

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 16, 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, Handcock,  
Lebermann, Mayor Butler, Mayor Pro Tem Love

Absent: None

The Invocation was delivered by REVEREND LAMAR HOCKER, Koenig Lane Christian Church.

## EXECUTIVE SESSION ACTION

Mayor Butler noted that the Council had been in an Executive Session earlier that day and had discussed a legal matter pending before the Council. Mr. Don Butler, City Attorney, stated that this particular item was merely discussed by the Council and that there was no need for any Council action in the way of making a decision. He added that he would keep the Council posted as development occurred.

Mayor Butler also noted that in the Executive Session appointments were discussed and were now before the Council for action.

Mental Health-Mental Retardation Board

Councilman Lebermann moved that the Council appoint MRS. ALLEN SEARIGHT to the Mental Health-Mental Retardation Board. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmen Friedman,  
Binder

Parks and Recreation Advisory Board

Mayor Pro Tem Love moved that the Council appoint MR. HAL EMBREE to the Parks and Recreation Advisory Board. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmen Binder, Friedman

POSTPONEMENT OF HEARING ON TELEPHONE RATE INCREASE

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on Southwestern Bell Telephone Company's requested rate increase. Mayor Butler took this opportunity to note that in light of publicity received this morning, he and Mayor Pro Tem Love and the former Councilman Handcox had a press conference in connection with allegations that might bear repeating very briefly. He stated that he had never at any time received any contribution from Bell Telephone; however, in 1971, he received a \$200 donation from Mr. Bill Holman, former Division Manager of Bell, as a citizen. He felt that in lieu of the atmosphere it had created, it might be more appropriate to delay any hearing on this particular rate increase until investigations authorized by the Council to be done by the City Attorney and others were completed.

The City Attorney was not sure of the impact of the remarks or the recorded conversation but felt that he should set the record straight on the rate case that did occur in 1971. He stated that the case was filed in early 1972, and the Council employed a rate consultant and appointed a three-member citizens' committee to conduct a public hearing and make recommendations. He pointed out that there were remarks from both sides; and the consultant, who has been engaged in services throughout Texas, recommended an increase of approximately 18% as opposed to the Company's requested 24%. Nonetheless, he noted that despite the Company's request and the recommendation of the consultant the citizens' committee and his office recommended an increase of only 9.5% and that was finally approved by Council.

He felt that the granted increase represented a victory for the tax-payer, and he was unable to constitute any remarks made by Mr. Holman or anyone else that what he did had any effect on the rate case whatsoever. He noted that it was a consensus of opinion throughout Texas that this had been a great victory.

He stated that he was prepared to proceed if the Council desired; but in the interest of fairness, he suggested that representatives of the Company should state why the Council should proceed in light of the past events.

Councilman Binder felt that it would be appropriate to wait. He thought it was incumbent on the Company to explain to the Council and the public if in fact the statements were made and why they were made. He did not think the Council would want to participate in providing money and subsidizing illegal political activities of the Company if in fact they did occur and particularly to the extent as related in this morning's paper. He was particularly interested in seeing an investigation before he would want to consider going forward with this. He thought the Company should cooperate and try to explain these circumstances.

In response to Mayor Butler's question, the City Attorney stated that there was nothing wrong with Mr. Holman's making a political contribution individually to any candidate of his choice so long as it was a personal contribution; and this was what needed to be ascertained through the investigation. He added that even if the Company used corporate funds improperly, this was not a violation by the recipient unless he knew.

MR. DONALD THOMAS, attorney representing Southwestern Bell Telephone, stated that they were present asking for justice and asking that the Council not destroy a fairly regulated public utility that was performing a service that was necessary and that must be provided for the growth of the City and for the convenience of the people. He felt that they were faced with a "stopping of the mills of justice" because of allegations that were made in the law suit. He felt that Mr. Holman was doing nothing more than the every day citizen by providing funds for good men to render a burdensome service to the people. He suggested that no one would deny that they had not in this case brought every fact forward as honestly, as openly, and as candidly as it was possible for them to do so.

He reviewed charges made concerning former Councilman Dick Nichols' daughter and requested that the Council perform its duties by looking at their situation through professional eyes and give them what they were entitled to receive. In conclusion, he submitted that this money must be generated if they were to continue to serve Austin as they had in the past.

(Note: Transcript of Mr. Thomas' presentation on file in the City Clerk's Office.)

MR. GRAY BRYANT, Division Manager of Southwestern Bell, was embarrassed that they had brought embarrassment upon the Council; and he felt the news was appalling, but it was not true. He stated that they were going to investigate the situation. He submitted that they had gone out of their way to cooperate with the consultant, the City Attorney, and the staff; and they had tried to present their case in its truest light. He urged the Council to give them a decision today.

(Note: Transcript of Mr. Bryant's presentation on file in the City Clerk's Office.)

Councilman Friedman respected the comments made and thought the Company was entitled to a decision; however, he questioned their temerity in wanting to push forward. He felt that what had come to light in the last 24 hours clouded over the whole issue and that the City should investigate to be fair to the Company and its employees and especially to the citizens of this community. He respected their attempt to convince the Council that they must move ahead, but he asked them to place themselves in the place of representatives of the citizens. He encouraged them to accept the decision of the Council to postpone any decision until the Courts could clarify this issue.

#### Motion

Councilman Friedman moved that the public hearing and any consideration of the pending rate increase requested by Southwestern Bell Telephone be postponed. Councilman Binder seconded the motion.

Mayor Butler felt that as a matter of practicality the hearing should be delayed.

Councilman Binder felt the same as Mayor Butler and added that it was a matter of fairness, and he was surprised by the position of the Company that the Council go ahead today. He thought that by waiting it could either clear the Company or justify the particular allegations. Mr. Don Butler stated that the Company had certainly cooperated by furnishing information requested. He thought they had tried to base their case on the principles in which they believed, even if the City disagreed to a certain extent. He understood the Council's position and did not know how long it might take to clear this up in San Antonio.

Mr. Bryant proposed that the Company investigate the allegations, specifically related to Mr. Holman, and then come back to the Council and give a complete report. In connection with the deeper implication that the lawsuit may represent misappropriation of funds or misconduct of employees, he stated that they would gladly accept a proviso in a rate ordinance that if any financial effect ever was revealed to effect Austin, they would gladly refund, lower the rate that would be produced by this hearing.

