

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 4, 1975
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND CLARENCE M. WALTON, Trinity United Methodist Church.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for August 28, 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

ZONING HEARINGS

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

THOMAS R. McELHENNEY
By Phil Mockford
C14-75-075

1200-1230 Old State
Highway 71

From Interim "A" Residence
1st Height and Area and
"C" Commercial
6th Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie noted that the staff and Planning Commission felt this was appropriate zoning and recommended the change.

Mayor Pro Tem Snell moved that the Council grant "C" Commercial, 1st Height and Area District as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

COLORADO HILLS
ESTATES, INC.
By Philip Friday, Jr.
C14-75-082

2003 and 2011 East
Riverside Drive

From "GR" General Retail
2nd Height and Area
To "C-2" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie noted that the application was located on East Riverside Drive and in a commercial strip. Application was recommended by the staff and Planning Commission.

Councilmember Himmelblau moved that the Council grant "C-2" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2" Commercial 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

W. A. HASSE
C14-75-077

5400 South Congress
Avenue, also bounded
by Mockingbird Lane

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission
RECOMMENDED "C" Commercial,
1st Height and Area, excluding
the westernmost 15' (more or less) to remain "A"
Residence, 1st Height and Area, subject to a 50-foot
building setback from the western boundary; a six-
foot privacy fence; controlled driveway access as
shown on the site plan; and five feet of right-of-
way on Mockingbird Lane.

Mr. Lillie noted that the property is located on South Congress. At the request of the staff and Planning Commission, the applicant did submit a site plan. The plan was reviewed and accepted by the Commission and staff.

Mayor Pro Tem Snell moved that the Council grant "C" Commercial, 1st Height and Area, excluding the westernmost 15' (more or less) to remain "A" Residence, 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Hofmann, 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 change had been granted to "C" Commercial, 1st Height and Area District, excluding the westernmost 15' (more or less) to remain "A" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ERNEST RUTHERFORD, JR. 2002 Koenig Lane
C14-75-080

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" 1st Height and
Area, subject to ten feet of
right-of-way on Koenig Lane;
and a six-foot privacy fence
along the north boundary

Mr. Lillie noted that the property is located on Koenig Lane. The application was for "LR" Local Retail District, but the staff felt that we should not be encouraging commercial uses on the street, and the applicant was agreeable. The property was recommended by the staff and Commission subject to the conditions which were acceptable to the applicant.

Councilmember Linn moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. 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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

The following zonings were heard and DENIED:

BOB R. HOWERTON,
TRUSTEE
C14-75-078

9118 North IH 35

From "C" Commercial
1st Height and Area
To "C" Commercial
5th Height and Area
NOT Recommended by the Planning
Commission

Councilmember Linn moved that the Council DENY the zoning change. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

HIRAM D. ELLIOTT
By Stephen M. Orr
C14-75-079

704 West 29th Street
Also bounded by
Salado Street

From "C" Commercial
2nd Height and Area
To "C-2" Commercial
2nd Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie noted that the application includes property to be converted into "C-2" Commercial District use. After researching this area, it was noted that the area would fall on the edge of two residential areas. He stated that the staff and Commission had denied this application. MR. STEPHEN ORR, representing the applicant, felt rezoning the property would not cause any detriment to the adjacent neighborhood. MR. JEFF HERTRICH, a resident in the area, spoke in opposition to the rezoning. Mr. Hertrich felt that the building of a restaurant and bar would not be conducive to a neighborhood situation. MRS. WINNIE SOBECK, a resident in the area for rezoning, spoke in opposition. She explained to the Council that her property had been in the family for many years, and she did not want to move due to the noise from the proposed building of a restaurant and bar.

Councilmember Himmelblau moved that the Council uphold the recommendation of the Planning Commission and DENY the requested change. 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

The Mayor announced that the change had been DENIED.

RESOLUTION AUTHORIZING THE EXECUTION OF
PROPOSED APPROACH MAIN CONTRACT FOR TRAVIS COUNTRY

This item was postponed until further notice from Travis Country.

