

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 23, 1975
10:00 A.M.

Council Chambers
301 West Second Street

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

Roll Call:

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

Absent: Councilmember Lebermann, Mayor Friedman

Mayor Friedman would be present for the afternoon session.

The Invocation was delivered by REVEREND JANICE HUIE, St. Mark's United Methodist Church.

INTRODUCTION

Mayor Pro Tem Snell took this opportunity to introduce the 4th grade students from St. Elmo School, and he thanked them for taking the time to visit the Mayor as well as the Council. Also recognized at this time were a group of students from Winn Elementary School

SAFE HALLOWEEN DAY

Councilmember Linn read and presented a proclamation to Lisa Campbell and Debra Sherge declaring October 31, 1975, as "Safe Halloween Day" in Austin, and commended this effort to protect our young people while encouraging all residents to consider a "safe treat" when youthful visitors knock on Halloween.

Lisa Campbell thanked the Council, and urged everyone to give pennies instead of candy on Halloween.

Councilmember Hofmann commented that when pennies are given, there would be orange cartons to receive the money which would be donated to UNICEF. She noted there would be a proclamation to this effect next week.

BULLISH ON AUSTIN DAY

Mayor Pro Tem Snell read and presented a proclamation to Mr. Andrew J. Spurgeon of Merrill, Lynch, Pierce, Fenner, and Smith, declaring October 28, 1975, as "Bullish on Austin Day" in Austin and commended this company for its continued faith in the general health and economy of our community.

Mr. Spurgeon, Resident Vice President, Merrill, Lynch, Pierce, Fenner and Smith, Inc., thanked the Council and asked that he be permitted to make his presentation to the Council for Merrill Lynch National Seminar Week at this time. He stated that the token was a symbol of their appreciation for the leadership of the Council and the City; and Merrill Lynch was proud to be associated with the City of Austin. At this time, he distributed the plaques to the Council.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes of the Special Meeting of October 6, 1975, and the Minutes of the Regular Meeting of October 16, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann, Mayor Friedman

REQUEST FOR PARADE PERMIT

Councilmember Linn moved that the Council approve a request by Ms. Diane Crowe for a parade permit for Winn Elementary School, on October 24, 1975, from 9:30 a.m. to 10:30 a.m. to celebrate the Bicentennial, beginning at Winn Elementary School to Bryn Mawr, to Dottie Jordan Park on Loyola and back the same way. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

The teacher from Winn Elementary School invited everyone to attend the parade, and Councilmember Linn thanked the children for taking the time to visit the Council.

REQUEST FOR PARADE PERMIT

Councilmember Linn moved that the Council approve a request by Irvin P. (Sarge) Bell for a parade permit for Austin-Travis County Veterans Committee on November 11, 1975, from 6:30 p.m. to 7:30 p.m., Annual Veterans Day Parade, beginning on 2nd and Congress, up Congress Avenue to 11th Street. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

Mr. Bell invited everyone to attend the parade on November 11, 1975, as well as the reception. He noted that several groups associated with the Veterans' Organization would be participating in the parade, and invited all patriotic groups to join the parade. Mr. Bell suggested that Austin change Veteran's Day back to November 11, 1975, since it was recently passed by the State of Texas.

REQUEST FOR CHRISTMAS TREE SALES

Councilmember Himmelblau moved that the Council approve the request by Mr. Henry Frantzen, Secretary-Treasurer of Southwest Austin Optimist Club, to utilize the City-owned lot at the northwest corner of the intersection of Barton Springs Road and Bouldin Avenue for Christmas tree sales. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

REQUEST FOR REFUND CONTRACT

Mr. David B. Barrow, Jr., Vice-President, Austin Corporation, appeared before the Council requesting a refund contract for development of Hart Lane. Mr. Barrow pointed out that he was appearing on behalf of his father, Mr. David B. Barrow, not as an officer nor on behalf of Austin Corporation. He noted this matter was not concerning the Austin Corporation. After reviewing some of the history of Hart Lane, Mr. Barrow stated that the water and sewer lines were installed in 1973 and 1974; and at this time, the City approved the lines as per letter in November 1974. The refund contract that is being requested pertains to the items that were finished and have been installed since November 1974. After the sidewalks and curbs were finished in May of 1975, he assumed it was an understood fact that the work had been approved. In July a representative of their organization, Mr. Wells, talked with an inspector from the City that informed Mr. Wells that the job needed some additional fill, which was taken care of. In previous conversations with City personnel, Mr. Barrow assumed there were no problems as far as receiving a refund contract on his three jobs; however, on September 4, 1975, when the refund contracts were voted upon, he discovered that the refund contract on Hart Lane was not included. This was due to the Engineering Department not signing the final approval of the job. Therefore, Mr. Barrow was requesting that this refund contract be granted for the water and sewer work in Hart Lane.

In response to Councilmember Linn's question concerning the difference in dates, Mr. Barrow commented that the work was completed in May and a bill sent in June assuming the work had been approved.

In response to Councilmember Himmelblau's question as to whether a final plat had been filed or not, he indicated that the "A" Residence District subdivision plat had been filed on the lower half, the property that adjoins this was sold to the Doug Frank Development Company in Phoenix, Arizona. This company filed a plat that was approved; however, they encountered financial difficulties and the property was returned to the Austin Corporation. Mr. Barrow contacted the City to have the special permit cancelled since he was not planning to use the land for the same purpose. He stated that a preliminary plat had been filed for quite some time, but that he was not sure of a permanent plat being filed.

Mr. Curtis Johnson, Director of Water and Wastewater, informed the Council that one of the items that had to be associated with a refund contract was a recorded plat. Even though the intent was there to have the work associated with the plat being discussed, the plat has never been filed. The plat that was filed in 1973 was taken from the Planning Department and has never been refiled, so there would be no recorded plat.

Councilmember Hofmann noted that all the other 29 refund contracts that were honored had recorded plats; therefore, she felt very concerned to honor a refund contract without a recorded plat since there would be others that would be eligible for refunds. Therefore, it would be for this reason that she would make the motion not to honor the request.

Mr. Johnson pointed out that even if a plat had been filed on this item, it still would not have appeared on the list of approved refund contracts, because the Engineering Department had not officially accepted all the work by September 4, 1975.

Mr. Barrow reiterated that a plat had been filed on half of the property.

Mr. Johnson stated the work to be accomplished in Hart Lane was connected with the proposed Woodhollow Village Subdivision. There was a plat filed known as North Bluff which did front a portion of the street. Later, North Bluff was resubdivided and a portion was built on and was served off the lines in question today. In referring to one of the provisions of the resolution of 1974, Mr. Johnson commented that the area that would be served would be at least 50% single-family living units to be purchased or sold. Therefore, apartments would not allow for a refund contract, which would include the North Bluff area in question. In referring to the resolution, he stated the three provisions that had to be met before a refund contract could be approved.

Mr. Barrow indicated that the City has been using the water lines and the street and utilities have been installed for quite sometime; and Mr. Barrow felt a refund contract was in order.

Mr. David Tisinger, attorney, felt that the question concerning the plat was not the issue involved. He noted that the City was using pipe that had been purchased by his client, Mr. David Barrow, and a refund contract was due. In reference to the resolution, he commented that it did not say a refund contract would not be issued until a plat was recorded, but that the City would participate where the work had been approved. Mr. Tisinger noted that he had advised his client that there was nothing in the 1974 resolution making the refund contract issuable only when there was a recorded plat. He did not want his client's property taken away because of an immaterial technicality.

Motion

Councilmember Hofmann moved that the refund contract for development of Hart Lane not be honored because of the unrecorded plat and the problems it would create in allowing others to be eligible under the same conditions. Councilmember Trevino seconded the motion. Roll call showed the following vote:

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

Noes: Councilmember Himmelblau*

Absent: Councilmember Lebermann, Mayor Friedman

The motion carried by a 4 to 1 vote.