Councilman Friedman commented that it would be as easy for him at this time to introduce a motion other than the one he introduced that would deny any rate increase to Bell Telephone, at which point their alternative would be left to the Court to appeal that decision. He submitted that he was trying to give the Company some leeway.

Councilman Binder felt that the Council needed time to see what the whole picture was before them. He also felt that if this type thing that was alleged had been going on with a public utility, internal procedures should be developed so that it did not happen again.

In response to Mayor Butler's question as to whether they would prefer a delay or a turn-down as a vehicle to expedite their case, Mr. Bryant asked to be able to make a reasonable effort in a short period of time to come back with additional amplifying information; and at that time, they would "Bring it to a head."

#### Vote on Motion

Roll call on Councilman Friedman's motion, Councilman Binder's second, that the hearing be postponed, showed the following vote:

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

Mayor Pro Tem Love prefaced his vote by stating that until late last night he was fully prepared to come and listen to the recommendation of Mr. Butler and the rate specialist and assumed the Council would take some sort of action today. However, in light of a telephone call from a member of the press regarding the items noted in the paper, he felt it was evident that it would be impossible for him to take any kind of action under this particular "cloud."

## ORDINANCE CONCERNING EMERGENCY MEDICAL SERVICE

It was noted that the Council had before it an ordinance establishing a new Emergency Medical Service Department and providing an Emergency Medical Service Quality Assurance Team. City Manager Davidson stated that two weeks ago he had recommended that the Council authorize the creation of a separate department in order to design and implement an Emergency Medical Service System to be in effect by January 1, 1976. At the request of the attorney representing the Austin Ambulance Service, he noted that the Council delayed any decision on this until today. He pointed out that since that time a report had been introduced by Austin Ambulance speaking to the staff's recommendation, and he indicated that he had a response involving 26 points of disagreement with their report which he would submit. He still recommended a separate department as the best way to have an effective EMS system by 1976.

In response to Councilman Dryden's comment that the Travis County Medical Society and the Central Texas Medical Foundation had endorsed the plan as presented by the City Manager, Mr. Davidson stated that it had been his understanding that they would work with the City under this format to make certain it was a quality system. He noted that as a result of their discussions, they came up with the idea of asking the Council to authorize the creation of an EMS Quality Assurance Team to help establish standards under which the City would operate this new service.

MR. ED COX stated that he opposed the establishment of this ordinance. He felt that it was clear that a high quality service must be provided, but that was not to say that the taxpayer wanted extravagance. He felt that the Manager's recommendation would cost at least twice as much and did not make the best use of resources at hand. He suggested that it was the responsibility of the Council to find the best way to provide a high quality service in the most efficient and least expensive way possible. He submitted that this ordinance did not meet that responsibility.

MR. WALLACE NATIONS, representing Austin Ambulance Service, thanked the Council for the delay and noted that his client had been providing a service for approximately 8 years. They believed that the service provided has been as requested by the City. He requested the following:

1. The City not pass the ordinances establishing a public department to provide EMS.
2. Austin Ambulance be given a fair chance to provide service for Austin and Travis County.
3. They be authorized to acquire the additional equipment to reach the level of EMS, further train their employees to achieve the level of technical proficiency, and be operational by June.
4. Let them operate the EMS System as they had operated in the past for the remainder of the year; and at the end of the year under the guidance of the Quality Assurance Team selected from the medical community, judge their service and decide whether or not the best service for EMS could be provided by their company or a public department of the City.

He stated that they had distributed a report and proposal by their Company which detailed their position. He pointed out that the City undertook an indepth study of Austin's EMS needs, which resulted in a rather lengthy comparison of services available throughout the City along with comparative costs of private versus public service. He noted that they also did a complete history of Austin Ambulance for the last several years, and he felt that from this report there were some major points in support of their position:

1. Austin Ambulance has always cooperated with the City to provide the kinds of service it wanted.
2. Austin Ambulance is now providing a service which is comparable in many ways to the public service in Houston, Dallas, and other cities.
3. Austin Ambulance can and will provide the level of service desired by the City.
4. Austin Ambulance has already acquired most of the equipment including seven of the modulancess the City needs to operate the EMS System, and the employees are undergoing continuous training to reach the level of proficiency desired by the Manager and medical community.
5. Austin Ambulance can provide the service the City wants at a significantly lower cost than can a public department.

He submitted that since the Manager had stated the service could be provided by the Company, they should be allowed to be given the test they were asking for; and if they did not do the job, then the ordinance could be passed.

He noted that there had been some reports in the ~~press~~ that perhaps if they did not get the opportunity, there would be some phase down in the service. He announced that this was not true, and they would provide the service no matter what the Council did at the same level to the end of the contract. He noted that they would work with the City in any way to keep their service at the quality level it was or improve it.

He indicated that both the management and the employees of the Company had been very excited over the prospect of being able to provide a true quality EMS System to the community and Travis County. He urged that the Council not "shut the door" in their faces. He suggested that if they did it now, the effect on the morale would be devastating in that he did not believe the City could guarantee everyone of them they would be hired.

He pointed out that their service had been good, and added that they had received hundreds of letters complimenting their people and the speed with which they provide the overall service. He submitted that they could do a better job than in the past with the cooperation of the City and the guidance of the medical community.

In response to Mayor Pro Tem Love's question concerning the fact that the City Manager made the statement two or three months ago that he preferred to leave in the hands of free enterprise the things that could be done and keep the government out of those areas, Mr. Davidson stated that he had not changed his viewpoint. He noted that on one occasion he had recommended that this Council head in the direction of providing the service through private enterprise; but his attitude and recommendation had changed as pertaining to an EMS System as incorporated within Austin's budget for 1974-75. He felt that the problem with carrying this kind of service forward with private enterprise was best illustrated by Mr. Nation's mention that they had no guarantee as to what employees were going to do if they heard today that Austin was going to create this separate department. He also felt that the service would be phased down. He noted that on the two occasions where he brought in the recommendation to go with private enterprise, "veiled" innuendoes were presented to the Council. He believed that until Austin went into this through a separate department, every contractual period would be associated with that kind of discussion; and he felt that the position of the EMS System was too important for that kind of consideration.

He mentioned that contrary to Mr. Nation's statement, the City did receive complaints about Austin Ambulance Service. He noted that much of the equipment submitted by them to the City for inspection failed inspection and had to be taken back and upgraded or brought back for inspection.