RELEASE OF EASEMENTS

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

The public utility easement that covers the rear five (5.00) feet of Lots 1, 2 and 3, Block 8 and Lot 1, Block 10, Sunnyvale, Revised Section One. Also, the 10' by 45' easement extending in a northwest direction from the angle point in the rear line of Lot 2, Block 8, Sunnyvale Revised Section 1. (Requested by E.R. Rathgeber, Jr., et al, owners of Lots 1, 2, and 3, Block 8 and Lot 1, Block 10, Sunnyvale Revised Section)

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

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

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

The ten (10.00) foot Public Utility Easement along a portion of the east line of common area 10 of CAT MOUNTAIN VILLAS, SECTION ONE. (Requested by R. D. Blackwell, Superintendent Water & Wastewater Department, Engineering Division)

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

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

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

The north 110.98 feet of the Public Utility Easement ten (10.00) feet in width centered on the common lot line of Lots 9 and 10, Travis Vista. (Requested by Richard D. & Deborah Reitmeyer, owners)

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

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

CONTRACTS AWARDED

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

POWER STEAM SALES & SERVICE
302 Larrance
Lawton, Oklahoma

- Chassis Dynamometer, Vehicle &
Equipment Services Department
Item 1 - \$15,385.21

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

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

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

AIR CONDITIONING, INC.
5005 Ben White Boulevard
Austin, Texas

- Zaragosa Park Shelter Renovation,
Capital Improvements Program
Project No. 8648 9 - \$19,800

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

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

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

GENERAL ELECTRIC COMPANY
4219 Richmond Avenue
Houston, Texas

- Replacement parts for Turbine Unit
No. 4 Holly Street Power Plant,
Electric Utility Department
Items 1 thru 8 - \$7,935.90

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

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

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

INTERNATIONAL BUSINESS MACHINES
CORPORATION
1609 Shoal Creek Boulevard
Austin, Texas

- State and Local Government Lease Plan
for Central Processing Unit and Power
Supply Unit, Data Processing Division,
Brackenridge Hospital. Five-year State
and Local Government Lease Plan for
Item No. 1, Central Processing Unit,
and Item No. 2, Power Supply Unit for
use with Item No. 1 - \$15,972.00 per
month. (subject to escalation)

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

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

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

Bid Award:	- Cafeteria Equipment, Municipal Annex, Construction Management Department
RESTAURANT DESIGN OF AMERICA 920 Avenue "R" Grand Prairie, Texas	- Items Nos. 1 thru 11, 13 thru 17, and 19 thru 21 - \$13,479.88
MID-TEX SALES & SERVICE 11424 North Interregional Austin, Texas	- Items Nos. 12, 18 and 22 - \$2,477.00

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

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

CASH SETTLEMENT

Motion - Died for lack of second

Councilmember Linn made a motion that the following cash settlement be denied, but the motion died for lack of a second:

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 of the wastewater Approach Main serving Franklin Park. (Total cost \$6,251.70; City's cost at 75% - \$4,688.78)

Motion

Councilmember Hofmann asked that the cash settlement be postponed pending public hearing. Councilmember Linn seconded the motion.

Substitute Motion - Failed to carry

Councilmember Lebermann moved that the Council approve the cash settlement. The substitute motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

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

The Mayor announced that the motion had failed to carry.

Substitute Motion - Carried

Mayor Friedman moved that the Council reconsider and postpone until after the vote on policy change. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

EXTENSION TO EXISTING PROFESSIONAL SERVICES
AGREEMENT

Councilmember Linn moved that the Council authorize the extension to existing Professional Services Agreement between the City of Austin and Espey, Huston & Associates, Inc., and URA/Forrest and Cotton, Inc., (Joint Venture) for the Master Drainage Plan, to include detailed studies of the Waller Creek Watershed. 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

INSTALLATION OF PARKING METER ZONE

Councilmember Lebermann moved that the Council adopt a resolution authorizing the installation of the following parking meter zone:

ZONE 15-30

<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
Colorado Street	600	East

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

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

ESTABLISH TEMPORARY ONE-WAY STREETS

Councilmember Lebermann moved that the Council adopt a resolution establishing temporary one-way streets during specific time intervals as a part of the University stadium One-Way Plan designed to improve traffic flow before and after all of the University of Texas football games. 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

ESTABLISH SPECIAL TRANSIT ROUTES AND FARES

The Council had before it the establishment of special transit routes and fares to be implemented on those days of the University of Texas football home games.

Mr. Joe Ternus, Director of Urban Transportation, reviewed the routes and fares (\$1.00 for adults; .50¢ for children under 12 years of age) and felt this was a reasonable fee.

Councilmember Linn stated that when they were trying to encourage Mass Transportation, she did not think it was good to increase fares. Councilmember Linn's motion to maintain the fare of .50¢ died for lack of a second.

