

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 11, 1975
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by CHAPLAIN MAJOR GENE K. McINTOSH,
Bergstrom Air Force Base Chapel.

VIKKI CARR DAY

Councilmember Trevino read a proclamation proclaiming September 11, 1975, as "Vikki Carr Day" and called on all the residents to join the Council in recognizing this outstanding performer and her many contributions to the world of entertainment. The proclamation will be presented to her when she arrives at the airport.

OPERATING ROOM TECHNICIANS DAY

Councilmember Himmelblau read and then presented a proclamation to Debbie Craig and Lynn Brown, members of the Association of Operating Room Technicians, proclaiming September 13, 1975, as "Operating Room Technicians Day" and called on all residents to join the Council in recognizing the contributions of the men and women in this important profession.

ELIZABETH ANN SETON DAY

Mayor Pro Tem Snell read and then presented a proclamation to Sister Damian Wetzel, Administrator of Seton Medical Center, proclaiming September 14, 1975, as "Elizabeth Ann Seton Day" and called on all the residents to join the

Council in recognition of this religious observance.

Sister Damian thanked the Council and presented a biography to Mayor Friedman, of a great American woman who spent her life in the pursuit of truth.

MEXICAN AMERICAN WEEK

Mayor Friedman read and then presented a proclamation to Juan Vasquez and Arnoldo Mata, proclaiming the week of September 9-16, 1975, as "Mexican American Week" and called upon all the citizens to join the Council in this celebration.

Mr. Vasquez thanked the Council on behalf of the Austin Bicentennial Committee for Mexican-American Culture and the Texas Union Culture Committee at the University of Texas and invited all persons present to the activities being sponsored September 13 and 14 at Municipal Auditorium. Mr. Vasquez noted he did not have a biography to present but hoped by the next Centennial celebration a biography would be available.

RECOGNITION

Mrs. Jane Fagan, Bicentennial Chairman of the Austin Board of Realtors, appeared before the Council to present a gift which will commemorate our City's participation in the Bicentennial celebration. She noted that the gift would be a marker valued at \$12,000.00. The design and location had been completed and submitted to the Parks and Recreation Advisory Board and the Bicentennial Commission for approval. The site chosen for the location of the marker would be the Canna Bed on Auditorium Shores. This was indicated by slides which Mrs. Fagan showed the Council at this time. She hoped that the project would be completed prior to July of 1976.

At this point, Mrs. Fagan introduced Mr. N. A. "Gib" Giblin, President of the Austin Board of Realtors.

Mayor Friedman then read and presented a resolution signed by the Council to Jane Fagan and the Board of Realtors, recognizing their gift of the symbolic monument that would bring pleasure to all citizens in years to come.

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for September 4, 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

RESOLUTION

Dan Starling, representing the South Austin Youth League, appeared before the Council and read a resolution from Travis High School. The resolution expressed the appreciation for the much needed sidewalk for the students of Travis High School as well as the citizens of the area. He also asked that when and if the bid for the sidewalk was approved, that the school be allowed to secure 10 feet of the sidewalk for personal stenciling of approximately 10 names in gratitude. Mayor Friedman informed Mr. Starling that this would have to be discussed with the City Manager before any writing could be done.

APPEARANCE CONCERNING DRAINAGE IMPROVEMENTS

Mr. Stephen D. Ramsey, Attorney, representing a group of property owners with complaints about the drainage improvements from St. Edwards Drive to Longbow Lane known more particularly as the Friar Tuck and Sherwood Lane Project, appeared before the Council. He informed the Council that he represented the owners that have a complaint about the drainage improvements that were constructed by the City of Austin on a 50/50 material cost with the property owners. Mr. Ramsey then outlined some of the chronology that had occurred in the entire event.

In 1964 the City accepted responsibility for the drainage improvements that had been constructed in this subdivision and by a letter from the City of Austin to Oscar Holmes, consulting engineer on the project, they accepted the maintenance for construction of the drainage improvements in the subdivision. He noted that South Austin is subject to flooding problems, and this particular area between St. Edwards Street and Long Bow Street has also been known for flooding. The reason being, the drainage coming from several steep hills located in the area. This drainage forms a "V" in the middle of the block where there is one inlet. Mr. Ramsy noted that at one point prior to 1974, a 7-foot deep and several feet wide ditch prevailed as a result of soil erosion from the rainfall and the drainage off the streets. At this point, Mr. Walter Hyltin contacted the City of Austin to see if any improvements could be made.

