

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 17, 1977
7:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

APPROVAL OF MINUTES

Councilmember Lebermann moved that the Council approve the Minutes for February 10, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

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

EXECUTIVE SESSION ACTION

Mayor Friedman said that the Council had met earlier in an Executive Session to discuss land acquisition, but that no decision had been reached. They also appointed members of several Boards and Commissions.

Traffic Safety Commission

Mayor Pro Tem Snell moved that the Council re-appoint Bill Nolan, Doug Nichols and John Gray, and appoint Jack Young to serve terms on the Traffic Safety Commission until December 31, 1979. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Historic Landmark Commission

Councilmember Linn moved that the Council re-appoint Eve Marie Mosby to complete her term on the Historic Landmark Commission until April 4, 1978. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Retirement Board

Councilmember Himmelblau moved that the Council appoint William Lobb to serve on the City Retirement Board until January 16, 1978. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Parks and Recreation Board

Councilmembers Trevino moved that the Council appoint James Ramirez to fill an unexpired term on the Parks and Recreation Board until April 1, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Energy Conservation Commission

Councilmember Hofmann moved that the Council appoint William M. Bowen to fill an unexpired term on the Energy Conservation Commission until January 31, 1980. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Citizen's Board of Natural Resources & Environmental Quality

Councilmember Trevino moved that the Council appoint ALMA Barrera to fill an unexpired term on the Citizen's Board of Natural Resources and Environmental Quality until June 30, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Human Relations Commission

Councilmember Trevino moved that the Council appoint Bob Perkins to fill an unexpired term on the Human Relations Commission until October 25, 1977. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

ROBINSON'S DAY CARE HOME

Mrs. Marian Robinson, Robinson's Day Care Home, appeared before the City Council to discuss a notice she had received telling her she was in violation of an Industrial Waste Permit. She said the matter had been resolved prior to the Council meeting, but she appeared because her name was on the Agenda and she wanted to say thank you to a City government which is willing to re-interpret a City Ordinance. She especially thanked Mr. Larry Sullivan and City Attorney Jerry Harris.

PARADE PERMIT

Councilmember Trevino moved that the Council approve Mr. K. A. Fuhrohop's request for a parade permit for the Capital Area Chapter National Foundation March of Dimes, from 8:00 a.m. to 3:00 p.m., March 26, 1977, beginning south on Congress Avenue to First Street, Hike and Bike Trail (at First Street) west to Zilker Park Hillside Theater. The motion, seconded by Councilmember Linn, carried by the following vote:

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

TRAVIS COUNTY SCHOOL TRUSTEE ELECTION

Councilmember Trevino moved that the Council approve Superintendent Jack L. Davidson's (Austin Independent School District) request for permission to conduct the Travis County School Trustee Election in conjunction with the City Council election scheduled for Saturday, April 2, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

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

BOAT RACES ON TOWN LAKE

Mr. Rush Evans, President of the Austin Chamber of Commerce, appeared as an emergency item on the Agenda, to request reconsideration of the Council's previous decision concerning Boat Racing on Town Lake. The item was considered an emergency due to the fact that if any action was to be taken on reconsideration of the item, it had to be done at this Council meeting because if a decision is not made at this meeting, the boat races would be awarded to another City.

Mayor Friedman noted that the emergency item had been posted at 5 p.m. that afternoon under the terms of the open meetings law which requires posting of all Council items, particularly those of an emergency nature, at least two hours prior to the start of a meeting.

MR. EVANS said that Austin was about to lose the national stature of the boat races which have been held during the Aqua Festival. He requested that the Council consider one more time its decision on granting the scheduling of boat races on Town Lake, including the national boat races during the Aqua Fest. He said he realized that they did create some problems, but that he really believed the races were important and hated to see the national event get away from Austin and never come back again. Mr. Evans pointed out that there were neighborhoods to be considered and he wanted to involve the people in the neighborhoods by asking for their help, advice and counsel. He said he wanted them involved in the whole Aqua Festival event since it is a city-wide celebration, with boat races being one of the most important factors. He said the Chamber of Commerce is trying to act as a catalyst in the community to pull the people and neighborhoods together, and that the Aqua Festival does just that, with the boat races being one of the most essential events.

