

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 30, 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, Trevino, Mayor Friedman,
Mayor Pro Tem Snell

Absent: Councilmembers Lebermann, Linn, Hofmann

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

PRESENTATION

Mr. Joseph Poman, representing the American Automobile Association, appeared before the Council to present a special citation to the City of Austin in the matter of safety. The award was presented to Austin because of the 1.1 accident proportion per 100,000 of the population. Mr. Poman complimented the City of Austin for their effort and distributed the awards to the Council.

Mayor Friedman thanked Mr. Poman for the presentation on behalf of the City of Austin and assured him that the citizens and City employees would continue to improve their safety record.

FREE ENTERPRISE WEEK

Mayor Friedman read and presented a proclamation to Janet Davis and Tommy Carpenter, members of the Crockett High School's Distributive Education class, proclaiming the week of November 9-16, 1975, as "Free Enterprise Week" for the DECA Chapter of Distributive Education at Crockett High School and encouraged all residents to join the Council in focusing attention on all of the businesses and distributive education classes that work together helping the free enterprise system benefit our community.

Janet Davis thanked the Council and introduced the members of the Crockett High School distributive education class.

GIRL SCOUT CADET TROOP 99 DAY

Members of the Girl Scout Cadet Troop 99 presented a check in the amount of \$15.00 to be used for purchasing trees for the planning program along Town Lake. Mayor Friedman noted that because of this effort as well as the effort made by thousands of other citizens, the program was progressing very well. In commemoration for the work of Troop 99, Mayor Friedman read a proclamation.

Mayor Friedman read and presented a proclamation to Troop 99, proclaiming October 30, 1975, as "Girl Scout Cadet Troop 99 Day" and called on all citizens to join the Council in recognizing their demonstration of good citizenship. One of the members of the troop introduced her mother Mrs. Johannson and Mrs. Morgan.

UNICEF DAY

Mayor Friedman noted that Councilmember Hofmann was extremely instrumental in the UNICEF program and due to her delay Mayor Friedman would present the proclamation.

Mayor Friedman read and presented a proclamation to Mrs. Judy Liro proclaiming October 31, 1975, as "UNICEF Day", and urged every citizen old and young alike to buy UNICEF Christmas cards and to participate in trick or treat for UNICEF and to welcome properly identified trick or treaters at the door - those whose orange and black containers carry the official printed UNICEF message with the UNICEF symbol of a mother and child.

Mrs. Liro thanked the Council for their continued support of the program and the opportunity to ask the citizens of Austin to support the trick or treaters tonight. She also commented that the Austin League of Women Voters were supporting Christmas card sales and cards could be purchased at their office located in the YMCA building. The greeting card program as well as the trick or treat for UNICEF aids UNICEF to continue to serve the needs of the children and families in developing countries. Also presented to the Council were catalogs showing the greeting cards. Mayor Friedman thanked Mrs. Liro for the work she was doing.

INTRODUCTION

Councilmember Trevino took this opportunity to introduce his sister, Josephine Zamarripa. Councilmember Himmelblau introduced Mayor Friedman's father.

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for October 23, 1975. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Trevino
Noes: None
Absent: Councilmembers Hofmann, Lebermann, Linn (Councilmember
Linn asked that her vote be recorded as "yes.")

APPEARANCE CONCERNING SAFETY AT NIGHT

Mr. Louis Davis had requested to appear before the Council to discuss the safety of children on Halloween night and women that work at night. However, he was not present at the meeting.

CONTRACTS AWARDED

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

PHOTO PROCESSORS, INC.
909 Congress Avenue
Austin, Texas

- Film Processing, Public Information
Twelve Month Supply Agreement
Items 1-9b - \$8,138.15

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Trevino,
Mayor Friedman
Noes: None
Absent: Councilmembers Hofmann, Lebermann, Linn (Councilmember
Linn asked that her vote be recorded as "yes.")

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

DAMARK
10825 North Lamar Boulevard
Austin, Texas

- Carpet and Floor Covering 6,840
square feet - 3rd Floor of
Municipal Building
Item 1-3 - \$8,238.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Trevino,
Mayor Friedman
Noes: None
Absent: Councilmembers Hofmann, Lebermann, Linn (Councilmember
Linn asked that her vote be recorded as "yes.")

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

TECHLINE, INC.
8750 Shoal Creek Boulevard
Austin, Texas

- 100 Each Street Light Poles,
Electric Department
Item 1 - \$17,740.00

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

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

Noes: None

Absent: Councilmembers Hofmann, Lebermann, Linn (Councilmember
Linn asked that her vote be recorded as "yes.")

ONE-YEAR EXTENSION OF CONSULTING SERVICES

Councilmember Trevino moved that the Council adopt a resolution authorizing a one-year extension of the consulting services arrangement with Mr. Bill Murray for natural gas matters at the rate of \$10,000 annually. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Hofmann, Lebermann, Linn (Councilmember
Linn asked that her vote be recorded as "yes.")

Mr. Homer Reed, Deputy City Manager, noted that Mr. Bill Murray was also the representative for the LCRA and the San Antonio Public Service Board; and it was through this joint search effort that the present supply of gas for electric utility would be possible. Mr. Reed stated that he did recommend approval of this item.

At this point, Councilmembers Lebermann, Linn and Hofmann entered the Council Chambers.

AGREEMENT TO TRANSPORT COAL

The Council had before it for possible authorization for the City of Austin jointly with the Lower Colorado River Authority to 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 concerning the cost of transportation being raised, MR. R. L. HANCOCK, Director of Electric Utility, commented that it would not, due to the transportation cost being governed by a railroad tariff. This tariff would be subject to readjustment on an annual basis; and if the price of the tariff was not agreeable to both parties at that time, either party would have the right to question the tariff with the Interstate Commerce Commission. The cost for transportation could possibly be reduced if during the course of the life of the plant another mode of transportation was found to be more attractive both technically and economically. He stated that Austin was not "locked" into a 25-year transportation contract with the railroad; however, there would be an investment in the railroad cars.

Mr. Hancock noted that at the present time, there was a very heated controversy in Congress regarding coal slurry pipelines. He commented that it was necessary that the pipeline people have the right of eminent domain to cross railroad facilities with their pipelines in order to move the pipe wherever they desired. In an attempt to protect their market, railroads are trying to block this right of eminent domain which is causing this issue in the Congress at the present time.

In response to Councilmember Linn's question concerning rate cases, Mr. Hancock indicated that there were a number of utilities currently negotiating with the railroads with respect to tariffs for moving coal under the unit train concept. At the present time, San Antonio and Houston Light and Power are negotiating with railroads regarding this tariff, trying to obtain the lowest possible tariff. If they should obtain one that would be lower than the proposed tariff for Austin and LCRA, Austin would be qualified to take advantage of this lower tariff. In response to Councilmember Linn's question, Mr. Hancock noted that each negotiation that took place was independent. He pointed out that Austin had received a concession from Burlington Northern that if an agreement was made with either of the two companies, Austin would have the advantage of the lower price and the option of utilizing an ICC hearing in Washington to determine the rate. This agreement was in a letter that has been transmitted to the Council. In regard to the involvement of Bechtel, Mr. Hancock commented that the issue of slurry pipelines versus rail transportation was really a competitive one. He felt that the investigation of Bechtel was a political method of protecting the railroads markets.