The City informed Mr. Hyltin this would be possible but the citizens would have to participate on a 100% basis; every person would have to participate and would agree to share the material cost on a 50/50 basis with the City. This was acceptable to Mr. Hyltin and the property owners in the location. Each of the owners did pay their \$100.00 and entered into a contract, verbally, with the City. At this point, the City did agree on a 50/50 basis to enter into the construction of improvements. There would be two contracts involved:

1. One between the City and a construction company, and
2. One between the City and the citizens to see that this problem was cured.

The contract was let to Austin Engineering Company and on July 24, 1973, Charles Graves, Director of Engineering, sent Mr. Hyltin a letter enclosing a cross-section of the proposed plans. Copies were made of this cross-section and shown to the Council at this point. It was noted that a comment was written at the bottom of the cross-section saying that a swale would be constructed to transmit drainage to field inlets. Property owners would be able to construct fences along their property line after the pipe was installed.

This was the representation that the property owners relied upon, that their drainage problems would be cured. On March 14, 1974, another letter was received from Mr. Graves outlining the basic agreement. The construction began and was completed in July of 1974. Shortly thereafter, heavy rains occurred and created problems immediately in the drainage that to date are still occurring. The City Attorney's office was notified that there possibly would be a claim against the City of Austin. Shortly, a member of the City Attorney's office and a member of a law firm discussed the problem and viewed the site involving the problem. On November 27, a letter was received stating the citizens had received all they had been promised and the City would do nothing more. This was pursued by the law firm and with the City Attorney's office. Recently a letter from the City Attorney's office was received and it stated that the Engineering Department did not feel that additional field inlets were necessary; nor was the City interested in spreading grass seed in the back yards of the owners near the swale. The letter was signed by Mr. Richard Tulk. Mr. Ramsey then asked the Council to look at the swale on the drawing. The swale is supposed to carry water that the inlets on the street cannot carry. Also this swale was to help with the drainage problem. Now, after a rain of any size there will be standing water and therefore the erosion is continuing and getting worse. There is definitely a continuing pattern of erosion in the area that is alarming the citizens. At this point, the citizens feel there are two remedies to the problem:

1. Come to the Council and ask for what they originally thought they were going to get, a solution to the drainage problems.
2. File suit which they do not want to do.

All they want is for the City to look into the problem and cure the drainage problem. If possible, the owners would like for an independent consultant to view the situation and get some kind of affirmative action.

In response to Councilmember Linn's question, Mr. Ramsey noted that the work was originally done from April to July of 1974.

Mr. Charles Graves, Director of Engineering, informed the Council of the City's policy as pertains to drainage. When there is an open drainage involved, the subdivision ordinance permits the developer not to install a pipe if the cost of installing the pipe would not enhance the value of the property in keeping with the cost of the installation. This developer elected to build this subdivision with an open drainage system. When this problem came to the attention of the City, the question was not the capacity of the channel nor the condition of the channel. The problem as brought to the City by Mr. Hyltin was that the soils in the area were highly unstable as is common in many of the areas located in South and East Austin. These unstable soils were moving toward the channel which was causing dislocation of the property owners fences. This was the reason Mr. Hyltin wanted a pipe installed, to support those soils.

The City's position, at that time, was enclosure of the channel was not desirable. It would be necessary to leave a surface drainage system which was done in this case. The project was assessed not on a 50/50 basis. The owners agreed to pay approximately half of the material cost rather than half of the project cost. The total cost according to Mr. Graves figures was \$6,300.00 to the owners and \$33,000.00 to the City. Mr. Graves showed photographs to the Council that were taken immediately after construction of the project and

these showed that the City had provided for surface drainage to be collected from the houses and lots backing up to it. Mr. Graves also showed slides that illustrated the difference between a well-tended easement, and an easement that was neglected and fenced to obstruct the water. Both of these conditions occur along the channel in the block.

In response to Councilmember Linn's question, Mr. Graves noted that the subdivision ordinance prohibits the obstruction of the natural flow of drainage. Only one inlet was built because the owners price would have been effected by the size of the pipe.