He felt that whenever possible private enterprise was the best way to approach a new service, but one point was the ability and need to have continuity of personnel for the creation of a highly professional service.

Mr. Nation noted that they were not threatening anyone, and they would continue as in the past to cooperate with the City Manager. He submitted that communication could be improved between the medical community and the Company, and this was the reason they were proposing a Quality Assurance Team to insure that kind of communication.

MR. CONWELL SMITH, Austin Ambulance Service, reviewed the turnover of employees at the Fire and Police Departments and Brackenridge Hospital; and Mr. Davidson informed him this was in no way comparable to the EMS System. He stated that they had over 8 years of experience and were willing and able to perform. He also stated that they could save the taxpayers of Austin over \$250,000 the first year. On behalf of the 30 employees, he requested the Council's vote to allow them to continue to operate and upgrade to the EMS System.

MRS. ANN E. McAFEE, representing Travis County Democratic Women, stated that they were pleased with the Manager's recommendation that the EMS System be operated by the City; however, they recommended that it be operated through the Fire Department rather than a separate department for the following reasons:

1. Have 15 people who already qualify as technicians, and the cost of training people would be considerably less.
2. There would be a savings because of the existing buildings owned by the Department, and they would only have to install communication systems in the buildings.
3. Would provide quicker response time,

4. The turnover at Austin Ambulance, which mostly involved the low pay scale.

She noted that in the report that had been prepared several months ago by the Transportation Department it was indicated that the staff would have recommended that this be operated through the Fire Department; however, the Civil Service law stipulated that they work for two years as firefighters before transferring into any department. She pointed out that other cities in Texas that were operating their ambulance service through the Fire Department were trying to get this law changed. She suggested that only 3 to 6 months should be required before transferring into the EMS System. She again recommended that this be operated through the Fire Department.

Mr. Smith pointed out that the average salary for his employees was \$850 to \$1,000 per month.

MR. ROBERT J. McDONALD urged the Council to vote for the ordinance. He noted that he had in his possession an Attorney General's opinion given to the State Fire Safety Commissioner regarding the use of ambulance attendants in fire departments. He noted that he was of the opinion that if the personnel were not used in fire combat duties, they need not be firemen trained. Mr. McDonald felt that a good attorney could follow this through and give the City the administrative leeway to place this under the Fire Department if desired. He stated that he would be happy to furnish the Council with the date and number of the opinion.

In response to Councilman Lebermann's question concerning the effect of the passage of the ordinance, Mr. Davidson stated that the following would take place:

1. Discussions would begin with Mr. Smith concerning the eventual phase out of the contract with Austin Ambulance and possibly the acquisition of equipment and other facilities for Austin and appropriate payment to the Company.
2. Immediate organization of the departmental classifications, the positions involved, the employment of a director of the department.

In response to Councilman Lebermann's further question concerning whether or not the service would continue in its current status throughout the full term of the contract, Mr. Davidson stated that they had anticipated that Austin Ambulance would honor the commitment of their contract.

In response to Mayor Butler's question as to whether or not the City could deal with Austin Ambulance for an earlier phase out in that employees may be leaving and the kind of service expected could not be provided, Mr. Davidson stated that there could be some advantages to Mr. Smith and the City if arrangements could be worked out for the phase-out earlier than January 1, 1976. He noted that he would not be in a position to recommend a specific time, but he would be willing to look at any possibility along that line.

In connection with Councilman Lebermann's comment, Mr. Davidson felt that this could tie in with providing EMS for Travis County, should they want to contract in the future for the City to provide this service.



Mayor Butler introduced the following ordinance:

AN ORDINANCE CREATING A SEPARATE ADMINISTRATIVE DEPARTMENT OF THE CITY OF AUSTIN TO BE KNOWN AS THE DEPARTMENT OF EMERGENCY MEDICAL SERVICES; STATING THE PURPOSES OF SUCH DEPARTMENT; AUTHORIZING THE CITY MANAGER TO PRESCRIBE CERTAIN QUALIFICATIONS AND REQUIREMENTS AND TO SECURE NECESSARY EQUIPMENT AND SUPPLIES; CREATING AN ADVISORY BODY TO BE KNOWN AS THE EMERGENCY MEDICAL SERVICES QUALITY ASSURANCE TEAM; SETTING FORTH THE DUTIES OF THE EMERGENCY MEDICAL SERVICES QUALITY ASSURANCE TEAM; PRESCRIBING REQUIREMENTS FOR APPOINTMENT AND TERM OF APPOINTMENT FOR MEMBERS OF THE EMERGENCY MEDICAL SERVICES QUALITY ASSURANCE TEAM; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective as provided in the Austin City Charter. The motion, seconded by Councilman Binder, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Pro Tem Love prefaced his negative vote by stating that he was delighted to have this service. He believed that private enterprise had done a good job in the past, and he saw no reason to believe they would not do it in the future. He stated that he felt very strongly that this type thing should be left in the hands of free enterprise.

Councilman Dryden noted that the City Manager had no conversation with him, and the Manager came up with this recommendation without his assistance. He felt that he had mixed emotions about this, and it was not his desire to put any private enterprise out of business; but he felt it should be operated by the City.

Councilman Friedman left the Council Chamber at this point.

#### RELEASE OF EASEMENTS

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing release of the following easement:

Authorizing release of the east 0.2 of one foot of the Sanitary Sewer and Public Utilities Easement that covers the south 112.84 (in resolution book 111.77 feet) feet of the west five (5.00) feet of Lot 10, Block F, COLONY PARK, SECTION ONE, PHASE TWO, said property also being known locally as 7114 Carwill Drive.  
(Requested by the RAY ELLISON HOMES, owner of said Lot 10.)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called; Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing release of the following easements:

