

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 24, 1975  
1:00 P.M.Council Chambers  
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilperson Dr. Linn, Councilmen Friedman, Snell,  
Lebermann, Mayor Butler, Mayor Pro Tem Dryden,  
Councilman Binder  
Absent: None

The Invocation was delivered by REVEREND GLENDON R. FRANK, Messiah Lutheran Church.

## EXECUTIVE SESSION ACTION

Mayor Butler noted that the Council had been in Executive Session earlier and had discussed some election items that were now before the Council for action. He brought up the following ordinance for second reading:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE RUNOFF MUNICIPAL ELECTION TO BE HELD MAY 3, 1975; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR THE CONDUCTION OF SAID ELECTION; DESIGNATING A PRIME AND ALTERNATE CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; AND PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.

The ordinance was read the second time, and Mayor Pro Tem Dryden moved that the ordinance be passed to its third reading, amended to appoint Mr. Chester Kitchens as the Precinct Judge in Precinct 437 and Ms. Margaret Loera as the Alternate in Precinct 437 and urged the employment of election officials representative of the precinct and reinstated the election officials in Precinct 231. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Dryden, Councilmen Friedman, Lebermann

Noes: Councilperson Dr. Linn, Councilmen Binder, Snell

The Mayor announced that the ordinance had been passed through its second reading only.

#### RECOGNITION

Mayor Butler read and then presented resolutions signed by the Council to Messrs. William A. "Bill" Harrison, Finance Department, and Joe Gault, Electric Utility Department, in recognition of their service to the community. It was noted that Mr. Harrison was retiring after 12 years of service, and Mr. Gault was retiring after 48 years of service. Mayor Butler called on all citizens to recognize their many efforts.

City Manager Davidson noted that the City was losing two outstanding representatives. He stated that Mr. Gault was one of the outstanding people who had worked for the Electric Department in serving the citizens of Austin; and Mr. Harrison was a department head that the Council and he relied upon heavily through the years, and they would miss his service to the City.

#### EDUCATION DAY

Mayor Butler read and then presented a proclamation to Ms. Betty Medlock, proclaiming April 26, 1975, as "Education Day" and encouraged all residents to join the Council in recognizing the importance of education. Ms. Medlock thanked the Council.

#### REPUBLICAN DAY AT THE CAPITOL

Mayor Butler read and then presented a proclamation to Mrs. Ed Rogers and Ms. Barbara Lewis, proclaiming April 29, 1975, as "Republican Day at the Capitol" and encouraged all residents to join the Council in honoring the members of the Texas Federation of Republican Women and their dedicated efforts on behalf of their state and nation.

#### PRESENTATION

Mrs. Jean Bizzell and Mrs. Nancy Bene, League of Women Voters, appeared before the Council to present copies of a new publication entitled "A Citizen's Guide to Austin and Travis County: Handbook of Local Government." Mrs. Bizzell thanked the Council for the opportunity and introduced Mrs. Bene.

Mrs. Bene noted that this publication was the result of two years of effort of the membership, with the data collected and edited and returned to the appropriate City official for verification. She indicated that this was going to be their gift to the Bicentennial and would be offered to the public at the lowest possible cost. She thanked all the officials who gave of their time and expertise.

## APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Minutes for April 17, 1975. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Snell, Lebermann, Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Councilman Friedman

## HEARING ON APPEAL TO CONSTRUCT APARTMENT COMPLEX

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on an appeal of the decision of the Planning Commission to grant a special permit to construct a 61-unit apartment complex at 5001-5019 Balcones Drive. Mr. Dick Lillie, Planning Department Director, reviewed this by stating that the tract was located on Hancock Drive between Balcones and Fairview. He noted that it was zoned by Council in 1947 for "C" Commercial District; and he stated that nearly every use of a commercial nature could be placed on this tract as it was presently zoned, including multi-family and lower density uses. He indicated that the north half of the tract was a local convenience center, with the south half being undeveloped.

Mr. Lillie pointed out that in 1968 an application for a special permit for 53 apartment units on the south half was approved by the Planning Commission and the Council, but the project had not been carried out. He noted that the special permit was required because there were multiple dwelling structures on the property; and under "C" Commercial District if the owner decided to put 61 units in one building or in several buildings connected by a permanent structure, he could put as many as 160-171 units without a permit. Because the structures were separated, he stated that the ordinance required that a special permit be applied for and a site plan be approved by the Planning Commission; and if any person is aggrieved, it is subject to appeal.

He continued by noting that the 61 units would entail 23.4 units per acre; 111 parking spaces were required and provided; 38 parking spaces would have access directly to Balcones, with the other 73 having access directly to Hancock through the east end of the parking lot of the shopping center. He provided a photograph showing the location to the Highland Park School, which had been an issue raised by many of the neighborhood representatives. He noted that this permit had been approved by the Planning Commission subject to requirements of various City departments and, in effect, would prohibit access to Fairview. He further noted that the applicant had agreed to the access provisions as required by the Planning Commission.

In response to Councilperson Dr. Linn's question, Mr. Lillie stated that development could be much more intensive than this; and the permit was only required because of the separation of the buildings.

In response to further questions from Council, Mr. Lillie noted that this would involve about 8 or 10 separate structures; and "C" Commercial District provided for 40 or 50 units per acre, but this would be only 23.4.

Mr. Joe Ternus, Urban Transportation Director, reviewed this from a traffic standpoint. He noted that the 61 units would generate about 430 vehicular trips a day; and of this, about 250 would be on the eastern section that would be going to Hancock Drive. He submitted that if the units were increased to 100, the traffic could easily increase to over 700 trips a day.

MR. RALPH R. RASH, Vice President of the Highland Park West Property Owners Association, reviewed the language in the Code concerning "factors to be considered in granting or denying an application for a special permit..."

1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
2. Safety from fire hazard, and measures for fire control.
3. Protection of adjacent property from flood or water damage.
4. Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.
5. Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
6. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
7. Adequacy of parking; location of ingress and egress points for parking and off-street loading spaces; and protection of the public health by surfacing on all parking areas to control dust.
8. Such other measures as will secure and protect the public health, safety, morals and general welfare.

He felt it was somewhat irrelevant as to what else could be done with the development of this site and felt they should not be called upon to argue that point. He pointed out that the residents not only were requesting that the Council rescind the permit but also either roll back the zoning of the tract so as to avoid this issue from reoccurring in the future or obtain this tract and include it in the park area. He felt that the Council had the right to modify the zoning, and he suggested that after notice there should be a hearing to consider the establishment of the zoning in accordance with the original development.