*Councilmember Himmelblau stated that she was not of the opinion that just one group or category should be honored when the resolution was passed.

Mr. David Barrow, Sr., asked the Council just who owns the facilities. City Attorney Butler felt that this had been answered before and just recently an opinion was given to the Council concerning this.

Mr. Barrow pointed out that he had not received any notices concerning refund contracts. Mr. Butler pointed out since the refund contracts had been discussed periodically for about 5 years, it had been assumed that everyone would have been aware of the City's position.

Mr. Barrow also expressed that the ownership of the water and sewer facilities had always been conveyed in the refund contract, and that the City would pay certain costs which they have not done in this case. City Attorney Butler indicated that the public was being served through the existing pipe, and if Mr. Barrow wished to preclude the City from using the pipe that it would create a serious problem. Mr. Butler felt that the public was being served through the pipe, and therefore, have been dedicated to the public.

Mr. Tisinger reiterated his client's position by stating that the water pipe belonged to Mr. David Barrow and that the City was using his property. In referring to refund contracts, Mr. Tisinger commented that they stated title to the pipe would be transferred in consideration of the refund contract; and they do not have a refund contract, so title to the pipe has not been transferred to the City of Austin.

In response to City Attorney Butler's question as to whether Mr. Tisinger wanted the service cut off to the area, Mr. Tisinger pointed out again that the City did not own the pipe.

Councilmember Hofmann reiterated that Mr. Barrow's brother, John, was among her closest friends; however, she had to do what she thought was right.

PRESENTATION

Mr. Merrill Frazer announced that recently he had represented Austin in the Octoberfest festivities in Munich, Germany, as well as other areas. The Burgomaster of Munich, Germany, sent to the Council a key to the City of Munich, and on behalf of the Burgomaster of Munich, Germany, Mr. Frazer presented the key to the Council. Also presented at this time was a book from the Field Marshall and Burgomaster of Stuttgart, Germany, as well as greetings from the Mayor of Paris, France.

RECOGNITION

Mayor Pro Tem Snell recognized the students of Johnston High School who were visiting the Council.

REQUEST FOR USE OF TOWN LAKE

The Council had before it a request by Mr. Danny Reed, President of the Austin Boat Club, Inc., to use Town Lake April 3rd and 4th, May 1st and 2nd, June 5th and 6th, July 3rd and 4th, September 11th and 12th, plus Austin's Aqua Festival in 1976 for boat races on Town Lake. City Manager Davidson commented that the Navigation Board had considered the request and approved it.

Councilmember Hofmann moved that the Council approve the request by Mr. Danny Reed for the use of Town Lake on the aforementioned dates. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

CERTIFICATION OF AN ELECTION

City Manager Davidson informed the Council that Mr. Gerald Brown, Election Judge, was out of town but did submit a letter to the Council that did certify the election. Also submitted to the Council was a request from the American Federation of State, County and Municipal Employees asking for authorization for payroll deductions in accordance with the policy of the Council. Mr. Davidson suggested that the Council accept the certification and authorize the City Manager to proceed with AFSCME toward appropriate payroll deduction. Certification is as follows:

"

October 21, 1975

City Council of Austin, Texas
Box 1088
Austin, Texas 78767
Attention: Mayor Jeffrey Friedman

Re: Checkoff election of October 17, 1975

Dear Sirs:

Pursuant to the Election Agreement, submitted herewith is the final tabulation of the results of the above election, and the Certification. All parties have waived the 5 day period for filing objections, and have agreed that I should destroy the ballots.

The parties to the election were cooperative, and many persons contributed to the smooth completion of the election and the counting procedures. Especially worthy of note is the tremendous contribution throughout the entire period of Mr. Richard Tulk, and during the election the effective help of Mr. Larry E. Kosta and Mr. Dallas Sasser, Jr. of the Texas Department of Labor and Standards.

Total Number of Ballots Cast	1149
Void Ballots	25
Challenged Ballots	15
Votes for CWA	429
Votes for AFSCME	680
 Total Valid Ballots	 1109

It is hereby certified that a majority of the employees voting have designated the American Federation of State, County and Municipal Employees as the organization to be allowed payroll deduction for payment of membership dues.

Respectfully submitted,

/s/ Gerald A. Brown
Gerald A. Brown, Election Judge "

Councilmember Trevino moved that the Council accept the certification of the October 17, 1975, election and authorize the City Manager to proceed with AFSCME toward appropriate payroll deduction. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

DEMOLITION OF STRUCTURE

Councilmember Linn moved that the Council authorize demolition of the structure as follows:

Accept negative bid - to be moved

2009 Bergman Avenue	Vince Ferrer	\$377.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

RELEASE OF EASEMENTS

The Council had before it for authorization the following easement:

The south two and one-half (2.50) feet Public Utilities Easement that covers the east 33.50 feet of the west 38.50 feet of the north five (5.00) feet of Lot 32, Pemberton Heights, Section Seven.
(Requested by Frank Hunt, owner)

Councilmember Linn moved that the Council adopt a resolution authorizing release of the aforementioned easement. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

The Council had before it for authorization the following easement:

The south 232.50 feet of the Public Utility Easements fifteen (15.00) feet in width centered on the common lot line between Lots 1 and 2, Block A, Anderson Lane Office Park. (Requested by S. A. Garza, Engineers, Inc., representing Jones-Lake Company, owner)

Councilmember Linn asked if this item was a relocation of an easement. Mr. Reuben Rountree, Director of Public Works, indicated that it was due to the property being resubdivided. He stated that the resubdivision was being made to make better use of the property, and the easement could be moved since it will not interfere with the proposed use of the property.

Councilmember Linn moved that the Council adopt a resolution authorizing release of the aforementioned easement. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

CONTRACTS AWARDED

Mayor Pro Tem Snell stated that the Contracts would be taken individually since the Council had questions on several of the Contracts:

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

Bid Award:

- Water Meters for Water and Wastewater Department.
12 month supply agreement

ROCKWELL INTERNATIONAL
5155 Blalock Drive
Houston, Texas

- Items 1.0, 3.0 - \$116,061.92

HERSEY PRODUCTS, INC.
3191 Commonwealth Drive
Dallas, Texas

- Items 2.0, 4.0, 5.0 - \$52,495.00

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

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

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

MISSION CONTRACTORS, INC.	- Construction of 12-inch Water Main
P. O. Box 17597	along U. S. Highway 183 - \$136,580.88
San Antonio, Texas	

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

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

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

BOUND TO STAY BOUND	- Juvenile Prebound Books, Austin
West Morton Road	Public Libraries
Jacksonville, Illinois	12 month supply agreement
	30% discount + \$1.39/book
	Estimated expenditure \$50,000.00

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

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

Councilmember Linn pointed out that of the 187 employees there were only 2 minorities.

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

F. W. FAXON COMPANY, INC.	- To provide subscriptions for
15 Southwest Park	magazines and newspapers, Austin
Westwood, Massachusetts	Public Libraries Discount 4-1/2%
	maximum service charge and 4%
	average service charge.
	Estimated Expenditure \$20,000.00

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

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

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

HBE LEASING CORPORATION	- Body-Brain Scanner System
2400 West Loop South	for Brackenridge Hospital
Suite 317	60-month lease
Houston, Texas	\$7,547.00 per month

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

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

Mr. William Brown, Administrator of Brackenridge Hospital, noted that this item of equipment would be a definite improvement in the inventory of radiographic equipment at Brackenridge Hospital. It will be used in neurological accidents which at the present time average about 1200 a year. He felt that the equipment should be leased and not purchased to satisfy the needs of the staff. Economically speaking, Mr. Brown did not think that the amount of lease would be a drain to the City since about 58 procedures would be performed per month at the rate of \$200.00 for each procedure. This equipment would satisfy a very definite need for the hospital because the closest equal piece of equipment would be in San Antonio where patients are now being referred. In response to Councilmember Hofmann's question, Mr. Brown commented that the equipment would be used not only for brain tumors but throughout the body.