City Manager Davidson noted that whatever fee the Council approved he requested that Mr. Ternus submit to the Council on a weekly basis a status report on the flow of passengers.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the establishment of special transit routes and fares to be implemented on those days of the University of Texas football home games. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

FEDERAL-AID URBAN SYSTEM AND BOUNDARIES

Councilmember Lebermann moved that the Council adopt a resolution authorizing the adoption of the Federal-Aid Urban System and boundaries. 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

HIGHWAY COMMISSION MINUTE ORDERS
FOR 1975-1976 URBAN SYSTEM PROJECTS

Councilmember Trevino moved that the Council adopt a resolution authorizing acceptance of Highway Commission Minute Orders 70305, 70306 and 70307 for 1975-1976 Urban System Projects. 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

SELECTION OF ARCHITECTURAL SERVICES

Councilmember Himmelblau moved that the Council select Wukasch & Associates for Architectural Services in connection with the following:

Caswell House - Exterior Maintenance
C.M.D. Job No. 523

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

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

HEARING IN CONNECTION WITH PAVING ASSESSMENT

Mayor Friedman opened the public hearing scheduled for 11:00 a.m. in connection with Paving Assessment to be levied on the following streets and passage of Ordinances:

1. Alamo Street and sundry other streets under Contract No. 74-Pa-133 covering 25-1/2 blocks.
2. Alexander Avenue and sundry other streets under Contract No. 74-Pb-129 covering 26-1/2 blocks.
3. Springdale Road and sundry other streets under Contract No. 74-Pa-135 covering 6-1/2 blocks.
4. Rundberg Lane under Contract No. 74-Pa-134 covering 12-1/2 blocks.
5. Springdale Road under Contract No. 74-Pa-119 covering 8 blocks.

In response to questions by City Attorney Don Butler, Mr. A. W. Ticken, a Real Estate Appraiser in Austin, testified he had viewed each of the above properties subject to the proposal. Mr. Ticken agreed that all of the property he viewed would be, in general, enhanced by the assessed value. He felt that this assessment would be to the benefit of the property owners.

MS. SHIRLEY MEISSNER, Attorney representing the estate of Lovetta Johns, appeared before the Council concerning the property of Mrs. Johns that is involved in the assessment.

Ms. Meissner felt that the property at 1211 Singleton would not be improved by the assessed amount of \$932.00. She presented to the Council photographs that had been taken of the area to support her conviction. Also there are complications concerning the proper legality of ownership of the property. Ms. Meissner asked the Council to use discretion and allow the owner to pay the lower assessed value of \$250.00 instead of the increased value of \$932.00.

Mayor Friedman felt that the Council had the discretion to assess the property whether it be high or low. He also noted that the proper owner should be determined.

MR. OTTO D. WEISMAN appeared before the Council to protest the amount of assessment of \$134.00. Mr. Weisman was very concerned with the time element involved in paying this amount. Mayor Friedman informed Mr. Weisman that the amount assessed could be paid over a period of 45 days, subject to approval. Mr. Reuben Rountree, Director of Public Works, noted that the amount could be paid for in a payment schedule feasible to Mr. Weisman.

MR. IRA WARD also appeared before the Council concerning his assessed amount. Mr. Ward felt there was paving to be done in his area that was not done. Now he feels his assessment is not correct. Mr. Rountree requested Mr. Ward to contact his office after the meeting concerning his assessment.

MAE MERRIAM, represented 25 citizens living in the assessed areas. She said several of these citizens located in these areas are not able to pay the assessed amount due to a lack of money. Most of these are retired and old and just cannot afford the assessment.

Mayor Friedman stated that there is a new policy being considered relating to this area, the Community Development Area. The Mayor asked the Council to postpone items 1. and 2. until the policy is introduced that will establish new guidelines; and if the policy is accepted, it will ease the financial burden on property owners in the Community Development Area. Mayor Friedman also noted that items 3., 4. and 5. would not be effected by this.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 Linn, 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 Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Rundberg Lane)

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 Linn, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 Linn, 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.

PAVING ASSESSMENT POLICY

The Council had before it a report on the new Paving Assessment Policy. Mr. Homer Reed, Deputy City Manager, reviewed the report with the Council. He noted that the present policy dates from 1958 and provides for assessment of the full cost permitted by law, which is 10% of the cost of curb and gutter and 90% of the cost of paving. There was an exception made to this policy based on 1958 construction cost. Mr. Reed noted that those people with money could pay in advance and receive a very big discount, while the ones that could not afford the full amount were assessed the full amount and has created the inequity occurring at the present time. Therefore, there has been a new policy developed to deal with the inequity and any other problems in the present policy.