After discussion, Mayor Butler pointed out that the Council had never rolled back the zoning on someone's property at the request of a non-owner.

Mr. Rash also addressed himself to the traffic issue and suggested that this would increase traffic to an even greater degree. In conclusion, he stated that the residents were entitled to a denial of this application and suggested that it was the Council's right to roll back or modify zoning.

MS. EDITH BUSS, 3318 Perry Lane, reviewed the area by use of slides and submitted that there were situations that existed in the area:

1. Serious water run-off problem.
2. Steep cliffs.

She suggested that if the Council decided to allow the apartments to be built, they would implore the Council to order an environmental impact study before any action was taken by the owners. They recognized the rights of land owners, but she asked what would happen if in exercising his rights, the land owner caused property damage to the property surrounding his. She hoped that the children would be the Council's primary concern.

DR. BAXTER WOMACK, President of the Highland Park P.T.A., noted that there were four basic points in connection with their opposition to the apartments:

1. Traffic hazards, especially to young children.
2. Fire hazards associated with at least one of the apartment buildings within a short distance of the School building.
3. High density housing project adjacent to the School will increase School building losses because there will be no buffer zone between the complex and the School.
4. The City-owned property will revert to a park for the apartment residents.

He stated that the P.T.A. was requesting that the Council take whatever action necessary to stop the construction of the apartments and roll back the zoning of the tract. He pointed out that the School Board had stated in a resolution that they were very much opposed to the development of this particular tract. He hoped that the Council would set in motion actions to allow Parks and Recreation to buy at least part of the tract and develop more tennis courts to be used.

MR. RALPH HEYER, President of the Highland Park West Property Owners Association, presented the Council with pictures of the area and brought out the following:

1. This will increase the amount of traffic.
2. He felt there was nothing from keeping the owner's coming back in a few years to acquire access to Fairview.
3. He felt that the intent of the development was for a shopping center and not apartments.
4. He did not consider the architecture of the complex to be very beautiful.
5. He felt the rights should be considered of those who had lived in the area 30 years or more.

He realized that the developer had his rights but not to the detriment of other property owners. He concluded his remarks by quoting from one of the Council members in the campaign; "No development should destroy the integrity of any neighborhood. Only when development conforms and compliments the surrounding area is there no confrontation between the community atmosphere of a healthy neighborhood, the vitality of an active area, and the natural values of a tranquil park."

MR. BILL SCUDDER, representing the applicant, noted that in 1968 the Planning Commission's decision had been appealed by the neighborhood; and the Council denied the appeal by a unanimous vote. He reviewed the various possibilities for this tract and submitted that retail uses would increase the amount of traffic more than twice. He suggested that office uses would also generate the same kind of traffic. They determined that there was a need for apartments, and he submitted that the site plan and architectural character responded to the residential character of the neighborhood.

MR. WOODROW SLEDGE, Austin Independent School District, stated that his first thought had been that the City and the A.I.S.D. might purchase this land for recreational and environmental reasons; but after discussing this with Mr. Jack Robinson, Parks and Recreation Director, he was discouraged. Therefore, he submitted that he could not do what he wanted to do, which was recommend to the Board that the A.I.S.D. buy it without participation by the City. He noted that since the applicant came up with the revised plan eliminating access on Fairview, it seemed this was the least objectionable plan.

Councilman Binder took this opportunity to note that he had asked the City Manager for figures involved if the City considered purchasing this tract, and the amount would be about \$180-\$200,000; therefore, it would be hard to justify a park in this area. He felt that the problem was that it had been zoned wrong, but there was an unwritten policy of the Council that they never have abated the policy of rolling back. He suggested that the Council was in a situation where if they did not approve 61 units, there might be 170.

Councilman Lebermann felt that something was going to be here; and because the whole zoning ordinance would have to be reconstructed, he suggested that the greatest protection would be to vote with the special permit.

#### Motion

Councilman Lebermann moved that the Council uphold the action of the Planning Commission; however, the motion died for lack of a second.

#### Motion

Councilperson Dr. Linn moved that the Council rescind the special permit. The motion, seconded by Councilman Snell, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilman Snell, Councilperson  
Dr. Linn, Councilman Binder  
Noes: Councilmen Friedman, Lebermann, Mayor Butler

Therefore, the special permit was overruled.

Councilman Friedman prefaced his negative vote by stating that the same type situation had occurred in South Austin; and at the request of the neighbors, it was turned down. He noted that 6 months later twice as much density apartments were built. He pointed out that this was not a site that the City could purchase, and he felt it was in the best interest to preserve the neighborhood. He submitted that he would rather have the residents mad now rather than coming back in several months worrying what was going to happen on this street.

Councilman Binder prefaced his vote by stating that something worse could happen if this was denied, but he submitted that he had always tried to vote in accord with the interests of the neighborhood. He believed that the neighborhood had adequately been informed as to the ramification and possibilities of what will happen if this was denied, and the neighborhood was apparently in favor of taking that chance.

#### POSTPONEMENT OF HEARING ON GLUE AND PAINT ORDINANCE

Councilman Friedman moved that the Council postpone the public hearing scheduled for 1:30 p.m. on the proposed Glue and Paint Ordinance until May 8, 1975, at 1:00 p.m. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro  
Tem Dryden

Noes: None

#### POSTPONEMENT OF HEARING ON RENEWAL OF TELEPHONE COMPANY'S FRANCHISE

Councilman Binder moved that the Council postpone the public hearing scheduled for 3:30 p.m. on the renewal of Southwestern Bell Telephone Company's franchise until May 8, 1975, at 2:30 p.m. The motion, seconded by Councilperson Dr. Linn, carried by the following vote:

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilperson  
Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden,  
Councilman Friedman

Noes: None

#### HEARING ON TELEPHONE RATE INCREASE REQUEST

Mayor Butler opened the public hearing scheduled for 3:30 p.m. on the rate increase request from Southwestern Bell Telephone Company. Mr. Don Butler, City Attorney, noted that a report from the consultant, MR. GEORGE HESS (Hess & Lim, Inc.), had been distributed to the Council. In response to Mr. Butler's question, Mr. Hess noted that he had reviewed documents filed by the Company, had spent several days in the Company's offices, and had obtained additional information and work papers in preparation for the referenced report.