Councilmember Trevino moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Generic Drugs and I.V. Solutions and Sets, Brackenridge Hospital Pharmacy. Total - \$920,100.63
a. TRAVENOL LABORATORIES 200 Wilmet Road Deerfield, Illinois	- \$562,498.01
b. HYLAND LABORATORIES Box 2214 Costa Mesa, California	- \$80,671.00
c. McKESSON & ROBBINS DRUG COMPANY 1110 Hoefgen Avenue San Antonio, Texas	- \$54,478.64

- d. ABBOTT LABORATORIES - \$46,952.00
Box 5295
Dallas, Texas
- e. BRISTOL LABORATORIES - \$40,053.12
Box 5930
Dallas, Texas
- f. E. R. SQUIBB & SONS - \$29,390.04
3101 Buffalo Speedway
Houston, Texas
- g. WYETH LABORATORIES - \$21,871.10
8717 Directors Row
Dallas, Texas
- h. ABBOTT SCIENTIFIC - \$15,574.40
PRODUCTS
820 Mission Street
South Pasadena, California
- i. THE UPJOHN COMPANY - \$11,424.00
4114 North Central Expressway
Dallas, Texas
- j. GENTEC HOSPITAL SUPPLY COMPANY - \$10,514.90
2131 Theo Drive
Austin, Texas
- k. LEDERLE LABORATORIES - \$8,432.60
Box 5731
Dallas, Texas
- l. BEECHAM LABORATORIES - \$5,991.00
501-551 Fifth Street
Bristol, Tennessee

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

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Himmelblau

Councilmember Linn pointed out on item (g) of the above contracts that 88% of the employees were minorities and women and the 12 men were all in management.

City Manager Davidson stated that one positive aspect of this group of contracts was that by grouping all of the purchases together would save an estimated \$108,000 under what had previously been paid if they were bought separately.

Councilmember Linn moved that the Council adopt a resolution awarding the following contract! (included in the foregoing resolution, and is a part of the total amount of \$920,100.63)

BEHRENS DRUG CORPORATION - \$32,249.82
5754 Airport Boulevard
Austin, Texas

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

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

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

AUSTIN CATERING SERVICE, INC. - Concession, Food for Municipal
4720 South Congress Avenue Annex, General Services Division of
Austin, Texas Purchases and Stores. Two-year
Contract, \$10,200.00 annual
guarantee plus 1-1/2% of gross
receipts, estimated annual revenue
\$11,000.00.

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

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

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

MAUFRAIS BROTHERS, INC. - Channel Improvements on Little Walnut
P. O. Box 2114 and Quail Creeks from 600 feet north
Austin, Texas of Peyton Gin Road to 1,100 feet west
of Hunters Trace - \$160,248.11

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

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

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

JOE SYRING CONSTRUCTION
COMPANY, INC.
P. O. Box 3491
Austin, Texas

- Concession Stand Addition to
Municipal Auditorium - \$102,900.00

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

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

Noes: Councilmember Hofmann

Absent: Mayor Friedman, Councilmember Lebermann

In response to Councilmember Linn's question as to whether this amount of money was connected with the CIP appropriation of \$30,000, Mr. Joe Liro, Management and Budget Administrator, stated that the \$30,000 was not additional money needed outside of the \$102,900.00. It would be included in the total amount. In regard to the debt, Mr. Liro commented that any additional debt that the auditorium would cause would not be manifested for 2 or 3 years. City Manager Davidson felt that the additional revenue this facility would produce for the auditorium fund would compensate for future problems. Councilmember Himmelblau expressed that she was concerned with the estimate the architect presented. Mr. Liro indicated that it was higher than the usual tolerance that is operated; however, in most cases the Council has been considering contracts that have been presented below the architect's estimate and below the budget amount.

In response to Councilmember Hofmann's question as to the amount that was being considered, Mr. J. D. Murchison, Project Administrator in Construction Management, pointed out that when the project was first conceived, the amount of space needed would be 1100 square feet. Now as the planning has proceeded, the area has enlarged to almost 2400 square feet. Half of the cost involves mechanical equipment because the area will have a separate air-conditioner since the present system in the auditorium is deteriorating. Also in addition to this equipment will be some equipment for the walk-in freezer. Councilmember Hofmann noted she still felt the figure of \$120,900.00 was unreasonable.

Mr. Murchison stated that the mechanical staff reviewed the project and felt the figure was valid for the work being done.

Mr. Carl Gandy, Director of Auditorium & Convention Center, indicated that there could be a return of about 10% to the Auditorium fund by the increase in the amount of concession business that could be done. In response to Councilmember Hofmann's question as to whether this facility would be needed if the City proceeds with the arena, Mr. Gandy commented that a duplication of it would be needed in the arena. Mr. Murchison felt that the architect was trying his best to get his amount within the budget that was given him, which was \$75,000.

AGREEMENT TO TRANSPORT COAL

The Council had before it for possible authorization that the City of Austin jointly with the Lower Colorado River Authority would enter into an agreement with the Burlington Northern Railroad and Missouri-Kansas-Texas Railroad to transport coal from Decker, Montana, to La Grange, Texas, as provided in the tariff submitted by the joint railroads.

In response to Councilmember Linn's question as to the 26 million dollars including escalation, Mr. H. L. Peterson, Assistant Director of Electric Utility, stated that it would not. The agreement would be annual and would automatically be renewed each year with the ability to contest the freight rate at anytime after the first year.

Councilmember Hofmann pointed out that she did not think Montana would allow us to stripmine their land for 25 years. Mr. Peterson stated that a contract with Decker Coal Company for the coal in Montana already exists, and this would be only for the transportation of the coal. Councilmember Linn was concerned with the possibility of an export tax. Mr. Peterson noted that there would be a severance tax added to the price of the coal.

City Attorney Butler indicated that the rates were set by the I.C.C. and usually are not protested. They are subject to being reviewed from time to time by the authorities.

Regarding the slurry lines, Mr. Peterson commented that the two proposals presented were tentative and the possibility of the lines being in operation before 1979 would be very doubtful. By using the slurry lines, it would not be a benefit to the railroads. As for the slurry lines being cheaper, Mr. Peterson noted that after approximately 10 years it would be a less expensive mode of movement. City Attorney Butler pointed out other problems with the slurry lines, in getting the legislative authority to construct them, and the amount of water the lines would require.

Mr. Peterson stated that the train cars would not be provided, but only the locomotives and the crew. Councilmember Linn felt that the amount of money involved was considerable and that the Council should delay action on this until it had been given additional study.

City Manager Davidson indicated that the representatives on the Management Committee on the project had many questions concerning the project and have considered other options available to the project as well as the facilities and services offered by the railroads to other similar customers. He felt a considerable amount of time had been spent by the Management Committee in studying and scrutinizing the project.

Councilmember Linn expressed that she would like to have additional time to study the project and was concerned that the people considered about the slurry line were oil people; and she felt that it would be to their interest that a great amount would be paid for the coal. Mr. Peterson pointed out that there was a coal contract where coal would be taken starting in the later part of 1978 and the tariff agreement with the railroad has been discussed and will expire on November 1, 1975. City Manager Davidson noted that a number of consulting engineering firms were contacted by the City that deal with coal and coal slurry would not be feasible.

The Council delayed any action on this project until October 30, 1975.

CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution approving a Change Order to Joe Badgett Construction Company in the amount of \$5,408.85, for construction of the Kramer Lane Service Center. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution approving a Change Order to Stokes Construction Company in the amount of \$13,148.67, for construction of Additions to Robert Mueller Airport. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

In response to Councilmember Hofmann's question concerning the amount of money, Mr. Murchison stated that FAA officials have reviewed the project and are requiring additional doors to be installed for security. The City Manager stated one set of doors would be automatic and the other set would not be automatic. City Manager Davidson commented that the expected date of completion should be around January 1, 1976.

SELECTION OF SOILS INVESTIGATION AND
ENGINEERING TESTING SERVICES

Councilmember Linn moved that the Council select the firm of SHILSTONE ENGINEERING in connection with the following Capital Improvements Project:

Montopolis Community Center Health Clinic

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

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

AMENDING THE UNIFORM CONSTRUCTION BARRICADE
STANDARDS

The Council had before it approval of amending the Manual on Uniform Construction Barricade Standards. Mr. Fred Davis, attorney for the Austin Chapter of the Texas Federation for the Blind appeared before the Council. Mr.

Davis referred to an article that had been written in the paper concerning the training for blind citizens; and in representing Mr. Steve Conrad in a suit against the City which involved Mr. Conrad stepping into an open manhole that was not properly barricaded as the construction employees were doing their work. Upon investigating, Mr. Davis found that there was no existing ordinance requiring a metal protective barricade to be erected around open manholes. He noted that the Council had before them a proposed provision to the Barricade Standards which would require barricading open hazards, such as open manholes, on at least 3 sides when work would be in progress. He noted that the proposed barricades would give tremendous protection to the impaired. At this time, Mr. Davis presented to the City Clerk a petition bearing 319 signatures that encourages the City to adopt an ordinance such as the one being considered. He extended thanks to Mr. Dan Davidson, Mr. George Henry and Mr. Joe Ternus in bringing this about.

Councilmember Linn moved that the Council adopt a resolution authorizing the approval of an amendment to the Manual on Uniform Construction Barricade Standards. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CONTRACT FOR EMERGENCY REPAIRS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a contract with Babcock & Wilcox Company for emergency repairs to Holly No. III Power Plant. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ANNEXATION ORDINANCE

Mayor Pro Tem Snell 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 168.80 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE ROBERT FOSTER SURVEY, PARTLY OUT OF AND A PART OF THE M. D. WILLIAMS SURVEY AND PARTLY OUT OF AND A PART OF THE WILLIAM BELL SURVEY, ALL BEING LOCATED 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 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: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

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

WITHDRAWAL OF AN ITEM

City Attorney Butler noted that the following was withdrawn:

Declaring the necessity for and ordering improvements to Rundberg Lane, Contract Number 75-Pa-126 (C.I.P. Project Number 6217 1), consisting of 1 unit covering approximately 9 blocks.

ORDINANCE INCREASING CIP APPROPRIATION

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING ORDINANCE NO. 750911-B, THE CAPITAL IMPROVEMENT PROGRAM BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1975 AND TERMINATING SEPTEMBER 30, 1976; AUTHORIZING A TRANSFER OF FUNDS FROM THE 1975-1976 AUDITORIUM OPERATING FUND OF THE 1975-1976 ANNUAL BUDGET, ORDINANCE NO. 750925-D; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilmember Linn moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Councilmember Hofmann

Absent: Mayor Friedman, Councilmember Lebermann

The Mayor Pro Tem announced that the ordinance had been passed through its first reading only.

AMENDMENT TO AN ORDINANCE

Councilmember Linn moved that the following amendments be included in Ordinance No. 751009-F:

1. That 23rd Street be closed on December 22 and 23 of Christmas week.
2. A member of the Tax Department be officially included in the Drag Vendors Commission.
3. The basic annual permits be suspended on October 31, 1975 at 4:00 p.m.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 751009-F BY ADDING DAYS DURING WHICH A PORTION OF WEST 23RD STREET IS TO BE CLOSED; ADDING A MEMBER TO THE COMMITTEE ON VENDING; AMENDING THE PROVISIONS ON SALE OF LICENSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn also 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,
Linn, Trevino

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

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

Mayor Pro Tem Snell announced that the Council was recessed and would go into Executive Session.

AFTERNOON SESSION

2:00 P.M.

Mayor Friedman called the afternoon session to order. He pointed out that the public hearings would proceed as scheduled; however, there would not be any decision reached today due to Councilmember Lebermann being absent.

HEARING ON APPEAL OF SPECIAL PERMIT FOR RESIDENTIAL HOME

Mrs. Zilphia Davis, et al, appealing the granting of a Special Permit to W. Hugh Looney, III for a residential home care for children from broken homes at 4100 Avenue D - Case No. C14P-75-039.

Mayor Friedman opened the public hearing scheduled for 11:00 a.m. to consider an appeal of the decision of the Planning Commission for a Special Permit for a residential home for children. MR. DICK LILLIE, Director of Planning, felt that it was important for interested parties to understand that there would not be any action taken on this matter today. City Attorney Butler noted that this case was an appeal and the Planning Commission would be the party to grant or deny the permit. It would take 4 votes from the Council to overturn the decision of the Planning Commission. Mr. Lillie stated that the application was in the Hyde Park neighborhood, north of the University area. The lot was presently zoned "B" Residence District for apartment use. The application was for a residential care home for young people assigned and administered by the Texas Youth Council. There would be a maximum of 14 children living at the home, and they would be supervised by from 2 to 5 staff

members present 24 hours a day as well as the Welfare Department monitoring the operation. The applicant does not propose any changes that would indicate that the structure would be anything other than a residence. Ages of the children living in the home would range from 15 to 18 years of age. After public hearing, the Planning Commission recommended this project subject to departmental requirements. Mr. Lillie noted that a petition had been submitted with 53 names opposing the proposal.

KAREN KING commented that her grandmother lived in the area of discussion, and she was opposed to this Special Permit. Ms. King presented slides that viewed the area in discussion and occupants of the homes. As shown by the slides, most of the occupants in the neighborhood were elderly and could not be present for the Council meeting or public hearings; therefore, petitions have been presented opposing the half-way house. The petition had been signed by 47 of 62 property owners in the area surrounding the house in question.

MR. TROY HARRELL stated that he was present to express his likes and dislikes. He was very pleased to have a Council that was well represented by all races. Mr. Harrell noted that he did not live in the area being discussed but did have property in the immediate area, and he was definitely opposed to the half-way house. The residents in the area were asked to stand and be recognized showing their opposition to the proposed house. He felt that Hyde Park meant very much to the residents and they wanted to keep it in a good condition.

MRS. ZILPHIA DAVIS, 4013 Avenue D, strongly opposed the granting of this Special Permit to the Texas Youth Council for the facility. She could not agree that the home would be enough room for the youths since it was built for one family. Mrs. Davis felt that it was wrong to expect older citizens to give up their security of the neighborhood by establishing this facility and urged the Council to vote "no" on the request.

BERNICE CLIFTON, 4013 Avenue G, commented that when she moved to Austin the Hyde Park area was selected because of its tranquility. She noted that the Hyde Park Association had been quite active in helping create an interest in the restoring of the homes in the area. Mrs. Clifton felt that the peace of mind for humans was more important than trying to restore an older home. The Youth Council had informed the Association that they would rehabilitate the youths by integrating them into a neighborhood situation; however, she could not agree with this since the difference in ages of the residents was so different from the youths. In speaking for herself and those that could not attend, Mrs. Clifton respectfully requested the Council to leave the neighborhood a residential area by not approving this request.

