

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 30, 1975
1:00 P.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler

Absent: None

The Invocation was delivered by RABBI JUDAH LEON FISH, Congregation
Agudas Achim.

RESOLUTION - NATIONAL COUNCIL OF NEGRO WOMEN

Mayor Butler read and then presented a resolution signed by the Council to Ms. Vera Jones and Ms. Marie Gilbert, recognizing the efforts of the Austin Chapter of the National Council of Negro Women to promote harmony as a community-wide service organization by sending volunteers into the schools and consulting with other civic and service organizations. As president of the Austin chapter, Ms. Jones thanked the Council and noted that they had special concern in the area of youth affairs; and she commended the Council for establishing the Council on Youth Affairs, representing the various high schools in the City.

RESOLUTION
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

Councilman Friedman read and then presented a resolution signed by the Council to Messrs. Jerry Winn, Don Bradshaw, Gene Thornton, and Joe McMillan commending the membership of the Associated General Contractors of America, Inc., Building Branch, Austin Chapter, for its active and diligent participation in the City's government and for its contributions throughout the City. It was noted that the Chapter would hold its annual installation of new officers on January 31, 1975. Mr. Winn thanked the Council on behalf of the Chapter and

stated that they were looking forward to many more years of working together.

APPOINTMENTS TO SIGN COMMITTEE

Councilman Binder moved that the Council appoint the following to the newly established Sign Committee:

Mr. Larry Wilson
Mr. David Minter
Mrs. Joyce Klein

Mr. Bob Miller, Jr.
Mr. Hugh Hornsby

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

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman,
Lebermann

Noes: None

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Minutes of January 23, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann,
Mayor Butler

Noes: None

POSTPONEMENT OF ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled for 1:00 p.m. to consider the annexation of the following:

Total of 2,331.63 acres of land out of the James D. Goode Survey, William Bell Survey, James Rogers Survey, F. G. Secrest Survey, James Howlett Survey, and James P. Wallace Survey Number 18:

1. 262.18 acres of land:

5.01 acres of unplatted land, requested by Mr. Lou McCreary, Attorney for Mr. George C. Joseph, owner.

18.70 acres - Angus Valley Annex, Section Two, requested by Mr. B. F. Priest, Registered Public Surveyor representing Mr. B. C. Burba and Mr. A. C. Clarke, Jr., owners.

228.00 acres - Barrington Oaks, requested by Bryant Curington, Inc., Engineers representing Salem Walk, Inc., and Lamar Savings Association, owners.

10.47 acres - Bull Creek Bluff Estates, requested by Mr. Henry M. Streety, owner.

2. 719.03 acres of land initiated by the City of Austin:

Angus Valley, Angus Valley Annex Sections 1 and 3, Angus Valley Nos. 2, 4, 5, 6, 7, 8, 9, 10, and 11, Joseph Draper Subdivision, Jerry D. Frazee Subdivision, Highland Oaks Sections 2 and 3, Oak Forest, I. H. Silberberg Subdivision, Summit Oaks, and Valley Oaks.

3. 1,350.42 acres of land initiated by the City of Austin:

Portions of U. S. Highway 183, Old U. S. Highway 183, Taylor Draper Lane, Sierra Nevada and unplatted land.

Mr. Charles Richards, Attorney representing the Northwest Area Association stated that it had been brought to their attention that there was a recommendation from the City Manager that the Council delay action on the annexation proposal. He noted that they were opposed to the annexation; however, they were in favor of the postponement. He suggested that if the postponement was approved, the staff should seek citizen input in that they believed there were reasonable solutions to problems that had been presented. In conclusion, he reiterated that they were opposed to the annexation but were willing to try to work with the City.