Motion

Councilmember Lebermann moved that the Council permit the three scheduled boat races as requested and discussed. Councilmember Hofmann seconded the motion.

Councilmember Trevino suggested that in a sense of fair play they should hear someone from the opposing view and give them equal time.

MR. GABE GUTIERREZ expressed his views to the Council by pointing out that in the goals for Austin that have been adopted in the past, they have used the term "neighborhood integrity." He said the boat races effect most adversely those residents who live closest to the boats. He went on to say he thought that if the boat races had been left on Lake Austin, there would have been complaints from all of the residents, including the Chamber of Commerce. He said that the Planning Commission recommended only one boat race a year (a two-day boat race) for the purpose of keeping the Aqua Festival activities alive, but refused to go along with two other races during the year. He said the races were too inconvenient for the residents. He said there were complaints from the north side Tenth Ward in addition to citizens from the south side Travis Heights area. Mr. Gutierrez said he had talked to residents in the apartments along Town Lake and they said there was nothing they could do when the boat races were going on. Therefore, he recommended that only a two-day race be allowed during Aqua Festival, and that is all.

Roll Call on Motion

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

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

Noes: Councilmembers Linn, Trevino, Mayor Friedman

The Mayor announced that the motion had carried.

Mayor Pro Tem Snell said he had considered this issue a great deal and knew that most people knew that the vote depended on how he voted that night. He said he had considered the situation and talked with people who live on the south side, the east side, his children, and as many people as he possibly could. He said he appreciated people not putting pressure on him to vote one way or the other, and that he hated to see national boat races taken out of the City.

Mayor Friedman said the boat races will be held on the three scheduled weekends that have been in the record time and time again. (April 2 and 3; June 4 and 5; August 13 and 14).

Later in the evening Mayor Friedman announced that because of circumstances surrounding the emergency item concerning the boat races there would be further discussion of the issue if someone made a motion to do so.

Motion

Mayor Pro Tem Snell moved that the Council re-open the item for discussion purposes only. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

PAUL HERNANDEZ commented to the Council that he was not going to go over all the arguments that had been going on for months and years about the boat races. He said what he did want to know was why the action was taken to re-install the scheduled boat races on Town Lake in the manner it was taken. He said he did not know what procedures were used, but he wanted to know why the opposers to the races were not notified...why they were not given the courtesy that the Chamber of Commerce and the Boat Club got. He said that for many years he had been told to follow the procedure...that he hadn't found out about the boat race issue being renewed until after seven o'clock and that by the time he got to the meeting, it had already been voted on. He asked what had happened, from a 7-0 vote to move the boat races to Lake Austin, to a 4-3 vote to keep them on Town Lake. He asked, "How much money did it take? Why?"

Mr. Hernandez said that they had thought they had a victory, and that they could put all of this behind them and go to work in their neighborhood and come out with some good things for their area. Instead, he said, "Here we are again." He asked for someone to answer his questions.

Mayor Pro Tem Snell answered by saying, "I think you're looking here for me." Mayor Pro Tem Snell pointed out that he had had mixed emotions all the time about the issue. He felt that Austin should have the nationals in the same place this year and then try to work something out. He said that a lot of people who live in the area effected by the boat races want the races, and that he did not necessarily agree with not notifying Mr. Hernandez about the action... he thought the opposers should be there. But, he continued, he certainly wanted to support the nationals being in Austin this year.

