

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 9, 1975
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

BUSINESS AND PROFESSIONAL WOMEN'S WEEK

Mayor Friedman read and then presented a proclamation to Ms. Dorothy Innerarity proclaiming the week of October 19-25, 1975, as "Business and Professional Women's Week" and urged all citizens in Austin, all civic and fraternal groups, all educational associations, all news media and other community organizations to join in this salute to working women by encouraging and promoting the celebration of the achievements of all business and professional women as they contribute daily to our economic, civic and cultural purposes.

On behalf of the 8,000 members of the Texas Federation in Texas and the 3 Business and Professional Women's Clubs which are affiliated with the state, national and international organization, Ms. Innerarity thanked the Council.

HUSTON-TILLOTSON COLLEGE WEEK

Mayor Pro Tem Snell read a proclamation proclaiming the week of October 12-18, 1975, as "Huston-Tillotson College Week" and further proclaiming that Congress Avenue shall be called Huston-Tillotson College Avenue throughout the day of October 17, 1975; and called on all residents to join the Council in recognizing the outstanding work and goals of this great institution of learning and encouraged them to join the celebration.

DISCOVERY DAY

Mayor Friedman read and then presented a proclamation to Mr. Rocky Revisore and Mr. Joe Picciandra proclaiming the day of October 12, 1975, as "Discovery Day" and encouraged all residents to join the Council in honoring Christopher Columbus and our citizens of Italian descent.

Mr. Rocky Revisore thanked the Council on behalf of the Italian and Friends Club of Austin, and the Austin Ethnic Association; and invited everyone to attend the first Austin Ethnic Association Columbus Day celebration. This celebration will be held on Sunday, October 12, 1975, at the American Lebanese Association Clubhouse and will provide ethnic foods of all types, as well as an opportunity for all the different ethnic groups to get together.

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes of October 2, 1975. The motion, seconded by Councilmember Linn, carried by the following vote:

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

ITEM CONCERNING THE REQUIREMENT OF PRIVACY FENCE

Mr. Melvin E. Corley, an attorney in Austin representing the Twin Towers Office Building, addressed the Council at this time concerning the requirement of a privacy fence. Mr. Corley referred to a zoning that was passed in 1971 which included a covenant that a solid fence would be built along the "A" Residence areas. At this time, most of the homes located in this area already have their own fences, but the City is requiring that the solid fence be built. He felt that the building of this fence would cause several problems: (1) destruction of the property owners fence, (2) creation of a gap between the two fences, which would collect debris and (3) the use of the parking lot by friends visiting in the area would no longer be feasible. In addition to the above, Mr. Corley noted the problem of maintenance as well. Therefore, he recommended that an amendment be made stating the following: (1) That a fence would not be required since most of the homes are already protected. (2) If a fence is required, that it be a 6-foot chain link.

In response to Councilmember Himmelblau's question, Mr. Corley did feel that there was a problem with space which would make it difficult to plant shrubs.

Mayor Friedman felt reluctant to proceed until the Planning Commission could be consulted or Mr. Corley could work with Mr. Lonnie Davis, Director of Building Inspection and reach a compromise. City Manager Davidson commented that the privacy fence is required and he does recommend this due to the residential properties involved; however, Mr. Davidson suggested also that Mr. Corley meet with Mr. Davis. Mr. Corley stated that he would meet with Mr. Lonnie Davis and try to work out a solution to the problem.

In response to Councilmember Linn's question, City Manager Davidson noted that since 1971, the Building Official has established procedures in his department so that the fence has to be built and on the site before final clearance will be given to the building permit. It was not done in this case, but this is the procedure that is followed now.