In response to Mayor Butler's request, City Manager Davidson stated that he had submitted a communication to the Council on January 28, 1975, which reiterated the staff's recommendation to annex certain areas in northwest Austin and also spoke to a consideration which had resulted from many meetings with interested parties within the proposed area. He noted that it had been suggested that the City also consider at the same time some additional annexation of some major industrial locations just beyond the corporate limits. He indicated that during the last 10 days the staff had decided that these were excellent points; and in fairness to the owners effected by this and in fairness to any Council that has to make this decision, they must be in a position to answer certain questions. He noted that two studies were underway, and he had requested that the Council delay a decision on this annexation proposal for a period of 3 to 6 months so that they could complete these two studies and have an opportunity to relate them to various property owners and then come back with an entire comprehensive proposal. He submitted that the delay would allow the staff to get the citizen input so that they could share with the citizens in this area the results of these two other studies.

Councilman Binder moved that the Council accept the Manager's recommendation for a delay of 3 to 6 months on the afore-mentioned annexation proposal. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

Mayor Butler noted that he had received many letters and felt that a lot of good points had been brought up, and he appreciated the concern.

APPOINTMENT TO AIRPORT MASTER PLAN STUDY ADVISORY COMMITTEE

Councilman Friedman noted that the Council had been informed that General Kit Carson, one of the appointees to the Airport Master Plan Study Advisory Committee, had indicated that he could not serve. Therefore, Councilman Friedman moved that the Council appoint COLONEL JERRY RANSOM, Base Commander, to serve as an ex-officio member of the Advisory Committee. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

HEARING ON VACATION OF STREETS AND AN ALLEY

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the proposed vacation of two streets and an alley. The Mayor introduced the following ordinance:

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

Councilman 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 Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

Councilman 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 Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council also had before it for consideration the vacation of the following:

The east twenty-nine (29.00) feet of the BAYLOR STREET 60-foot right of way extending from the north property line of WEST 9TH STREET in a northerly direction 170.00 feet to the westerly prolongation of the north line of Lot 7, Block 8, SILLIMAN ADDITION. (Requested by Mr. Trev Seymour and Mr. Laird Palmer, owners of Lot 7, same being the property adjacent to said street area requested to be vacated.)

Mr. Richard Tulk, Assistant City Attorney, pointed out that there was an existing structure; and the staff was requesting that this vacation carry a reverter clause which would revert the right of way to the City in the event the existing structure was removed, and the owners had agreed to this.

MR. CONRAD PAGE spoke in opposition to this by noting that because of the construction taking place on 9th and 10th Streets, there would be a need for this street and asked the Council not to close it.

MR. SEYMOUR indicated that their request for the vacation was primarily because of the structure in that it was 10 feet out into the street. He felt that the street had never been used by the City except for an entrance to the easements for utilities, and he noted that the topography was such that only a 4-wheel drive vehicle could use the street. In response to Council's questions, he stated that financing was their main consideration in that they wanted to restore the structure, and the vacation would relieve some of the anxiety due to the structure's being in the street. He noted that they would also be requesting a zoning change from "B" Residence, 2nd Height and Area District, to "O-H" Office-Historic.

Mr. Homer Reed, Deputy City Manager, stated that this had been reviewed from the staff's standpoint; and they agreed that it was very unlikely the City would have use of the property with the existing use of the land.

Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF BAYLOR STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND RETAINING EASEMENTS IN THE CITY OF AUSTIN FOR ELECTRIC UTILITY AND GAS UTILITY PURPOSES.

The ordinance was read the first time, and Councilman Friedman moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Lebermann, Binder, Dryden, Friedman
Noes: None
Abstain: Mayor Butler

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

RELEASE OF EASEMENT

Councilman Dryden moved that the Council adopt a resolution authorizing release of the following easement:

The Public Utilities Easement ten (10.00) feet in width in Lot A of NORTHWEST VILLAGE IN NORTHWEST HILLS, SECTION 14, which easement extends from the west property line of Hart Lane at the southeast corner of said Lot A in a westerly, northwesterly and northerly direction along the south, southwest and west lot lines of said Lot A to the South property line of North Hills Drive at the northwest corner of said Lot A. (Requested by KCS Properties, Inc., owner.)