Mr. Hess reviewed the term "rate base" and its calculation under normal regulatory procedures in Texas. He noted that the rate base was composed of (1) original cost plus depreciation and (2) reproduction cost new less allowance for age and condition. He pointed out that the Company weighted original cost to 20% and reproduction cost to 80%, and he used a weighting of 60% to original cost and 40% to reproduction cost. He noted that this was in line with what the Texas Railroad Commission has been using in their recent cases.

Mr. Hess stated that an allowance was usually made for working capital, which would be funds over and above investment in plant which the investor must supply in order to conduct the day to day operations of the business. In addition, he stated that he had deducted amounts that the customers had contributed to the capital of the Company.

He also reviewed the term "test year" by stating that it was usually an annual accounting period in order to determine whether the utility was earning a fair rate of return, and basically the rates were set so that the revenues equaled the cost. After an annual period is selected, adjustments are made to known changes in revenues and expenses, etc.

It was pointed out that the Company used a year-end rate base as opposed to an average rate base. Mr. Hess reviewed the difference in the two procedures. He stated that the most accurate way of determining what rate of return the utility was earning would be to relate the results of that annual period to the plant that produced that income, which would be the plant that was in service during the entire year. However, Southwestern Bell used plant at the end of the year without an attempt to adjust for the level of subscribers that were taking service at the year end.

After discussion, it was determined that the Company used figures at one point based on just the year end and a different set of figures based on average.

Mr. Hess reviewed the term "separations" and stated that this was the allocation of cost to particular classes of customers, with the Company rendering service for two types of exchange service: (1) intra-state toll charges and (2) interstate toll charges. He noted that interstate toll was regulated by the Federal Communications Commission, but the intra-state was unregulated. There was some discussion concerning the basis for determining the procedure for separation.

Mr. Hess further reviewed the comparison of the two rate bases used by stating that with respect to the allowance for age and condition, the Company's allowance was based largely on an inspection of the property. He based his on a method that was consistent with the depreciation they have charged to subscribers in the past and have recorded on their books, also with the depreciation rates prescribed by the FCC. He noted that the Company was asking to include in their rate base \$1,177,000 of working capital, which would consist of materials and supplies, along with an allowance for cash working capital. He only allowed for materials and supplies. He pointed out that he also deducted the deferred taxes in arriving at a rate base, which amounted to \$1,700,385.

Mr. Hess explained the difference in the procedures used to determine revenue. He noted that at the time the Company filed with the City, they did not know the exact amount of such things as wage changes and the additional revenues from directory advertising. He indicated that the Company was claiming revenues of \$26.5 million, and his was \$26.9 million. He attributed the difference entirely to directory advertising revenues.

In terms of depreciation, he noted they were asking to be allowed as a depreciation expense the depreciation on fair value, rather than on original cost. He knew of no jurisdiction that allowed depreciation expense to be calculated on the basis of fair value rather than on the actual investment on original cost. He concluded that they were claiming a very, very high depreciation expense; and when it came to the deduction for depreciation from the reproduction cost, they would then go to the observed condition of the property. Mr. Hess noted that the Company said they were earning 1.98% without rate relief, and he said they were earning 5.43% without rate relief.

Mr. Hess explained the rate of return by noting that it was the rate of profit which the company was entitled to on this rate base. He stated that he had allowed for a 7-1/2% rate of return, which was a rate of return currently being used in a number of cases by the Railroad Commission.

In regard to comments made that his approach was ultraconservative, he disagreed that anything done was ultraconservative; and he believed that the principles he applied would be applied by most state commissions.

In response to Mr. Butler's request, Mr. Hess commented that since he had no cost of service study from the Company, the only observation he could make after looking over their rate design would appear that the installation charges were too low.

Mr. Hess commented that questions had been raised as to certain improper charges by the Company. He submitted that in order to determine whether such charges existed in 1973, there would have to be a detailed audit; and it was his understanding that the City had conferred with other cities with the possibility of cooperating not only on a detailed audit but more thorough investigations of the separations procedure. Therefore, he recommended that any action on a rate increase at this time be contingent upon possible refund if the future audit merited it, or if future determination of separations were improper for expenses and/or revenues or plant for 1973.

In response to Council's questions, Mr. Hess stated that the FCC performed certain audits along with IRS; but with the exception of these two federal agencies, there were no audits. His recommendation was that the Company be given a rate increase in the amount of \$3.3 million; and he assumed that it would take effect in the middle of 1975, and the adjustments would carry through all known changes through January 1, 1975.

Mayor Butler commented that the Council had not really had time to study Mr. Hess' report and asked if there was any recommendation as to where to put the \$3.3. Mr. Hess had no recommendation in that he had not been supplied a cost of service study. In reference to this, Mr. Butler noted that he had received information this morning from the Company that indicated their desires as to where to place the increase. He warned the Council that they needed to be very cautious about where this increase should be distributed. However, he pointed out that he needed Council's direction as to the philosophy they wanted to apply in any rate distribution. He indicated that the Company had suggested that one-party residence phones increase, but he pointed out that there had been some controversy in the past as to put it all on business or all on residence or equally divide it. He suggested that the safest thing would be to spread it out over all the different classifications, the lines, the miscellaneous services, etc.

Mr. Butler concluded that he concurred in the recommendation of Mr. Hess for the \$3.3 million, and there was an ordinance before the Council for first reading which would be an interim rate increase only, with the possibility of refund in the event it should be found there were unnecessary or improper expenses. He anticipated that during the next few days it would be necessary to go into more detail with the Company in seeing how the rate distribution should fall after the Council makes the decision as to the amount and how they wish the spread to be placed.

MR. GRAY BRYANT, Division Manager for Southwestern Bell, was disappointed that the recommendation was for \$3.3 million when they had requested \$6.4 million. He indicated that he was present to offer some reasons for questioning Mr. Hess' recommendation and to urge that it was not necessarily representative of regulatory approach to rate making in this state today. He pointed out that they had tried to strike a middleground position that was fair to them, their investors, and their rate payers. He urged that the Council employ rational thought, good business thought, and not "blindly" follow the consultant's recommendations. He stressed the fact that they did not challenge Mr. Hess' expertise and his experience, but he suggested that his findings were austere.