APPEARANCE CONCERNING L.C.R.A. FAYETTE COUNTY POWER HOUSE
PROJECT

Mr. James Hamrick, President of Austin Building Trades Council, appeared before the Council concerning the opening of bids for the Fayette County Power House. Mr. Hamrick stated that he understood that the Council's position with the L.C.R.A. on the Fayette County Power House would be a joint venture and state guidelines would be upheld and bids would be taken. Shortly after the bids were opened, an article was published stating that the City would probably not be involved in the awarding of the contract to the contractor. Mr. Hamrick did not understand the position of the Council on this matter.

City Manager Davidson referred to an agreement that was made naming L.C.R.A. as the Project Manager and with the exception of the land acquisition and the coal contract, the authority for granting the contract rests with the project manager. Even though the City is a party involved, the securing of bids, designing of the project and the awarding of the construction contracts comes under the authority of the Project Manager which is L.C.R.A.

Mr. Hamrick commented his understanding was that the Management Committee, the Board of L.C.R.A. and the Council would decide on the final judgement of the committee, now it seems the Council has nothing to do with this. Mr. Hamrick was also concerned about the Matagorda County project.

City Manager Davidson noted that the Council did not participate in that decision. If the Council becomes displeased with the action that has been taken in connection with a contract, the Council could intervene, ordinarily the Project Manager still has the authority.

Mr. Richard Tulk, Assistant City Attorney, pointed out that the only way Austin would get involved is if a plan that L.C.R.A. has to implement would run afoul of a statute that applies to the City but not to them.

ITEM CONCERNING WATER AND WASTEWATER CHARGES

Mr. Douglas Laycock indicated that he was appearing before the Council on behalf of Mrs. Burmah Hunt. He felt that Mrs. Hunt was being billed for more water than she was actually using. The current ordinance sets a minimum rate charge on 2,000 gallons regardless of the amount used. Mr. Laycock referred to some information he had found regarding the people that would be effected by a minimum charge. He found that the burden of paying for unused water was falling on the people least able to bear it such as the elderly, infirm and the people living alone. He stated that his proposal as presented to the Council, would convert the present fixed charge for 2,000 gallons of water into a rate of \$1.00 per 1,000 gallons and above 2,000 gallons it would drop to 58 cents; and he proposed that the \$1.00 per 1,000 gallon rate be applied to the amount of water actually used.

Mr. Monty Nitcholas, Assistant Director of Finance, stated that after checking with the Water Department, he found 13,000 customers that used under the 2,000 gallon minimum. Mr. Nitcholas referred to the memo he had sent to the Council. It was noted that no matter how little the amount of water used, the basic charge of reading the meters, handling the bills and maintenance of the water lines is still present. He felt that almost all other water utilities do have minimum charges. City Manager Davidson pointed out that any rate that has been recommended and adopted by the Council should be based on the cost of providing the service.

Councilmember Hofmann was concerned with the water and wastewater figure of over \$4.00 to cover the finance of the system. She did request to see the figure of what the actual cost to the City is and then possibly on the answer it could be decided if the minimum charge should be for 1,000 gallons instead of 2,000 gallons. City Manager Davidson stated these figures would be provided for the Council as well as a report on water and wastewater rates that is being prepared.

Mr. Laycock commented that Mrs. Hunt will have her power turned off again on October 23, unless an agreement can be reached with the City Attorney or unless the Council takes action. Mayor Friedman informed Mr. Laycock that Mrs. Hunt will not have her power cut off, and will work something out for her.

Mr. Woodrow Sledge, a member of the Board of Services for the Elderly, spoke in regard to the elderly. His concern was in helping the elderly to stay out of nursing homes and urged the Council to think in the same terms as they did when funding the Services for the Elderly.

Councilmember Linn commented regarding the senior citizens, that the state has provided some exceptions with the taxes that are required for senior citizens. She felt that differences in fees possibly should be checked for this special population.

Mr. Ed Ramsey expressed his concern of the City cutting off the utilities of an elderly citizen. He felt that this type of decision should be made by someone in an authoritative position. Mayor Friedman referred Mr. Ramsey to investigate the policy that is currently being developed to cover these problems. He stated that a separate policy could not be made for each individual and the City was trying to adopt a uniform policy that would be fair and just.