Paul Hernandez replied that he still did not understand, when the whole Council knew what was at stake. He said they all knew that the Boat Club was claiming that without the boat races there would be no Aqua Festival, and that his group was disclaiming the fact that was true. He said the opposers bent over backward to approve the Festival activities and approved one race there, but three races were just too much. He said the Council had allowed themselves to be bullied...they had overlooked the neighborhood.

Mayor Pro Tem Snell responded by saying he didn't even have the Boat Club in mind when he voted, that he voted for the city and for what he thought the majority of the people might want.

Councilmember Linn asked, "Why in the world was this allowed to be placed as an emergency item at 5 o'clock without notifying the neighborhoods?" Mayor Friedman said the answer to that was that emergency items under the open meetings law are required within two hours notice, if in fact an emergency existed. Councilmember Linn asked, "Why couldn't we have waited one week and put it on the agenda. Who put it on?" Mayor Friedman replied that it was placed on under Citizen's Communications. Councilmember Trevino stated that he raised a question when he heard about the emergency item. Under the rules it requires two members of the Council to post an item as an emergency. Councilmember Linn repeated that she wanted to know who the item came from.

JERRY HARRIS, City Attorney, said that the way they have followed this sort of procedure in the past was that someone said that something had to be added to the agenda as an emergency item. He continued that he always asked if there was support from the Council. If he was told yes, he put it on the agenda if he could get it on there two hours before the Council meeting. All that does, he said, is to get it on the agenda. If the City Council as a whole does not wish to consider the item because they did not consider it of as important enough nature as an emergency to the Citizens of Austin, all they have to do is have four "no" votes saying, "No, we're not even considering it." Mr. Harris went on to say tht it is the Council who decides, in the final analysis whether it is an emergency item and needs to be considered.

Councilmember Linn said she was not given the dourtesy to be allowed to say she did not think it was an emergency. She said the item had been put before her in executive session and was told that it would be an item for tonight. Mayor Friedman noted that the vote was 4 to 3, and he would assume that the four people who voted for the races would also vote to declare it an emergency. He said that what she was arguing about did not exist.

Councilmember Linn explained that at least she could have made a motion to postpone the motion, because it was not an emergency, if she had known she had that ability. "How," she asked, "did this get on as an emergency?"

Mr. Harris said he usually gets a communication from the City Manager's office saying that there is some concern that an item be placed on the agenda as an emergency item and then lets the Council decide. Mayor Friedman pointed out that the question was, "Are there two or more members of the Council sitting here who wanted to see this on the agenda tonight? If the answer to that is yes, then that is how it got on there." Councilmember Linn asked if there were two members of the Council who wanted it on the agenda for that night.

Councilmember Lebermann said he lent his name to having the item put on the agenda because of the concern that the boat races would not be held at all. He said he never felt that there was a down side to citizens being heard before the Council, no matter what reason.

Mr. Hernandez then asked who the other Councilmember was.

Mayor Pro Tem Snell said he was asked if he would support the item if it came up. He had replied yes, because he was in favor of it, but if it didn't come up, he would not mention it.

Mr. Hernandez then asked what it would take to get the item back on the agenda, to come back to the Council, to postpone the action. Mayor Friedman said he assumed they could be back on the agenda next week under Citizens Communications asking for another vote. He advised Mr. Hernandez to file with the City Clerk by handing her a note.

MR. DAN McCASKILL addressed the Council and said he had been so flabbergasted since 6 o'clock that he could hardly think. He represented the South River City Citizens. He asked why any Council would vote for an issue twice in a certain way and then change. He said that four years ago almost the same thing happened in an identical way and the only answer he could find is that there is pressure being exerted as to when these things can be done. He said the issue of the boat races should be settled and put in the form of an ordinance. He said he had some new evidence he wanted to introduce at next week's Council meeting.

Mr. Paul Hernandez then said he wanted to make one more statement, that he knew he was putting himself out on a limb, but that it didn't matter. "I am committed" he said, "to keep the boat races out of East Austin, regardless of what it takes. I don't give a ----, this is my neighborhood, this is my area. I've sacrificed a lot and I am willing to go all the way. Take it for what it's worth."