All of that certain Public Utilities Easement that covers the rear seven and one-half (7.50) feet of Lots 5, 6, 7 and 8 of BUELL PARK, a subdivision in Williamson County, Texas, and release of all of that certain Public Utilities Easement that covers the rear seven and one-half (7.50) feet of Lots 10, 11 and 12 of said Buell Park, and release of the Public Utilities Easement ten (10.00) feet in width centered on the common lot line between said Lot 8 and Lot 9 of Buell Park, and release of the Public Utilities Easement ten (10.00) feet in width centered on the common lot line between said Lots 9 and 10, and release of the Public Utilities Easement fifteen (15.00) feet in width centered on the common lot line between said Lots 10 and 11, and release of the Public Utilities Easement fifteen (15.00) feet in width that covers a distance of thirty (30.00) feet into the most southerly corner of said Lot 9, said Buell Park being within the extra-territorial jurisdiction of the City of Austin, and all of said easements having been dedicated at the instance of the City of Austin. (Requested by MR. ALLEN R. RUNDELL, owner.)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing release of the following easements:

All of the Drainage Easement ten (10.00) feet in width centered on the southwest 83.00 feet of the common lot line between Lots 21 and 22, Block K, WINDSOR HILLS, SECTION SEVEN, and a portion of varying width of the Drainage and Public Utilities Easement that covers most of said Lots 21 and 22, both of which easements having been provided on the subdivision plat of said WINDSOR HILLS, SECTION SEVEN. (Requested by BRYANT-CURINGTON, INC., representing Austex Development Co., Ltd, owners.)

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

## CONTRACTS AWARDED

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

ALAMO IRON WORKS  
Montana and Hoefgen Streets  
San Antonio, Texas

- Cold Roll Steel, Angle Iron,  
Kick Plate, Flat Strap, and  
Sheet Metal, Holly Street  
Power Plant, Electric Utility  
Department - \$5,764.90

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

E. E. STUESSY COMPANY, INC.  
2716 East 5th Street  
Austin, Texas

- Extension of an existing contract  
for a period of 22 months for  
Electric Utility Transmission and  
Distribution Construction,  
Alterations and Line Clearing  
Work, with unit prices and price  
schedules increased in accordance  
with existing contract provision.

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

INSTRUMENTATION LABORATORY  
113 Hartwell Avenue  
Lexington, Massachusetts

- Atomic Absorption Spectrophotometer, Power Production Division,  
Electric Utility Department -  
\$15,500.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

TEXAS CRUSHED STONE COMPANY  
South I. H. 35  
Georgetown, Texas

- Flexible Road Base Material,  
Street and Bridge Division  
Twelve Months' Supply Agreement  
Item Nos. 1-6 - \$117,950.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

LANFORD EQUIPMENT COMPANY  
830 Airport Boulevard  
Austin, Texas

- Anhydrous Ammonia, used in  
water treatment, Water and  
Wastewater Treatment Department  
Twelve Months' Supply Agreement  
Item No. 1; 56 tons @ \$290.00 ea.  
Total - \$16,240.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

TWIN OAKS CAMERA SHOP  
5839 Berkman Drive  
Austin, Texas

- Photographic Supplies, Office  
Services Division,  
Six Months' Supply Agreement  
\$12,931.88

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

SAN ANTONIO PORTLAND CEMENT  
7531 Broadway  
San Antonio, Texas

- Portland Cement, Central Stores.  
Twelve Months' Supply Agreement -  
\$17,502.72

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

ALL-MARK COMPANY  
488 The Petroleum Building  
Tyler, Texas

- Portable Epoxy Dispensing  
Machine, Urban Transportation  
Department. Item 1 - \$5,890.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

VULCAN SIGNS & STAMPINGS, INC.  
400 East Berry Avenue  
Foley, Alabama

- Traffic Sign Blanks, Urban  
Transportation Department,  
Items 1-11 - \$12,659.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

BRUCE LUCKIE CONSTRUCTION  
6735 Highway 290 East  
Austin, Texas

- Street and Drainage Improvements  
Rundberg Lane from I. H. 35 to  
Cameron Road. C.I.P. No. 6217 0 -  
\$277,544.25

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

AUSTIN ENVIRONMENTAL  
LANDSCAPE DESIGN  
6901 North Lamar  
Austin, Texas

- Trees, Shrubs, and Ground Cover  
Plants, Parks and Recreation Department  
Item 3-36 - \$48,944.00

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

ACME FOOD SERVICE  
611 Neches Street  
Austin, Texas

- Catering Service; Nutrition Program  
for the Elderly. (Includes cost of  
food and delivery of same to  
approximately 6 sites for a period  
of twelve months commencing on or  
about February 1, 1975.) Parks and  
Recreation Department - \$110,800.20

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

#### APPROVAL OF MINUTES

Councilman Lebermann moved that the Council approve the Minutes of January 9, 1975. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

## DISPOSITION OF PROPERTY

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

Accept negative bids - to be demolished only

- |                                   |                     |          |
|-----------------------------------|---------------------|----------|
| 1. 709 Cummings or 32 East Avenue | Chester A. Schultz  | \$299.00 |
| 2. 1902 Bergman                   | Clarence Cullen Co. | \$191.00 |
| 3. 2102 Bergman                   | Clarence Cullen Co. | \$224.00 |

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

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Lebermann  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

## LICENSE AGREEMENT

Councilman Lebermann 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 a 36-inch water main beneath said railroad's right of way at a point located 218.7 feet south of Mile Post 170 in Austin, Texas. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Lebermann, Mayor Butler  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

## ARCHITECTURAL SERVICES

Mayor Pro Tem Love moved that the Council select the firm of BROCK MABREY ASSOCIATES for architectural services in connection with the following 1975 Capital Improvements Project:

Electric Department, Electric Building 2nd Floor Addition  
C.I.P. Project No. 3912 2

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

Ayes: Councilmen Binder, Lebermann, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Councilman Binder moved that the Council select the firm of INDEPENDENT ARCHITECTS for architectural services in connection with the following 1975 Capital Improvements Project:

Parks and Recreation Department, Givens Park Improvements  
C.I.P. Project No. 8644 1

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council select the firm of CROW & PRINGLE, ARCHITECTS, for architectural services in connection with the following 1975 Capital Improvements Project:

Auditorium and Convention Center, Concession Stands  
C.I.P. Project No. 8019 0

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council select the firm of DANZE & DAVIS, ARCHITECTS, for architectural services in connection with the following 1975 Capital Improvements Project:

Parks and Recreation Department, Administrative Building  
Addition - C.I.P. Project No. 8638 0

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Dryden

ENGINEERING TESTING SERVICES

Councilman Binder moved that the Council select the firm of SNOWDEN & MEYER, INC., for engineering testing services in connection with the following Capital Improvements Project:

Electric Building Addition 2nd Floor - C.I.P. Project No. 3912 2

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



Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Binder  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

#### SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

Mayor Pro Tem Love moved that the Council select the firm of STAPP, HAMILTON & ASSOCIATES, INC., for soils investigation and engineering testing services in connection with the following Capital Improvements Project:

Givens Park Improvements - C.I.P. Project No. 8644 1

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

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,  
Lebermann  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Dryden

Mayor Pro Tem Love moved that the Council select the firm of RODGERS & ASSOCIATES ENGINEERING CORPORATION for soils investigation and engineering testing services in connection with the following Capital Improvements Project:

Concession Stands - Municipal Auditorium - C.I.P. Project  
No. 8019 0

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

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Lebermann,  
Mayor Butler  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Binder

Councilman Lebermann moved that the Council select the firm of TRINITY ENGINEERING TESTING CORPORATION for soils investigation and engineering testing services in connection with the following Capital Improvements Project:

Parks and Recreation Department, Administrative Building  
Addition - C.I.P. Project No. 8638 0

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

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love  
Noes: None  
Absent: Councilman Friedman  
Not in Council Chamber when roll was called: Councilman Binder

## APPLICATION FOR GRANT IN CONNECTION WITH ELDERLY

Councilman Dryden moved that the Council adopt a resolution authorizing the City Manager to apply for a grant in the amount of \$20,287 and to enter into a contract with the Texas Department of Public Welfare for the purpose of maintaining the present level of service to transport the elderly to social services, recreational and cultural services throughout the City. (\$8,694 match from the Parks and Recreation Department.) Contract period will be from February 1, 1975, to January 31, 1976. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Binder

## CONTRACT FOR YOUTH EMERGENCY SERVICES PROJECT

Councilman Dryden moved that the Council adopt a resolution authorizing the City Manager to enter into a contract with the Austin Community Switchboard for the Youth Emergency Services Project in accordance with the appropriation approved on September 19, 1974. Contract term will be from January 1, 1975, through December 31, 1975. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

Not in Council Chamber when roll was called: Councilman Binder

## ACQUISITION OF LAND FOR RUNDBERG LANE

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for widening Rundberg Lane from North Lamar Boulevard to I.H. 35:

0.29 of one acre of land out of the John Applegait Survey, Rundberg Lane at North Lamar. (Henry Wendlandt, Trustee)

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

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

Noes: None

Absent: Councilman Friedman

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for widening Rundberg Lane from North Lamar Boulevard to I.H. 35:

6,936 square feet of land out of the John Applegait Survey. (Northview Baptist Church)

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

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

Noes: None

Absent: Councilman Friedman

#### ACQUISITION OF INTEREST ON PROPERTY FOR MUNICIPAL ANNEX

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of leasehold interest on property to be acquired for the Municipal Annex:

201 Guadalupe, 306-310 West 2nd Street, (Charles J. Schneider, Jr.)

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

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

Noes: None

Absent: Councilman Friedman

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of leasehold interest on property to be acquired for the Municipal Annex:

400 West 1st, 100 Guadalupe. (Estate of Pauline Schneider)

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

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

Noes: None

Absent: Councilman Friedman

#### DEDICATION OF CITY-OWNED LAND

Councilman Dryden moved that the Council adopt a resolution authorizing the dedication of certain City-owned land for street purposes:

393 square feet of land at West 35th and Kerbey Lane,  
6,141 square feet of land at West 38th and Shoal Creek.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote;

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

Noes: None

Absent: Councilman Friedman

## ACQUISITION OF LAND FOR FIESTA GARDENS

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

1900 Bergman Avenue, 31-33 Chicon Street. (Standard Mtg. Co., Inc.)

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

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

Noes: None

Absent: Councilman Friedman

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

2000 Bergman Avenue. (Standard Mtg. Co., Inc.)

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

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

Noes: None

Absent: Councilman Friedman

Councilman Dryden moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

34 Lynn Street. (Frank Ybarra et ux)

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

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

Noes: None

Absent: Councilman Friedman

## DISPOSITION OF SUBSTANDARD STRUCTURES

Councilman Dryden moved that the Council accept the recommendation from the Building Standards Commission that the Legal Department take proper disposition of the following substandard structures which have not been repaired or demolished within the required time:

1. 7608 Carver Avenue (Etta Bell)
2. 1121 Lawson Lane (Amzie Anderson et ux, Lillie M.)
3. 5308 Ledesma Road (Santiago R. Gonzales)
4. 7512 Meador Avenue (Henry & Johnnie Mullins)
5. 2207 New York Avenue (Katie Strong)
6. 2222 Webberville Road (Elizabeth Gonzales)
7. 2901 East 14th Street (Novella Henderson)
8. 1103 Oliver Street (Gilbert Diamond & Louis Silberstein Estate)

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

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

Noes: None

Absent: Councilman Friedman

#### LEASE EXTENSION FOR RENTAL OF PROPERTY

Councilman Dryden moved that the Council adopt a resolution authorizing Southwood Branch Library lease extension for the rental of approximately 2,500 square feet located in the Southwood Shopping Center at 1507 West Ben White Boulevard in South Austin for the period April 1, 1975, through March 31, 1976. Monthly rental will be \$170.00. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

#### PRICE INCREASES ON ITEMS IN VENDING MACHINES

Councilman Dryden moved that the Council authorize price increases on items sold in vending machines at Lions Municipal Golf Course. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

#### ADJUSTMENT OF RENTAL RATES

It was noted that the Council had before it for consideration a request that the rental rates of the lease agreements with Browning Aerial Service, Inc. and Ragsdale Aviation, Inc. be adjusted for the period from March 1, 1972, to March 1, 1977. In response to Councilman Binder's question concerning whether or not the rates were consistent with those charged by other cities Austin's size, City Manager Davidson indicated that they were. In response to Councilman Binder's further question as to whether or not these rates were substantially lower than other cities, Mr. Roy Bayless, Director of Aviation, did not believe so based on the number of aircraft and the traffic maneuvers; and he felt that possibly Austin was ahead of most cities.

In response to Councilman Binder's comment that he believe this would be valuable property since it was so close to the Airport, Mr. Bayless stated that he had discussed this with Mr. Joe Morahan, Property Management Director; and they had determined the land values could be more or less for the surrounding area. He submitted that this was a good 5-year settlement period and would provide adequate revenue for the City.