Councilmember Linn asked Mr. Hancock in what sense that Bechtel advised Austin, and he replied that the coal contract that would be selected had to be the lowest delivered price for coal including transportation; therefore, a number of mine locations and alternate transportation tariffs were considered. Bechtel was involved in consideration of the coal contract. As for the consideration of the correct tariff, a transportation specialist from Bechtel was utilized by Austin and LCRA to select the transportation route as well as attempting to obtain the lowest possible tariff. Bechtel was involved in the site selection for the coal and a contract was executed which would be for 25 years. Councilmember Linn was concerned with the core sampling and asked if any had been done. Mr. Hancock noted that the Council previously directed the department to study the feasibility of a north central Texas generating facility using coal in that area. This study has been undertaken entirely by the staff with the exception of some cost figures for power production and mining cost that have been received from Bechtel.

Councilmember Linn questioned the sampling that was taken at Camp Swift. Mr. Hancock commented that the Fayette Power Project initiated a study about 1 year ago to check the possibility of using Texas lignite. Bechtel was involved with this study also.

Regarding the feasibility study of the best method of transportation for Austin, Mr. Hancock stated that there was not a formal study undertaken. Once the contract was executed, the only two options were rail or slurry pipeline. As for other consultants being contacted, he noted that Brown and Root as well as other potential participants were discussed. There were some general conversations with Bechtel concerning the slurry line that would go through

Arkansas and some conversations with Houston Natural. None of these though would be feasible for this particular unit at this time. The coal contract anticipates that the coal would be received in late 1978. The earliest that a slurry facility could be functional would be in the middle to late 1980's. The tariff would be paid when the coal has been delivered, and Austin would have to purchase the railroad cars.

Councilmember Linn questioned the reason for signing the contract by November 1, 1975, and Mr. Hancock suggested that negotiations had been in the process for quite some time with Burlington Northern. Several times extension had been given to Austin from Burlington Northern, and they need sufficient notice of acceptance in order to make rail improvements and purchase locomotives.

Mayor Friedman noted that the amount paid by Austin for the coal would be based on the amount of coal delivered. Mr. Hancock pointed out that under the ICC procedures the tariff could be contested and the mode of transportation could be abandoned if a more attractive mode of transportation were made available.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City of Austin jointly with the Lower Colorado River Authority to 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. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

*Councilmember Linn stated that the Bechtel company had appeared in every case concerning the site for the coal, type of coal, method of transportation and have also served as consultants. She indicated that there were a number of questions that she did not have answers to, so for these reasons she would abstain.

UTILITY JOINT USE AGREEMENT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City of Austin to execute a Utility Joint Use Agreement with the State Department of Highways and Public Transportation on Loop 360 from U. S. Highway 290 to U. S. Highway 183. 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

ACCEPTANCE OF CONSTRUCTION AGREEMENT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acceptance of the construction agreement between the City of Austin and the State Highway and Public Transportation Commission relative to the Burnet Road project from Anderson Lane to U. S. Highway 183 in the City of Austin, and to authorize the City Manager to make payment to the State in the amount of \$195,900.00. 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

APPLICATION FOR SENIOR LUNCHEON PROJECT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the continuation of an application to the Governor's Council on Aging for \$175,988 in Federal funds and \$21,007 of in-kind contributions from the Parks and Recreation Department to operate the Senior Luncheon Project through its third year (February 1, 1976 to January 31, 1977). 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

MODIFICATIONS TO THE TITLE VI GRANT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the Modifications II and III to the Comprehensive Employment Training Act Title VI grant for the Capital Area Manpower Consortium. The motion, seconded by Councilmember Linn, carried by the following vote:

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

APPROVAL OF AUSTIN COMMUNITY SCHOOL SITES

The Council had before it for approval the Austin Community School sites that were selected by the Austin Independent School District School Board on October 29, 1975. Mr. Andy Ramirez, Director of Human Resources, informed the Council that he had met with Mrs. Pat Otis, representing the Community Schools, to reach an agreement on the contractual conditions of the grant. Mr. Ramirez noted that the work statement developed by AISD and the Community Schools program correlates very closely to the concept currently in operation by the neighborhood centers. The Human Resources Department recommended that conditions to the grant would be as follows:

1. The community school and the neighborhood center would develop a joint citizens' advisory group. The advisory group would be comprised of residents of the target area and would perform, at a minimum, the following functions:
 - a. Articulate policy pertaining to the needs of the target population and the delivery of services in the target area.
 - b. Sponsor an annual planning cycle in the target area to (1) assess the needs and problems of the target population and (2) formulate a comprehensive program of services for the fiscal or program year; and
 - c. Assist AISD and HRD in monitoring and evaluating the impact of both programs on the needs of the target population and area.

Mr. Ramirez stated that there would be no duplication of services due to this joint citizens' advisory group.

2. The community school and neighborhood center staffs would participate in the advisory council's planning cycle for the target area. Staff would provide the training and technical assistance needed by residents to perform the following:
 - a. Assess the needs and problems of the target population;
 - b. Develop quantifiable goals and objectives to guide the activities of both agencies and other participating institutions;
 - c. Apportion elements of a comprehensive program of services to the two agencies and other participating institutions;
 - d. Write performance criteria to utilize in monitoring and evaluating the two agencies.
3. The staffs of the community school and neighborhood center would write formal coordination procedures unique to the target area to include, but not be limited to, provision of day-to-day services, outreach and referral procedures and scheduling. The written procedures must be approved by the target area's advisory group.
4. The community school will not duplicate services already offered in the area by a City department unless there is mutual agreement to do so.

Mr. Ramirez noted that there was disagreement on the above items (3) and (4). Mrs. Otis was concerned that if a service was being provided for a specific age group or target group, then a similar service could not be provided to a different group. Mr. Ramirez felt that the intention of item (4) would be if an identical service was performed by the Parks and Recreation Department, Health Department, or another City department, the community school would not duplicate that service in that area.

In response to Councilmember Linn's question as to the members of the advisory board, Mr. Ramirez commented that this would be processed by the community schools.

Mrs. Pat Otis noted that the intention of the program would be to coordinate the needs of the community without duplicating services. She indicated that her concerns were with the wording in that it was vague. There was no intention to duplicate because if they did, then they would be accountable to the Council when they return next year for showing that they did not duplicate. She commented that her concern was being confined, by legal language, to very specific details that possibly would not adopt to the particular neighborhood situations.

Mayor Friedman suggested plans would have to be made concerning what was being offered, and he felt that it was not very specific in saying that services would not be offered that are already being offered in the area. Also, Mayor Friedman pointed out that what was being discussed was the particular service being offered, not the name of the service.

Mr. Ramirez agreed with Mayor Friedman and noted that if the community school facility was larger and could accommodate more people when a service was offered, there would not be any problem with the location. He felt that his staff was more concerned with the services rather than the location. Also Mr. Ramirez indicated that the work statement that was submitted to the Council parallels the philosophy of neighborhood centers as well as the functions.

Mrs. Otis felt that the existing statement could be clarified to include the point discussed so it would be in writing. Mayor Friedman stated that if this was approved, the clarification would be included.