Mayor Friedman informed Mr. Hernandez that the item would be on next week's agenda at 2 p.m. He said they would agree to hear one speaker, and that the same rules would hold. He must limit his statements to two minutes.

SAM HERNANDEZ appeared before the Council and stated: "This underhanded action taken tonight is an insult to the entire Chicano community, and I stand with Paul that we will take every action that we have to that's necessary to keep those boat races out of east Austin." Councilmember Linn said that she did not think it was an insult to the Chicano community. She said she thought it was an insult to all of the citizens, when you take an item this important that involves so many people and put it on antwâ-hour notice.

ENGINEER'S WEEK

Mayor Friedman read a proclamation stating that "Whereas, 'Key to the Future--Engineering,' theme for 1977 recognizes the important place that engineers and engineering technology have had in the establishment and development of our country; and particularly its urban communities." He therefore proclaimed the week of February 20-26, 1977, as Engineer's Week to honor the men and women of Austin whose dedication, skills and ingenuity are helping to create a better environment and a better society. Eugene R. Konde, President of the Texas Society of Professional Engineers, thanked the Mayor for the proclamation. Also present to receive the award were the following members of the Society of Professional Engineers:

John German	- President-Elect
Joe Kroesche	- Secretary
Dalton Hamilton	- State Director
Gerry Fox	- Treasurer
Richard Wheeler	- Chapter Director
Dr. Tim Atkinson	- Chapter Director
Ben Alley	- Immediate Past President
Dr. Carl Morgan	- Past President

PASSION PLAY WEEK

Mayor Friedman proclaimed the week of February 20-27, 1977, as Passion Play Week in honor of the Austin Civitan's Club sponsoring of the Oberammergau Passion Play as a service to the residents of the Austin area. The play will be presented in Austin February 26 through March 1st at the Paramount Theatre. Kathy McDonald, Advance Coordinator for the play, thanked the Mayor for the proclamation. Accepting with her were Elmer Goertz, Passion Play Chairman and Doyle Chapman, Civitan Club President.

GENERATION CONNECTION WEEK

Marie Gilbert and Bill Dick accepted a proclamation from Mayor Friedman which proclaimed the week of February 20-26, 1977, as "Generation Connection Week." This week recognizes that senior citizens constitute a knowledgeable, vital, but frequently underused and ignored resource in our community. Marie Gilbert thanked the Mayor for the proclamation.

RELEASE OF EASEMENT

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

The seven and one-half (7.50) feet Public Utility easement in Lot 6, Block G, Northwest Hills Northwest Oaks II, also known as 7705 Ridgestone Drive. (Requested by Mr. William J. Gregory, owner of Lot 6, Block G, Northwest Hills Northwest Oaks II)

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

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

LICENSE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a License Agreement permitting encroachment of an underground steam tunnel across Brazos Street Alley, south side, west of San Jacinto Boulevard in the 200 block of East 11th Street. (Requested by the State Building Commission of the State of Texas, Knox W. Davis, Director) The motion, seconded by Councilmember Linn, carried by the following vote:

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

PUBLIC HEARING SET

Councilmember Linn moved that the Council adopt a resolution to set a public hearing for March 10, 1977, at 11:00 a.m. on an appeal from Harold A. Susskind, of the decision of the Planning Commission approving a Special Permit for Richard Jones to erect 75 apartment units on the Barton Hollow Subdivision at Barton Hills Drive and Hollow Creek Drive. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CONTRACTS AWARDED

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

LARSON PUGH, INC.
P. O. Box 5156
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
William Cannon Drive Improvements
from Brodie Lane to Manchaca Road -
\$1,159,165.25.

The motion was seconded by Councilmember Lebermann

Mr. Dan Davidson, City Manager, asked the Council to withhold action on awarding the contract for William Cannon Drive improvements until the annexation ordinance of area that the road will be put into was voted on.