The following policies are suggested for Council consideration in outline form. Following Council consideration and approval of basic policies, approximately two weeks should be allowed for drafting a detailed resolution for the Council's final consideration.

1. The City Council will direct streets to be paved and assessments levied against property owners when either of the following conditions are found to exist:
 - a. A public need exists for improvement of the street;
 - b. A public need exists to improve the street in order to eliminate excessive maintenance costs; or
 - c. A majority of the property owners abutting the street request that the street be paved.
2. Assessments will be the maximum legal assessment based on an actual cost for excavation and construction of curbs and gutters; excavation, subgrade and base preparation; and paving of street surfaces.
 - a. Properties used for single-family or two-family dwellings will be assessed for the actual width of street construction up to a maximum of thirty feet.
 - b. Properties used for multi-family, office, commercial and industrial purposes will be charged for the actual width of paving construction.
3. Paving across the front of a lot shall be assessed the full rate calculated according paragraph 2 above. Paving abutting the side of a single-family or duplex lot will be assessed fifty per cent of the rate calculated according to paragraph 2 above. Paving along the rear of a platted single-family or duplex lot will be assessed 50% of the rate calculated according to paragraph 2 above; provided, however, that such assessments will be waived where the owner provides the City with an appropriate legal document prohibiting access to the property across the rear lot line. Paving along the front, side or rear lot lines of multi-family, office, commercial and industrial areas will be assessed the full amount computed in accordance with paragraph 2 above. Undeveloped or unplatted tracts will be assessed based on their predicted highest and best use calculated in accordance with paragraph 2 above.

4. All property owners who pay in advance within 45 days after award of the construction contract will receive a 25% discount for early payment.

5. Interest will be charged on the unpaid balance of the assessment at the rate of 7%.

6. Collection efforts will be pursued in accordance with state law; provided, however, that collection efforts on single-family and duplex residences will be limited to an annual statement showing the total amount due with interest to date.

Policy Modifications for Community Development Districts

Historically, most assessment paving has been accomplished at the request of adjacent property owners. In a major exception to this customary procedure, the City Council has established eleven Community Development Districts (numbers 1 through 11) and two additional neighborhoods (St. Johns and Clarksville) where assessment paving is being initiated by the City in order to bring their streets up to standards prevalent in other sections of the City. This action was taken for a number of reasons including: (1) the high percentage of absentee landlords; and (2) the relatively low income level of resident owners. Both factors doomed to failure the former assessment policy which depended heavily on voluntary requests.

The proposed paving policy for the eleven Community Development Districts and two additional neighborhoods will be the same as stated above with two modifications:

1. Owners of single-family or duplex properties in these areas can qualify for a 25% discount either by early payment as specified in paragraph 4. above or by executing a document indicating their inability to pay in advance and agreeing to pay the discounted amount in installments over a five year period. Office, multi-family, commercial or industrial property owners could qualify for the discount only by early payment.

2. Interest will not be charged on the unpaid balance of assessments against single-family or duplex properties in these areas. Interest will be charged on the unpaid balance of assessments against office, multi-family, commercial and industrial properties at the rate of 7%.

Advantages

The proposed policy outline has many advantages. It eliminates the inequities of the present policy; it recognizes the distinctive characteristics of the program as it is being implemented in the Community Development Districts; it continues a discount encouragement for early payment limited to 25%; it will not become inequitable because of inflation; and it limits collection efforts directed at single-family and duplex properties.

In response to Councilmember Hofmann's question, Mayor Friedman noted that the policy he had asked for originally was to exempt all homestead property. After discussion with the Legal Department, it was found that there could not be any class distinction particularly since in many of the cases they found the ones living in the home, although they think they own the home, are under contract of sale. Mayor Friedman felt that by inserting the no interest clause

and keeping the 25% discount payable over a 5-year period, we will save a considerable amount of money. Therefore, the 25% discount plus the no interest will be an extremely fair and workable solution for those areas desperately in need of having the paving done. Mayor Friedman then stated that the next step would be for the Legal Department to prepare documents and come back to the Council. Mayor Friedman stated that the Council proceed along these lines.

MS. RUTH EPSTEIN, representing the Travis Democratic Women, appeared before the Council regarding a letter concerning the discount for the electric utility bill. Mrs. Epstein felt that a 25% discount to pay early was not an inducement, but that it was a 25% late penalty fee for those who cannot pay their assessment on time.