Mr. Graves felt that if the lawn is properly cared for around the fences, the water will flow through with no problem. In summary, Mr. Graves noted that for the money spent on the project if the property owners would maintain the easement and allow the drainage to flow, they would have their monies worth. If there is need for an additional inlet to be installed at this time, after investigation, it will be installed if necessary.

Photographs were taken by some of the property owners and shown to the Council. As for building the fences, Mr. Ramsey noted that on the cross-section the owners were told that they could build their fences back. City Manager Davidson asked Mr. Ramsey to notice that the property owners would be allowed to construct fences on their property line after the pipe had been installed, not to the center of the easement.

Mayor Friedman felt there was a definite problem with improper maintenance of the area. The area needs to be cleaned out. The first step would be to sit down with Mr. Graves and the City Attorney and see what the City can do to help clean out the area. He also stated he had viewed the area many times and felt there was a definite problem.

City Manager Davidson noted that he met with the property owners and Mr. Hyltin several times and based on what the City was asked to do, as the owners came to the City and asked that something be done, the City has maintained their commitment. He informed the Council that there were two things they would like to do in addition to what the Council wants to do;

1. To ask the City Engineer to address a letter to each of the property owners that have a problem and ask for suggestions from them to ease these problems.
2. Mr. Graves has been asked to work with Lonnie Davis, Chief Building Inspector, on a recommended code amendment which will be presented to the Council prohibiting the construction of fences across drainage ways in the future.

City Manager Davidson recommended that the fences be moved and the lots be cleaned up over the easement and bring to the Council a code amendment.

WITHDRAWAL OF APPEARANCE CONCERNING USE OF FESTIVAL BEACH
FACILITY

Mr. Win Anderson, Director of M.F.P., Inc., withdrew his request to appear before the Council to request use of Festival Beach Facility for a day-long cultural extravaganza November 1, 1975.

APPEARANCE CONCERNING NEIGHBORHOOD POOL PROGRAM

Mr. Robert J. King, representing the Ramsey Park Patrons, requested to appear before the Council to commend the Council for the success of the neighborhood pool program and express support. He expressed the appreciation of many of the people living in the area involved, for the programs that are going on. Mr. King presented a petition that contained over 300 names of people living in the area, showing just how much the pool is used. He requested that the pool be kept open longer in the year.

Mayor Friedman asked Mr. King to leave the petition with the City Clerk, and that a copy would be sent to each Councilmember and Mr. Robinson, Director of Parks and Recreation, for consideration.

APPEARANCE CONCERNING TELEPHONE RATE INCREASE

Mr. Gray Bryant, Division Manager with Southwestern Bell Telephone Company, requested to appear before the Council to request a telephone rate increase and selection of a rate consultant. He noted that his appearance was to follow-up on his letter of September 3, 1975, requesting a rate increase of \$6.7 million which is almost the same amount as the last increase. Mr. Bryant asked the Council that the rate proceedings begin as soon as possible and that it be concluded before Christmas or hopefully within 90 days. He informed the Council that in order to keep up with the needs of the City, the new rate is earnestly needed.

City Manager Davidson stated he had a memorandum that the City Attorney had prepared for the Council suggesting that the Council name a qualified consultant in order to proceed with the work immediately. The City Attorney recommended the Council authorize the engagement of Mr. George Hess of the firm of Hess & Lim of Minneapolis and Washington, D. C., and Mr. Jack Hopper of Austin, Texas.

Councilmember Lebermann moved that the Council authorize the engagement of Mr. George Hess and Mr. Jack Hopper as the rate consultants. 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

Mayor Friedman stated that two other firms were listed: R. W. Beck & Associates and Touche Ross.

APPEARANCE CONCERNING "THE COURTYARD"

Mr. Maury Hood, representing Westover Hill, Inc., appeared before the Council requesting that "The Courtyard" be placed on the Council agenda for final action on September 18, 1975, at 11:00 a.m.

Councilmember Hofmann moved that the Council set a public hearing on "The Courtyard" for September 18, 1975, at 11:00 a.m. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: Councilmember Linn

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

Mayor Friedman informed Mr. Hood that by putting this on the agenda did not mean action by the Council in any way.