Annexation Ordinance Passed

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 52.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed

Roll Call on Original Motion

Roll Call on Councilmember Trevino's motion, Councilmember Lebermann's second to adopt a resolution awarding the aforementioned contract, carried by the following vote:

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

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

JOE McDANIEL
Route 5, Box 67B
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
12" water line to Davis Lane Reservoir
to upgrade the water supply system for
Southwest Austin Area - \$141,087.50.

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

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

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

HART GRAPHICS & OFFICE CENTERS, INC.
8000 Shoal Creek Boulevard
Austin, Texas

- Printing of "Where to Call Guide,"
Human Relations Department -
\$9,585.00.

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

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

ZONING HEARING

The Council publicly heard the following zoning application. Applicant was present.

MRS. PERRY L. JONES	2900 Rio Grande Street	From "C" Commercial
By J. Winston Chapman	also bounded by West	2nd Height and Area
C14-76-079	29th Street and Salado	To "C-2" Commercial
	Street	2nd Height and Area
		NOT Recommended by the
		Planning Commission

Mayor Friedman said the case had originally been postponed in order to give the applicant time to develop food sales in the establishment to at least 51% of gross sales.

Mr. Chapman said that from November when food sales were 30% and liquor sales were 70%, during the first two weeks of February food sales have risen to 54.51%, and liquor down to 45.49%. He said that for that reason they did not wish to ask the City Council for "C-2" Commercial zoning. He said he believed they were now in the equipments for "C" Commercial zoning. He said he would be happy for the zoning to remain open for six months and let them review and make sure that they were meeting requirements. After further discussion, Mr. Chapman's request for the application to be open for six months was approved.

PUBLIC HEARING ON CABLE TV SERVICE IN AUSTIN

Mayor Friedman opened the public hearing scheduled for 7:30 p.m. by stating that the hearing had been called at the request of the Austin Video Users Council. He said that there would be a presentation from them and the Capital Cable Company and then speakers in the audience could come forward.

MR. DeLUCA of the Austin Video Users Council spoke before the Council. He stated that last March, the AVUC adopted recommendations on the kinds of service they wanted presented to the public by the Capital Cable Company. In April, the recommendations were presented to the City Council as a possible basis for renegotiation of the existing franchise with the company. The recommendations were as follows:

1. That Capital Cable Company expand the number of channels available from 12 to 20.
2. That at least one of the channels have a two-way transmission capability.

3. That at least one or two of the channels be capable of being subdivided so that different programs could be transmitted to different parts of the City simultaneously.
4. That the City adopt as its policy that 10% of the revenue that the City receives from Capital Cable Company or from Cable Television Services, would be applied directly to funding minimal support of Austin Community Television, the voluntary, public-access, cable television group.

Mr. DeLuca urged the Council to accept these proposals or something like them as a basis for renegotiation of the contract with Capital Cable Company.

MR. DONALD THOMAS, representing the Capital Cable Company spoke before the Council. He stated that the company was a locally managed operation. He pointed out that for the first 12 years of business, the company operated at a deficit and didn't get into the black until its thirteenth year of operation. He said that the company has never asked for any kind of rate increase even though the same services in surrounding cities were selling for \$1 to \$2 more. He stated that the company had wired the entire city and has been building continuously since the company started. The contract with the City of Austin required that Capital build an eight-channel system and they built a twelve-channel system. He stated that these twelve channels were enough and that the Federal Communications Commission (FCC) did not allow them to expand more than that.

