern and obligation would be toward the City.

Mr. Miller pointed out that this particular contract would only pay for the cost of an ambulance run into the County. Councilmember Linn felt that this would be time to initiate an emergency room fee.

Councilmember Himmelblau stated that she would not vote at this time to enter into any agreement with the County. Councilmember Trevino felt that the City had a responsibility to the people in the County.

Councilmember Trevino moved that the Council adopt a resolution authorizing a contract with Travis County for EMS Services from December 31, 1975, to January 31, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,
Councilmember Hofmann
Noes: Councilmember Himmelblau*
Not Present: Mayor Friedman, Councilmember Lebermann

*Councilmember Himmelblau felt that the City was not ready for this.

CONTRACT WITH THE AMERICAN FREEDOM TRAIN
FOUNDATION

Mrs. Maline McCalla, Co-chairperson of the Austin Bicentennial Commission, appeared before the Council and requested that the Council grant them permission to enter into a contract with the Freedom Train which would be in Austin on February 15, 16, 17, 1976. She noted that a complete report of this had been distributed to the Council. Mr. Reed pointed out that the Commission and their Finance Committee had worked on this quite extensively and felt it was in order.

In response to Councilmember Linn's question concerning the cost to the City, Mrs. McCalla anticipated that there would be a loss of approximately \$7,000. She pointed out that the major companies involved in this project were General Motors, Pepsi Cola and Prudential Life Insurance Company. Councilmember Trevino indicated that the Commission would be having some type of fund drive to raise money for this.

The cost to enter the Freedom Train would be \$1.00 for age 3-12, senior citizens \$1.00 and \$2.00 for adult age 13-64. Mr. Beverly Sheffield, Director of Bicentennial Affairs, indicated that this project cost approximately \$18 million. The project was underfunded because it is dependent upon private contributions to operate and what is received from the tour across the nation. Councilmember Linn felt that if this was a Freedom Train then it should be free and would like for the citizens of Austin to be able to see this at no charge. Mr. Sheffield stated that they were trying to raise enough money so the Austin Independent School District would not have to pay.

In response to Councilmember Hofmann's question regarding the Freedom Train, Mr. Sheffield commented that there were ten cars and two exhibit cars that were separate.

Ms. McCalla indicated that some of the comments that had been received about the Train were favorable ones, and felt that this could possibly be the only contact some people would have with the Bicentennial.

In response to Councilmember Himmelblau's question regarding the maximum amount that the City could lose, Ms. McCalla stated that there would be a loss of approximately \$10,000 or \$11,000. Mr. Sheffield was very optimistic about the program and indicated that several citizens were supporting this program.

In response to Councilmember Hofmann's question regarding the employees of the Freedom Train, Mr. Sheffield commented that there were 94 employees with the Train. Some of them aided in the maintenance of the Train and also had their own engineers. Councilmember Himmelblau stated her support for the program and was reassured that the Committee would be able to finance this. She felt that some of the burden should be shared with the Austin Independent School District. Councilmember Himmelblau indicated that transporting the school children was the school's problem as well as paying for them.

Councilmember Trevino moved that the Council authorize execution of a contract with the American Freedom Train Foundation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Councilmember Linn*

Not Present: Mayor Friedman, Councilmember Lebermann

*Councilmember Himmelblau submitted that a letter should be sent from Mr. Sheffield's office inviting the Austin Independent School District to share some of the expenses.

*Councilmember Linn commented that she was in favor of freedom and the Freedom Train, but voted "no" because she felt that the City should provide this free, but recognized that the City did not have the money.

Councilmember Trevino indicated that Councilmember Lebermann requested him to inform the Council that he was very much in favor of this project. At this time, Mr. Sheffield introduced the Chairman of the operations of the Freedom Train.

Mayor Friedman entered the Council Chamber at this time.

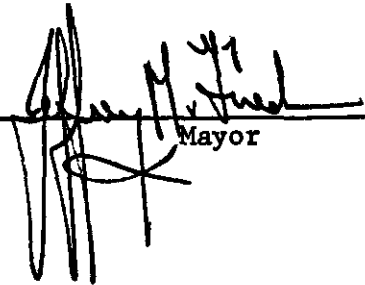
WALLER CREEK DEVELOPMENT

Mayor Friedman indicated that a draft copy of this had been distributed to the Council. Mr. Homer Reed suggested that a more completed study could be presented at a later date if the Council so desired.

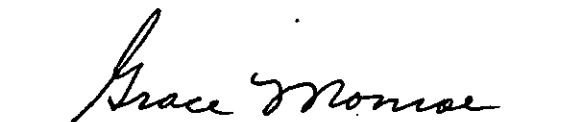
ADJOURNMENT

The Council adjourned at 5:12 p.m.

APPROVED


Mayor

ATTEST:


City Clerk