He addressed himself to several issues discussed by Mr. Hess, such as the rate base and rate of return and the average year rate base. He submitted that a rate base and the average year effect left them no hedge against inflation and no recognition of required expansion to meet constantly growing needs.

He suggested that the Council could do one of two things for the Company:

1. Increase their rate base.
2. Raise the 7.5% figure used as the rate of return.  
(He suggested something in the way of a 9% rate of return.)

He noted that in Dallas they had been given 98% of their requested increase, and in San Antonio, 93%. He asked that the Council look at Austin and compare it to other major cities in Texas. He also pointed out that he had an auditing firm conduct an audit for them. He felt that they could better deal with inflation and growth if the Council would let them make the following adjustments:

1. Increase the residence monthly phone bill by \$1.50.
2. Increase the business monthly phone bill by \$4.65.
3. Raise the installation charge from \$6 to \$15 for residence.
4. Raise the installation charge from \$10 to \$25 for business.

He stated that the Council should realize they would need continuing relief if they were to keep up with service demands and asked that Austin do its part. He noted that they were continuing to spend \$35 million annually; paying \$20 million in wages; and paying \$3 million in local taxes each year. He urged that the Council give them the financial capability and latitude that they need.

Councilman Friedman asked Mr. Bryant, assuming the recommendation was conservative, if the Company would accept the amount and then possibly come back in the future for some other relief; or would the Company not accept the increase at all. In response to this, Mr. Bryant stated that he did not have the authority to accept the \$3.3; but suggested that if the Council passed the ordinance through the first reading, he would review it with his Company and see if they could accept it. He submitted that it was so far below their request, he would have to file another rate increase.

In answer to Councilman Friedman's suggestion that Mr. Bryant discuss this with his colleagues before the Council voted so that the Council might have an idea how willing the Company was to work out the situation, Mr. Bryant stated that this was a very serious matter with the Company and would have to be reviewed by the Vice President. He indicated that they would review it quickly and in good faith if the Council would go ahead with the first reading. In response to this, Councilman Friedman stated that he would not want to be trapped into voting for anything without knowing what the bottom line was going to be. Councilman Binder agreed.

Mr. Butler suggested that the Council could do what they liked and felt that the Council should make a decision on what they thought a proper rate was, and the burden would be passed on to the Company to either accept it or reject it.

Councilman Lebermann stated that in view of the fact that the Council had just received Mr. Hess' report, he would feel more comfortable with at least one week to review this before making a decision.

#### Motion

After discussion, Mayor Pro Tem Dryden moved that the Council pass the ordinance through its first reading to approve the \$3.3 million increase as recommended by Mr. Hess. Councilman Lebermann seconded the motion.

#### Withdrawal of Motion

After further discussion, Mayor Pro Tem Dryden withdrew his motion; and Councilman Lebermann withdrew his second.

#### Motion

Councilman Friedman moved that this be postponed for one week so that the Council could have a suggested plan of the distribution of the increase. Councilman Binder seconded the motion.

MRS. EDITH BUSS, representing the local chapter of the Texas Consumers Association, referred to a study that had been done on various utility problems with relationship to establishing a state utilities commission. She noted that one of the things pointed out was that from 1967-71, Southwestern Bell had been one of the top rate producing companies of A.T.&T. She commented that advertising and charitable contributions should not be included in the rate base; and as a rate payer, she resented paying the costs of these things. She felt that an increase would have an effect on the small businesses and asked what it would do to senior citizens, whose lives depend on the use of a telephone in an emergency. She charged the Council with having a responsibility to the citizens of Austin.

MR. BRYAN CLAY, employee of Western Electric, suggested that if Austin wanted good service, the Company should get the money they want.

Mr. Butler addressed himself to the various items in which there were two differences of opinion. He commented that he was disappointed with the rate of return figures submitted by the Company and submitted that what had been presented by Mr. Hess was not ultraconservative and what other rate consultants would suggest. He recommended that the Company receive not more than \$3.3 million.

MR. DONALD THOMAS, attorney representing Southwestern Bell Telephone, suggested that Mr. Butler had had a very marked impact on this proceeding in determining what was fair and just, both in the employment of the consultant and in his attitude. He submitted that they were in competition for the service and for the investment.

Councilman Friedman suggested that Mr. Butler sat in advisement to the Council to give them facts. Councilman Binder suggested that Mr. Butler was not an issue in this rate case.

Mr. Bryant stated that he disagreed with Mr. Butler on philosophy, but he respected him.

Vote on Motion

Roll call showed the following vote:

Ayes: Mayor Butler, Councilperson Dr. Linn, Councilman Binder,  
Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann  
Noes: None

(Note: Transcript on file in the City Clerk's Office.)

ORDINANCE CONCERNING LATER HOURS FOR SALE OF ALCOHOLIC BEVERAGES

The Council had before it for consideration an ordinance to allow later hours for the sale of alcoholic beverages. Councilman Binder noted that he had just received information from the Alcoholic Beverages Commission that deals with some jurisdictions. He stated that they knew of no instance where the hours were not the same seven nights a week as opposed to later hours only on weekends. He pointed out that 57 cities in Texas had adopted later hours, with 32 counties doing the same. It was noted that the hours were 2:00 a.m.

The following appeared in opposition to the ordinance:

MR. PHILIP PARRY, 3200 Beverly Road, suggested that in an energy crisis he took issue with this because of the extra policing and medical care. He stated that taverns encroached on neighborhoods, and the owners and renters did not want late-night visitors disturbing their neighborhood.

MRS. DANIEL M. McRAY, 4721 Barton Skyway, felt that this would not serve any purpose other than creating more problems for the police and families who have alcoholic relatives.

MRS. BARBARA O'CHESTER felt that there was definite correlation between crimes and the consumption of alcoholic beverages. She felt that the extension of the drinking hour would mean more crime, more traffic accidents, more wives and children on welfare because more money would be spent on liquor. She suggested that no one in Austin could profit from this except the people who sell liquor and urged that the Council vote against this.

MR. ROYAL MASSET was against this because more than 20,000 people had died of car accidents as a result of drunken driving. He was more in favor of a compromise so that the hour would only be extended on weekends. He read a letter from AMOS L. WRIGHT, Stake President of the Church of Jesus Christ of Latter-Day Saints, in opposition. Mr. Wright felt that this would be a step on a wrong direction of an increasingly permissive society. The Church Members felt that this would only increase drunkenness, accidents, licentiousness, and crime. He suggested that what the Council should consider is an ordinance to decrease drinking hours.