Councilmember Linn referred to item (3) in the contractual conditions, and suggested that the written procedures must be approved by the community school advisory group instead of the target area's advisory group.

In response to Councilmember Trevino's question as to the composition of the committees, Mrs. Otis commented that there were 20 on the community school advisory group and about 10 on the neighborhood advisory group. Mayor Pro Tem Snell felt that the overall concern was that the neighborhood groups would not be out voted.

Mayor Friedman suggested that the board be redesigned whereby half would be from the community school target area outside the city service target area, and the remaining half from the city service target area. Councilmember Trevino indicated that there should be a balanced program organized. Mayor Friedman stressed the importance of getting the program started instead of debating over the votes of the advisory board.

Father Joe Znotas supported the idea of a contract being made for each area since there were two different areas being discussed. He also felt that the problem was with the wording of the contractual conditions, not the function.

Mayor Friedman pointed out that the main concept of the community school concept would be to serve the areas that previously have not been served.

Councilmember Linn felt that the advisory board should be composed of members of the community advisory board, but the overall board should be more representative and more general in its scope. The neighborhood board should not have equal or more clout.

Mrs. Otis recommended that a broader wording be made so there would be flexibility in individual situations. She felt that there could be a separation of the policy issues, and the administrative issues could be worked out according to what the situation would be in each of the three neighborhoods.

Mayor Friedman stated that there should not be veto power by the neighborhood advisory committee over the community school board; but that whatever committee structure is established that representatives from the community school area and the neighborhood area be included. Mayor Friedman suggested that there should be an equal board. He also asked that the community advisory panel structure be redeveloped so there would not be a veto and return with the structure to the Council meeting on November 6, 1975. Mayor Friedman read the school sites selected for the Community Schools Program as being the following:

1. Bedichek
2. Matthews
3. Rosedale - Brykerwood
4. Maplewood
5. Brooke

He stated that these were approved by the school board after much input had been given to assure the locations would be well distributed.

Councilmember Linn moved that the Council adopt a resolution approving the Austin Community School sites selected by the Austin Independent School District School Board on October 29, 1975. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ACQUISITION OF CERTAIN LAND

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for the Fiesta Gardens project as follows:

Five tracts of land out of Block 9, Bergman Valley View
Addition (Leila Beatrice Boring)

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

ACQUISITION OF CERTAIN LAND

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for East Riverside Drive from Summit Street to Pleasant Valley Road as follows:

6,884 square feet of land out of that certain 1.217 acre tract
also known as Tract A, R and P Corner Addition (Exxon Corporation)

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

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

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for East Riverside Drive from Summit Street to Pleasant Valley Road as follows:

2,200 square feet of land out of that certain 6.99 acre tract of land
out of the Santiago Del Valle Grant (Racquet Club Associates, Ltd.)

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

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

CONSTRUCTION OF RETAINING WALLS

Councilmember Lebermann moved that the Council adopt a resolution approving the following application for a retaining wall:

Approving an application by Mr. John WasWashington to construct a
reinforced concrete retaining wall at the lake front of 1752
Channel Road.

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

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

Councilmember Lebermann moved that the Council adopt a resolution approving the following application for a retaining wall:

Approving an application by Mr. A. A. Tisdale to construct a retaining wall at the easterly end (lake front) of Lot 18, William Wofford Survey, number 39 to stop erosion of shoreline and fill area behind.

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

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

Councilmember Lebermann moved that the Council adopt a resolution approving the following application for a retaining wall:

Approving an application by Mr. Tay W. Bond to repair and extend existing retaining wall and excavate a channel to deep water, using excavated materials to fill area behind the retaining wall at the rear of 1911 Lakeshore Drive.

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

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

Councilmember Linn stated that the above would include 2 times the amount of fill removed from the lake. Mayor Friedman commented that this had been approved by the Navigation Board.

ITEM CONCERNING SUBSTANDARD STRUCTURES

Councilmember Lebermann moved that the Council accept the recommendations from the Building Standards Commission by authorizing that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

1. 3601 Axel Lane - Isaiah Axel Estate, owner
2. 1108 Fiesta Street - Daniel S. Rodriguez, owner
3. 6411 Del Monte Road - Rose Martinez, owner
4. 2502 (Front) East 11th Street - Charles Ferguson, owner
5. 2502 (Rear) East 11th Street - Charles Ferguson, owner

and postponed consideration of the following:

1. 1412 Tillery Street - Mattie Davis, owner
2. 1805 Chicon Street - Charles Miles and Edward L. Hill, owners

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

City Manager Davidson noted that the following were withdrawn:

1. 5607 Wilcab Road - Elmer Lowe, owner
2. 1614 Montopolis Drive - Charles L. Villeasenor, owner

HEARING TO APPEAL THE GRANTING OF A SPECIAL PERMIT FOR RESIDENTIAL
HOME

Mayor Friedman continued the public hearing scheduled for 11:00 a.m. to discuss the appeal of granting of a Special Permit to A. Hugh Looney, III, for a residential home care for children from broken homes at 4100 Avenue D, also bounded by West 41st Street - Case No. C14P-75-039. He noted that in the past week several meetings have been held to reach a solution to the problem.

MR. ROBERT KING stated that following the Council's recommendation last week, the Texas Youth Council held two meetings this past week concerning the proposed half-way house in Hyde Park. He noted that many of the opponents attended the meetings and that everyone emerged with increased respect and understanding for the proponents. The Youth Council answered a number of questions that concerned the opponents of the half-way house and Mr. King expressed gratitude for the additional information concerning the selection of the house and the supervision of the boys that would be living there. Since there was still a feeling that the house staff would be too young for this type of project, Mr. King asked the TYC if they would consider having someone older on the staff who would also maintain rapport with the neighborhood residents. The TYC did not object to this request, and Mr. King felt that it would be an essential improvement if the house is approved. Also of concern would be the fact that there would not be a licensed and certified psychologist on the house staff. The Youth Council also agreed to keep on-street parking to a minimum. Although some agreements have been accomplished, many of the opponents still do not support the facility. The opponents still felt that the house was too small and the project too experimental for 14 boys, and asked the TYC to reduce the number of boys to 10 as suggested last week. The TYC felt that 14 would have to be the minimum because of financial considerations involved. After much discussion concerning this issue of the number of boys, Mr. King stated that a compromise could not be reached. He felt that in the beginning when the idea was first proposed to the neighborhood, everyone thought that the number of boys would be 6 or 7 pre-teen boys living in the house; therefore, there was little opposition to the facility. The opposition occurred when it was learned that there would be 14 boys ranging in age from 15 to 18 years of age. Even though the TYC has offered to allow the proposed neighborhood advisory board of the house to decide on the time to increase the number of boys, the opponents felt that this was uncertain and intangible to be accepted. Mr. King requested that if the Council upheld the decision of the Planning Commission that the following restrictions be placed on the Special Permit:

1. There would be a maximum of 10 boys together with the presently proposed degree of supervision be allowed for the duration of the Special Permit.
2. The property be unconditionally and permanently rezoned on issuance of the Special Permit to "A" Residence District.
3. Some provision for off-street parking be required.