ANNEXATION HEARING SET

Councilmember Himmelblau moved that the Council adopt a resolution setting a public hearing for October 2, 1975, at 2:30 p.m. to consider annexing the following:

168.80 total acres of land. (Case NO. C7a-75-008)

1. 48.74 acres of land out of the Robert Foster Survey, M. D. Williams Survey and William Bell Survey. Lakewood, Section 1. (Requested by Paul James & Associates, Engineers, for First Service Corporation, owner of Lakewood, Section 1)
2. 120.06 acres of land out of the Robert Foster Survey, M. D. Williams Survey and William Bell Survey, (Initiated by the City of Austin)

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

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

Noes: None

APPROVAL OF AN AGREEMENT WITH ST. DAVID'S
HOSPITAL

In response to Councilmember Linn's question, Mr. Will Brown, Brackenridge Hospital Administrator, stated that the faculty and the students pay for their own liability insurance.

Councilmember Lebermann, moved that the Council adopt a resolution approving an Agreement with St. David's Hospital, to provide clinical training for Students of the Hospital School of Nursing Diploma Program. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

COST DIFFERENCE PAYMENT

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

ZILKER ASSOCIATES, LTD., Robert P. Dunnam, General Partner the
cost difference of 12"/8" water mains installed in Zilker
Heights - \$9,089.25.

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

CONTRACTS AWARDED

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

H & H CONCRETE CONSTRUCTION 203 Comal Street Austin, Texas	- Bull Creek Wastewater Interceptor, Section II, C.I.P. Project Number 5031 3 - \$788,169.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

JIM WOODMANSEE CONSTRUCTION CO. 7233-B Manchaca Road Austin, Texas	- Sidewalk Improvements - Oltorf Street from South 1st Street to Interregional Highway - \$25,484.92.
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The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Councilmember Hofmann stated that in connection with the Sidewalk Improvements, that she had been asking for this a long time and feels that it will be a benefit to all.

WITHDRAWAL OF A CONSTRUCTION CHANGE ORDER

The following item was withdrawn:

Approving a Construction Change Order in the amount of \$11,191.40 to Contract Number 74-Pb-141, C.I.P. No. 6274 0 and 3832 2 to the Relocation of Red River Street, Phase I, from East 18th Street to Manor Road.

City Manager Davidson complimented Councilmember Hofmann for saving the City some \$5,600.00 in the ideas she advanced with the project.

Councilmember Hofmann stated that she investigated the area to see if it was worth \$11,000.00 to save one tree, and learned that the entire \$11,000.00 was not used to save the tree, but a considerable portion was. Due to her interest in trees, she did not want to be accused of not caring about what happens to trees. Councilmember Hofmann did not believe the tree to be worth \$11,000.00. After redesigning a little, it was possible to save both trees. She expressed her gratitude to Mr. Graves and the Engineers who had worked with her on the project.

STREET NAME CHANGE

Councilmember Lebermann moved that the Council adopt a resolution authorizing the following Street Name Change:

"From WOODSTONE DRIVE to CROFTWOOD DRIVE"
(Requested by Bryant-Curington, Inc., Consulting Engineers representing Central Texas Service Corporation, one of the owners)

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

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

DEMOLITION OF STRUCTURES

Councilmember Linn moved that the Council authorize the Legal Department to take proper legal disposition of the following sub-standard structures which have not been repaired or demolished within the required time:

1. 1200 Perez Street Mr. Robert T. Short, owner
2. 501 West 88th Street Mr. David Woollet, owner

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 following was withdrawn:

504 East 1st Street

Messrs. Allen E. Smith and Irwin
Salmanson, owner

LICENSE AGREEMENT

Councilmember Lebermann moved that the Council adopt a resolution granting the following license agreement:

Authorization to enter into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 24-inch reinforced concrete sewer main beneath said railroad's right-of-way at a point 200 feet north of the north end bridge 186.5, engineer's chainage station 995.3+03 in Austin.

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 GRANT AWARD

Councilmember Lebermann moved that the Council adopt a resolution authorizing acceptance of a grant award from the Texas Criminal Justice Division for the project entitled "In-House Teletype System for Austin Police Department." (Grant amount \$5,024 - Texas Criminal support; Program period September 1, 1975, through August 31, 1976) 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

ACQUISITION OF LAND FOR EAST RIVERSIDE DRIVE IMPROVEMENTS

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

Certain land for East Riverside Drive Improvements:
2,396 sq. ft. of land out of a 96.00 acre tract out
of the Santiago Del Valle Grant (Chevy Chase South,
Ltd.)