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

CONTRACTS AWARDED

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

J. C. EVANS CONSTRUCTION COMPANY 9111 Reid Drive Austin, Texas	- Albert R. Davis Water Treatment Plant, 1974 Phase III Expansion, C.I.P. Project No. 4914 0 - \$8,879,446
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City Manager Davidson noted that this project would entail about 31 months of construction, and the staff would make every assurance that the City was a good neighbor during construction. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

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

HYDROTEX UTILITY SUPPLY, INC. 440 East St. Elmo Road Austin, Texas	- Butterfly Valves for Water Distribution Division. Items Nos. 1, 2, and 3 - \$45,482,36.
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

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

WESTINGHOUSE ELECTRIC CORP. 201 North St. Mary's Street San Antonio, Texas	- Network Transformers for Electric Department Item 1 - 4 ea. @ \$10,123.00 2 - 4 ea. @ \$12,590.00 3 - 3 ea. @ \$19,318.00 Total - \$148,806.00 (subject to escalation)
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The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

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

Bid Award:	- Pumps and Motors, Water and Wastewater Department.
DELTA MACHINE COMPANY, INC. 6304 Alder Street Houston, Texas	- Item 1; 1 ea. @ \$36,930.00
INGERSOLL-RAND COMPANY 6800 Sands Point Houston, Texas	- Item 2 - 1 ea. @ \$2,627.00 3 - 1 ea. @ \$5,268.00 4 - 1 ea. @ \$3,320.00 5 - 1 ea. @ \$3,320.00 6 - 1 ea. @ \$3,731.00 Total - \$18,266.00 (subject to escalation)

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

DISPOSITION OF PROPERTY

Councilman Friedman moved that the Council adopt a resolution authorizing disposition of property as follows:

Accept negative bids - to be demolished only

1. 2001 Bergman	Gary Stryk	\$168.50
2. 7506 Carver	Ronald P. Neve	\$ 74.00
3. 2917 East 16th Street	Clarence Cullen Co.	\$261.06

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

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

AGREEMENT TO UTILIZE VOTING DEVICES

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to enter into a two-year agreement with Travis County to utilize voting devices for City elections. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor
Butler
Noes: None

LOWERING OF LAKE AUSTIN

It was noted that the Council had before it for consideration the lowering of Lake Austin for a three-week period. It had been noted in a staff memorandum that the cost would range from \$4,000 to \$20,000, depending upon water flow. In response to Councilman Binder's question, City Manager Davidson noted that the staff had started out with a bad estimate; and in the past the cost had been \$13,700 for one time and \$15,000 for another.

Mr. Lonnie Davis, Building Inspection Director, stated that the cost would depend on whether it was necessary to release relatively small releases of water in accordance with certain contractual requirements of the Lower Colorado River Authority and upon the price of the fuel required to generate the electrical energy to replace that energy lost as a result of the lowering of the Lake.

There was discussion with regard to the intent of lowering the Lake. Mayor Butler noted that L.C.R.A. had been most cooperative in this manner. After further discussion, Councilman Dryden moved that the Council adopt a resolution authorizing the lowering of Lake Austin for a three-week period from February 22, 1975, to March 15, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Councilman
Binder
Noes: None
Abstain: Councilman Friedman

RENEWAL OF TAXICAB FRANCHISES

The Council had before it the possible authorizing of renewal of taxicab franchises for various companies. In response to Councilman Binder's question, City Manager Davidson noted that the approval would be conditional depending on how well the companies complied with restrictions with regard to such things as record keeping.

MR. MARTIN McDERMON stated that he had been told that in order to set up a business he would need 10 radio-operated cars. He felt that this was basically against the free enterprise and this was a "privileged character" situation. City Manager Davidson indicated that the staff would be pleased to visit with Mr. McDermon in greater detail as to exactly what was required in order to obtain a franchise in the future. Mr. Davidson pointed out that some of the greatest public safety problems had been created through the use of unregulated systems, and it was essential that they be carefully monitored.