A half-way house with the aforementioned restrictions would be more acceptable to the residents of the immediate neighborhood than the one proposed. Mr. King felt that it was only fair that some concessions be made by the proponents. Councilmember Hofmann expressed that she appreciated Mr. King's presentation and asked the number of people that attended the meetings that had been held. Mr. King noted that at the first meeting there were about 60 and approximately 35 at the second meeting. As far as the number that changed their minds at the meetings, he stated that he was not sure but noted that the meetings were extremely valuable.

Councilmember Linn reiterated that if the provisions were made as outlined, then this would be accepted more readily in the neighborhood. Mr. King agreed. In response to Councilmember Lebermann's question as to whether the children would find acceptance in the neighborhood if the concessions were met, Mr. King felt that it would.

MR. JIM CARHAND stated that as per Council's request, over 500 invitations were delivered to the residents of the Hyde Park area requesting them to attend one of the two scheduled meetings. Most of the opponents' questions concerned the supervision of the children and the effect the program would create on real estate values. In referring to the compromises as stated by Mr. King, Mr. Carhand commented that the limitation on the number of children concerned him very much, and that originally when the program was conceived, much effort was spent in trying to limit the number to 14 for cost effectiveness purposes. In response to Councilmember Linn's question, Mr. Carhand indicated that there was much discussion with the Texas Youth Council administration, since they required that half-way houses have 24 children.

In response to Councilmember Trevino's question as to the number of children being 10, Mr. Carhand felt that in terms of cost 10 children would be detrimental to the program.

Councilmember Hofmann suggested that a compromise of having 10 boys for 6 months could be considered. Mr. Carhand noted that he would consider this compromise. He really felt that in order for the program to be effective in terms of the tax dollar, he supported the number of 14 children. The facility would not begin operation with 14 children, but this would be a gradual influx. In response to Councilmember Trevino's question, Mr. Carhand pointed out that the maximum number of 14 would be reached in approximately 6 months and by this time children would be leaving the facility.

Councilmember Hofmann felt that the compromise of limiting the number to 10 for 6 months would be a reasonable and acceptable one.

Councilmember Trevino supported this compromise by noting that this would be a gradual increase and at the same time it would allow time for the citizens' advisory committee to view the operation of the program. Mr. Carhand was in favor of this idea. He was concerned with how the program would increase the number of children as far as permission to do this. Councilmember Hofmann noted that the community advisory board would be available so there would be considerable community input.

Councilmember Himmelblau felt that the permit would have to stipulate how many children would be present. Councilmember Linn commented that she thought the neighborhood was opposed to the maximum number of 14 children. This was also Councilmember Himmelblau's thought. Mayor Friedman suggested that the number be set at 12, since it would be a gradual increase anyway. As for amending the Special Permit, MR. DICK LILLIE, Director of Planning, stated that the Special Permit had been recommended by the commission for 14 and the Council could grant any part of it or all of it. He felt that a reasonable experience time would be important for everyone. In response to Mayor Friedman's question as to whether TYC could operate with 10 to begin with, Mr. Carhand could not definitely comment at this time. Councilmember Hofmann pointed out to Mr. Carhand that when the number of children has reached 10 then he could return to the Council and request additional children. Mr. Carhand stated that he was not opposed to this.

In response to Councilmember Trevino's question concerning off-street parking, Mr. Carhand commented that there would be no more than 3 vehicles in front of the facility at one time except for the hours when the staff would be changing shifts. People would also be encouraged to take the bus and ride bicycles.

MRS. ROBERT KING noted that she was concerned with the membership of the advisory board. Mr. Carhand responded by stating that several people had been contacted to serve on the board with the total number being 7.

In response to Councilmember Linn's question as to whether there would be any objection to having a middle-aged or older person on the staff, Mr. Carhand felt that this would not create any problems. Councilmember Linn also was concerned that there should be an associate licensed psychologist or a certified social worker residing on the supporting staff. She noted that one of the problems that was concerning the neighbors was the fact that there would not be a licensed person at the facility. Mr. Carhand pointed out that 2 consultants, a psychologist and psychiatrist, would be employed and certified; beyond their own staff, Dr. Dennis Romig, a licensed psychologist, would be available for consultation at anytime.

Mr. Carhand commented that Mr. Hugh Looney had agreed to roll the zoning back to "A" Residence District.

Motion

Councilmember Linn moved that the Council close the public hearing and uphold the Special Permit for the residential home care for children from broken homes at 4100 Avenue D, also bounded by West 41st Street, but with the following conditions:

1. That a middle-aged person, over 40, be maintained on the staff.
2. A licensed psychologist or certified social worker on the supporting staff and could be contacted 24 hours a day.
3. Limit, at this time, the maximum number of youths to 10.
4. An immediate zoning rollback to "A" Residence District.
5. A provision for off-street parking.
6. A Citizens' Advisory Board be composed of people from the immediate neighborhood and the Hyde Park Association; that it be mandatory that some of these people would represent the opponents.
7. The number of people on the Board would be 9.

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

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

*Councilmember Himmelblau expressed her appreciation for all of the work that had been accomplished; however, she had not resolved in her mind that the facility belonged in this residential neighborhood, so she would vote "no."

*Councilmember Lebermann stated that he was impressed with the sensitive and sensible spirit of compromise that had been achieved between TYC and Dr. King; and Councilmember Lebermann felt that the matter had been resolved in quite a satisfactory manner.

Mayor Friedman commended both parties concerned for their time spent at the meetings discussing the problems and the civility of the arguments that were presented at this meeting as well as the meetings that were held during the past week.

HEARING TO APPEAL SPECIAL PERMIT FOR HOUSING FOR RUNAWAY PEOPLE

Mayor Friedman continued the public hearing on the following appeal:

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. C14-75-042.

Mr. Thomas Arbuckle felt strongly that this Council was one for the people and neighborhood integrity. In referring to the establishment of the facility for runaway children, Mr. Arbuckle noted the petition that had been signed by 52 people that opposed the facility. He did not think that a house operated by unmarried houseparents or an inexperienced group of people would provide neighborhood integrity. Reference was made to Mrs. Dan Love by Mr. Arbuckle in referring to the lease on the house. Mr. Arbuckle stated that Mrs. Love would be leasing the house to Middle Earth. He indicated that Middle Earth

did inform the neighborhood of their intentions by distributing a proposal to the residents and by personal contact as well as the previous meetings that had been held. He asked the Council to consider upholding this appeal.

In response to Councilmember Linn's question regarding whether a compromise had been achieved, Mr. Arbuckle noted that the residents did not want the facility nor had there been a meeting between the two groups.

Jayne Bell, member of the staff for the runaway program, referred to a letter she submitted to the Council and noted that she had conversed with Mrs. Arbuckle concerning the proposed facility. Ms. Bell felt that the conversation was very fruitful, since several questions concerning the program were answered. Ms. Bell stated that it was agreed that a community meeting would not be helpful and as an alternative her phone number was given to Mrs. Arbuckle for anyone to contact Ms. Bell if there were any questions. Also, contacts were attained with several of the homeowners that signed the petition opposing the facility. There were not any community meetings held since the residents requested that there be none. She noted that the opponents felt they had heard everything about the facility and did not want to attend anymore meetings. Ms. Bell indicated that the immediate homeowners had been contacted, and most of them refused to talk to proponents.