Mayor Friedman felt that the assessment was an equal price, and as the operating budget is reviewed there will be a move to strike out what is referred to as the gross and net differences in electric bills to the extent that they are unfair.

In response to Councilmember Linn's question, Mayor Friedman noted this contributes a constant flow of money to the City. Mr. Reed also noted that there was a substantial saving in administrative cost due to not having to account for it over a period of 5 years. The major value to the City is that they do not have to wait over a 5-year period for the money.

Councilmember Linn felt that the people who have the money pay a cheaper price than the people who don't have the money. In response to Councilmember Linn's statement, Mr. Reed noted that there was value plus the policy has included special no interest policy for the eleven Community Development Districts.

Mayor Friedman noted that the program was designed for the Community Development Area because this area is the one that needs the massive paving done. Also this is the area where the people are less likely to be able to afford to have this done. The new policy would apply only to the Community Development Area.

City Manager Davidson announced that they will work with the Legal Department to get the policy properly drafted.

Councilmember Lebermann therefore moved a positive general indication. 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

ORDINANCE APPOINTING ELECTION OFFICIALS

Mayor Friedman noted that in Precinct 426 Precinct Chairperson Pete Reyes withdrew during the last City election because he was candidate for office. Now Mr. Reyes has submitted a letter asking to be placed back in as Presiding Judge in place of Mrs. Arthur Caballero. Mrs. Caballero was appointed as Alternate Judge.

Councilmember Linn also noted that in Precinct 437 there was a proposed change of Margaret Loera to replace Chester Kitchens as Presiding Judge. Mr. Gabriel Guiterrez was appointed as Alternate Judge.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE SPECIAL REFERENDUM ELECTION TO BE HELD OCTOBER 4, 1975; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR THE ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR THE ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; DIRECTING THAT AN INSTRUCTION SCHOOL FOR ELECTION OFFICERS SHALL BE CONDUCTED AND NOTICE BE GIVEN SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENTAL AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

PASSAGE OF ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 15, 17, 18, AND 19, OUTLOT 23, DIVISION "C," FISCHER ADDITION; LOT 13, AND THE NORTH ONE-HALF OF LOT 22, AND ALL OF LOT 14, BLOCK 2, FELLMAN HEIGHTS, OUTLOT 23, DIVISION "C," LOCALLY KNOWN AS 2803-2815 SWISHER STREET AND 2901 SWISHER STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "BB" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FOURTH HEIGHT AND AREA 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. (Sam and Irene Lane, Carey Legett, Jr., M. D. and Georgia Felter Legett, M. D.; C14-74-155)

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING TWO TRACTS OF LAND CONSISTING OF 3.9477 AND 19.2967 ACRES OF LAND, LOCATED BETWEEN CIMA SERENA AND STECK AVENUE EAST OF GREENSLOPE DRIVE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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. (William E. Jones, W. L. Mayfield and Mike Prewitt Lake Company; C814-73-008)

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE EASTERNMOST TWENTY FEET OF LOT 2, BLOCK 1, FREEWATER ADDITION AND A PORTION OF LOTS 1 AND 2, BLOCK 1, SAVE AND EXCEPT THE EASTERNMOST SEVENTY FEET, OF FREEWATER ADDITION, LOCALLY KNOWN AS 610 CARDINAL LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA 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. (Otto Hofmann; C14-75-072)

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

The Mayor announced that the ordinance had been finally passed.

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:
LOT 18, BLOCK 2, OUTLOT 43, DIVISION "O," SPENCE ADDITION, LOCALLY KNOWN AS 908 HOLLY STREET, FROM "A" RESIDENCE 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. (Odie E. Ainsworth; C14-75-045)

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
Noes: Councilmembers Linn, Trevino

The Mayor announced that the ordinance had been finally passed.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had an executive session earlier that day to discuss various legal matters with the City Attorney. There were no decisions or conclusions made concerning those matters. The Council did appoint the Board of Directors to the Arts Council.