Mr. Joe Ternus, Urban Transportation Director, stated that any potential franchise holder must have 10 radio-equipped cabs as well as other supporting facilities in order to provide first-class service; and in addition, there must be proof of a public need and convenience. He pointed out that all of these franchises in this area of transportation were very strict in order to insure high quality transportation. Mr. Ternus stated that he would be happy to provide Mr. McDermon with copies of the ordinance which provides the requirements.

In response to Councilman Lebermann's question, Mr. Ternus indicated that the administration of the taxicab franchises was through Urban Transportation, with regular inspection as well as surprise inspection. In response to Councilman Binder's question concerning the reason for 10 cars, Mr. Ternus noted that it was impossible to provide 24-hour service with less than 3 to 5 cars; and 10 had been proven to be a reasonable number to start a service. Mr. Ternus also pointed out that an individual could subcontract with a franchise holder.

After further discussion, Mr. Ternus stated that he would be happy to provide the Council with a report on some of the major parts of the ordinance concerning the reason for their being in the ordinance and some of the problems that have come up.

Councilman Binder moved that the Council adopt a resolution authorizing the renewal of taxicab franchises as recommended by the Manager for the following taxicab companies with the number of permits indicated:

<u>Company Name</u>	<u>No. Permits</u>
Airline Cab Company	1
Harlem Cab Company	38
Roy's Taxi Service	30
Yellow/Checker Cab Company	60

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

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen Binder, Dryden

Noes: None

SUBMISSION OF REQUEST TO TEXAS CRIMINAL JUSTICE DIVISION

Councilman Friedman moved that the Council adopt a resolution authorizing the City Manager to submit a continuation request to the Texas Criminal Justice Division for the project entitled "Development Assistance for Rehabilitation." Total cost will be \$187,688: Texas Criminal Justice Division support will be \$93,844; Comprehensive Employment and Training Act Manpower matching funds will be \$93,844. Program period will be from May 1, 1975, through April 30, 1976. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

ACQUISITION OF LAND FOR BRANCH LIBRARY

Councilman Lebermann moved that the Council adopt a resolution authorizing the acquisition of 1101 East First Street (Estate of Ella H. Perkins) for the new branch library. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

ACQUISITION OF LAND FOR MOPAC EXPRESSWAY

Councilman Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for MoPac Expressway:

Balcones Drive at Steck Avenue. 1.85-acre tract of land partly out of the James M. Mitchell Survey and partly out of the T. J. Chambers Grant. (Gray & Becker)

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

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

ACQUISITION OF LAND FOR FIESTA GARDENS

Councilman Lebermann moved that the Council adopt a resolution authorizing the acquisition of 2113-2115 Bergman Street (Estate of Fortunat Weigl) for the expansion of Fiesta Gardens. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

ACQUISITION OF LAND FOR TOWN LAKE DEVELOPMENT PROJECT

Councilman Lebermann moved that the Council adopt a resolution authorizing the acquisition of 52 Bierce, 53 Red River, 56 Bierce, and 57 Red River (Red River Investment Co.) for the Town Lake Development Project, Waller Beach Area. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

AGREEMENT WITH PROPERTY OWNERS FOR CONSTRUCTION

Councilman Lebermann moved that the Council adopt a resolution authorizing an agreement with the property owners who are participating in the cost of constructing William Cannon Drive. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Dryden, Friedman, Lebermann
Noes: None

AMENDMENT TO PARTICIPATION PAVING POLICY

The Council had before it an amendment to the City's Participation Paving Policy. Mr. Charles Graves, Engineering Director, noted that this would make a revision in the assessment policy which would exempt streets with a paving width of 50 feet or more from the flat rate payment and would add drainage as an additional assessment item. City Manager Davidson added that it would make the property owners' participation on a more consistent basis, and he recommended this amendment.

Councilman Dryden moved that the Council adopt a resolution amending the City's Participation Paving Policy as recommended. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Lebermann, Mayor Butler
Noes: None

OPERATING PROCEDURES FOR COUNCIL CHAMBER

The Council had before it the consideration of adopting operating procedures for the new Council Chamber. Mr. Joe Liro, Management and Budget Administrator, reviewed this by stating that the staff was recommending that the Council consider policy statements on the utilization of the Chamber and smoking and refreshments. He gave the recommendations as follows:

1. Official City boards and commissions utilize the Annex conference rooms for all meetings except those scheduled as public hearings where conference room seating would be inadequate.