In response to Mayor Friedman's question as to the owner of the house, Ms. Bell commented that the owner at the present time was Mrs. Virginia Tabb. A few months ago Mrs. Dan Love considered purchasing the house but changed her mind. Ms. Bell made reference to a letter that was submitted from Mrs. Tabb supporting the program.

In response to Councilmember Linn's question concerning the maximum number of children that would be in the facility, Ms. Bell noted there would be 16, and they would be under 17 years of age. They would range in age from 13 to 16 and would reside in the house for a maximum of 30 days. In addressing herself to Councilmember Linn's question, Ms. Bell stated that the children would be referred to them by other agency contacts and self-referral. If the children are delinquent, they would not qualify to participate in the program and would be referred to another agency. She pointed out that they would be working with the Police Department in obtaining the referrals.

In response to Councilmember Hofmann's question as to whether there were any people in the neighborhood supporting the facility, Ms. Bell noted that 35 letters had been received supporting the facility. Councilmember Hofmann indicated that possibly the reason for some of the opposition would be that some of the residents were thinking the children would be delinquent. Ms. Bell agreed with this and felt the primary reason for the opposition was the age of the Middle Earth staff. Councilmember Hofmann felt that if there was a middle-aged person living in the house that possibly it would alleviate some of the feelings in the neighborhood. Ms. Bell pointed out there were several volunteers involved in the program that would be over 50 years of age.

In response to Councilmember Linn's question as to why the house was chosen, Ms. Janet Sandege commented that it was chosen after about 60 houses were viewed; and according to the Department of Welfare standards that had to be met, this particular house was suitable for their needs. The rent on the house would be \$450.00 per month. Ms. Sandege felt that stability would be given to the home by their occupancy, and it was located near bus lines.

Ms. Bell stated that if the hostility continued in the neighborhood, that it could harm the program. She felt the most appropriate way to relate to the neighborhood would be by example in making the program successful.

In response to Councilmember Trevino's question, Ms. Bell noted that there were approximately 1200 children a year that are runaways, and the facility would be utilized by some of these children.

The maximum number of children would be 16 as stated by the Special Permit. In the beginning of the program, there would be about 6 children with the average attendance being approximately 9. At the present time, a similar program was being operated, and Ms. Bell indicated that the majority of the runaways were girls. There would be a person on the staff that would possess an associate license.

In response to Mayor Pro Tem Snell's question as to the schooling, Ms. Bell noted that if the children were presently enrolled in school and dropped out, teachers would come to the facility and work with the children. Also, there would be a representative from each high school in the Austin area on the community advisory board. Transportation would be provided by the staff at the facility. She pointed out that the same type of facility was being operated in Galveston which was very successful, and she would be working with them in obtaining ideas for Middle Earth's program.

In response to Councilmember Linn's question, Ms. Bell noted that the children would technically not be emotionally disturbed. The screening process would involve a CORE staff person and a volunteer that would assess the child's immediate needs. The parents would be contacted because permission must be granted by the parents for the child to reside at the home. If the parents cannot be located, the Child Welfare Department would grant the facility custody of the child if compliance to certain standards were met. Ms. Bell pointed out that when the children come to the facility, they would have a contract that would outline certain responsibilities of each child; in the event that the contract was not adhered to, the child would have to leave the facility.

Bernice Hightower was concerned with the Police involvement in the program. Mayor Friedman stated that their involvement would be assisting in locating and transporting the children to the proper facility for care. Mrs. Hightower expressed that once the children were at the facility, she hoped they would be controlled. Mayor Friedman noted that it would be easier for the children to relate with the staff if they were close to the same age. Councilmember Trevino also supported this thought. Mayor Friedman pointed out that the entire operation of the program would have to be screened due to Federal requirements and the Federal money being utilized. Mrs. Hightower requested that there be reports on the number of children at the facility, what would be accomplished while there, the length of stay and what their destination would be after leaving the program. Mayor Friedman stated that this would be part of the function of the community advisory board.

MR. DONALD BELL appeared in support of the house for runaway children.

MR. LARRY WATERHOUSE, associated with the runaway house, expressed that they were very anxious to work with the community and make the runaway house

serve the Austin and Travis County area. It has been expected that about 70 to 80 percent of the occupants would be from this area. The staff age would range from 19 to 31 years of age, and the volunteer staff age would range from 13 to however old anyone would want to be. People in the community were being encouraged to become involved in the program.

Councilmember Linn reviewed several points by stating that the children would not be delinquents, they would have their parent's permission to be at the facility, and that the house would not be a punitive place.

Motion

Councilmember Trevino moved that the public hearing be closed and the decision to grant the Special Permit by the Planning Commission be upheld. The motion was seconded by Councilmember Himmelblau.

Amendment to Motion

Mayor Pro Tem Snell offered an amendment to Councilmember Trevino's motion, whereby there would be equal representation on the advisory board and that the facility would be maintained. Councilmember Trevino accepted the amendment.

Councilmember Hofmann felt optimistic in thinking that eventually everyone would be working together to make the program a success.

Roll Call on Motion as Amended

Roll Call on Councilmember Trevino's motion as amended, Councilmember Himmelblau's second, showed the following vote:

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

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

ITEM CONCERNING A RESOLUTION

Alice Embree had requested to appear before the Council to present a resolution and to ask for the Council's endorsement of the resolution; however, she requested that this item be postponed until November 6, 1975.

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 5, 6 AND 7, BLOCK 178, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 601-607 WEST 15TH STREET AND ALSO BOUNDED BY NUECES STREET, FROM "O" OFFICE DISTRICT TO "LR" LOCAL RETAIL 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. (Ruben H. Johnson, C14-75-085)

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 Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Trevino

Noes: Councilmember Linn

Not Present: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman requested that Mr. Dick Lillie, Director of Planning, inform the applicant and his representative that in the future they would be requested to be present.

ORDINANCE FOR AUDITORIUM CONCESSION STANDS

Mayor Friedman brought up the following ordinance for its second 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 second time, and Councilmember Linn moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: Councilmember Hofmann

Not Present: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

EXECUTIVE SESSION

Mayor Friedman noted that the Council had met in executive session at noon to discuss legal matters pertaining to consultations with the Highway Department of which there was no action. Also the final appointee was made to the Vendor's Committee.

Councilmember Hofmann moved that the Council appoint DR. GERALD MANN, associated with the University Baptist Church, as a member of the Vendor's Committee. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Not Present: Councilmember Lebermann

POLICIES ON BOARDS AND COMMISSIONS

Councilmember Hofmann requested a uniform across-the-board policy regarding Boards and Commissions be established which would include the following:

1. Unless otherwise required by State or Federal legislation, any individual appointed to boards, commissions, and committees shall be residents of the corporate limits of the City of Austin;
2. Unless specific expertise is required for participation on boards, commissions and committees, all other restrictions on membership, other than City residence, such as being a registered voter or a tax-payer be removed;
3. Special purpose groups which have completed their work should be disbanded;
4. All boards, commissions and committees should operate in an open, uniform and efficient manner and public access to these groups should be improved;
5. Any member of a board, commission or committee who misses three consecutive regular meetings, or misses at least one-third of all regular meetings in a twelve-month time period (except for health reasons in both instances) shall be ineligible to continue serving and said vacancy shall be filled by the City Council.