He commented that if they could expand the system they would. He stated that the proposals made by the Austin Video Users Council were profit-motivated. He stated that commercial leased use of air time was not currently possible because this particular problem had been deferred by the FCC until 1986. He noted that the addition of new channels would cost a minimum of \$7 million and would have a severe impact on basic rates and would put the basic service beyond the reach of the lower income persons. He noted that public access would have to be subject to regulation and editing. Mayor Friedman asked Mr. Thomas if his client, Capital Cable Company, would agree to enter into voluntary renegotiation of the contract. Mr. Thomas stated they would not. In reply to Councilmember Linn's question, Mr. Thomas said he wished the Council would not set up a committee to study the cable system.

MR. WHITE PURVIS, Chairperson of the Austin Community Television, spoke before the Council. He stated that Austin was one of the first cities of substantial size to have cable television. He pointed out that cable television brought television into homes that were not receptive of air waves. He cited a report made in 1975 by the Committee for Economic Development which said that through the expanded use of cable, every home, school and business can gain access to a nearly unlimited number of channels for a multiplicity of uses. Mr. Purvis also made mention of the Sloan Commission Report and the Rand Corporation Study which states that the development of cable television demands more decision-making by local communities than most technologies have required in the past. These decisions should not be left to Federal and State regulators or to large nationwide corporations and interest groups. He also cited the Federal Communication Commission's Report of 1972, which issued a detailed series of rules and regulations.

The report spoke of the opening of new outlets for local expression, the promotion of diversity in television programming, the advancement of educational and instructional television and increased informational services of local governments. He stated that the reality of this is slightly less because the FCC has undertaken a series of back-pedaling moves. Regulations that were to be imposed upon cable television have been delayed and rolled back. He mentioned one provision which is being reconsidered which is the reviewing cable franchises every 15 years, regardless of the original franchise. He stated that this would not effect Austin until 1978. He said that ACTV wanted to focus on the areas of access and community involvement, areas they feel should be a significant element in any cable system, particularly in a city such as Austin. He stated that ACTV is a non-profit, public access center, coordinating community programming in Austin and providing training and technical assistance in the use of video equipment. He pointed out that ACTV has limited resources operating without assistance from Capital Cable Company or the City. He felt that it would be advantageous for ACTV to be on one channel only, ~~namely~~ Channel 2. He stated that ACTV does all its own cable-casting which means that they take the responsibility for transmitting the video tape programs. He felt that the idea of the City contributing 10% of its revenues from Capital Cable Company to ACTV was a good idea.

He cited the City of Madison, Wisconsin where the City is helping to fund the local community-access station. He stated that the ACTV Board of Directors wished to stress the following points to the Council:

1. They were aware of the faults of their operation and hoped that recent talks with the Capital Cable Company would improve the technical quality of the station.
2. They wanted to see movement towards some regularly designated channel for community programming.
3. He stated that they have featured a number of community-oriented programs. He stated that it would be of great value to have video tapes of Council meetings and/or public hearings.
4. The development of a community advisory board.
5. He stated that community access should not only be continued but be given greater support.

MR. WILLIAM JOREN, Production Supervisor at Austin Community College for the learning resource services, spoke before the Council. He stated that they were currently cable-casting 8 hours a week and 7 programs. He commented that the Capital Cable Company has been very accommodating to ACC. Mr. Joren pointed out, however, that at this time there were no local guidelines for acquisition of cable time by educational interest in Austin. He indicated that ACC was concerned with attaining and keeping channel time in Austin. He felt that the City needs to be assured that its needs for educational television access can and will be met. He closed by saying that the guidelines for acquisition and expansion of cable usage should be drawn up and put into operation. Council-member Himmelblau asked Mr. Joren if he represented the Austin Independent School District and he stated that he did not.

MR. PAUL SMOLLEN, Board member of Austin Community Television, spoke before the Council. He stated that cable television was an industry plagued with unclear regulations that have stifled the growth of the industry and its individual members. He said that the freeze imposed by the FCC was due to influence from broadcast television. He stated that a partnership between the citizens of Austin and its cable television franchise was the only way that cable expansion could take place. He recommended that a task force consisting of the cable company representatives, access and users groups representatives, City representatives and social service delivery specialist to be created by the Council and appointed by the Mayor, from suggestions from the Council, the cable company, the access and users groups and the public. The task force would be charged with exploring the various cross-benefits of a variety of programs and services and would report to the Council on its findings and recommendations. He stated that the rewriting of the Federal Communications Act will help clarify the problem of cable television regulation. He recommended that the Council look into this Act because without input from them, the new Act will not fit the needs of the user.