The following appeared in support of the ordinance:

MR. TERRY LIEWEKE, owner of the Exchange Club, felt that there was no proven record that increasing the hours had influence on drunken driving. He submitted that Austin was the only city of population over 100,000 in Texas that closed at 12:00.

MR. JOHN BARBER, owner of five establishments serving liquor, had found no figures where the drinking hours had anything to do with D.W.I.'s. He felt this would do nothing but good for Austin.

#### Motion

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1967, BY ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED.

The ordinance was read the first time, and Councilman Binder moved that the ordinance be passed to its second reading, to permit the extension of the drinking hour until 2:00 a.m. seven nights a week. The motion, ~~was seconded~~ by Councilman Snell.

#### Substitute Motion

Councilperson Dr. Linn moved that the ordinance be passed to permit the extension of the drinking hour until 2:00 a.m. on Friday and Saturday and 1:00 a.m. Sunday through Thursday. The substitute motion died for lack of a second.

#### Roll Call on Motion

Roll call on Councilman Binder's motion, Councilman Snell's second, showed the following vote:

Ayes: Councilmen Binder, Snell\*, Friedman, Councilperson Dr. Linn  
Noes: Mayor Pro Tem Dryden\*, Councilman Lebermann, Mayor Butler

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

\*Councilman Snell addressed himself to a comment that had been made by Mr. Parry, in which he had stated that West Austin would have to pay for East Austin's sins. Councilman Snell pointed out that no one from East Austin had asked for the extension of the drinking hour.

\*Mayor Pro Tem Dryden respected the owners of the drinking establishments, but he did not believe they would gain that much in the 2-hour period. He suggested that the citizens be given a chance to vote on this issue. He felt that this was not best for most of the people who live in Austin.

#### VACATION OF ALLEY

Mayor Butler opened the public hearing on the proposed vacation of an alley and the passage of the ordinance: He introduced the following ordinance:

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

Mayor Pro Tem Dryden moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann,  
Mayor Butler, Councilperson Dr. Linn, Councilman Binder  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### RELEASE OF EASEMENTS

Councilman Friedman moved that the Council adopt a resolution releasing the following easements:

Certain Public Utilities Easements five (5.00) feet in  
width in Lots A and B, Byron Addition, Section Two.  
(Requested by Mr. P. M. Bryant, owner of said Lots A and B.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor  
Pro Tem Dryden  
Noes: None

Councilman Friedman moved that the Council adopt a resolution releasing the following easements:

Certain Public Utility Easements fifty-five (55.00) feet in width, 30.50 feet in width and ten (10.00) feet in width in the property owned by Mr. M. H. Crockett, Jr., and bounded by Barton Springs Road, South Lamar Boulevard, Butler Road and Lee Barton Drive. (Requested by Mr. M. H. Crockett, Jr., owner of said property.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro  
Tem Dryden  
Noes: None

Councilman Friedman moved that the Council adopt a resolution releasing the following easements:

All of the Public Utility Easements five (5.00) feet in width that cover the south, west, and north five (5.00) feet of the lot of 1700 Hartford Road, same being Lot 13, ENFIELD "F", a subdivision. (Requested by Mrs. Regina Skoda, owner of said Lot 13.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro  
Tem Dryden  
Noes: None

Councilman Friedman moved that the Council adopt a resolution releasing the following easements:

The east 149.33 feet of the Drainage and Public Utility Easements ten (10.00) feet in width centered on the common lot line between Lots 43 and 44, Block J, HIGHLAND PARK WEST, a subdivision. (Requested by Mr. Gary M. Glass, Realtor, representing Mrs. M. L. Moore, owner of a portion of said Lot 43 and a portion of said Lot 44.)

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro  
Tem Dryden  
Noes: None

## ANNEXATION HEARING SET

Councilman Binder moved that the Council adopt a resolution setting a public hearing at 1:00 p.m. on May 22, 1975, to consider annexing the following:

1. 23.74 acres out of the William Cannon League, requested by Provident Development Company, owner: (Case No. C7a-75-003)  
  
8.79 acres - a portion of Meadowcreek, Section 2, Phase 1, that is north of Dittmar Road.  
  
0.84 of one acre - a portion of Meadowcreek, Section 2, Phase 1, that is south of Dittmar Road.  
  
14.11 acres - all of Meadowcreek, Section 2, Phase 2.
2. 20.66 acres out of the William Cannon League: (Case No. C7a-75-002)  
  
19.92 acres out of William Cannon League - Beaconridge II - requested by Bryant-Curington, Inc., Consulting Engineers, representing Fawnridge Development Company, owner.  
  
0.74 of one acre out of the William Cannon League - unplatted land - initiated by the City.

The motion, seconded by Councilperson Dr. Linn, carried by the following vote:

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilmen Binder, Friedman  
Noes: None  
Abstain: Mayor Pro Tem Dryden

## COST DIFFERENCE PAYMENTS

Councilman Friedman moved that the Council adopt a resolution authorizing cost difference payment as follows:

Payment to AUSTEX DEVELOPMENT CO., LTD. - the cost difference of 12"/8" water mains installed in Cherry Creek, Phase IV, Section 1 Subdivision in the amount of \$2,887.50.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Friedman, Snell  
Noes: None  
Abstain: Mayor Pro Tem Dryden

Councilman Friedman moved that the Council adopt a resolution authorizing cost difference payment as follows:

Payment to SALEM WALK, INC., BILL MILBURN, President, and LAMAR SAVINGS ASSOCIATION, STANLEY ADAMS, President - the cost difference of 12"/8" water mains installed in Barrington Oaks, Section 1, in the amount of \$12,180.70.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn,  
Councilmen Binder, Friedman, Snell

Noes: None

Abstain: Mayor Pro Tem Dryden

Councilman Friedman moved that the Council adopt a resolution authorizing cost difference payment as follows:

Payment to DAVID B. BARROW - the cost difference of 12"/8" water main and 10"/8" wastewater mains installed in Far West Boulevard in the amount of \$13,189.79.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn,  
Councilmen Binder, Friedman, Snell

Noes: None

Abstain: Mayor Pro Tem Dryden

#### PAYMENT FOR PARTICIPATION IN PAVING

Councilman Friedman moved that the Council adopt a resolution authorizing payment in the amount of \$11,446.32 to the Austin Corporation for the City's participation in the paving of intersection, median curb, and drainage on Far West Boulevard between Chimney Corners and Balcones Drive. (Requested by Jeryl D. Hart, Engineer for the Austin Corporation and David B. Barrow, President.) The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden,  
Councilmen Friedman, Snell, Lebermann

Noes: Councilperson Dr. Linn

#### CASH SETTLEMENTS

Councilman Friedman moved that the Council adopt a resolution authorizing cash settlement as follows:

DAVID B. BARROW - 50/50% cash settlement for the installation of 12" water mains installed in Far West Boulevard.  
Total cost: \$35,677.90; City's cost at 50%: \$17,838.95.