2. Food and drink not be allowed in the Chamber except in locations where a table surface is available.
3. a. Ban on smoking in the Chamber; or
b. Designate special "no smoking" areas within the public seating area of the Chamber.

There was discussion by the Council concerning banning smoking completely. Councilmen Dryden, Friedman, and Lebermann agreed that it would be possible for smokers to step outside. Councilman Binder did not think there should be discrimination against the smokers and felt that designated sections would be appropriate.

Councilman Lebermann moved that the Council adopt operating procedures for the new Council Chamber as recommended by the Manager including that there be no smoking in the Chamber. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler
Noes: Councilman Binder

APPROVAL OF PARADE PERMIT

Councilman Friedman moved that the Council approve a request for a parade permit from Mr. Ervin C. Herber for Boy Scouts of America, Capitol Area Council, on February 8, 1975, from 10:00 a.m. to 10:50 a.m., commemorating National Boy Scout Week and highlighting the Annual Scouting Report to the Governor of Texas, beginning north on Congress Avenue from Second and Congress to 11th and Congress, dispersing on the Capitol grounds. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

ZONING ORDINANCES

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:
THE WEST 90 FEET OF LOT 2, BLOCK 3, AND THE EAST 70 FEET OF LOT 3, BLOCK 3, PLEASANT GROVE ADDITION, AND THE VACATED PORTION OF PETERSON AVENUE ALLEY, LOCALLY KNOWN AS 1403-1405 WEST 39-1/2 STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE 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.

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 Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler 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:

LOT 4B, RESUBDIVISION OF LOT 4, BLOCK "L," GEORGIAN ACRES, AND LOTS 5A AND 5B, SIMS RESUBDIVISION OF LOT 5, BLOCK "L," GEORGIAN ACRES, LOCALLY KNOWN AS 602-606 MIDDLE LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL 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.

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 Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO ANNUAL 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 TRANSFERRING \$498.00 FROM COMMUNITY DEVELOPMENT OFFICE ADMINISTRATION ACCOUNT TO ACCOUNT NO. 00710260 TO DISCHARGE OBLIGATIONS OF CONSUMER COUNSELING SERVICES PROGRAM; AND DECLARING AN EMERGENCY.

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 Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Councilmen Binder, Dryden, Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE PROHIBITING BILLBOARDS AND SIGNS

The Council had before it the second and third readings of an ordinance prohibiting billboards and signs within 660 feet of MoPac Boulevard and Loop 360 right of way that are larger than 48 square feet, over 20 feet above ground, or flashing or moving. Councilman Dryden noted that he had discussed with the Manager the possibility of this not going further and being given to the newly established Sign Committee and having it included in their study of Austin. In response to this, Councilman Lebermann stated that he had been in favor of this last week; however, it had been pointed out that the Council could not do it legally without passing the ordinance. Councilman Friedman stated that this ordinance was just until the study was completed by the Sign Committee.

Mr. Richard Tulk, Assistant City Attorney, noted that the staff had recommended the passage of the ordinance in that the amount of time a moratorium could be upheld was extremely limited; and they proposed a "holding" ordinance for the Council to consider. Councilman Lebermann submitted that the Council could amend the ordinance as per the recommendations of the Committee.

MR. BOB MILLER, JR., spokesman for the newly formed Sign Makers Association (representing 20 firms), submitted that the ordinance had a loophole in it; and he asked the Council to reject this and ask the Committee to study it. He indicated that the ordinance provided for no limitation on the number of signs, and he suggested that this might create a panic.

Mayor Butler suggested that the Council could pass the ordinance and agree to abide by the result of the Committee's recommendations.