Councilmember Himmelblau moved that the Council approve the appointments to the Arts Council as follows:

Austin Symphony	Mrs. D. J. Sibley, Jr.
Instrumental Music	Ms. Mary Lou Chapman
Choral Music	Edward Jungbluth
Dance	Mrs. Jane Allen Combs
Drama	Alvin Golden
Laguna Gloria	Mrs. Mary McIntyre
Travis County Historical Committee	Dr. John Barclay
Visual Arts	Bronson Dorsey
Museums	Bryan Rudy
Ethnic Cultural	(Juan Vasquez
	(Mrs. Arthur DeWitty

Ex-Officio

St. Edwards	Mrs. Janine Torijian
Huston-Tillotson	Mrs. Dorothy Cashaw
University of Texas	Mr. Jerry Harris
Concordia	Prof. Harold Rutz
Community College	Dr. George Wilkerson
Austin Independent School District	Dr. Richard Sutch

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

FISHING TOURNAMENT

Mr. Buddy McGee, representing the Capital Bass Club, requested the Council's approval for a one-day fishing tournament scheduled for Saturday, September 20, 1975, to be held at Town Lake. Councilmember Linn moved that the Council approve the request. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

BANNER

Councilmember Lebermann moved that the Council approve a request by Ms. Helen Crawford, Secretary of McCallum Booster Club, for permission to place a banner across Koenig Lane at Sunshine 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

BARTON CREEK GREENBELT

City Manager Dan Davidson introduced the Director of Parks and Recreation, Mr. Jack Robinson, for the purpose of making two reports. The first report concerned the Barton Creek Greenbelt.

Mr. Robinson informed the Council that he felt that the Barton Creek Greenbelt was an opportunity to protect one of the areas of the City that will be a natural park area that no other city in our part of the country has. Slides were shown to display what was being proposed. The area that is involved in the proposal is west and north of Loop 360 up to the Lost Creek subdivision. The slides displayed a natural area which included wooded areas, natural ponds and trail areas. Mr. Robinson felt that this would also be a possible area for the Natural Science Center.

City Manager Davidson noted he hoped that the report Mr. Robinson gave the Council would provide the framework for their decisions in the Capital Improvements Program.

In response to Mayor Friedman's question concerning a time schedule for the area, Mr. Robinson stated that they would like to proceed with the proposal as soon as possible. He noted that the entire area could be purchased within the next three years. In response to Councilmember Linn's question, Mr. Robinson stated that the project would require another \$800,000 to obtain the entire area. Councilmember Trevino asked Mr. Robinson about the participation of the County in this project, and he stated that the County had not been contacted.

Mayor Friedman noted that he was informed that the County is still going to stand by its commitment to the Wild Basin Project. The money is there and will be allocated. Mayor Friedman felt there should be a letter received from the County to this effect.

DEVELOPMENT OF REPUBLIC SQUARE

The second report made by Mr. Robinson concerned the Development of Republic Square. City Manager Davidson informed the Council that they had directed the creation of Republic Square, and at the present time this was proceeding as they had requested.

Mr. Robinson showed the concept to the Council by viewing slides of the area. He informed the Council that the City had been very enthusiastic about the project and wanted to be involved in it. He also stated that in building the square, they were trying to retain the old country square, while being modern also. The project will be constructed to use day and night. The cost of the project will be approximately \$220,000. Mr. Robinson noted that the project will be broken down into 6 different phases.

In response to Mayor Friedman's question as to the projection of completion, Mr. Robinson stated that it will depend on the involvement of the community. He felt that it would be within the next 2 years. It will not be completed by the Bicentennial.

Councilmember Linn asked that a memorial plaque be made for Mr. Brush who had worked so hard on the project. Mr. Robinson felt this would be most appropriate.

Councilmember Linn moved that the Council authorize the procedure of these plans for Republic Square. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

ANNEXATION OF TRAVIS COUNTRY

City Manager Davidson noted that the following was postponed:

323.55 total acres of land (Case No. C7a-75-001)

53.86 acres known as Travis Country. (Requested by owner Farm and Home Savings Association)

173.51 acres known as Trailwood Village One at Travis Country and Trailwood Village Two at Travis Country. (Requested by Bryant-Curington, agent for owner, Farm and Home Savings Association)

96.18 acres - portion of Loop 360 and unplatted land. (Initiated by City of Austin)

HEARING ON SUBDIVISION PARTICIPATION POLICIES

Mayor Friedman opened the discussion by asking for speakers who were in opposition prior to Council action.

Mr. John McPhaul appeared before the Council and stated that his appearance was prompted by the response he had received by some members of the Council and from members of the home building and related industries. Mr. McPhaul felt there was nothing else to be covered that had not already been covered. He stated that he had done some research on the 4.8 million dollars Councilmember Linn had stated the City would repay to the developers. This amount represented the total of all contracts, not just the contracts that qualify for refunds. This includes apartment mains, commercial mains, oversize mains, approach mains, and also some contracts could be in unannexed areas which would not qualify them for a refund contract at all.