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

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden,  
Councilmen Friedman, Snell, Lebermann

Noes: Councilperson Dr. Linn

Councilman Friedman moved that the Council adopt a resolution authorizing cash settlement as follows:

CALHOUN SMITH DISTRIBUTING CO. - 60/40% cash settlement  
in lieu of a refund contract for the installation of  
wastewater mains in Calhoun Smith #2.  
Total cost: \$4,688.25; City's cost at 60%: \$2,812.95  
Developer's cost at 40%: \$1,875.30.

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

Ayes: Mayor Butler, Councilman Binder, Mayor Pro Tem Dryden,  
Councilmen Friedman, Snell, Lebermann  
Noes: Councilperson Dr. Linn

#### LICENSE AGREEMENT

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to enter into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing an 8-inch Sanitary Sewer Main beneath said Railroad's right of way at a point located 1,735 feet east of point of switch, Track No. 28-59, Engineer's Chainage Station 17+35 in Austin, Texas. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem  
Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler  
Noes: None

#### SUPPLEMENT TO PROFESSIONAL SERVICES AGREEMENT

Councilman Lebermann moved that the Council adopt a resolution approving a supplement to the Professional Services Agreement for "Davis Lane Water Transmission Main," between the City of Austin and Lockwood, Andrews & Newnam, Inc., dated September 11, 1973, and approved by City Council action on June 21, 1973, to include the following addition:

South Austin Distribution System Study (Formerly Travis  
County Water Control and Improvement District No. 9 and the  
Closed System within the South Austin Distribution Area)

The motion, seconded by Councilman Snell, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman,  
Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn  
Noes: None

#### CHANGE ORDERS

Mayor Pro Tem Dryden moved that the Council adopt a resolution approving change order as follows:

Change Order No. 2 in the amount of \$12,084.86 with  
Blount Brothers Corporation for Walnut Creek Wastewater  
Treatment Plant Improvements, C.I.P. Project No. 5902 4.

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

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann,  
Mayor Butler, Councilperson Dr. Linn

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

Mayor Pro Tem Dryden moved that the Council adopt a resolution approving  
change order as follows:

Change Order No. 4 in the amount of \$19,211.42 with  
Blount Brothers Corporation for Walnut Creek Wastewater  
Treatment Plant Improvements, C.I.P. Project No. 5902 4.

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

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann,  
Mayor Butler, Councilperson Dr. Linn

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

#### SUBMISSION OF APPLICATION TO JOIN RECREATION TRAILS

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to submit an application to the Department of Interior to join the system of National Recreation Trails. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Mayor Pro Tem Dryden

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

#### ACCEPTANCE OF GRANT FOR LIBRARY MATERIALS

Councilman Lebermann moved that the Council adopt a resolution authorizing acceptance of a grant in the amount of \$15,000 from Federal Library Services and Construction Act funds, Title I, for Adult Basic Education library materials. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Mayor Pro Tem Dryden

Noes: None

Not in Council Chamber when roll was called: Councilman Binder

## COOPERATION AGREEMENTS CONCERNING ELECTRICITY

Councilman Friedman moved that the Council adopt a resolution approving a Cooperation Agreement on each of the following:

1. Rerouting electrical utilities in the Brackenridge Area, Tex A-11-1.
2. Adjust utility lines - construction of Pleasant Valley Road overpass in the Glen Oaks Area, Tex A-11-4.
3. Underground electrical system in the Glen Oaks Area, Tex A-11-4.

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

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman

Noes: None

## DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT

Councilman Lebermann moved that the Council adopt a resolution authorizing disposal of Surplus Vehicles and Equipment by Auction during April 11, 1975, including any items which may sell for \$5,000.00 or more. The motion, seconded by Mayor Pro Tem Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell

Noes: None

## ACCEPTANCE OF GRANT FOR CONTINUATION OF COMMUNITY ACTION PROGRAM

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to accept a grant from Community Services Administration (formerly the Office of Economic Opportunity) in the amount of \$36,379 for the continuation of Community Action Program (operation of neighborhood centers) through the program year ending April 30, 1975. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann

Noes: None

## SELECTION OF ACCOUNTING FIRM

Councilman Friedman moved that the Council adopt a resolution selecting the firm of TOUCHE ROSS & COMPANY as the accounting firm to perform the annual audit of the Community Development Office, Community Service Administration projects (formerly OEO) for the activity year ended April 30, 1975. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler  
Noes: None

## APPLICATION FOR GRANT FROM NATIONAL ENDOWMENT FOR THE ARTS

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to apply for a grant from the National Endowment for the Arts. Total amount of the grant will be \$34,130, with City's in-kind in the amount of \$17,065. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn  
Noes: None

## HEARING SET TO AMEND AUSTIN DEVELOPMENT PLAN

Councilman Friedman moved that the Council adopt a resolution setting a public hearing at 3:30 p.m. on May 8, 1975, to amend the Austin Development Plan as follows:

An area of approximately 61 acres, requested by owner, Mr. Buford Stewart, for a change in the land use designation from low density residential to an industrial Planned Development area. The site is located on Brodie Lane, approximately 1 mile south of U.S. Highway 290 and north of McCarty Road, at the intersection of proposed Outer Loop (William Cannon Drive) and Brodie Lane.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder  
Noes: None

## CONTRACTS AWARDED

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award: - Radio Communication Equipment  
Vehicle and Equipment Service Dept.