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

ACQUISITION OF PERMANENT WATER TRANSMISSION LINE
EASEMENTS

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

A 15' strip of land out of Lot 15, Block R, Section
6, Balcones Park Addition (T. D. Shiels)

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

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

A 15' strip of land out of Lot 14, Block R, Section
6, Balcones Park Addition (Mrs. Earle S. Zucht)

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

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

HEARING SET TO CONSIDER APPROVAL OF
AN EASEMENT

Councilmember Lebermann moved that the Council set a hearing on October 23, 1975, at 2:30 p.m., to consider approval of an easement for a Wastewater Interceptor through parkland in the Onion Creek and Boggy Creek (South) Area. 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

CASH SETTLEMENT

Councilmember Lebermann moved that the Council approve the cash settlement as follows:

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

The motion was seconded by Councilmember Himmelblau.

Substitute Motion

Councilmember Hofmann stated that last week the Council requested the Planning Commission and the Environmental Board make a recommendation to the Council on the Utility Extension Policy, which would include Approach Mains. She had been assured that the Council could receive at least a preliminary report within a month. Therefore, in the interest of fairness, all Approach Main Contracts and Cash Settlements in lieu of contracts, and this would include G-5 on the agenda, that come before the Council in the next few weeks be postponed until the preliminary report is received. It would not be fair for a developer to have his contract denied when it may later turn out to be in harmony with the new policy; nor would it be in the best interest of the City to pay for Approach Mains that may be in an area that is not recommended for utility extension. Therefore, she moved that this item and item G-5 on the agenda be postponed until October 9, 1975. The motion was seconded by Councilmember Linn.

Councilmember Lebermann commented that these installations were already in the ground, and he presumed the likelihood would be that the Council would approve them openly and could see no reason to delay this action.

Councilmember Hofmann said that the same thing was done with the refund contracts.

Roll Call on Substitute Motion

Roll Call on Councilmember Hofmann's motion, Councilmember Linn's second, that the following items be postponed until October 9, 1975, showed the following vote:

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

Also postponing the following 5-year Approach Main Contracts:

1. STERLING HOLLOWAY, owner (G.5.a.) - To purchase the 8" wastewater approach main serving Bluff Springs Center - \$27,713.61.

2. ZILKER ASSOCIATES, Ltd. - To purchase the 8" wastewater approach
Robert P. Dunnam - main serving Zilker Heights Subdivision
General Partner (G.5.b.) - \$76,954.50.

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

The Mayor announced that the substitute motion carried by a 5 to 2 vote.

*Councilmember Himmelblau commented she voted "no" and is looking forward to the report that Councilmember Hofmann is requiring but does feel that these are in place now and should be honored.

*Councilmember Trevino noted that this does not exclude the possibility of the Council still going ahead with its moral commitment.

ESTABLISHMENT OF SUBDIVISION PARTICIPATION POLICIES

Councilmember Linn moved that the Subdivision Participation Policies be withdrawn for 1 week to allow her the opportunity to read the resolution that has been drawn up. 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

REQUEST TO HANG BANNER

Mayor Pro Tem Snell moved that the Council approve a request by Tony Tomsu, President of the Student Council, William B. Travis High School, for permission to hang a banner across East Oltorf extending from Presbyterian Church property to the edge of the high school parking lot. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Hofmann recognized Tony Tomsu who thanked the Council for approving the sidewalk.

STREET VENDORS LAWS AND MARKET CONTROLS

David Whitehall, representing the Street Vendors Association of Austin, appeared before the Council to ask for a public hearing concerning the Drag and the number of people being able to set up, also the possibility of changing the hours. Mayor Friedman informed Mr. Whitehall that he needed one proposal in writing outlining all the needs of the vendors.

Councilmember Linn noted that her office had been working several weeks on a new ordinance. She requested that Mr. Whitehall contact her office and she would be glad to work with them.

Mayor Friedman then suggested that there be just one public hearing on the one unified ordinance. Mr. Whitehall indicated that the need was very pressing and he would like to have this done within 3 weeks.