MRS. NANCY BENE, President of the League of Women Voters of Austin, spoke before the Council. She stated that a report issued by her organization in 1975 gave full support to maximum cable service in Austin. Ms. Bene addressed the following concerns:

1. That the Capital Cable Company provide a designated channel immediately to serve as a composite channel for public access, government and education. She stated that the cost related to public access television should also be kept to a minimum.
2. The League recommended that Capital Cable Company provide cable hook-ups to viewing centers furnished by the community in order to serve persons unable to afford cable service in their homes.
3. The League recommended that the City appoint a community advisory board to oversee franchise negotiations with Capital Cable Company. The board should represent the widest cross-section of community composition and interest and should include representatives of the cable company.
4. The League recommended that the Council provide for a periodic, independent evaluation of the FCC technical standards.

She stated that the possibilities for cable television in Austin were unlimited and that they believed the City would benefit from the implementation of recommendations made by the League.

MR. DONALD BELL asked City Manager Dan Davidson what the remaining duration of the cable contract was. Mr. Davidson stated that he thought it was until 1983. He felt that the City should abide by the contract that has been signed and set guidelines for future use after the current contract has expired.

MR. BURNES HOLLYMAN, graduate student in Communications, spoke before the Council. He stated that Austin's cable system is one of the largest in the nation. He noted that with the 54,300 subscribers each paying \$59.30 a year, the Capital Cable Company was collecting 3.5 million dollars a year from the

system. He stated that many cable companies have made the financial commitment to public access television by investing as much as from \$20,000 to \$300,000 annually. He stated that in light of what other cable systems around the country were doing, Capital Cable Company was charging a very high fee for very limited services. He felt that given the fact that Austin was seventh in the nation in terms of the number of cable subscribers, the cable system here was primitive. He also stated that the 2% franchise fee which the City receives from the cable company was very low and that many cities receive 5% and, in some systems, the system belongs to the City. Part of this money is allocated for public access programming activities. He stated that the time had come for the Capital Cable Company to pour some of its money back into the franchise area and begin to service their customers. He said that there must be public access channels open to the public for no charge as well as a guarantee for equipment and ongoing facilities for these operations.

MR. ELBRIDGE ARMISTER spoke in support of the Capital Cable Company.

MR. BILL McBRIDE spoke in support of the cable company. He stated that he also supported some of the statements made in the hearing but that he thought most of the suggestions would incur a rate increase in cable service.

MR. JOHN RANDALL stated that he did not think that the cable system was a very good system. He asked Mr. Thomas of the Capital Cable Company for his telephone number.

MR. JERRY PRESLEY, a member of the Austin Video Users Council, spoke before the Council. He felt that the main fault with the contract between the City and Capital Cable Company was that there were different interpretations of the contract by the cable company and other interested parties. He cited the term "gross revenue" as an area of misinterpretation in the contract. He stated that there was a lack of clarification over the term "satisfactory weather information." He disagreed with the projected 7 to 9 million dollar figure quoted on the cost of expanding the cable system from 12 to 20 stations. He said that this would be the cost of a complete system overhaul. He questioned what the precise figures would be. He recommended the appointment of a task force to study the matter. He stated that the task force could answer some questions and also define some of the terms of the contract. He said that the task force could keep the City informed of regulations that were changing on the federal level from week to week. The most it could accomplish, he stated, would be to renegotiate the entire franchise. He stated that one of the uses for the City would be the presentation of the City Council meetings on a full time basis. He felt that the 2% revenue paid to the City by the cable company, should be put back into the cable system, in the form of government and public access.