APPEARANCE CONCERNING UTILITY RATES

Mrs. Claylis Miller and Mrs. T. J. Robinson had requested to appear before the Council to discuss utility rates, but no one was present to discuss this item.

EMERGENCY PARADE PERMIT

Councilmember Linn moved that the Council approve a request by Mr. Jimmy R. Raines for a parade permit for October 16, 1975, from 5:00 p.m. to 6:30 p.m. for the Student Council Homecoming Parade for Anderson High School, beginning at the north parking lot at Anderson, north on Tallwood to Hyridge Drive, west

on Hyridge, south on Silver Ridge, circling Emerald Hill Drive, back to Silver Ridge, east on Steck and disassemble on south parking lot. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

COST DIFFERENCE PAYMENTS

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the following cost difference payment:

Payment to JOE GILBRETH & O. H. CUMMINS, the cost difference of 12"/8" water mains and 18"/8" wastewater mains and appurtenances installed in Shiloh, Phase 1, Section 1 - \$18,999.55.

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

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

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the following cost difference payment:

Payment to AUSTEX DEVELOPMENT COMPANY, LTD., the cost difference of 12"/8" water mains and appurtenances installed in The Village, Section 8 - \$1,791.45.

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

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

RELEASE OF EASEMENT

Councilmember Lebermann moved that the Council adopt a resolution releasing the following easement:

The East 419.54 feet of the five (5.00) foot public utility easement along the north line of Lot 2, Resubdivision No. 1 of Radian Subdivision. (Requested by W. Harvey Smith, Registered Public Surveyor, representing Richard L. Matz, owner).

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

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

CONTRACTS AWARDED

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

BOYD CONSTRUCTION
P. O. Box 3918
Austin, Texas

- Installation of water and waste-water mains and associated appurtenances for Kincheonville Area - \$64,436.20

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

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

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

BAKER AND TAYLOR COMPANY
Industrial Park
Clarksville, Texas

- Adult and Juvenile Books, Austin Public Library
Twelve month Supply Agreement
Items 1-3 - \$190,550.00

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

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

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

GENERAL ELECTRIC COMPANY
1600 NE Loop 410
San Antonio, Texas

- 2 Protective Relaying Systems, Electric Department
Item 1 - \$68,172.00
(subject to escalation)

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

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

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

THOMAS BROTHERS CONSTRUCTION
COMPANY
3400 East 1st Street
Austin, Texas

- For construction of electric
ductlines and concrete foundations
at Hi-Cross substation - \$14,742.56

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

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

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

WESTINGHOUSE ELECTRIC CORPORATION
201 North St. Mary's Street
San Antonio, Texas

- Neutral Grounding Resistor,
Electric Department
Item 1 - 2 ea. @ \$30,316.00
Total \$60,632.00

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

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

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

ROBERT HURST
1506 Karen
Austin, Texas

- Installation of approximately
2040 linear feet of ductile iron
water main and associated
appurtenances for Kramer Lane -
\$29,997.00.

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

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

Councilmember Linn asked that she be furnished with the ethnic distribu-
tion of Boyd Construction and Robert Hurst of the afore-mentioned contracts.

APPLICATION FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

Councilmember Lebermann moved that the Council adopt a resolution
authorizing an application to the Governor's Office of Traffic Safety for a
Selective Traffic Enforcement Program grant. The motion, seconded by Council-
member Linn, carried by the following vote:

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

AGREEMENT FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC SIGNALS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing an agreement with the State Department of Highways and Public Transportation for the installation and maintenance of traffic signals on West 38th Street at the following location:

Guadalupe Street
Lamar Boulevard

Medical Parkway
Shoal Creek Boulevard

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

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

APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT

Mr. Leon Lurie, Director of Urban Renewal Agency, reviewed with the Council this contract for \$3,391,000 for the completion of three urban renewal plans and operation of a housing rehabilitation project. (January 1, 1975 - May 18, 1976) The majority of the funds which are involved, some \$1,518,000, will continue the operations within the 3 presently ongoing Urban Renewal areas. This would include the Brackenridge area and completion of the Waterloo Park, Symphony Square Complex and some minor land acquisitions. Also included would be the completion of the Glen Oaks area and Blackshear Plan. Mr. Lurie commented that there were two other programs included in this contract. The first is the 5 FHA "235" repossessed homes which have been purchased by the Urban Renewal Agency and will be temporarily relocated to back up the Housing Rehab Program. It was noted that there are some very serious conditions existing in the Montopolis area which is what the \$495,000 will be used for in bringing the homes of the families up to the minimum property standards.

Mr. Dick Lillie, Planning Department Director, stated that the "Housing and Community Development Plan and Application" that was approved by the Council earlier this year, allocates \$495,000 for a rehabilitation program for 60 units. It was recommended that a majority of the rehabilitated units be concentrated in impact areas of limited size. The criteria used in the selection of the areas include:

1. Areas with concentrations of owner-occupied units lacking some or all plumbing facilities (hot and cold running water, shower, or bath, and flush toilet);
2. Areas where rehabilitation will complement recent public improvements (i.e. streets, drainage, sidewalks, street lighting, parks community facilities, etc.);
3. Areas which afford convenient temporary relocation.

After detailed analysis of 1970 Census data regarding the location, by block, of units without complete plumbing facilities, the Montopolis area showed the greatest need based on the selection criteria for the impact area in the 1975 program year. The program can be expected to repair 40 to 50 units in the Montopolis area. Of the estimated 340 owner-occupied houses in this area, about 18% do not have complete plumbing facilities. Mr. Lillie indicated that there were about 480 units city-wide that did not have complete plumbing facilities. The departments involved in the program implementation will be as follows:

1. Planning Department.
2. Human Resources Department.
3. Urban Renewal.
4. Building Inspection.

Also included in the Policy Guidelines for the Housing Rehabilitation Program was the following:

1. The criteria for the selection of units to be rehabilitated.
2. The procedures for notification of the availability of the Rehabilitation Program.
3. The determination of whether the rehabilitation funds will be in the form of a loan or a grant.
4. The standards that will be used in the rehabilitation program.
5. The availability of temporary housing.

In response to Councilmember Trevino's question, Mr. Lurie noted that the program was new and the Urban Renewal Agency would be in contact with the individuals interested in participating. He pointed out that they would be helping the individuals that required the greatest amount of aid first. Councilmember Trevino felt that by re-programming certain monies, more houses could be aided under this program.

City Manager Davidson stated that periodic reports could be provided concerning the program and depending on the availability of funds, the Council could decide to add funds to this effort in order to include more units.

In regard to the minority contracts, Mr. Lurie responded that bids have been opened and there are 3 minority contractors out of those that did bid. He assured Councilmember Trevino that the minority contractors would be encouraged to participate.

Councilmember Trevino moved that the Council adopt a resolution approving the Community Development Block Grant contract with Urban Renewal Agency for \$3,391,000 for the completion of three urban renewal plans and operation of a housing rehabilitation project. (January 1, 1975 - May 18, 1975) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

WITHDRAWAL OF EMINENT DOMAIN PROCEEDINGS

The following item was withdrawn:

Authorizing eminent domain proceedings to acquire easements for the crosstown tunnel, wastewater approach main, permanent shaft site and ingress and egress.