RCA MOBILE COMMUNICATION  
8700 Stemmons Freeway  
Dallas, Texas

- Item	Quantity	Unit Price
1.1	2	\$814.00
1.2	9	\$814.00
1.3	1	\$873.00
3.1	1	\$230.00
3.2	1	\$230.00
3.3	1	\$230.00
3.4	1	\$230.00
3.5	1	\$230.00
3.9	1	\$230.00
5.0	15	\$376.00

Total - \$16,847.00

HARRIS CORPORATION  
1680 University Avenue  
Rochester, New York

- Item	Quantity	Unit Price
2.1	4	\$581.20
2.2	4	\$598.00
2.3	2	\$581.20
2.4	3	\$581.20

Total - \$7,622.80

TRI COMMUNICATIONS  
Capitol Station  
Austin, Texas

- 3.6	1	\$92.58
3.7	1	\$92.58
3.8	1	\$92.58
3.10	1	\$92.58
3.11	1	\$92.58

Total - \$462.90

MOTOROLA C & E, INC.  
3320 Belt Line Road  
Dallas, Texas

- Item	Quantity	Unit Price
4.1	4	\$849.00
4.2	1	\$790.00
4.3	52	\$790.00
4.4	18	\$790.00

Total - \$59,486.00

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

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden  
Noes: None

Councilman Friedman moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Implement Trailers  
Vehicle and Equipment Services  
Department

TOM FAIREY COMPANY  
5005 East 7th Street  
Austin, Texas

- Item 1 - 3 ea. @ \$3,342.00  
Item 3 - 1 ea. @ \$1,304.00  
Item 4 - 1 ea. @ \$1,814.00  
Total - \$13,144.00

CLOSNER EQUIPMENT COMPANY  
1415 West Popular  
San Antonio, Texas

- Item 2 - 3 ea. @ \$4,840.00  
Total - \$14,520.00

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

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden  
Noes: None

#### APPLICATIONS FOR FINANCIAL ASSISTANCE GRANTS CONCERNING TRANSPORTATION

Councilman Binder moved that the Council adopt a resolution authorizing the City Manager to file applications for financial assistance grants from the Department of Transportation's Urban Mass Transportation Administration, Section 5, of the Mass Transportation Assistance Act of 1975 as follows:

1. Operating Assistance Grant on a 50/50% basis.
2. Capital Assistance Grant (for the purchase of five specially equipped transit vehicles for mobility impaired persons and senior citizens).

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilperson  
Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden,  
Councilman Friedman  
Noes: None

#### AMENDMENT FOR PURCHASE OF TRANSIT VEHICLES

Councilman Binder moved that the Council adopt a resolution authorizing the City Manager to amend existing Capital Grant for the purchase of transit vehicles in order to retrofit the vehicles for full access ability by mobility impaired persons. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn,  
Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman,  
Snell  
Noes: None

Councilman Binder noted that there would be a groundbreaking ceremony on April 25, 1975, to begin construction on the Congress Avenue Beautification Project between 10th and 11th Streets; and the ceremony will take place on the northwest corner of 10th and Congress.

## TEMPORARY CLOSING OF STREET

The Council had before it the consideration of temporarily closing 17th Street between Trinity Street and Waller Creek from 8:00 a.m. on May 1, 1975, to 12:00 noon on May 3, 1975, as requested by the Austin Woman's Symphony League. However, it was noted that this item had already been handled, and therefore, required no action.

## EXECUTION OF CONTRACT WITH AUSTIN AMBULANCE COMPANY

The Council had before it the authorization to execute a contract with the Austin Ambulance Company for the purpose of acquiring the vehicles and equipment of that firm and to cancel the firm's franchise for transfer service. It was pointed out that the planned effective date would be January 1, 1976. City Manager Davidson noted that one of the problems this would help solve would be that the City could now advise Austin Ambulance personnel that the City would operate this; and if the personnel would like to apply for a position, the City would accept applications and review them. He stated that the City was also in the process of obtaining applications for the director of the new department, through which this would be operated. He pointed out that the City would coordinate with the Hospital for more expertise in the near future for quality assurance.

Mayor Pro Tem Dryden moved that the Council adopt a resolution authorizing the City Manager to execute a contract with the Austin Ambulance Company for the purpose of acquiring the vehicles and equipment as mentioned earlier. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilperson Dr. Linn, Councilman Binder,  
Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann  
Noes: None

Councilman Friedman prefaced his vote by noting that he had been very reluctant in the past to buy their transfer service, but they had negotiated a very fair price.

## POSTPONEMENT OF APPROVAL OF REVISED UTILITY SERVICE REGULATIONS

The Council had before it the consideration of approval of revised Utility Service Regulations; however, this was postponed until May 1, 1975.

## REQUEST FOR USE OF TOWN LAKE

Councilman Lebermann moved that the Council approve a request by Mr. C. E. Parson, Glastron Boat Company, for use of a small portion of Town Lake near the Sheraton Crest Hotel for flotation and testing demonstrations by the Boating Safety Advisory Council on May 29 and 30, 1975. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem  
Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler  
Noes: None

## WITHDRAWAL OF REQUEST FOR APPEARANCE CONCERNING WEST AUSTIN

Ms. Louise Jarrell withdrew her request to appear before the Council in conjunction with the Bryker Woods, Pemberton, and Enfield groups to speak in behalf of the preservation of the West Austin Inner City.

## POSTPONEMENT OF APPEARANCE CONCERNING COMMUNITY CENTER AND GYMNASIUM

Mrs. Bertha Means' request to appear before the Council to discuss the proposed Community Center and Open Gymnasium to be located in Givens Park was postponed until May 8, 1975.

## REQUEST FOR BANNER

Councilman Lebermann moved that the Council approve a request by the San Jose Church to have a banner hung at 1200 South Lamar Boulevard from April 25 to May 5, 1975. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler  
Noes: None

## REQUEST FOR PARADE PERMIT

Councilman Lebermann moved that the Council approve a request by Karen M. White, Teens Aid the Retarded, for a parade permit on Saturday, April 26, 1975, from 9:00 a.m. to 4:30 p.m., beginning on frontage road of I. H. 35 from State Farm Building to Yager Lane, left on Dessau Road to City limits of Pflugerville and return by same route. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann, Mayor Butler  
Noes: None