City Manager Davidson pointed out that Mr. Bayless had "left the door open," and both companies had agreed that after the Master Plan was complete, the cost might increase.

In reply to Councilman Binder's question, Mr. Morahan stated that he was in agreement with this as recommended.

Councilman Dryden moved that the Council adopt a resolution adjusting the rental rates of the lease agreements with Browning Aerial Service, Inc., and Ragsdale Aviation, Inc., for the period from March 1, 1972, to March 1, 1977. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Absent: Councilman Friedman

The Council complimented Mr. Bayless on the excellent job he had done.

#### CASH SETTLEMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing cash settlement as follows:

FORD-WEHMEYER, INC. - 60/40% cash settlement in lieu of a refund contract for the installation of wastewater mains serving the T. P. & J. Subdivision. Total cost: \$4,551.86; City's cost at 60%: \$2,731.12; Owner's cost at 40%: \$1,820.74.

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

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

Noes: Councilman Binder

Absent: Councilman Friedman

In response to Mayor Butler's question concerning whether or not the City was now under its new policy for refund contracts, Mr. Davidson stated that the City was, but there were still some carry-overs from 1974. He believed that in the near future the City would be completely in the new policy. Councilman Binder suggested that the staff identify those under the new policy as they appeared on the agenda for approval.

#### REQUEST FOR STREET BANNER

Councilman Dryden moved that the Council approve a request by Ms. Dorothy M. Gullatt, Clerk for the First Church of Christ, for permission to hang a street banner at 1200 South Lamar from February 4, 1975, to February 18, 1975. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Lebermann,  
Mayor Butler

Noes: None

Absent: Councilman Friedman

## ZONING ORDINANCES

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:

TRACTS 1 AND 2: A 0.951 ACRE TRACT OF LAND, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 4.78 ACRE TRACT OF LAND, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 600-730 BANISTER LANE; 3812-3824 SOUTH 1ST STREET; AND 3803-3823 SOUTH 2ND STREET; ALL OF 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. (First Banister Place, Inc., C14-74-144)

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 Binder, Dryden, Lebermann, Mayor Butler,  
Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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:

(1) THE WEST TWENTY-FIVE FEET OF LOTS 1 THROUGH 7, AND ALL OF LOT 8, BLOCK 2, ST. JOHNS HOME ADDITION, LOCALLY KNOWN AS 7400 NORTH INTERSTATE HIGHWAY 35, ALSO BOUNDED BY BLACKSON AVENUE AND DELMAR AVENUE, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

(2) LOTS 6, 7, 8, AND THE EAST 56 FEET, THE CENTER 56 FEET, AND THE WEST 56 FEET OF LOTS 9 AND 10, BLOCK 5, OUTLOT 76, DIVISION "D," BUDDINGTON SUBDIVISION, LOCALLY KNOWN AS 612-622 WEST 37TH STREET; 3701-3709 RONSON STREET, ALSO BOUNDED BY WEST 38TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (William J. Joseph, et ux, C14-74-154; Mrs. Carrie B. Houser, et al, C14-74-161)

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 Binder, Dryden, Lebermann, Mayor Butler,  
Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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 27,180 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 312-316 WOODWARD STREET, FROM "A" RESIDENCE DISTRICT TO "C-2" 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. (St. Edwards University, C14-74-170)

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 Binder, Dryden, Lebermann, Mayor Butler,  
Mayor Pro Tem Love

Noes: None

Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### BARRICADE ORDINANCE

It was noted that the Council had before it an ordinance amending the Austin City Code as follows:

1. Chapter 31, Article II, "Construction and Repair of Sidewalks, Curbs, Gutter, Driveways, and Setbacks." (Sections 31-16 and 31-22)
2. Add to Chapter 31 of Article IV, "Procedures and Standards for Closing or Partially Blocking Streets, Thoroughfares, Sidewalks, and Alleys." (Section 31-45 through 31-58)
3. Chapter 36 of Article VIII, "Requirement for Use of Public Streets." (Section 36-301 through 36-307)

City Manager Davidson noted that the City had been working with the Association of General Contractors, and they had a meeting this week which resulted in substantial alterations to the way fees for the use of public streets would be applied. He added that the Council had before it the revised recommended standards.

There was discussion between Councilman Binder and the City Manager concerning the maximum fee to be charged; and Councilman Binder expressed the opinion that if contractors were using a lane of traffic put in by City money, they were using this and denying the public at an extremely low rate. In response to this, City Manager Davidson noted that one of the purposes to have streets was to serve that business or property owner, and the City needed to be in a position to accommodate a new construction program, etc. He indicated that the City had explained to the contractors that the City needed to offset



some of its traffic control costs and in some instances offset parking meter revenues. He pointed out that the fees were not calculated to produce revenue but to offset any cost the City had and discourage unnecessary use of the streets. Councilman Binder did not feel the recommended fees would discourage the contractors, and he believed the City should have greater monetary incentive to not use traffic lanes or more adequately compensate citizens and the City for lanes being shut off.

Mr. Joe Liro, Management and Budget Administrator, pointed out the following:

1. A project which barricades an alley or sidewalk only has a \$3 daily ceiling.
2. A project which intrudes beyond the sidewalk and into the parking lane has a \$7 daily ceiling. This is principally designed to recover lost parking meter revenue.
3. A project intruding into the first moving lane has a \$12 daily ceiling.
4. A project intruding into the second moving lane has no ceiling.

Mr. Liro felt that the recommended fees represented a sizeable increase over the present fees.

City Manager Davidson pointed out that the contractors also had to put up approved type barricades or signs and restore any portion of the pavement or right of way that was damaged. He felt that the recommendation tied everything down on a uniform basis and treated everyone equally and charged everyone on the same basis to work in the public right of way. He took this opportunity to compliment the representatives of the Association of General Contractors for their time and effort put into this recommendation.

Councilman Binder reiterated that he did not believe the City was being adequately compensated for what it was providing.

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

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION 31-16 AND SECTION 31-22, REQUIRING A PERMIT TO CLOSE OR PARTIALLY BLOCK PUBLIC ROADWAYS; ADDING ARTICLE VI TO CHAPTER 31, WHICH ARTICLE VI SHALL PROVIDE THE PROCEDURES AND STANDARDS FOR THE CLOSING OR PARTIAL BLOCKING OF PUBLIC STREETS, THOROUGHFARES, SIDEWALKS AND ALLEYS; AND AMENDING CHAPTER 36, ARTICLE VIII, DIVISION I TO PROVIDE FOR THE TEMPORARY USE DURING BUILDING ERECTION, BUILDING REMODELING, OR REPAIRS, OR REMOVAL OF THE PUBLIC STREETS.