SELECTION OF PROFESSIONAL SERVICES

The Council had before it the selection of Professional Services for the following project for Water and Wastewater and Environmental Resource Management Departments:

Development of Guidelines and Restoration
City of Austin - Construction Projects

Councilmember Hofmann moved that the Council select the firm of ESPEY, HUSTON & ASSOCIATES as the Professional Services for the project. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

SELECTION OF ENGINEERING TESTING SERVICES

Councilmember Linn moved that the Council select the firm of ROGERS AND ASSOCIATES ENGINEERING CORPORATION for Engineering Testing Services in connection with the following projects:

1975-76 Yearly Densities for Base Courses and/or Subgrades for
Subdivision Street Development.

1975-76 Yearly Densities for Base Courses and/or Subgrades for
Capital Improvements Program Street Development.

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

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

Councilmember Lebermann felt that the work should be divided.

Councilmember Lebermann moved that the Council select the firm of TRINITY ENGINEERING TESTING CORPORATION for Engineering Testing Services in connection with the following projects:

1975-76 Yearly Concrete Materials Testing Services for Subdivision Street Development and Assessment Street Paving Projects.

The motion, seconded by Councilmember Himmelblau, 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 select the firm of TRINITY TESTING LABORATORIES, INC. for the Engineering Testing Services in connection with the following projects:

1975-76 Yearly Bituminous Materials Testing Services for Subdivision Street Development, Assessment Street Paving Projects and all Capital Improvements Projects.

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

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

SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

Councilmember Lebermann moved that the Council select the firm of FRANK BRYANT & ASSOCIATES for the Soils Investigation and Engineering Testing Services in connection with the following projects:

1975-76 Yearly Soils Investigation Services for Miscellaneous Public Works Projects.

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

HEARING SET ON AN ORDINANCE

Councilmember Himmelblau moved that the Council set a public hearing for November 20, 1975, at 7:30 p.m. to establish a code of Ethics for the City of Austin. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

HEARING ON AMBULANCE TRANSFER SERVICE

Mayor Friedman stated that the hearing had been withdrawn and Mr. William D. Lane would apply again, according to his attorney.

ORDINANCE CONCERNING LIBRARY FINES AND FEES

Councilmember Himmelblau questioned if there was anything covering the replacement of damaged records. She felt this cost should be included in the service charge. Mr. David Holt, Director of the Library, noted that it had inadvertently been omitted but would be included at the charge of \$1.00.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 17 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW SECTION, SECTION 17-1.1, PROVIDING FOR CHARGES AND FEES TO BE COLLECTED BY THE AUSTIN PUBLIC LIBRARY SYSTEM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES 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.

ORDINANCE TO PROVIDE ADDITIONAL FUNDS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 741017-M, CAPITAL IMPROVEMENTS PROGRAM BUDGET, TO APPROPRIATE AN ADDITIONAL \$6,800 FOR THE HENRY S. TERRAZAS BRANCH LIBRARY FACILITY CONSTRUCTION; ESTABLISHING MODEL CITIES TRUST AND AGENCY ACCOUNT NO. 26326200 AS THE SOURCE OF SAID APPROPRIATION; 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 Trevino, carried by the following vote:

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

In response to Councilmember Hofmann's question, Mr. Harry Savio, Budget Officer, commented that the source of funds for this project would be from some Model Cities money that is in an escrow account.

ORDINANCE AMENDING THE BARRICADE ORDINANCE

In response to Councilmember Hofmann's question, Mr. Joe Ternus, Director of Urban Transportation, pointed out that most of the projects that are funded in Austin involves City financial support. Also, the City would not be exempting the governmental entities from paying for anything that would have a justifiable charge. They are still required to obtain a permit and the intent of the ordinance was from a safety viewpoint.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31, PART 2, ARTICLE VI, OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR THE EXEMPTION FROM PERMIT FEES FOR WORK PERFORMED FOR GOVERNMENTAL AGENCIES OR POLITICAL SUBDIVISIONS THEREOF; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE TO PAVE SPRINGDALE ROAD

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY BRUCE LUCKIE CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