There was much discussion concerning the amount of room for the vendors. It was noted that last year there was a market area created in addition to the one that exists now. This provided enough space to avoid any difficulty. If the Council would enact to reopen the temporary market that was established along the same grounds as last year, the problem would not be critical. Mayor Friedman noted that what the Vendors were wanting were provisions enabling them to return to last year's expanded program on a temporary basis until a final new ordinance can be worked out. He asked the City Manager's office to get notification out and send a copy of the working that the Council had last year to all members of the Council.

City Manager Davidson commented that the same kind of temporary closing of 23rd Street for the periods indicated on the agenda and ordinance amendment would be published.

Mayor Friedman asked the Vendors to write their proposal and present it to each member of the Council so it could be transmitted to the City Manager and a public hearing could be set for October 2, 1975, at 2:30 p.m. Dr. Linn asked the group to meet with her in her office the next morning to discuss this proposal.

Councilmember Linn moved that the Council call for a public hearing on the Street Vending Ordinance on October 2, 1975, at 2:30 p.m. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

APPEARANCE CONCERNING THE RENAMING OF MOPAC BOULEVARD TO
L.B.J. BOULEVARD

Mr. John Minor appeared before the Council concerning a request to rename MoPac Boulevard to L.B.J. Boulevard. He noted that many cities have streets named after L.B.J. and felt Austin should have this distinction also. Since the completion of MoPac Boulevard is near, Mr. Minor asked that the boulevard be named L.B.J. Boulevard. If there is a legal commitment to the Railroad to name it MoPac, he suggested that the southern part which does not touch the railroad be named L.B.J. Boulevard.

Mayor Friedman noted that the administration would have to consider this as well as the legal problem for the whole area known as MoPac Boulevard. The Parks Board does look into various memorials to different citizens and would have to consider this suggestion.

ORDINANCE PERTAINING TO THE LEVYING OF RATES AND CHARGES
FOR WATER AND WASTEWATER

The Council had before it an ordinance amending No. 741003-D which pertains to the Levying of Rates and Charges for Water and Wastewater, for the purpose of deleting Section One (1) Item D - water - as pertains to establishing of service deposits. Mr. Monty Nitcholas, Assistant Director of Finance, explained that the purpose of the amendment was to resolve a conflict between the present ordinance and the utility service regulations that were approved last May.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 741003-D, DELETING THEREFROM THE COLUMN ENTITLED "SERVICE DEPOSITS" IN SECTION 1D.; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilmember Hofmann 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 RELATING TO MOBILE RETAIL GROCERS

City Manager Davidson requested that this item be pulled from the agenda. He noted that Mr. Sybesma has been working on this item and also has been contacted by a number of the street vendors who have expressed an interest in this. The street vendors have expressed a desire to meet further and to discuss this ordinance before it is considered by the Council. Mr. Sybesma is setting a meeting with them for September 24, 1975, for the purpose of giving the ordinance more complete review.

Councilmember Linn pointed out that in the future when an ordinance is written pertaining to a specific group of business people that these people be involved in writing the ordinance. She did not think that any of the people involved with the Mobile Retail Grocers were asked to help with the writing of this ordinance.

City Manager Davidson stated that they did not help write the ordinance, but Mr. Sybesma has talked with all kinds of businessmen in the street vending area and that is the basis for this recommendation.

Mr. Roland DeNoie expressed to the Council that there was a definite lack of communication. He presented a letter that was sent out by the City Manager's office on May 1, 1975. Mr. DeNoie felt the letter was soliciting criticism of Mobile Retail Grocers on the sidewalk from a number of people with whom not 2 years ago there had been a battle to just survive. The manner in which the letter was delivered was of particular concern to Mr. DeNoie. He noted it was left by and picked up by a police officer. There were several questions that

concerned Mr. DeNoie, such as why the letter was sent at all; why a copy was not sent to the vendors and why it was delivered in the manner in which it was. He requested that the Council ask the City Manager's office to enact a Mobile Retail Grocers ordinance which would be reflective of a policy that encourages people to be creative in providing food on the sidewalks in accordance with the needs of the City.