MR. OWEN RUSSELL, a property owner in the proposed area, expressed that he was only trying to retain the tranquility that has prevailed in the neighborhood. After reviewing the letter that was sent to each Councilmember, Mr. Russell stated that the Hyde Park Association was in error supporting the idea of the half-way house because the residents did not. He felt that the Hyde Park Neighborhood Association could not speak for the residents located in the 4 block area. Mr. Russell reviewed some of the motives of the Association and could not agree with the Association on their ideas. He felt that the youths should be placed in a rural area situation where they would have sufficient room for activities and would also have better supervision. Mr. Russell definitely felt the youths should be located in a neighborhood where they would have common interests with children of their own ages. He asked the Council to consider approving the appeal and not have the half-way house in this neighborhood.

MR. ROBERT KING, representing the party appealing the facility as well as his father-in-law. He pointed out that the Council had the petition showing that the neighborhood did not want the facility due to reasons stated by some of the residents today. Since large scale institutions are in the process of being disbanded, this means there will be community treatments with half-way houses in residential areas. The proposed house is the first such effort in Austin and the state of Texas, and the success of the program will depend upon the success of this one. Mr. King felt the Texas Youth Council had not put forth enough effort in selecting the area for the house. In referring to the zoning committee hearing, Mr. King noted that the TYC representative stated the success of a similar type program in Florida as well as the preparation that had been involved in the selection of the neighborhood in Florida. He felt that placing the half-way house in the Hyde Park neighborhood would only create an example of how not to set up this type of program. Mr. Hugh Looney's only interest in the matter was only from a financial standpoint as expressed at the Zoning Committee meeting. Since Mr. Looney was owner of the house being discussed, Mr. King felt that Mr. Looney's only interest was money he would receive by leasing the house. If Mr. Looney really wanted to restore the house to a private residence, then Mr. King questioned his reservations to agree to a zoning rollback to "A" Residence District. Also in question would be the purchase of the house by Mr. Looney, which Mr. King did not think had been accomplished. He urged the Council not to use this house for the proposed home for children.

MR. W. P. McMAIN expressed his support of the aforementioned speakers.

MR. HUGH LOONEY, stated that he would rollback the zoning if the permit was allowed. Mr. Looney noted that he had a contract on the house that was final subject to the approval of the Special Permit. He pointed out that he would be willing to meet all the requirements of the Planning Commission to restore the house and turn the outside building into a recreational area. Mr. Looney commented that the TYC was planning an advisory board of which he was requesting to be a member. He supports the program and would roll back the zoning.

MR. JIM CARHAND introduced members of the Texas Youth Council: Mr. Howard Middleton and the Director of Community Services division, Dr. Stan Pender.

MR. TOM BILLINGE, Program Director working with the facility in Hyde Park, distributed material for the Council to read concerning the Florida based program. After reading from the material, Mr. Billinge indicated the reason for a community based program being that in the past children have been placed too far from home. The Hyde Park location was chosen because of the central location that was selected after quite a bit of research. He noted that he had been involved in 6 programs of similar nature and definitely felt that this site was the best he had seen.

In response to Councilmember Linn's question, Mr. Billinge commented that Mr. Looney was contacted by way of Mr. Jim Carhand. Mr. Carhand stated that several real estate agencies had been contacted to aid in locating a house, and the Hyde Park neighborhood was the one that met all the standards that he felt were ideal for the children.

Mr. Billinge pointed out that the treatment used in the program would be reality therapy. The staffing pattern would be the best that he had ever seen. There would be 14 children and 12 staff members with 5 on duty during the day, at least 2 or 3 in the evening and 2 on at night.

Mayor Friedman expressed the neighbors concern since there would not be 12 staff members on at one time.

The minimum number of staff members on at one time would be 2 which would usually be when the children were asleep. Mr. Billinge stated the children would have schedules to follow with duties to be performed, and then they would either go to school or to an on-the-job training program. To be allowed into this program the child would have to be functional, so for the main part of the day the children would not be at the home.

Mayor Friedman asked if it would be possible to limit the number of children to 10 instead of 14 so the staff ratio would be more adequate. He felt that community treatment was the only answer, but that he also understood the feelings of the residents in the neighborhood. Mr. Jim Carhand noted that limiting the number of children to 10 would be possible; however, by doing this it would increase the cost for the program.

MR. STAN BENDER, associated with the TYC, questioned if the opponents would accept 10 children into the neighborhood. Mayor Friedman commented that this would be discussed. Mr. Bender noted that the TYC would consider 10 children if the neighborhood supported the idea.

Mayor Friedman suggested that in the coming week that the TYC and the residents in the neighborhood have a meeting to discuss the problems involved, because he was looking for an answer to try and find a compromise that will allow community treatment.

In response to Mayor Pro Tem Snell's question concerning weekend supervision, Mr. Carhand pointed out that the Department of Public Welfare half-way house specifications would be the guidelines being followed whereby 24-hour coverage would be maintained with at least 2 people on duty at all times.

MR. JAY GRIFFIN commended the Mayor for speaking in terms of a collective resolution to the problem. He indicated that the program would involve a "Diagnostic Reception Center" which would view each of the children that would be placed in the program. By way of various tests and a well-qualified staff, the children would be diagnosed before their placement. The core training for the staff of the Center would be performed by the Human Resource Development Division of the TYC. Being a recipient of a juvenile correction service, Mr. Griffin felt that the half-way house concept was an important vehicle to bring about rehabilitation to the young. He supported the concept of dealing with the problems in the community and not in institutions.

Councilmember Linn felt that the State should have requirements for itself that met the standards required of private residential centers in neighborhoods without people who were adequately certified in social work, psychiatry or psychology. Mr. Griffin stated that there would be certified people available at all times for the center. Councilmember Linn hoped that one would be there.

MR. JIM CARHAND reviewed some of the history of half-way houses. He pointed out that the children of Travis House, which would be the name of the facility, would be beneficial to the neighbors by helping the elderly in numerous ways. Mr. Carhand felt there would be no generation gap, but that the two groups could work together. He expressed that the children would not be invading the area, but they would only be seeking help; and asked the Council and the citizens to give them an opportunity to prove themselves to the children they would serve.

REVEREND MERLE FRANKE stated that he lived next door to the proposed facility on Avenue D. He pointed out that the Hyde Park Neighborhood Association did not deliberately take a stand on the issue at a September meeting because they knew they could not speak for the entire neighborhood, and they knew a decision would not be made at that level. Reverend Franke noted that he would only be speaking for his family and not the association. He supported the facility being proposed since it would be a start in keeping juvenile offenders out of institutions. Also, restoration of a house would not be placed above the value of people. In the past few years Reverend Franke commented that there had been no control over the tenants living in the home and it was in a deteriorated state. By restoring the house, he felt it would enhance the real estate values of adjacent property. This would also be an opportunity for the neighborhood to have input in the treatment of juvenile offenders.

TOM ZALINK, a resident in the Hyde Park area, spoke on behalf of the Youth Council program. Mr. Zalink felt that the City should be developing a policy statement and a set of criteria regarding requests for locations of such programs in local neighborhoods. The City should be setting up standards for such future programs and the procedure to follow in involving the local neighborhoods in setting the program up.

MR. WYATT ATKINS, Director of the Marbridge House for retarded boys, commented that people would not even know the proposed house existed in the neighborhood. He stated that he had 56 retarded young men with a staff of 10 and felt that this type of half-way house being proposed would aid the community.

MARK COHEN, an attorney, represented CURE, which was a prison reform group, the goal of this group being to eliminate crime to criminal justice reform. He urged the opponents to think about the reason for their being opposed. Mr. Cohen pointed out that if there was not a community correction facility in Austin, then the youths would be going into institutions where he felt the care would be bad.

AGNES EDWARDS, a Hyde Park resident, added that the TYC had been contacting citizens in the neighborhood and were planning an advisory board. She urged the neighbors to participate by being on the board so control could be maintained.