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

Ayes: Councilmen Dryden, Lebermann, Mayor Butler, Mayor Pro Tem Love  
Noes: Councilman Binder  
Absent: Councilman Friedman

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

## ORDINANCE CONCERNING TRANSIT SYSTEM

The Council had before it an ordinance amending Ordinance No. 740314-A, Part I, Sections 1 and 3, in order to standardize the classification of monthly passes for the Austin Transit System. MR. FRANK FLEMING, University of Texas Student Body President, wanted to know how this would effect the new subshuttle. He noted that when they had originally worked with the Austin Transit people, they realized there would be different rates for riders for non-peak and peak hours. He was under the impression that subshuttle riders would buy a pass for the entire month, and there would not be any differentiation in that it would be good during the non-peak and peak hours. He pointed out that one problem would involve a student working at the Capitol on a full-time basis and then having to get to the University during the noon hour. He felt that the people working at the Capitol would be the ones subsidizing this system and not just the people occasionally going downtown to shop. He suggested that something should be done to help this situation.

Mr. Joe Ternus, Urban Transportation Director, regretted any misunderstanding on this and stated that they had attempted to provide a uniform fare with non-peak period being from 9 a.m. to 3 p.m. and peak period being before 9 a.m. and after 3 p.m. He felt that it was not possible to work it out where everyone could ride on one fare during the non-peak and peak periods.

Councilman Lebermann felt that it did not mean anything to have a subshuttle unless it had an impact on those who needed it.

Mr. Ternus pointed out that there were people riding the transit system who were in the same situation as the students in that Park and Ride had one rate, and the subshuttle had another rate.

City Manager Davidson asked that the City try this, and determine if it was feasible; however, he noted that this was a definite improvement.

In response to Councilman Lebermann's question, Mr. Ternus stated that Park and Ride was \$10 per month; and there was a \$15 pass whereby a person could ride any shuttle any time. Councilman Lebermann asked if it would be possible to have a combination pass to be able to use Park and Ride and the subshuttle. Mr. Ternus thought that the City could come up with one pass that would be between \$4 and \$10 to be used for either non-peak or peak periods on Park and Ride and the subshuttle.

Councilman Lebermann suggested that this be approved today and that the Council instruct Mr. Ternus to promptly come back with a combination pass which would benefit the community living in the University area.

Mr. Fleming requested that this be done in time to get February passes. Mr. Ternus felt that this could be back before the Council next week.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740314-A, CHANGING THE EFFECTIVE HOURS FOR THE ADULT MONTHLY COMMUTER PASS AND THE CHILDREN'S MONTHLY COMMUTER PASS; ESTABLISHING THE RATES TO BE CHARGED FOR USING THE AUSTIN TRANSIT SYSTEM FOR AN ADULT MONTHLY SHOPPER'S PASS AND CHILDREN'S MONTHLY SHOPPER'S PASS; ESTABLISHING THE RATES TO BE CHARGED FOR THE USE OF AN ADULT SUB SHUTTLE SYSTEM PASS AND A CHILDREN'S SUB SHUTTLE SYSTEM PASS; DECLARING AN EMERGENCY; AND WAIVING THREE SEPARATE READINGS.

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: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilmen Binder, Dryden  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH GARY L. THORNTON AND ROBERT VINCENT MURRAY, JR. (Jolly Oaks Subdivision; Northgate Terrace, Section 2)

The ordinance was read the first time, and Councilman Dryden moved that the ordinance be passed to its second reading. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Dryden  
Noes: Councilman Binder  
Absent: Councilman Friedman

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

#### REVOCATION OF ORDINANCE

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

AN ORDINANCE REPEALING PART 2 OF ORDINANCE NO. 740919-I, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 19, 1974, WHICH AWARDED A REFUND CONTRACT FOR WATER AND SANITARY SEWER MAIN CONSTRUCTION IN WOODSHADOWS, SECTION V, TO WOODSHADOWS APARTMENTS, LTD., IN THE AMOUNT OF \$14,108.43; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,  
Councilman Dryden  
Noes: Councilman Binder  
Absent: Councilman Friedman

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

#### ORDINANCE CONCERNING SPEED LIMIT

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

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967 BY MAKING AN ADDITION TO SUBSECTION (a) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Exposition Boulevard)

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

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,  
Lebermann  
Noes: None  
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

#### TROLLEY CAR ACQUISITION REPORT

Mr. Joe Liro, Management and Budget Administrator, stated that the Council had before it reports concerning the financing options available in the event the Council chose to purchase the Lisbon, Portugal, trolleys and concerning the actual inspection of the trolleys themselves. He noted that Mr. Les Rogers, Director of Vehicle and Equipment Services, had reported this morning that 18 trolleys were available in Lisbon, but were available to any buyer on an as is, where is basis. He pointed out that the transit authority in Lisbon could not refurbish the trolleys. Mr. Liro stated that Mr. Rogers found the trolleys were in operational condition, but the Lisbon officials would not guarantee that they would "drive across the street." Mr. Liro noted that the trolleys were considerably old, and maintaining them would require a machine shop in order to manufacture replacement parts in that they had to be hand-made or be obtained from "cannibalized" units.

Mr. Liro continued by stating that Mr. Rogers had been informed that if Austin wanted to keep 10 trolleys in service for 10 years, it should consider purchasing 20 trolleys. He indicated that the trolleys had been refurbished only to the extent that they had been repainted, with no mechanical refurbishing being done. Mr. Liro noted that inspection of the trolley on display in Austin by Mr. Jerry Johnson, Chief of Maintenance for Vehicle and Equipment Services Department, had confirmed Mr. Rogers' observations.

Mr. Liro concluded by commenting that inspection of the trolleys had raised a number of questions about the physical feasibility and the economic advisability of purchasing trolleys of this type; and they, therefore, could not recommend the purchase at this time.

In response to Councilman Binder's question concerning the electric motor, Mr. Liro noted that Lisbon officials had exhausted all possibilities in an effort to find one to run. In response to Councilman Binder's comment that there should be one variety that would fit in the cars, City Manager Davidson felt that one could be manufactured if one was not afraid it would cost too much.