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 9 THROUGH 18, BLOCK 5, PLEASANT HILL ADDITION, (SAVE AND EXCEPT THE WESTERNMOST FIFTEEN FEET OF LOT 18, WHICH SHALL REMAIN ZONED "A" RESIDENCE DISTRICT), LOCALLY KNOWN AS 5400 SOUTH CONGRESS AVENUE AND ALSO BOUNDED BY MOCKINGBIRD LANE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL 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. (W. A. Hasse, C14-75-007)

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 Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

COMMUNITY SCHOOLS REPORT

Mr. Jim Miller, Assistant City Manager, referred to the \$130,894 that had been allocated to the Community Schools project in the new budget. He felt that the direction of the Council in terms of the contract was unclear, and was asking for clarification if the \$130,894 was solely for administrative cost or would there be other costs.

Councilmember Lebermann moved that the \$130,894 would be used to assist in the administrative cost and programmatic cost where departments provide a service within one of the selected schools. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AFTERNOON SESSION

Mayor Friedman called the afternoon session to order.

ORDINANCE REGULATING THE PEOPLE'S RENAISSANCE MARKET

David Whitehill expressed concern regarding the tow away and no parking zones that had been installed on the drag.

Mayor Friedman informed Mr. Whitehill that as long as you don't leave a vehicle unattended, the vehicle could be moved before a ticket would be issued.

Councilmember Trevino stated that all members of the Council had met with members of the Artists Guild as well as importers to create a solution that would be agreeable to all parties concerned. He felt that there was no question that the Council does support a market. Councilmember Trevino presented his ordinance to the Council. In response to Councilmember Himmelblau's question, Councilmember Trevino pointed out that the ordinance would self-destruct at the end of the holidays, and there would be no additional action until a report was received from the committee.

Betsy Cooley was concerned about the limit on the licenses and noted that as Christmas gets closer people come to the market area to sell and this creates overcrowded conditions.

Councilmember Trevino indicated that the City Manager and his staff had spent considerable time checking the possibility of using the south portion of 24th Street between Guadalupe and San Antonio as well as using the east side of San Antonio between 23rd Street and 24th Street. After investigating this possibility, it was found that the Traffic and Transportation Department and Police Department felt it would be a traffic hazard. Mayor Pro Tem Snell felt the use of the parking lots in the area would remedy the situation, however, it was noted that they had already been taken.

Councilmember Himmelblau suggested a cut-off date for the permits thereby preventing the influx of people to the area. She expressed that she did not want out of town people flooding the market. Councilmember Lebermann did not feel that the number of permits sold to date had any relevance, because it had been noted that some people had more than one while others had been bought and never used. Elliot Flick questioned the Council concerning the licenses and spaces. City Manager Davidson responded that it was very important that the identification match the person operating the space. In response to Councilmember Lebermann's question, the City Manager commented that at the present time there were no restrictions on appropriating the use of the permits.

Councilmember Trevino referred to the ordinance that stated an affidavit would have to be signed regarding one permit per vendor.

Helen Burkheart stated that she felt the compromise was worse than nothing. The present rules were not being abided by and she didn't think making more rules was going to solve the problem. Until the importers and retailers are out of the market, there will not be a solution to the problem.

Mr. Richard Tulk, Assistant City Attorney, indicated that the problems occurring with spaces were due to the absence of the spaces. Councilmember Linn noted that the spaces were going to be doubled and each person would be assigned to a space which would eliminate the reason of staying all night. She supported the concept of a limited market for the arts and crafts people. Alice Roberts stressed the importance of the artists and craftspeople being at the market 6 days a week because of their limited amount of goods.

Mayor Friedman commented that a program was being worked out, but until it has been completed, the two groups would have to work together.