STEVE RUSSELL, associated with the Austin chapter of CURE, noted that criminal justice does not work. He felt that if this type of program was stopped in Austin, then the Legislature would probably not be in favor of this type of program. The youths will need attention and supervision, and he felt it was our responsibility to these youths to help them.

In response to Mayor Friedman's question concerning the establishment of neighborhood centers in other parts of Texas, Mr. Carhand stated that several contacts had been made, but at the present there were none in operation.

Councilmember Hofmann was concerned with the contact that had been made in the neighborhood and questioned if there had been sufficient contact made. Mr. Carhand noted that in September a meeting was held with several members of the committee informing them of the proposed house. This group expressed that they were in agreement with this proposal and asked the TYC to meet with other residents in the community. This was accomplished and a meeting was held. Mr. Carhand pointed out that they had not met with everyone in the neighborhood except at the special meeting that was held where everyone was invited. Reverend Franke stated that the residents in Hyde Park were notified of the meeting by way of printed newsletter. Of the 500 newsletters distributed, there were about 75 people that attended the meeting.

Mayor Friedman asked that Mr. Carhand meet with the residents in the Hyde Park area and also to check the feasibility of having only 10 youths as a possible way to alleviate some of the problems that concern the residents.

Agnes Edwards commented that also printed in the newsletter was her telephone number as an information source, and she stated that there had not been any inquiries from the opponents. Mayor Friedman pointed out that the important thing to remember was not what had happened in the past, but to concern ourselves with what would be happening in the next week.

Mr. Owen Russell referred to the meetings that were held and noted that at one of the meetings the citizens did display their objection to the house. He felt that he was unable to express his opinion at a meeting with Mrs. Edwards that was held.

Mr. Clifton indicated that the reason for such a low attendance at the meetings that were held was due to several of the residents being elderly and not able to attend.

MR. C. C. CRUTCHFIELD, a resident in Hyde Park, was opposed to the proposed house whether it would be used for 10 or 14 youths. He felt that the Hyde Park area was a residential area for elderly people and young people and hoped the Council would vote knowing that the majority of people in Hyde Park were against this project.

Mayor Friedman noted that all that could be done at this time would be to recess the public hearing until next week at which time the Council would decide on the issue. During this coming week possibly the concerned parties could meet and find a way to accommodate both sides. He felt that community based programs for these type of youths needs to be found; and by discussing the program some more, he indicated that a compromise could be reached.

Stan Bender requested that he be given the names of interested people to contact about the program. Mayor Friedman suggested that they meet outside the Council Chambers after the hearing was recessed to decide on an appropriate time.

Mayor Pro Tem Snell moved that the public hearing be recessed until 11:00 A.M. October 30, 1975. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

HEARING ON APPEAL OF SPECIAL PERMIT FOR HOUSING FOR RUNAWAY PEOPLE

Mr. Thomas B. Arbuckle, et al, appealing the granting of a Special Permit to Middle Earth Foundation for temporary housing for runaway people, at 1107 Concordia and 3416 Robinson - Case No. C14P-75-042.

Mayor Friedman opened the 11:00 a.m. public hearing to consider the appeal of granting a Special Permit to Middle Earth Foundation for temporary housing for runaway people, at 1107 Concordia and 3416 Robinson. MR. DICK LILLIE stated that this application would also require 4 votes from the Council to reverse the Planning Commission's decision. Mayor Friedman noted also that the Council would not take any action today on this appeal because of the absence of Councilmember Lebermann. Mr. Lillie commented that the application was located on the southwest corner of Concordia and Robinson. The application was filed by Middle Earth Foundation who propose to provide temporary housing for a maximum of 16 runaway children. There would be 2 permanent houseparents residing in the house and the length of stay for the children would vary depending upon how quickly they return home or to the proper authorities. The applicant had prepared an information packet relative to the Department of HEW compliance. After the public hearing, the Planning Commission granted the Special Permit. Mr. Lillie noted that there was a petition filed in opposition to this. In response to Councilmember Linn's question as to whether this would be the only unit in the "A" Residence District that would be a multi-person unit, Mr. Lillie commented that it was all "A" Residential, and the unit located on this particular piece of property was a four-plex non-conforming use. Mayor Friedman stated that the petition had 52 names on it.

ELIZABETH VICKERS, 3409 Robinson, stated that she had been asked to speak to the Council on behalf of the area homeowners who were opposing the location of this facility. She noted that there were not any renters voicing their opinion among them because the homeowners felt that renters should not have the right to influence a decision that would be influencing them the rest of their lives. Ms. Vickers indicated that certain renters may have influenced the decision of the Planning Commission. The main reason for opposing the facility would be that it would be more appropriate in an area already zoned for apartment use. Due to the obvious unwillingness of the area homeowners, the project would have a difficult time being successful. She asked that the rights of the property owners be honored.

MRS. MARTHA ARBUCKLE pointed out that she was present on behalf of the University Park Homeowners. Slides were presented to the Council at this time depicting the proposed house. In referring to the carport, Mrs. Arbuckle commented that the Middle Earth Foundation had plans to construct a game room

out of this carport. She felt that this would create more parking problems; and this was one of their main objections to this project as well as a lack of area. Also viewed was a slide of the Middle Earth establishment located on Manor Road and noted that in the past this establishment was not maintained properly. Mrs. Arbuckle pointed out that the neighborhood was primarily an elderly neighborhood, and due to this, several of the residents could not attend the meeting today. She also stressed that the area was zoned "A" and felt that this project would be the first step toward rezoning. In referring to a map and petition that was distributed to the Council, Mrs. Arbuckle pointed out that the map presented to the Planning Commission by the Middle Earth Foundation was not correct. In summary, she stated that if the Council voted for the home, it would lower the property value and increase vandalism. She urged the Council to vote against this Special Permit.

JOCELEE DANIEL, a homeowner in the area, presented a list of 19 names of elderly people that were not able to be present, but they wanted their names presented for the record. She stated that Mr. and Mrs. R. L. Roberts were not present, but that Mr. Roberts asked Mrs. Daniel to inform the Council that the owner of the house in question was not pleased with the proposed use of the home.

JAYNE BELL, a member of the staff for the runaway program, noted their efforts in trying to meet with local property owners by leaving notices at the various homes in the area. 35 people signed letters of support for the project. A meeting was held and was attended by one resident property owner and one renter. The staff held another meeting, since many in the area felt they were not notified of the first meeting. At this time 150 notices were mailed and only 5 people were present for the meeting. Ms. Bell indicated that there were 2 mistakes in the map which have been cleared. She indicated that another effort was being made to have a community advisory board with neighbors from the immediate neighborhood participating. A regular visiting time will be held once a week for the neighbors to view the facility. In referring to the house, it was noted that with this proposed project there would be a constant occupancy instead of the present transient situation. In regard to the house on Manor Road, she commented that they were in the process of renovating it. If the carport was enclosed as they propose in the house for runaway people, she felt that it would not create any parking problem. There would not be a lot of activity as far as recreation is concerned, since the children would be busy most of the time. The supervision would be adequate with one staff person for every 8 children, which complies with the Department of Public Welfare standards. In addition to this there would be a volunteer staff which would be highly trained. At night there would be a permanent live-in night-time staff of 2 people. This location would be ideal for this project due to the location and good ethnic, which would be very good for the children. Financially speaking, this area was the only place they located that complied with Department of Public Welfare standards and was reasonable to rent. Ms. Bell pointed out that if the permit was not granted, they could easily lose their funding. Letters were submitted supporting this Special Permit.

In response to Councilmember Linn's question, Ms. Bell stated that there would be a psychological associate on the staff, and everyone would have some type of degree.