Mr. Davidson announced that the staff's recommendation that the City not buy these cars did not speak to whether or not the City should buy some trolley system of any kind. He was suggesting that the City not purchase these cars but speed up the referral of the trolley system as a total package to the Transportation Study Office, and in the meantime the City would keep looking for trolley cars.

MR. DAVID GRAEBER, Co-Chairman of the Trolley Implementation Committee, stated that it was difficult to reply to the information presented; however, he pointed out that both San Francisco and New Orleans maintained trolley systems without foundries. He commented that they were very disappointed in this particular report and felt that it should be made clear that they never did represent the cars in Lisbon to be ready for installation on the streets in Austin; however, he noted that some people had indicated they could be bought for a certain price as is or in a renovated condition. He pointed out that it had been the Committee's recommendation that they be renovated to running condition. He felt that the Committee had suffered a bit of a setback, but they were anxious and willing to include this as part of the over all transportation plan. He felt that Austin should have a person looking for cars with the ability to go where they were and find 10 cars for Austin.

In conclusion, he spoke on behalf of the Committee when he indicated that they had learned something and felt that they had an insight into what could be an asset to the City. He thanked the Council for being understanding and for giving the cars the consideration. He hoped that the Council would give some positive vote of affirmation of the system.

Councilman Lebermann spoke as the Chairman of the Transportation Policy Advisory Committee and noted that the Committee's report and the Manager's report were being transmitted to the Advisory Committee and the Transportation Study Office so that this could be "cranked" into the review process. He further noted that he would encourage the early study of the system insofar as it interfaces with the rest of the transportation efforts in the downtown area.

City Manager Davidson noted that some of the people who run the bus system were working with Councilman Lebermann by studying Austin's transportation needs. He questioned the fact that Austin only needed 10 cars, and suggested that by the time the system was implemented, Austin might need 20 or 25 cars.

Councilman Binder felt that the search should continue and felt that the trolleys would attract tourists to Austin. He suggested that the Council should look at trolleys not only for people movers but also people pleasers.

City Manager Davidson submitted that it was the staff's opinion that the Council had already indicated they wanted a trolley system for Austin, and the City would search for more trolleys.

Mayor Pro Tem Love felt that the Committee had the Council's affirmation.

MR. CODNER understood the fascination of this but did not believe that people would continue riding trolleys after the first few weeks. He hated to see people pay this kind of money to implement the system and mentioned the maintenance problem.

#### FORMULATION OF SIGN ORDINANCE

Councilman Binder stated that he was interested that the City have some form of a better sign ordinance and billboard ordinance. He proposed that a committee be formed that would look into this and report back to the Council after reviewing other cities as to what reasonable goals would be for Austin and on what timetable and to what extent. He noted that this was not meant to slow down or impede any recommendations on Loop 360 or MoPac.

#### Motion

Councilman Binder moved that a 7-person committee be formed at the next meeting with people from the sign industry, architects, citizens, an attorney, etc., to study the sign and billboard ordinances. Councilman Lebermann seconded the motion.

In response to Mayor Pro Tem Love's suggestion that the staff work with the billboard industry to achieve this goal, Councilman Binder did not believe they were in a position to do so.

Mayor Pro Tem Love felt that governmental intrusion on such a scale would damage free enterprise.

Mayor Butler noted that the sign ordinance was amended in 1972 incorporating State and Federal laws controlling outdoor advertising along Interstate and primary systems highways within Austin.

Councilman Lebermann did not believe this was an attack on the sign industry any more than the review or update on building codes for construction work.

MR. LARRY WILSON, Rollins Outdoor Advertising, noted that in 1965 the Federal Highway Beautification Act was passed with Congress identifying the intent of that law to "promote the reasonable, orderly, and effective display of outdoor advertising." He felt that they could not support a committee to study a way "to put us out of business" if that was what the committee was being appointed for. He distributed copies of letters to the Council from other businesses in Austin that supported that same idea. He noted that they would be more than happy to sit down with the City and find out what was on the staff's minds and the industry's minds, and he pointed out that they were not against a committee if the direction was proper.

Councilman Binder made it clear that the committee would not have any direction and would not be given any preliminary charge of what it was supposed to find.

MR. BOB MILLER, JR., Duplex Advertising, felt that Austin had the "toughest" sign code in Texas and submitted that when this was reviewed, the Council should keep in mind that the City had a good working ordinance. He also submitted copies of letters to the Council in support of their views.

MR. MAX LADUSCH, Business Manager of International Brotherhood of Electric Workers, Local 520, did not believe the elimination of signs would hurt very many of his people; however, he posed the Council with the issue of being completely out of work and hungry. Something told him that the intent was to stop the sign industry as far as it could be stopped.

Councilman Binder appreciated the comments made, but he felt Mr. Ladusch was being premature in assuming the committee's report would put people out of work.

Councilman Dryden stated that it would be the Council's job to study the committee's recommendation and then make the decision on what the sign ordinance should be with the help of the staff. He added that he was not in favor of having a committee today.

Councilman Binder noted that as he reviewed this issue, he realized the enormous complexity of the situation and that was the basis of his recommending a committee and why the City Manager had recommended the same thing.

#### Roll Call on Motion

Roll call on Councilman Binder's motion, Councilman Lebermann's second, to appoint a 7-member committee on January 23, 1975, to study the sign ordinance showed the following vote:

Ayes: Councilmen Binder, Lebermann

Noes: Mayor Pro Tem Love, Councilman Dryden, Mayor Butler

Absent: Councilman Friedman

The Mayor announced that the motion had failed to carry.

Mayor Butler prefaced his negative vote by stating that he would like to see the sign industry people get with the Manager and staff to see if there were some areas in the business that would work for the betterment of the community and present them to the Council.

City Manager Davidson indicated his willingness to participate.

Councilman Binder stated that he was incredulous and did not expect this kind of response.

## POSTPONEMENT OF NAMING OF FACILITIES

The following was postponed until January 23, 1975:

1. Consider name for Learning Resources Center.
2. Consider name for Branch Library in Northwest Hills.

## ADJOURNMENT

The Council adjourned at 4:25 p.m.

APPROVED

  
Mayor

ATTEST:



City Clerk