In response to Councilman Friedman's remark, Mr. Miller stated that he had not come to threaten the Council; and he could not endorse such a restrictive ordinance. Councilman Binder indicated that the Council was only trying to preserve the status quo on MoPac.

Mayor Butler questioned the possibility of changing the language of the ordinance by making it a 60-day ordinance and asked if the Committee could come back to the Council within that period of time. Mr. Miller, a Committee member, felt that they could; and Councilman Binder noted that it would be unrealistic to anticipate a comprehensive report, but there could be some preliminary recommendations.

City Manager Davidson stated that he had intended to assign Mr. Lonnie Davis, Building Inspection Director, to serve as Executive Secretary to work with the other department heads to help get this job done. He added that Mr. Davis would be requested to generate the first meeting of the Committee and lay out the work program and timetable and come back at least with a preliminary report in 45 days with as many recommendations as possible. He submitted that at the end of the 45-day period the Committee could have enough recommendations on the MoPac ordinance so that the Council could make it final.

Councilman Friedman suggested that the ending date for the ordinance could be April 3, 1975; and between now and next week the City Attorney could come back with all "closings of loopholes" and finally pass the ordinance through its third reading next week.

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3-5 OF THE AUSTIN CITY CODE OF 1967 BY ADDING SUBSECTION (h) PROHIBITING THE ERECTION OF BILLBOARDS AND CERTAIN SIGNS WITHIN SIX HUNDRED SIXTY FEET OF MO-PAC BOULEVARD RIGHT-OF-WAY AND LOOP 360 RIGHT-OF-WAY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Motion

Councilman Friedman moved that the second reading be postponed and have the City Attorney tighten up the loopholes and then come back with the ordinance and a termination date of April 3. Councilman Dryden seconded the motion.

Amendment to Motion

Councilman Friedman amended his motion by changing the termination date to April 10 so that there would be 7 Council members.

Councilman Dryden stated that the present Council appointed the Committee and passed the ordinance through its first reading; therefore, it was their responsibility.

Substitute Motion

Councilman Binder moved that the ordinance be passed through its second and third readings. The substitute motion died for lack of a second.

Withdrawal of Motion

Councilman Dryden withdrew his second to Councilman Friedman's motion, and Councilman Friedman withdrew his motion.

There was further discussion with regard to whether or not there was a loophole in the ordinance, and Mr. Tulk felt there was none.

MR. LARRY WILSON, Rollins Outdoor Advertising, pointed out that there was no size limitation on the on-premise signs.

Motion

Councilman Binder moved that the Council pass the ordinance prohibiting billboards and signs within 660 feet of MoPac Boulevard and Loop 360 right of way that are larger than 48 square feet per structure or parcel of land; 20 feet above the ground, or in the case of a sign attached to a building, more than 20 feet above the floor level at the main entrance door; or continuously or intermittently flashing, rotating, or moving lights or light, or moving parts; and at the time of passage of the ordinance such sign or billboard shall not be enlarged, structurally altered, or relocated but may be maintained to preserve its character and appearance; but such sign or billboard shall not be rebuilt or replaced or otherwise repaired where due to deterioration, fire, storm, or other casualty, the cost of such repair, rebuilding, or replacement would exceed 60% of the cost to replace the entire sign or billboard. Councilman Friedman seconded the motion. Roll call showed the following vote:

Ayes: Councilmen Binder, Friedman, Lebermann
Noes: Mayor Butler, Councilman Dryden

The Mayor announced that the motion had failed to carry.

Mayor Butler felt there needed to be a "kill" date on the ordinance.

Motion

Councilman Dryden moved that the Council pass the ordinance, with a termination date of 60 days or April 3, 1975. Mayor Butler seconded the motion.

Substitute Motion

The ordinance ~~was read~~ the second time ~~adding a~~ termination date of April 10, 1975, and Councilman Friedman moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Binder, Friedman, Lebermann, Mayor Butler
Noes: Councilman Dryden

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

Councilman Dryden indicated that the present Council formed the Sign Committee and were approving the ordinance and should not depend upon two additional Council members.