MR. STEVE ENGLANDER, a counselor with the program, stated that he was certified with the State of Texas to practice psychology under a licensed psychologist for an exempt agency, which Middle Earth would qualify to be.

Councilmember Linn expressed that the program should have associated with it a licensed doctor. Mr. Englander commented that they planned to have a professional advisory board to aid them in various ways.

SUE DODY noted that several licensed people have been contacted and she felt that a supervisor or consultant would be available to supervise Mr. Englander.

BRUCE MIEROFF, Assistant Professor of Government at the University, stated that he lived in the area across the street from the proposed Middle Earth house. Mr. Mieroff supported the concept of having the house in the neighborhood; and he felt that the persons in opposition to the house just did not want to listen. Mr. Mieroff pointed out that once the people in the neighborhood accepted that the house would be in the neighborhood, they would eventually receive the program.

Councilmember Hofmann noted that she was concerned that meetings were held to discuss certain projects and people do not attend the meetings.

HOWARD CHISER, a Board member of Middle Earth, said he felt that the Middle Earth Foundation had satisfied HEW as for meeting requirements, and he hoped the Council would vote in accord with the Special Permit.

HARRIET SUNDSONG, a resident in the neighborhood, considered the area ideal for children who were in need of supervision and in a crisis situation. She felt it would be a privilege to be part of a neighborhood that would provide such an environment for the children; therefore, she supported the house being located in the area.

Sue Dody, a resident in the area as well as being associated with Middle Earth, appeared before the Council. She stated that her grandmother lived in the neighborhood and she would not want to have anything in the area that would endanger her grandmother, which she definitely felt that this proposed house would not do. In describing the children, Ms. Dody commented that the children were not delinquent, but children with family problems.

Mayor Pro Tem Snell was concerned with the tri-ethnic group that had been spoken of earlier, and he did not see any blacks or browns opposing or in favor of the proposed house. There were some noted at this time.

NEIL TRACKMAN, a resident and associated with Middle Earth, supported the proposal to open the house in the neighborhood. He stated that at the present time, he was the Medical Director of the Middle Earth Crisis Center. Mr. Trackman again stressed that the children were not delinquents, but were recipients of ill treatment at home. He felt that the proposed area would offer a good life for the children.

DONALD BELL noted that he was a runaway and supported the program for runaway children. He urged the Council to deny the appeal.

DOTTIE MOTT, associated with Middle Earth, informed the Council that she has been looking for a location for the proposed house over 3 months ago. After some 70-80 houses were considered for the location of the house and she felt that the runaway house would not be disruptive to the neighborhood.

JOHN M. ADAMS, 3412 Robinson Avenue, suggested that the ultimate use of the house would be more than what was being proposed. He felt that there would be a zoning change if the Middle Earth Foundation were to leave.

In response to Councilmember Linn's question, Mr. Lillie commented that the variance was granted by the Board of Adjustment several years ago permitting 4 units. This would stand unless kitchens were removed to convert it back to a more restrictive use. If the structure were demolished, a single-family structure would have to be built.

Elizabeth Vickers referred to a fold-out she received in the paper and located several places that this category would qualify for.

Mayor Friedman felt that these places were basically long term treatment centers, and the proposed house would only be an interim to a permanent situation.

MRS. ALICE SCHWAB, 3712 Robinson, was concerned about the supervision of the children at night. She felt that it would take someone older to care for this group of children.

Mayor Friedman stated that the Federal government had very particular guidelines and requirements, and evidently they felt that these requirements had been met since a tremendous amount of money had been given the Middle Earth Foundation.

A member of the Middle Earth Foundation pointed out that there would be two staff members on duty at all times. Their ages would be 26 and 25 years of age. He also noted, as far as being ethnically balanced, he was black.

Mayor Friedman indicated that the public hearing would be recessed until next week when a full Council would be present to make a decision. He encouraged the involved parties to meet and discuss the problems to reach a resolution. Mayor Pro Tem Snell commented that he had reference to the people living in the neighborhood in regard to the ethnic balance. BERNICE HIGHTOWER noted that she had 2 black neighbors in the area and they were both against the proposed house.

Mayor Pro Tem Snell moved that the public hearing be recessed until 11:00 a.m. October 30, 1975. 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

APPEARANCE CONCERNING RESTRICTIVE COVENANT

Mr. A. Roy Thomas was scheduled to appear before the Council concerning a restrictive covenant that had been placed in error on Lot 24, Block 14, Hyde Park Subdivision, but he was not present at this time. City Attorney Butler noted that the Lot needed to be changed to Lot 26.

Mr. Lillie reviewed the covenant that the Council required, subsequently the concerned party acquired additional lots and were now requesting that the fence requirement be moved which would be the change that was being asked.

Councilmember Himmelblau moved that the Council approve the request to change the Lot to Lot 26. 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

HEARING TO CONSIDER APPROVAL OF AN EASEMENT FOR WASTEWATER
INTERCEPTOR

Mayor Friedman opened the 2:30 p.m. public hearing to consider approval of an easement for a Wastewater Interceptor through parkland in the Onion Creek and Boggy Creek (South) Area.

Mr. Roger White, Associate Director of Water and Wastewater, stated that the project design of the project had been reviewed and approved by the involved City departments including the Parks and Recreation Department and Environmental Resource Department. The Citizen's Environmental Board have reviewed the project and are in agreement with the project. The creek permit has been issued and Mr. White felt that the project was in order.

City Manager Davidson pointed out that this was a combination dedication of parkland to the City as well as acquisition by the City. This particular project was fully intended at the time the City acquired the land and has been spoken about to all parties concerned.

Councilmember Hofmann moved to close the public hearing and approve the easement for a Wastewater Interceptor through parkland in the Onion Creek and Boggy Creek (South) Area. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Councilmember Hofmann moved the Council adopt a resolution to set aside and dedicate to the public for use as a sanitary sewer easement two (2) strips of land twenty (20.00) feet in width, same being out of and a part of that certain 3.40 acre tract and 0.67 acre tract out of the William Cannon League. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

ITEM CONCERNING MOPAC RAMPS

Councilmember Linn moved that the City of Austin once again indicate its acceptance of the offer of the State Highway Department, as set forth in the letters of the District Engineer dated April 2, 1975, and October 7, 1975, whereby it was agreed that the Westover, Enfield and Windsor ramps be closed, and that the Enfield and Windsor ramps would be opened as advised by the consultant for the MoPac study. She further moved that the City Manager advise the Commission and District Engineer of such continued acceptance and such intent on the part of the City of Austin as agreed to by the District Engineer.

It is further moved that the City Manager contact both the Highway Commission and the Engineer and take the necessary steps to effect the desire of the Council (including the preparation of barricades in case they are necessary by November 1, 1975) and report back to the Council on October 30, 1975, to advise of all steps taken to carry out the agreement with the Highway Department. The motion was seconded by Councilmember Hofmann.

Councilmember Himmelblau stated that she would vote "yes", but under no circumstances would she vote to barricade any of the ramps at a future time. She was only voting for the correspondence between the City Manager and the Highway Department only, but not for the ramp barricades.

Mayor Friedman noted that the motion was to close the ramps in accordance with the offer by the Highway Department.

Councilmember Himmelblau indicated that she was not opposed to the study but felt that her vote should be "no", because she was opposed to the permanent barricading that might be inferred.

Councilmember Linn stated that this was only as offered by the Highway Department.

Councilmember Trevino noted that even if Councilmember Linn's motion was passed, the City Manager was instructed to come back to the Council by October 30, and at that time the Council would be informed of the Highway Commission's position.

Roll Call on the Motion

Roll Call on Councilmember Linn's motion, Councilmember Hofmann's second, showed the following vote:

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

The Mayor announced that the motion had carried.