Councilmember Hofmann commented that residency in the City of Austin would be required for all boards, commissions and committees except for the Electrical Board and the Heating, Air Conditioning and Refrigeration Board. These boards have responsibilities in a 400-mile service area of the Electric Department; and therefore, representation should not be restricted to the City of Austin residency.

Councilmember Hofmann moved that the Council adopt the Boards and Commissions report, excluding the two boards previously mentioned concerning residency requirements, pending review by the City Attorney and appropriate ordinances being presented for the Council's final consideration. Also, that those people that are on boards and commissions at this time are allowed to complete their terms. The League of Women Voters' recommendation was adopted several months ago, and she requested that the staff implement those recommendations with all possible speed. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not Present: Councilmember Lebermann

Mayor Friedman congratulated Councilmember Hofmann for the intensive work that she and her staff had done and hopefully providing a more workable format for the boards and commissions.

Councilmember Lebermann entered the Council Chamber at this time.

WRECKER ORDINANCE

Councilmember Lebermann referred to the changes that had been made to the Wrecker Ordinance. He noted that during the last few months there had been excellent citizen and industry input. At this time, Councilmember Lebermann introduced his aid, Mr. Bill Lenhart, to present the ordinance changes as submitted to the Council in writing.

Mr. Lenhart noted that the changes to the ordinance had been developed with the assistance of the people involved. Councilmember Lebermann stated that once the final draft was put together there was ample opportunity for everyone to examine the ordinance. Since there was not anyone to speak in opposition to the revised Wrecker Ordinance, Councilmember Lebermann felt it could be passed.

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

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY RAISING FEES CHARGED FOR THE IMPOUNDMENT AND STORAGE OF ABANDONED VEHICLES; AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY PROVIDING AN AMENDED PENALTY CLAUSE IN SECTION 34-3; BY REPEALING ALL PROVISIONS OF ARTICLE VI THEREOF, AND BY SUBSTITUTING AN AMENDED ARTICLE VI THEREFOR; DEFINING TERMS; PROVIDING FOR PERMITTING OF WRECKER BUSINESSES AND INSPECTION AND CERTIFICATION OF WRECKERS USED IN THE SAME; REQUIRING THAT WRECKER BUSINESSES PERMITTED TO DO BUSINESS WITHIN THE CITY LIMITS OF AUSTIN BE LOCATED WITHIN SAID CITY LIMITS WITH CERTAIN EXCEPTIONS; REQUIRING THE MARKING OF WRECKERS WITH BUSINESS SERVICES; PROVIDING FOR REMOVAL OF WRECKED OR DISABLED VEHICLES ON THE PUBLIC STREETS; PROVIDING FOR USE OF WRECKER SELECTION FORMS AND WRECKER ROTATION LISTS; PROHIBITING THE SOLICITATION OF WRECKER BUSINESS ON PUBLIC STREETS; PROHIBITING THE INTERCEPTION OF POLICE BROADCASTS; REGULATING THE TOWING OF VEHICLES FROM PRIVATE PARKING LOTS AND FROM PRIVATE PROPERTY; PROMULGATING

CERTAIN DUTIES OF PERMITTEE; REGULATING FEES AND CHARGES FOR WRECKER SERVICE; PROVIDING PROCEDURES FOR ADMINISTRATIVE AS WELL AS JUDICIAL ENFORCEMENT OF THESE PROVISIONS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS OF ORDINANCES.

The ordinance was read the third time, and Councilmember Lebermann moved that the ordinance be finally passed. The motion, seconded by Councilmember Linn, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Linn thanked Councilmember Lebermann for his work on the ordinance and expressed the Council's appreciation also. Councilmember Lebermann requested that special thanks be extended to Assistant City Attorney Charles Bluntzer for his effort in the development of the ordinance. Mayor Friedman thanked the members of the profession for their cooperation in aiding to devise an ordinance that would treat everyone fairly.

REPORT CONCERNING MOPAC

City Manager Davidson commented that he had a report concerning the communications he had with the Texas Highway Commission and District 14 of the Department of Highways and Transportation involving the Council's action requesting that certain MoPac ramps be closed. Mr. Davidson stated that he did write a letter to Mr. Travis Long, District Engineer, requesting that the MoPac ramps at Windsor, Enfield and Westover be closed until completion of the study by the authorized consultant. He also requested that the Texas Highway Department either carry out the closing of these three ramps; or that the Highway Department authorize the City of Austin to install barricades to insure that the ramps would not be utilized. Mr. Davidson noted that a meeting had been conducted with Mr. Travis Long, Assistant City Attorney Jan Kubicek, and Director of Urban Transportation, Mr. Joe Ternus. At this meeting, Mr. Davidson asked Mr. Long whether or not the Highway Department could or would proceed to close the ramps as requested by the Council; Mr. Long informed him that the Highway Department would not. Mr. Long further stated that his department would not authorize the City of Austin to proceed to close the ramps, and that MoPac would be open to the public prior to 12:00 p.m., Monday, November 3, 1975. City Manager Davidson pointed out that he explained to Mr. Long that the consultant would forward to the Council an outline of recommended periodic ramp closings in connection with the study. Mr. Long stated that he would cooperate and authorize the City of Austin to close ramps on a periodic basis in accordance with the study; however, if there were barricades constructed and placed to close the ramps, the Highway Department would not accept that expense. In referring to the liability associated with ramp closings, Mr. Davidson commented that it was the City Attorney's opinion that this could be negotiated between the City and the Highway Department. If this could be worked out on a legal basis, Mr. Long noted that it would depend upon the advice of the Highway Department's attorney.

Mr. Jan Kubicek, Assistant City Attorney, pointed out to Mr. Long that the Council would receive certain recommendations as a result of the study and asked whether the Highway Department would consider any recommendations that possibly would come from the study. Mr. Long informed the group that his department would be receptive to the data of the consultant, and that there would not be any unique or significant test attached to the forthcoming recommendation to implement some other type of approach on the issue.

City Manager Davidson commented that Mr. Long stated that his department would consider the recommendations of the consultant concerning the study. At this time, Mr. Davidson distributed to the Council the response received from Mr. B. L. DeBerry, Engineer Director, State Department of Highways and Public Transportation, concerning the MoPac issue. Mr. Davidson indicated that Mr. DeBerry concurred with Mr. Long on the issue.

Motion

Councilmember Linn moved that the City close the ramps as MoPac opened, and that the ramps be opened only when recommended by the study. The motion died for lack of a second.

Mayor Friedman stated that this would be an illegal act, and he could not participate in authorizing any City employee to participate in an illegal act.

Councilmember Trevino felt that Mayor Friedman had voiced the opinion of the majority of the Council. Even though the public was aware of the Council's position regarding the ramps, the Council did not have any authority whatsoever. By supporting Councilmember Linn's motion, the Council would be requesting the City Manager and City employees to violate the law. He noted that the Council had taken an oath to uphold the laws whether they liked or disliked them; therefore, he felt that he could not second the motion.