Terry Roberts supported the concept of having a division of the artists from the jobbers. He felt that with the present proposal there would not be a harmonious group of people. The need of having separate spaces was very important. The importers could have their own spaces and enough people to support them, and likewise for the artists and crafts people. By having the importers on Red River, Mr. Roberts felt they would have a better opportunity of surviving. Since the Tourist and Development Agency has offered to include the artists and craftspeople when publishing their brochure, he stressed that it be an artists and craftsman market only.

Mary Mason did not feel that the market was a big business area. She expressed support for Councilmember Trevino's proposal and agreed that making any changes at this point would not be advantageous.

Martin Mayfield was concerned with the proposal that Councilmember Trevino had presented to the Council at the last meeting. In referring to the present ordinance and the proposal, he noted that there was no mention of the self-destruction in the previous proposal. Councilmember Trevino pointed out that it was an understood fact that this would be an interim solution. Councilmember Hofmann was in support of the self-destruct clause since it would mean that there would be an opportunity for studying the problem.

Mr. Mayfield felt that the present lottery would give preferential treatment to the jobbers because of the ratio of jobbers to artists. Councilmember Linn suggested establishing a lottery according to the percentages of licenses given to jobbers. Mr. Tulk noted that a provision was made in the ordinance that the committee would have to determine the type of license each applicant would be issued, so there would be the opportunity to have percentages from week to week. Mayor Friedman commented that the percentage should be no less than 50/50 in any case except when the artisans and craftspeople surpass the 50%. Mr. Mayfield supported the idea of having a regulated percentage rather than a 50/50 division. In conclusion, he noted that the present situation in the market was an incompatible one, and until the Council rectifies this situation there will be no solution.

Councilmember Hofmann stressed that the present solution was not the perfect one, but that it would be the best possible compromise for the present.

Robert Erler was against the idea of having everyone together at the same market, and that a separate market should be established now for the importers. In referring to Councilmember Trevino's proposal, Mr. Erler felt that it was inferior to a proposal that had been drafted by Mark Levbarg, Bruce Lane and Mr. Erler. He noted that there were three features that distinguished their proposal from Councilmember Trevino's proposal:

1. That there would be a single lottery to determine a numbered list of names which would serve as a basis for a rotation, and everyone would have the opportunity to sell.
2. The spaces would be divided into half and whole spaces. The half space would be 4 x 7-1/2 and the whole space 8 x 7-1/2.

3. There would be a single lottery pool which automatically would determine the ratio of people in the market.

After enumerating the features of Councilmember Trevino's proposal, Mr. Erler felt that two markets would be the answer to the problem. Mayor Pro Tem Snell presented Mr. Erler with a drawing that showed how the proposed market situation would be. He stated that Councilmember Trevino had worked hard on this and was trying to establish more space, but it was not possible at this time. Mr. Erler expressed concern with the sharing of spaces. He felt that a person could sell his space without some provision being made to guard against this. Councilmember Linn indicated that there had been so many proposals, that it would not be feasible at this time to consider Mr. Erler's proposal. Mr. Erler definitely felt that Councilmember Trevino's proposal or no proposal were both bad choices.

David Whitehill questioned the Council concerning the spaces and the percentages on the lottery. Mr. Tulk stated that there would be a 50/50 opportunity for all concerned.

Mr. Roland DeNoie commented that the people were being moved from a free market situation to a limited market situation. The idea of more space would not create a traffic problem especially with the use of the sidewalks. Mr. DeNoie supported the expandable market concept which would relieve the pressure off everyone.

Bruce Lane agreed with Mr. DeNoie and felt that the entire problem for the last 3 years has been the faulty writing of the ordinance. He did urge the Council to limit licenses rather than have a continual issuing of licenses through Christmas, and that the police officers appointed to enforce the ordinance would come to the market area on a daily basis.

In response to Mr. Lane's question, Mayor Friedman noted that the composition of the committee would include one artisan, crafts person, one importer, representative of the Tax Department and 4 appointees by the Council.

Mike Sullivan suggested that a preference be given to the people that have established themselves on the drag for a long period of time.