## AMENDMENT TO BRACKENRIDGE OPERATING BUDGET

Mayor Butler 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 APPROPRIATING FROM THE GENERAL FUND ADDITIONAL MONIES FOR OPERATING EXPENSES FOR THE NEWLY OPENED SEVENTH FLOOR OF BRACKENRIDGE HOSPITAL; PROVIDING APPROPRIATIONS FOR THE PEDIATRIC INTENSIVE CARE UNIT AND RESPIRATORY THERAPY UNIT IN THE EMERGENCY ROOM FOR THE REMAINDER OF THIS FISCAL YEAR; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilmen  
Friedman, Snell, Lebermann, Mayor Butler, Councilperson  
Dr. Linn

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENT TO TRANSIT SYSTEM C.I.P.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 741017-M, CAPITAL IMPROVEMENTS PROGRAM BUDGET, AND ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE PERIOD COMMENCING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975, PROVIDING FOR A TRANSFER AND ALLOCATION OF CERTAIN FUNDS TO COMMIT LOCAL FUNDS FOR THE ACQUISITION OF FIVE MINI-BUSES TO BE SPECIALLY EQUIPPED FOR THE MOBILITY IMPAIRED AND ELDERLY AS WELL AS TO MATCH AN OPERATING ASSISTANCE GRANT WITH LOCAL FUNDS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilmen  
Friedman, Snell, Lebermann, Mayor Butler, Councilperson  
Dr. Linn

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH SALEM WALK, INCORPORATED, AND LAMAR SAVINGS ASSOCIATION; AND AUSTEX DEVELOPMENT COMPANY, LTD. (Salem Walk, Inc. & Lamar Savings Association, Barrington Oaks, Section 1; Austex Development Company, Cherry Creek, Phase IV, Section 1, and Dove Springs Subdivision, Section II, Phase II, and Mesa Park, Phase II, Section 1, and Mesa Park, Section V)

Councilman 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 Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann,  
Mayor Butler, Councilman Binder

Noes: Councilperson Dr. Linn

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE

Mayor Butler 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:  
A 2.0 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8212-8222 JAMESTOWN DRIVE, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Luther E. Smith, C14-74-180)

Councilman 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 Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn, Councilman Binder, Mayor Pro  
Tem Dryden  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## AMENDMENT TO LIBRARY DEPARTMENT OPERATING BUDGET

The Council had before it an amendment to the Library Department Operating Budget to appropriate funds and authorize additional employees to provide branch services on Fridays for the remainder of this fiscal year and to provide for a full scope summer program. Councilperson Dr. Linn noted that the cost would be \$54,000 to come out of the general fund for May 1 to October 1, 1975.

In response to Councilman Lebermann's question, Mr. Joe Liro, Management and Budget Administrator, stated that the budget was flexible and was intended to serve as a mechanism in serving the public. Councilman Lebermann asked if the City could afford to begin to single out programs at this point in time. He suggested that Austin's record of expenditures for library services was excellent and wondered if the City could afford this.

MR. FRED SACKETT, Austin Public Library Commission, felt that the public library system was second only to the public school system in local government functions. He suggested that Austin had a need for superior library service and noted that Texas ranked 41st in this area. He implored the Council to have a full-time library system.

MRS. HELEN SPEAR, Austin Public Library Commission, hoped that the Council would restore this.

MR. JIM HARMON, 2709 Bowman Avenue, felt that this was needed for the children.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE PERIOD COMMENCING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975, BY APPROPRIATING ADDITIONAL FUNDS TO THE LIBRARY DEPARTMENT BUDGET TO PROVIDE FOR ADDITIONAL PERSONNEL AND FOR OPERATING EXPENSES IN ORDER TO PROVIDE BRANCH LIBRARY SERVICES ON FRIDAYS FOR THE REMAINDER OF THE FISCAL YEAR; AND DECLARING AN EMERGENCY.

Councilperson Dr. 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 Councilman Binder, carried by the following vote:

Ayes: Councilmen Snell, Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilman Friedman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### REPORT ON MOPAC EXPRESSWAY RAMPS

City Manager Davidson noted that he had been reviewing this with the residents and representatives of the Highway Department would come back to the Council with a recommendation on May 8, 1975.

#### REQUEST OF NAVIGATION BOARD CONCERNING LAKE AUSTIN

Councilman Lebermann moved that the Council request the Navigation Board study the elimination of open stack hydroplanes and other racing hull design craft from Lake Austin. It was asked that they act promptly and come back with a recommendation. The motion, seconded by Councilperson Dr. Linn, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilperson Dr. Linn, Councilman Binder, Mayor Pro Tem Dryden, Councilman Snell  
Noes: None  
Abstain: Councilman Friedman

#### EXPANSION OF CHARTER REVIEW COMMISSION

##### Motion

Councilman Friedman moved that the Council increase the membership of the Charter Review Commission from 21 to 25 members and that the Council meet in Executive Session May 1, 1975, at 12:00 noon to appoint the four new members to reflect true membership of the community of Austin. Councilman Binder seconded the motion

Councilman Lebermann suggested that each Council member appoint one new member to increase the membership to 28.

Substitute Motion

Councilman Lebermann moved that the Council increase the membership of the Commission from 21 to 28 and that the Council meet in Executive Session to do so. Mayor Pro Tem Dryden seconded the substitute motion.

Roll Call on Substitute Motion

Roll call on Councilman Lebermann's substitute motion, Mayor Pro Tem Dryden's second, showed the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Dryden, Mayor Butler  
Noes: Councilperson Dr. Linn, Councilmen Binder, Friedman, Snell

The substitute motion failed to carry by a 3 to 4 vote.

Roll Call on Motion

Roll call on Councilman Friedman's motion, Councilman Binder's second, to increase the membership to 25, showed the following vote:

Ayes: Councilmen Friedman, Binder, Lebermann, Mayor Pro Tem Dryden,  
Mayor Butler, Councilperson Dr. Linn  
Noes: Councilman Snell

The motion carried by a 6 to 1 vote.

Councilman Snell did not believe the membership should be increased.

NAMING OF TRAIL SYSTEM

Mayor Pro Tem Dryden moved that the Council accept a recommendation from the Parks and Recreation Advisory Board and named the Trail System presently being developed in Austin and linking to Town Lake as the Ladybird Trail System, in honor of Mrs. Ladybird Johnson. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Dryden, Councilmen  
Friedman, Snell, Lebermann, Mayor Butler,  
Councilperson Dr. Linn  
Noes: None

ADJOURNMENT

The Council adjourned at 7:30 p.m.

ATTEST:

APPROVED: Key Butler

Mayor

Grace Monroe  
City Clerk