Mr. McPhaul concluded by stating that his final reason for appearing was to appeal to the Council who professes to champion the human needs and the community development needs over physical improvement. He felt there was already enough unemployment without creating more. Mr. McPhaul requested that if a vote is taken on the refund contract as is, that the Council separate from that the other policies under the participating agreement.

Mr. Tom Curtis informed the Council that he wanted to discuss briefly with the Council the difference in purpose in some of the participation policies that the City has. At the present the City has the water and sewer lines for the particular subdivision in our existing refund contract. The City also participates in paving over 44 feet in width. Not covered in this that is done, outside the subdivision refund contract are these items:

1. You repay the developer the difference in cost of oversized water and sewer lines.
2. You also pay for approach mains or repay the developer for approach mains which again serve an area greater than that particular subdivision needs.

3. You repay the developer the difference in cost between a 42-inch storm sewer pipe and any larger pipe that the City requires.

Mr. Curtis pointed out that the Task Force considered 12 subdivision participation items. Nine of the twelve were changed last October. If the Council were to do away with these other items of participation, Mr. Curtis felt that overnight you would increase the value of some land and decrease the value in other land. He felt this was not a good idea. Mr. Curtis asked that the Council seriously consider with respect to these participations that have been done in the past, that these not be cut out.

MR. JOHN WASHAM, a project director for a development adjacent to the Austin Country Club, felt the matter of continuity was involved. He noted that it was very difficult to do long range planning depending on certain factors, and then have these factors disappear before you. If a transition is abrupt, it would discourage investment and people coming into the area for any type of development. He would like to see the phase out done in an orderly, gradual fashion.

Mayor Friedman noted that the change was not an abrupt change since it has been discussed for 4 years. Mr. Washam felt that when you talk about doing away with a policy altogether versus continuing the policy the way it is, people expect the change. But when you talk about going from 80 to nothing on the phase out, he did not feel that was an orderly phase out.

MR. RALPH HARRIS, representing the Texas Surveyor's Association, appeared before the Council and read a letter from the Association to the Council. The letter stated that the Association discouraged the stopping of the refund contract.

MR. WOODROW SLEDGE, representing the Austin Independent School District, believed that the discussion included all City participation. He felt the refund contracts applying solely to subdivisions should be phased out. That at one time there was good reason for the refund contracts. Now with the extraterritorial jurisdiction control, the refund contracts are not needed. However, Mr. Sledge felt that changing the rules in the middle of the game was a new element involved.

MR. BUDDY KELLER, contractor for Austin Engineering Company, asked the Council to allow Austin to grow and improve as in the past. He said one-half of their employees were Spanish, Black and students; if development stopped, they would be out of work. He asked the Council to vote to continue the Approach Main Policy, Capital Improvement Programs and Refund Contracts.

Motion

Councilmember Linn moved that effective today that the Council accept no more applications for refund contracts; that we authorize no more refund contracts; that we sign no more refund contracts; and continue to pay cost differences in streets, bridges and culverts. This includes the aid in construction program. After inquiry about waiting for the legal opinion, Councilmember Trevino seconded the motion.

Substitute Motion

Councilmember Lebermann commented that he would favor the continuation of the policy that was well and correctly arrived at, the 10-year phase out but with the understanding that it was going to be set aside, he made the following substitute motion: That the refund contract be discontinued, but that all of those who have filed final plats and are not in the works, be awarded a contract. Councilmember Himmelblau seconded the motion commenting she thought it had been a good policy but she saw a need to phase it out but did not want to see an abrupt phase out.

Mayor Friedman suggested to the Councilmembers that the motion in effect said don't wait for the legal opinion that was forthcoming from the City's Legal Department; that the substitute motion negates the need for a legal opinion because we are not waiting for it.

Councilmember Lebermann commented in the event that the legal opinion runs contrary to the effect of his motion, an amendment is always possible and the only possibility for fairness is this minimal phase out.

Roll Call on Substitute Motion

Roll Call on Councilmember Lebermann's substitute motion, Councilmember Himmelblau's second, showed the following vote:

Ayes: Councilmembers Lebermann, Himmelblau

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

The substitute motion failed to carry.

Roll Call on Initial Motion

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

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

Noes: Councilmembers Himmelblau*, Lebermann

The motion carried.

*Councilmember Himmelblau made the following statement: "I know we have a legal opinion pending, but I also think we have a moral obligation."