Shuri Richnow supported Councilmember Trevino's ordinance and urged the Council to vote for this ordinance. Also, one other point that she wanted was the cut-off time for permits, and the details would be dealt with in January. Bobby Pringle felt that the drag was not a true market area due to a lack of sanitary facilities.

Bob Wright indicated there was a difference in equity between the two types of economic competitors. He did favor Councilmember Trevino's proposal as a compromise that would not be a long term solution; however, the proposal does nothing to recognize the fact of two distinct types of competitors. By limiting the licenses, it will hinder the development of any new talent coming into the arts and crafts field.

Bob Erle commented that the work that was put into their proposal was presented to the City Attorney's office and he felt that his proposal was not given full consideration. City Manager Davidson informed Mr. Erle that the Legal Department does not screen or decide what will be presented at the Council meeting.

Mayor Friedman stated that if someone is importing, they will be included in the importer area.

Councilmember Hofmann recommended that Monday, December 23, 1975, and Tuesday, December 24, 1975, that 23rd Street be closed.

Terry Marane was not in favor of the 5 x 7-1/2 spaces, as well as the idea of having booths set for displaying goods. He did feel that the lottery system would work for the benefit of all concerned.

Motion

Mayor Friedman introduced the following ordinance:

AN ORDINANCE TEMPORARILY CLOSING A STREET; ESTABLISHING A TEMPORARY ENLARGEMENT OF A PUBLIC MARKET AREA; RESTRICTING A PUBLIC MARKET AREA; REQUIRING AN ADDITIONAL LICENSE TO VEND IN SUCH PUBLIC MARKET AREA; ESTABLISHING A TEMPORARY COMMITTEE ON VENDING WITH CERTAIN POWERS AND DUTIES; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Offer of Amendment to Motion

Councilmember Lebermann offered an amendment to Councilmember Trevino's motion, whereby the cut-off date for permits would be November 1, 1975. Councilmember Trevino accepted the amendment.

Second Offer of Amendment to Motion

Councilmember Himmelblau offered an amendment to Councilmember Trevino's motion whereby the issuing of permits would be suspended on October 31, 1975, at 4:00 p.m. and continue until January 2, 1976, at 9:00 a.m.

Withdrawal of Amendment to Motion

Councilmember Lebermann withdrew his amendment from Councilmember Trevino and accepted the amendment from Councilmember Himmelblau.

Councilmember Linn asked if there was a way to have the first proportion of spaces for arts and crafts, and the second proportion for importers. Councilmember Himmelblau felt that the problem would be solved after the first of the year and suggested going with the amended motion. Mayor Friedman noted his support of anything that would remove the importers and wholesalers from 23rd Street.

Roll Call on Motion

Roll call on Councilmember Trevino's motion, Mayor Pro Tem Snell's second, that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, with Councilmember Himmelblau's amendment, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman commented that nothing had been resolved, and he hoped next Christmas there would not be any wholesalers or importers on the drag; however, since there was nothing resolved and 5 votes were needed to assure the ordinance would go into effect immediately, he would vote yes and urged whatever solution the committee decides upon that it not include wholesalers and importers at the 23rd Street market place.

Councilmember Himmelblau agreed with Mayor Friedman regarding the plans for next year.

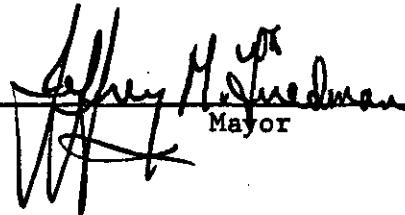
Councilmember Lebermann concurred with the thought that the 23rd Street market place was intended for the arts and crafts.

Councilmember Linn was in accordance with the other members of the Council, but noted that it would be the last time she would compromise.

ADJOURNMENT

The Council adjourned at 3:54 p.m.

APPROVED


Mayor

ATTEST:


City Clerk