Mayor Friedman asked Mr. DeNoie if he would be willing to work with Mr. Sybesma to develop such an ordinance. Mr. DeNoie stated he had already talked with Mr. Sybesma and would be very interested in meeting with him again.

Mayor Friedman noted that there would be no enactment by the Council or by the Management until the Council so approves.

City Manager Davidson stated that this was not a survey to generate criticism of the street vending operation. It was a survey to confirm criticism that was being received by the Police Department, the City Manager's office and the City-County Health Department. The criticism is also coming from 2 or 3 segments of the street vendors themselves. This was not dreamed up. It was in response to quite a number of complaints primarily from the street vendors themselves. He noted that anyone that was interested in attending a meeting to discuss the problems to please contact his office. Notices would be sent to those with names and addresses on file in the City Manager's office.

Mr. Mike Sutton and Mr. Glenn McCohn spoke briefly concerning the problem. Mayor Friedman stated that the item would be off the agenda until further resolution by the vendors and the administration.

ORDINANCE APPROVING THE 1975-80 CAPITAL IMPROVEMENTS
PROGRAM

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ADOPTING AND APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1975, AND TERMINATING SEPTEMBER 30, 1976, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Linn noted she had received a number of letters particularly from the University area on 26th Street Project. One thing that has to be considered is the problem in keeping this area closed off and what it has done to the people living in East Austin, particularly along Martin Luther King Boulevard. Councilmember Linn did express that she wanted to know how the people felt.

Mayor Pro Tem Snell expressed his concern in this matter also. He felt that more traffic on Martin Luther King Boulevard was not good. Therefore, he would like to continue the project.

Mayor Friedman stated that the Capital Improvements Program was a definite milestone in the City of Austin. It is a definite shift for programs that will effect the public directly in providing them services. It is being done to provide needed recreation in all parts of town with major recreation centers and major parkland acquisition, and major park improvements in all areas of town. It consists of funds for a new 4th floor in the library. Also the possibility of creating a community arena or coliseum that will provide access for more and more community groups and civic groups. There are health centers being provided throughout the community. Senior citizens centers are being built, as well as more swimming pools. All of this is being done without a single increase in taxes for the C.I.P. Mayor Friedman thanked the Council and all those involved with working on the C.I.P., for the long hours spent on it.

ORDINANCE APPROPRIATING \$3,095.00 FOR RENT-A-KID

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975 BY PROVIDING AN APPROPRIATION OF \$3,095 FOR THE RENT-A-KID PROGRAM FROM THE GENERAL FUND FOR SERVICES TO BE PERFORMED DURING THE MONTH OF SEPTEMBER, 1975; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Pro Tem Snell asked that Father Joe Znotas furnish the Council with an ethnic make-up of the staff. Councilmember Trevino responded that this would be done.

CONSIDERATION OF THIRD ITEM ON PAYROLL DEDUCTION

Councilmember Himmelblau opened the discussion by stating that she felt that a number of employees wanted to have the choice of not favoring dues check-off.

Mayor Friedman stated that no one is forced to join the union regardless of who wins. Only those employees who voluntarily sign a card to allow check-off will have check-off. He felt that this was causing more confusion of the issue.

Councilmember Linn pointed out that it was simply a union election. It had nothing to do with people who do not want to be in the union. There would be no dues check-off for those who do not want to join. It has nothing to do with City administration.

Motion

Councilmember Himmelblau moved that a third item be placed on the payroll deduction ballot allowing City employees to also select the option of not favoring dues check-off for any union. The motion, seconded by Councilmember Hofmann, failed to carry by the following vote:

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

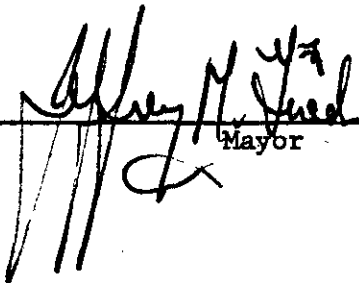
Mayor Pro Tem Snell stated that he wanted it to be made clear that the item serves no purpose.

Councilmember Hofmann commented that she felt that there was some significance in doing this, as many City employees had approached her and Councilmember Himmelblau and wanted to have a say in the matter.

ADJOURNMENT

The meeting adjourned at 2:51 p.m.

APPROVED


Mayor

ATTEST:


City Clerk