Mayor Friedman informed the Council that he had received a statement from Councilmember Lebermann concerning the MoPac issue and would like to read it at this time.

"The two issues presently confronting the Council on MoPac, the purchase of land for right-of-way purposes and the use of various access ramps, are two separate issues and should be viewed as such. I believe that we have adequate assurances that the Council will have final approval of all construction plans for future sections of MoPac. Consequently, I do not feel that we should delay any further the purchase of the necessary parcels of land connected with the right-of-way.

With regard to the ramps, I believe that the ramps should remain closed until those times that they are opened in accordance with the suggestions and requirements of the consultant retained by the Council to do the impact study."

AUTHORIZATION OF ONE-WAY STREETS

Mayor Friedman stated that any one-way streets could only be contingent on whether the ramps were open or not.

The Council had before it possible authorization of the following one-way streets:

DELETING

<u>ON</u>	<u>FROM</u>	<u>TO</u>	<u>DIRECTION</u>
Winsted Lane	West 11th Street	West 7th Street	Southbound

ADDING

Winsted Lane	Windsor Road	West 7th Street	Southbound
Newfield Lane	300 feet South of West 10th Street	Niles Road	Northbound
Oakmont Boulevard	Westover Road	Mohle Drive	Northbound

City Manager Davidson referred to the letter he had submitted to the Council that suggested that a resolution be adopted authorizing one-way as proposed. The resolution could be made conditional to indicate that the one-way pattern would be authorized only when the ramps were opened by the Highway Department or other legally constituted authority.

Mr. Howard Ferguson referred to Mr. Davidson's statement and felt that as of the first of November the Highway Department would open the ramps as well as MoPac. Mr. Ferguson urged cooperation between the City and the Highway Department. He did not want the one-way street operation on Oakmont Boulevard.

Councilmember Linn pointed out that the Council had been taking pressure for 6 months concerning MoPac and she felt that the Highway Commission and Mr. Travis Long need to be contacted concerning citizens' requests on MoPac.

Mr. Bob Jones stated that he had appeared before the Council several weeks ago, and at that time, he thought this issue was resolved. Also Mr. Jones was concerned since there were not any notices that the one-way streets would be open. He noted that the one-way signs were not covered.

City Manager Davidson commented that the signs should not be uncovered since it had not been authorized by his office or by Mr. Joe Ternus. If the ramps were opened the signs would be ready. Mr. Davidson also stated that traffic signals had been installed at the ramp locations.

Mr. Davidson apologized to Mr. Jones for not receiving any notification concerning this change.

Mr. Ed Ramsey, Chairman of the Johnson Creek Neighborhood Group, felt that the decision made by the Council on this matter would effect this group. He acknowledged the effort by the Council to keep the ramps closed.

Louise Jarrel asked that City Manager Davidson review his resolution. She was concerned that possibly the Highway Department had indicated to Mr. Davidson that the ramps would be open. Mr. Davidson stated they had not.

Nellie White noted that she had contacted the Highway Commission to have a meeting, and she was informed that they would not see anyone.

Tom Pollard reiterated that citizens in the concerned area had not been notified of the one-way streets.

Councilmember Hofmann moved that the Council implement the one-way street plan only at the time of the ramps being opened. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

*Mayor Pro Tem Snell stated that if the City could install signs in one part of the City and cover them, then this could be done in all areas.

ACQUISITION OF LAND FOR MOPAC

Councilmember Himmelblau moved that the Council adopt a resolution to acquire the following land for the MoPac Expressway:

8,878 square feet of land out of Lot 1, Block B, Balcones Terrace
(United Mutual Savings Bank)

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

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

WATERSHED PLANNING FOR BARTON CREEK

Mr. Don Walden, member of the Citizens Board of Natural Resources and Environmental Quality, appeared before the Council to present the Board's recommendations regarding the Barton Creek Wastewater Interceptor proposal.

The Barton Creek Watershed is a large area southwest of Austin, and is the last major watershed contiguous to the City which has not been urbanized intensively, except for a portion extending about 3 miles upstream from Town Lake. The lack of a wastewater collection system has prevented development of a major part of the watershed.

Mr. Walden stated that the Board's review of the proposal to extend the interceptor focused on the following:

1. The direct impact, short term and long term, on the creek ground water system, the recharge area of the system, and the tributary caused by constructing the line itself.
2. The short and long term impacts associated with urbanization of the large portion of the watershed which the interceptor would serve.

Through the use of slides, Mr. Walden described the major visible elements of the watershed. He pointed out that the Board was concerned about the quality of both the surface and ground water on which little data had been collected and for which no standards had been set.

Construction of the interceptor would have a series of negative impacts other than disruption of the landscape. For that reason extensive planning had already gone into route selection. With the main interceptor in place, detailed planning would be required to plan the location and the tie-in schemes of the lateral lines, so that open cuts in draws could be avoided, possibly by boring.

Mr. Walden asked that the Council authorize the initiation of a watershed management program, which the Board recommended. The plan would differ from the Lake Austin Development Plan in that its initial phase would be more basic. The initial base line data gathering would require about 6 months. He also asked that the Council direct the City Manager to come back with a work proposal for the Barton Creek watershed plan.

In response to Councilmember Hofmann's question, Mr. Walden stated that current CIP money could be used to fund the plan.

In response to Councilmember Himmelblau's question, Mr. Walden stated that Dr. Gus Fruh, an environmental engineer and member of the Citizens Board of Natural Resources and Environment, had been making productive suggestions. He also pointed out that although Tracor had recommended the watershed study, they would not be doing the study because they were no longer in that business.

Mr. Walden stated that the Board also had recommended that the Council invite the Texas Water Quality Board to begin studying the watershed. Other agencies, such as the US Geological Survey and the Bureau of Economic Geology should participate.

Mayor Friedman pointed out that the first step was for the Council to instruct the City Manager and staff to come back with a work program. Once the work program was approved, then the multi-agencies would be invited to participate. He then called for a motion to that effect.

Councilmember Hofmann moved that the Council instruct the staff and administration to come back to the Council as soon as feasible with a work program for the watershed. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Mr. Walden stated that interim controls should be instituted to regulate certain developmental activities which were detrimental to the watershed. He requested that the Council ask the City Manager to come back with some proposed interim controls.

Mayor Friedman agreed that the staff had to look at the problem. He also suggested that Mr. Walden talk to the Planning Commission about the controls. Mr. Walden stated that he would talk to Mr. Lillie and Mr. Heatherly.

Mayor Friedman stated that approval of the upcoming bond election would be one of the biggest interim steps, so that the City could begin purchasing land in the Barton Creek watershed.

EXECUTIVE SESSION

Mayor Friedman announced that the Council had met in executive session at noon to discuss appointments to Boards and Commissions. He stated that Kathy Kraye had resigned as a member of the Vending Committee.

Councilmember Hofmann moved that the Council appoint the following to the HUMAN RELATIONS COMMISSION:

Irish Mathews
Mrs. Merle Miles
Julis Gordon
Jana Zumbrum

Charles Eskridge
Amalia Mendosa
Maurice Zuniga

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

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

Mayor Friedman moved that the Council appoint the following to the VENDING COMMITTEE:

Betty Sanders (Schell) - Importer
Mark Lett

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

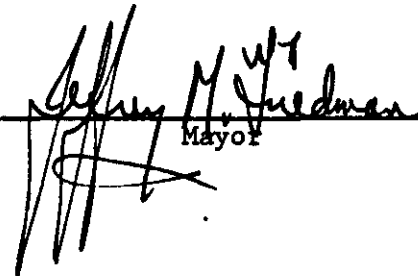
Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann

Mayor Friedman announced that they would make one more appointment next week.

ADJOURNMENT

The Council adjourned at 5:47 p.m.

APPROVED


Mayor

ATTEST:


City Clerk