Councilmember Lebermann commented that in view of the City Manager's report, the Council thought that the study would progress more orderly if the ramps were to remain closed initially; however, considering the circumstances he would have to echo Mayor Friedman's judgement.

Councilmember Linn noted that she assumed it would have progressed more orderly if the ramps were closed in the beginning and also less chance for accidents. She expressed regret that the Highway Department did not agree with the Council.

Mrs. W. J. Perlitz, a resident in Tarrytown for over 40 years, felt that since many dollars had been spent constructing MoPac, that it should be given a trial.

Mayor Friedman stated that a study was being prepared that would give all sides of the issue a trial, and the Council was concerned whether the Highway Department would support their word given to the Council or not.

Mr. Ed Ramsey appeared before the Council and expressed to Councilmember Linn that the residents of West Austin were grateful for her endurance concerning the MoPac issue. He felt that the Council had violated the public trust.

EEOC ORDINANCE ENFORCEMENT

City Manager Davidson referred to a report concerning the EEOC Ordinance Enforcement by stating that the report was necessitated to explain a funding problem with the staffing through the Human Relations office to process the EEOC Ordinance. Members of the Human Relations Commission were given assurance that Federal funding would be available to aid in enforcing the new ordinance. Now it appears, for the moment, the Federal contract and Federal grant would not be available; therefore, there would not be supporting revenues to assist the recommended expenditures. Mr. Davidson felt the Council had two options. They would have to recognize that EEOC funding was not available, thereby necessitating the authorizing of expenditure of funds. The second option would be recognition that the grant or money was not available, and the program could not proceed at this time; and possibly the Council would consider rescinding the ordinance until the matter could be resolved.

MAXINE FRIEDMAN, Vice Chairperson of Human Relations Commission, stated that she was in agreement with City Manager Davidson's memo that was forwarded to the Council. She felt there was a third alternative which would maintain the status quo rate funding while there would be a concerted effort on the part of the commission, its staff and the City administration to assure that everything possible would be done to insure that the necessary funding would be available January 1, 1976. Ms. Friedman felt that the Ordinance was alive and well and that it had become a real and viable force to citizens seeking redress. In referring to the complaints received, she commented that they were increased as compared to previous months; and that the Ordinance was acting as a deterrent.

FATHER JOE ZNOTAS noted that he had spent a lot of time working on the project and felt that due to the lack of staff, that the people just could not be served.

Mayor Friedman commented that the Ordinance would remain and pledged to Father Znotas that anything the City administration or the Council could do to convince the Federal government to award the grant would be done. He stated that there would not be a rescission of the Ordinance.

Councilmember Linn asked if possibly someone could be transferred from another City department to assist with the program until it would be financed. City Manager Davidson noted that he would investigate this possibility. Father Znotas indicated that in the area of clerical work that they could definitely use help.

In response to Mayor Pro Tem Snell's question concerning the assurance that the money would be received, City Manager Davidson pointed out that the staff had no assurance, but that Ms. Friedman and others had talked with the Dallas, Texas, office of EEOC and were given assurance that the grant would be available.

Mayor Pro Tem Snell was concerned since very few grants were refused, and this particular grant was not authorized. Mr. Davidson felt the reason for the apprehension was because the grant had not been extensively used.

Councilmember Linn suggested that there should be some type of written communication concerning the funding. Mayor Pro Tem Snell commented that due to the support for the funding, he felt that the Federal government would not refuse the request.

Motion

Councilmember Linn moved that the City staff, administration, Council and commission assist in obtaining the necessary funding for the program, and the City staff provide the program with the necessary clerical assistance required. The motion was seconded by Mayor Pro Tem Snell.

Mayor Friedman suggested also that the Council would be in a position to communicate directly with the people as suggested by Ms. Friedman and Father Znotas.

Councilmember Linn stressed the importance of being prepared to aid in any way in obtaining the grant.

Roll Call on Motion

Roll call on Councilmember Linn's motion, Mayor Pro Tem Snell's second, showed the following vote:

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

HEARING ON VACATION OF A STREET

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. on the proposed vacating of the following street and passage of the Ordinance:

A portion of West 8th Street, being seven and one-half (7.50) feet more or less, along the north side of West 8th Street from the west line of San Antonio Street, westerly 163.45 feet. (Requested by Donald N. Goldston, Attorney, representing Mr. and Mrs. Frank W. McBee, Jr., owners of Lots 2, 3 and 4, Block 102 of Original City of Austin, adjacent to said West 8th Street)

Mr. Reuben Rountree, Director of Public Works, stated that this was a request by Mr. and Mrs. Frank McBee through their attorney. The home built on the lot in question was built about 100 years ago and encroaches in the street; the owners are requesting that portion of the street be vacated. It has been reviewed by all departments, and the applicants requested that the application be processed. The Planning Commission approved the application subject to the reversionary clause.

Mayor Friedman stated that it was in conformity with the Council policy referring to the cost of such vacated property.

Mr. Rountree commented that the \$100.00 processing fee had been paid.

Councilmember Hofmann expressed concern that this could revert back to the City if the structure was demolished. Mr. Rountree commented that the City did have a deed to the property that would be exercised if and when the building was demolished.

Councilmember Lebermann pointed out that control of the vacated property would follow the improvement and not the land. He felt that it was unjust to charge full market value for that which was not owned and in fee simple, but had reversionary aspect; however, there would be precedence for it.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WEST 8TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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.

ENDORSEMENT OF WOMEN SPIRIT '76 PROJECT

Mayor Friedman noted that a letter had been received from the Co-Chairpersons of the Bicentennial Commission concerning the endorsement of the Woman Spirit '76 Project. He pointed out that Mr. Beverly Sheffield, Director of Bicentennial Affairs, was present.

Councilmember Linn moved that the Council approve the endorsement of the Woman Spirit '76 Project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

RECOMMENDATION CONCERNING CHRISTMAS LIGHTING

Mr. Mac Holder, Chairperson of the Public Information Subcommittee, distributed material pertaining to his presentation to the Council. He stated that last year the Energy Conservation Commission had been requested to present a solution to the Christmas lighting problem, which they did. This year Mr. Holder noted there would be a similar proposal; however, when the Christmas lights are turned on downtown, the street lights would be turned off. Mr. Holder commented that the Energy Conservation Commission recommended the following schedule for decorative lighting for the 1975 Christmas season:

1. Downtown Austin - (Congress Avenue and Sixth Street) from dusk until 11:00 p.m. from November 26 through December 25.
2. Giant Christmas Tree - (Zilker Park) from dusk until 9:30 p.m., December 13 through December 25.
3. Yulefest - River Road, Rock Island, Santa's Village, Parking Lot, Garden Center - from 6:30 p.m. to 9:30 p.m., December 18 through December 23, 1975.
4. As was done last year, no other City facilities should be lighted with decorative lighting.

Councilmember Hofmann asked if the City was conserving energy city-wide, and Mayor Friedman noted that there had been a tremendous response by residential and commercial users in conserving energy.

Councilmember Linn supported the idea for the continued lighting in the downtown and suggested that the report be amended to extend the lighting through January 1, 1976.