ORDINANCE CORRECTING ZONING CASE

Mayor Butler brought up the following ordinance for its second and third readings:

AN ORDINANCE AMENDING ORDINANCE NO. 710128-D, ENACTED BY THE CITY COUNCIL ON JANUARY 28, 1971, BY CORRECTING THE TOTAL ACREAGE OF TRACT NUMBER (1) AS SHOWN IN THE CAPTION OF SAID ORDINANCE; BY DELETING THE WORD "AS" AS FOUND IN NUMBER (1) OF SAID CAPTION AND SUBSTITUTING IN LIEU THEREOF THE WORDS "FROM INTERIM 'A' RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO"; BY DELETING ALL OF PART 1 AND PART 2 OF SAID ORDINANCE AND SUBSTITUTING IN LIEU THEREOF A NEW PART 1 AND PART 2; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Councilman Binder moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Lebermann, Mayor Butler,
Councilman Binder
Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO TRANSIT FARE ORDINANCE

Mayor Butler brought up the following ordinance for its second and third reading:

AN ORDINANCE AMENDING ORDINANCE NO. 740314-A AND NO. 740116-E, CHANGING THE EFFECTIVE HOURS FOR THE ADULT MONTHLY COMMUTER PASS AND THE CHILDREN'S MONTHLY COMMUTER PASS TO INCLUDE THE RIGHT TO USE THAT PASS ON THE S.U.B. SYSTEM; DECLARING AN EMERGENCY; AND WAIVING THREE SEPARATE READINGS.

The ordinance was read the second time, and Councilman Friedman moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Lebermann, Mayor Butler, Councilmen
Binder, Dryden
Noes: None

The Mayor announced that the ordinance had been finally passed.

INTRODUCTION

Councilman Lebermann took this opportunity to introduce his mother, Mrs. Sue McFarlin, his daughter, Virginia, and a friend, Mrs. R. L. "Bob" Finney.

SPECIAL MUNICIPAL ELECTION

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON MARCH 8, 1975 FOR THE PURPOSE OF ELECTING TWO COUNCILMEN OF THE CITY OF AUSTIN, ONE FOR PLACE 3 AND ONE FOR PLACE 6 FOR THE REMAINDER OF THE UNEXPIRED TERM OF SUCH VACANT OFFICES; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

Councilman Friedman 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 Lebermann, Mayor Butler, Councilmen Binder,
Dryden, Friedman
Noes: None

The Mayor announced that the ordinance had been finally passed.

ITEM CONCERNING CHARTER REVIEW

Mayor Butler took this opportunity to request that an item be placed on the agenda for February 6, 1975, concerning the selection of a 15-member Citizens Charter Study Committee, with each Councilman selecting 3 members.

REPORT ON UTILITY DEPOSIT AND COLLECTION POLICIES

Mr. Homer Reed, Deputy City Manager, reviewed this by stating that on December 12, 1974, the staff presented a basic set of revisions to the Utility and Deposit and Collection Policies; and points raised in the discussion at that time related to problems encountered by those who were not able to make payments. He noted that action was delayed to give time for further study and conferences with the welfare agencies and others active in this field and who had concern. He pointed out that the report before the Council today would be in two parts:

1. Dealing with the series of problems.
2. Recap of proposal presented to the Council on December 12.

He indicated that if the Council was in agreement in principle with the items, the staff would prepare a formal document for final Council approval.

Mr. Jim Miller, Assistant City Manager, reviewed the first portion of the report by stating that they had approached this by collecting information on the total number of disconnects in 1974, including a sample of 3 of the higher months of disconnects, to determine geographic location and time interval before reconnecting of the electric meter; and meetings were held with social agency personnel to discuss their viewpoints and possible suggestions as to how this might be handled. He listed the staff's recommendations as follows:

1. The Water and Light Office establish a procedure for delaying disconnection of an electric meter when a welfare agency calls a designated individual on behalf of a client, arranges payment of the current bill, and presents a plan for the client to pay off his back bills.
2. The Water and Light Office be authorized to waive the difference between gross and net billing on a current bill when a welfare agency is assisting a family as specified in Item 1.
3. The Council request that Caritas place a priority on City contracted funds for assisting fixed-income families with their utility payments.