*Mayor Friedman made the following statement:

"I would like to comment so that there is no misunderstanding that yes, we do have a moral commitment, and that moral commitment is to the present citizens and the future citizens of Austin in developing an economically sound and viable community without subsidy to private industry; and I think it has been well known for many years exactly where I stood and why I stood that way, and I think it is known why a majority of this Council who campaigned on that very issue were elected. A majority of Austinites feel very clearly that they do not want to subsidize private industry. At the same time, this Council, notwithstanding some sarcastic remark, is very concerned with the human needs and the moral

needs; and that is why we have requested a legal opinion to determine accurately and adequately the responsibilities that we feel we might have to those pending contracts, and those pending developers. We will get that opinion. You may or may not approve of it once we get it and make our final decision. I think the majority of the citizens of Austin who are concerned about quality growth and not quantity, and that's the answer because it is not a no-growth or pro-growth. It is quality versus quantity, and that is the direction we are going in, and I think the majority of the Austinites will approve quality. No further comment."

Approach Main Motion

Councilmember Linn made the motion that the Council discontinue the current Approach Main policy, but that the cost difference payment be continued. Councilmember Trevino seconded the motion.

Substitute Motion

Councilmember Hofmann in making a substitute motion stated she had difficulty with the Approach Main policy as the mains may come from a distance and ultimately go to other subdivisions which will benefit from those approach mains. She said the Environmental Board had suggested a study, and she felt the City was entitled to determine where the major lines would go, in which direction and which area. For that reason she would like to ask the Planning Department to include in a Master Plan a Utility Extension Policy and the Council make their decision depending upon its outcome. If the decision then should be to cutoff Approach Main Refunds, then nobody could say it happened without being previously alerted.

Councilmember Hofmann then moved that the Planning Commission and Environmental Board be asked to formulate a coordinated policy of water and wastewater utilities extensions. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Mayor Pro Tem Snell

Noes: Councilmembers Linn*, Trevino*, Mayor Friedman

*Councilmember Linn made the following statement regarding her vote: "I am going to vote 'no,' but not because I am opposed to the motion, because I am in favor of establishing a utility extension program and that should be done with the Planning Department and Environmental Board. I am voting 'no' because I don't think we should continue that policy now."

*Councilmember Trevino stated he voted "no" for the same reason as stated by Dr. Linn.

Mayor Friedman stated the substitute motion had passed, there would be a study on approach mains, and he asked the City Manager to work with Mr. Lillie and his staff and to proceed with all speed.

EMERGENCY FUNDING FOR THE RENT-A-KID PROGRAM

Councilmember Trevino introduced Father Znotas and Andy Ramirez. Councilmember Trevino informed the Council that they could not receive funding from the Department of Labor. The reason that they could not qualify for funding was given by Mr. Ramirez. This reason was the minimum wage and the activities that were involved. The contract states that they must pay \$2.10 an hour.

Father Znotas noted that one area that they could not get minimum wage was in the area of babysitting.

Councilmember Trevino asked the Council to fund the program for a month only and then this would allow time during the budget hearing to see if this would be the type of program that the Council would want to fund out of some of the money that is saved from revenue sharing. The amount in question being \$3,095.

City Manager Davidson stated that if it was the Council's desire to begin the funding of this particular effort, chances are that the City would be funding it from now on, or as long as the program continues.

City Manager Davidson stated that there was an ending balance; however, for several weeks they had been telling other groups that needed money that we could not give additional appropriation from the ending balance. If the Council cares to appropriate the full amount that is being requested, then an ordinance to appropriate this would be in order.

Councilmember Trevino made the motion that the Council go ahead and appropriate the requested \$3,095. The motion, seconded by Mayor Friedman, carried by the following vote:

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

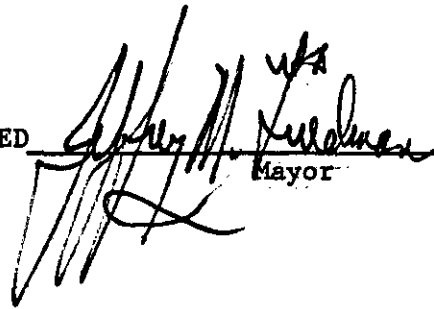
Councilmember Trevino also stated that the Council could by no means commit the Council to come through with the rest of the money for the next year. This will give the Council a chance to look at the proposal.

Mayor Friedman stated that there will be a special ordinance to allocate the money on an emergency basis.

ADJOURNMENT

The Council adjourned at 3:45 p.m.

APPROVED


Mayor

ATTEST:


City Clerk