Councilmember Lebermann moved that the Conservation Commission's Report be amended to extend the lighting of the downtown area from November 26 through January 1, 1976, and accept the report as amended. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Councilmember Hofmann felt the public should be reminded occasionally that energy should be conserved, especially in the office buildings located downtown.

RECOMMENDATION CONCERNING FUEL UTILIZATION

Mr. Mac Holder presented to the Council a resolution relating to the use of basic fuels within the home. The resolution was as follows:

Whereas: The City of Austin, through the Energy Conservation Commission and the Electric Utility, has commissioned a study on Residential Energy Requirements in Austin, Texas conducted by Dr. Jerold W. Jones of the Center for Energy Studies of the University of Texas at Austin; and

Whereas: Dr. Jones has analyzed the consumption of fuels in the home to perform various tasks; and

Whereas: Dr. Jones' study indicates that the following fuel usage in the home is the most efficient use of fuels starting from the well head:

1. Water heating - natural gas
2. Space heating - electrical heat pump, then natural gas
3. Space Air Conditioning - electricity
4. Appliances - electricity
5. Range and Oven Cooking - natural gas

Whereas: A comparison of the minimum standards for central air conditioning shows that gas units would consume 75% more basic fuel than electrical units (see attached chart); and

Whereas: Natural gas is an exhaustible natural resource becoming short in supply and should be used in the most efficient manner possible; and

Whereas: LoVaca Gathering Company supplies both Southern Union Gas Company and the City of Austin Electric Utility; and

Whereas: LoVaca has experienced difficulty in providing natural gas at peak use periods for the Electric Utility due to short supply of natural gas.

Therefore:

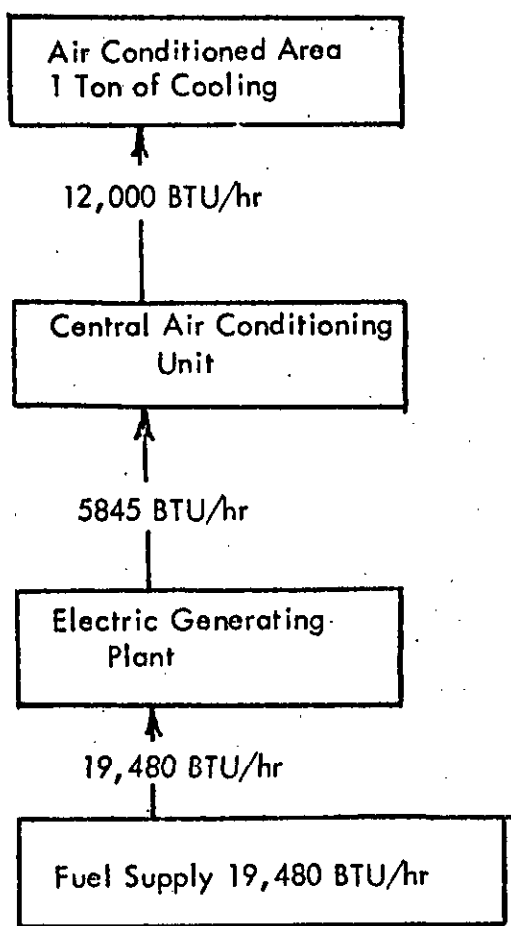
1. The Energy Conservation Commission encourages the residential gas air conditioning industry to accelerate the upgrading of fuel efficiency of residential gas air conditioning units to the efficiencies now achieved by electrical air conditioning units for Austin, Texas; and
2. The Energy Conservation Commission suggests that the residential gas air conditioning industry and local gas suppliers reexamine recent advertisements claiming that "There's still plenty of gas for cooling and heating your home," and "Besides, gas air conditioning is the most efficient, direct use of energy" to bring these statements into perspective for this area of the country.

Comparison of Fuel Consumption for Electrical and Gas Air Conditioners

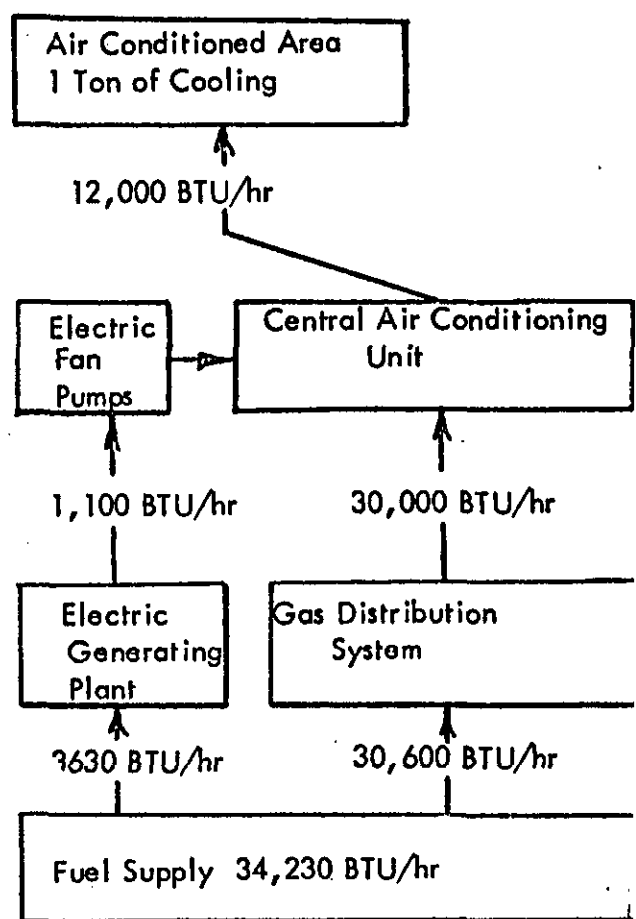
(Based on Austin minimum in Jan 1977 for electrical units)

(Based on ASHRAE proposed minimum in Jan. 1977 for gas units)

ELECTRICAL SYSTEMS



GAS SYSTEMS



Mr. Holder referred to the chart showing the comparison of Fuel Consumption for Electrical and Gas Air Conditioners. He noted that the best use of the total energy picture would be to use gas for space heating, water heating and cooking. Electricity would be used for air conditioning and appliances. He was concerned with the advertising that had been done concerning gas.

Mr. Bob Laczko, representing Southern Union Gas Company, commented that he was present to hear the context of the report and noted that he did have a copy of Dr. Jones' report. In referring to the report, he felt that possibly the calculations did not reflect the efficiencies of the entire system. Mr. Laczko pointed out that solar energy research was under consideration at the present time.

Mayor Friedman stated that he was assuming that the Southern Union Gas Company was reviewing their advertising to make sure that it did not encourage the use of an inexhaustible supply of gas that does not exist.

Motion

Councilmember Linn moved that the resolution be adopted and the attached chart showing the comparison of fuel consumption for electrical and gas air conditioners. 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

Mr. Holder pointed out to the Council that a considerable amount of study had been accomplished, and results of the study were in a book that could be found in the local library. The title of the book was Residential Energy Requirements and Opportunities for Energy Conservation written by Gerald Jones.

ADJOURNMENT

The Council adjourned at 3:09 p.m.

APPROVED


Mayor

ATTEST:


City Clerk