Mr. Miller concluded by noting that in discussions with Legal Aid, Electric Department staff, Finance staff, and the Community Council Director, interest had been expressed in developing an "averaging" electric bill system; and the staff believed the Electric Department should be authorized to proceed with an in-depth study of the possibilities and feasibility of establishing an "averaging" billing system.

Mr. Bill Harrison, Director of Finance, reviewed the second portion of the report by listing the following proposals:

1. Modify deposit requirements to eliminate deposit for resident homeowners, and for commercial customers who present evidence of financial responsibility acceptable to the City.
2. Make service subject to disconnection for non-payment after second month's bill becomes past due.
3. A collection fee of \$3.00 is proposed if a collector must be sent to obtain payment on a check returned unpaid by the drawee bank. After service has been disconnected for non-payment of a utility bill, there is proposed a reconnection fee of \$3.00 during working hours and \$5.00 after hours.
4. Collection personnel will be authorized to accept payment of the past-due balance which may be paid to the collector. Customers whose service has been disconnected may have it restored by payment of a portion of past-due account and presentation of acceptable plan for paying balance.
5. A modified and a more precisely worded final notice will be utilized.
6. A formal new appeals procedure is proposed to provide for appeal to an independent hearings officer designated by the City Manager.
7. Spanish-speaking employees are available in the Water and Light Office to converse with customers, and utility bills will have imprinted on them, "Se Habla Espanol."

There was discussion between Mr. Harrison and Councilman Friedman. In response to questions, Mr. Harrison stated that there would be someone on duty at night in the Water and Light Office to accept payments. Councilman Friedman suggested that there should be a phone number put on the utility bills. Mr. Harrison noted that there was limited space, but this could be handled as a separate attachment for the first month's bills.

In response to Councilman Dryden's question, Mr. Harrison stated that there were 11,379 disconnects in 1974, which included repeats and some who had moved but had not notified the City.

Mayor Butler wanted to know if there would be a publicized number for people to call. City Manager Davidson pointed out that throughout these recommendations they were emphasizing improved communication both before disconnection and after. He submitted that if they did a good job right up and down the line, there would be fewer calls. In response to Mayor Butler's comment that there had been instances of people wiring around the meter when they were disconnected, City Manager Davidson stated that the percentage of occurrence was low; but those customers would be identified and would be disconnected at the pole.

City Manager Davidson requested that the Council approve these recommendations and the concept, and the staff would bring back specific regulations for Council's approval in two weeks.

Because Mr. Bill Allison, Legal Aid, had not had a chance to review the report, it was determined that this be brought back on February 6, 1975, for Council action.

ITEM CONCERNING SOLID WASTE STUDY

Councilman Lebermann noted that he had been in conversation with the City Manager's office and other staff members asking that a comprehensive review of what is happening in the area of solid waste in the country be accumulated with a view toward engaging a firm that would be competent to advise Austin in the several aspects of solid waste management. He added that this was being brought forward.

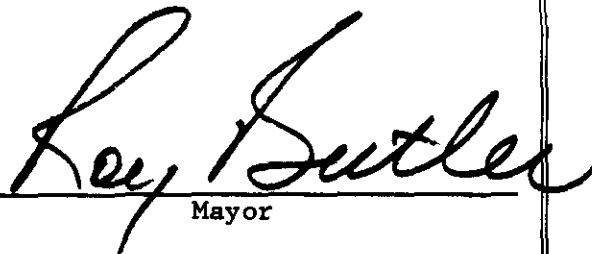
ITEM CONCERNING SELECTION OF MAYOR PRO TEM

It was requested by the Council that the selection of a Mayor Pro Tem by the Council be placed on the agenda for February 6, 1975.

ADJOURNMENT

The Council adjourned at 3:30 p.m.

APPROVED



Mayor

ATTEST:



City Clerk

City Clerk