MR. BOB McLAINE, Coordinator of learning resources for the Austin Independent School District, mentioned that someone had asked if there was someone there representing the school district. Councilmember Himmelblau stated that she was just asking Mr. Joren if he represented the school district.

MR. TYRONE WRIGHT, a student at Austin Community College, stated that the communications training offered by ACTV was very good. He also supported the development of a task force.

MS. SALLY KILGORE summarized a survey taken at Huston-Tillotson College in conjunction with the Black Citizens Task Force. She stated that 33% of the persons surveyed in black neighborhoods subscribed to cable television. She said that 40% of them reported troubles in terms of the audio and visual portions of reception and a great percentage of them indicated interests in minority programming. She stated that 15% of them had to discontinue the service because they moved to areas where there was no cable and 17% of them had requested but were unable to get the cable service because it was not in their area.

Mayor Friedman asked Assistant City Manager Joe Liro for a brief statement on the franchise with the cable company. He stated that the franchise required that the Capital Cable Company maintain certain records concerning rules and regulations which it has the authority to prolongate as well as certain financial information. He stated that they had never had reason to question the filing of those reports by the company and that in the judgement of the City Manager and the City Attorney's office, those filings had been satisfactory. He said that auditors routinely examine the reports and that they have found no reason to cause the Council to reconsider any part of the franchise. Councilmember Linn asked what sort of information had been disputed by the auditors. Mr. Liro stated that they were currently renegotiating definitions of the revenue base which the cable company uses in calculating its franchise payments to the City. He stated that the item was still under negotiation. Mayor Friedman asked when the negotiations started. Mr. Liro stated that he has been working on them for a year and a half and have been proceeding intermittently during that period. Councilmember Linn asked if there had been any solutions at all and Mr. Liro stated that there were not.

Motion

Councilmember Linn moved to instruct the City Manager to inquire as to the financial impact of the creation of a Task Force to study the cable system in Austin, prior to the actual creation of that task force, and also to instruct the City Attorney to draft a resolution that would establish a Task Force. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

REMOVAL OF RESTRICTIVE COVENANT DENIED

At 8:00 p.m. Mayor Friedman opened the public hearing to consider a request to remove a restrictive covenant on driveway requirements on Zoning Case C14-73-214, Hixon Development Company. The applicant was not present.

Mr. Lillie said that in 1973 the Planning Commission in granting the zoning at the corner of Riverside Drive and Old Riverside Drive required a restrictive covenant disallowing any access by automobile to Old Riverside Drive. He said that Mr. Ghormley, who represents the fast food chain that operates at that corner, had requested that the covenant be released so that they could access to Old Riverside Drive. The Planning Commission recommended that the covenant not be amended.

JAMES F. FINNEY, 1207 Upland, appeared to submit a petition of names of people opposed to removing the restrictive covenant, and to relate his views on the situation.

Councilmember Linn moved that the request to remove the restrictive covenant be denied. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

WATER & WASTEWATER ADMINISTRATION BUILDING ADDITION

Councilmember Linn moved that the Council adopt a resolution to select the firm of SNOWDEN & MEYER, INC. for engineering testing services for the Water and Wastewater Administration Building Addition. (CAPITAL IMPROVEMENTS PROGRAM). The motion was seconded by Councilmember Lebermann.

Substitute Motion

Councilmember Trevino made a motion to select the firm of Stapp & Hamilton. There was no second to the substitute motion.

Roll Call on Original Motion

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

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

GRANT APPLICATION

Councilmember Trevino moved that the Council adopt a resolution authorizing the submission of a grant application to the Department of Health, Education and Welfare for \$85,000 in Federal funds for the seventh year of the Model Cities Family Planning Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

STREET CLOSING

Motion

Councilmember Linn moved that the Council temporarily close the 2400 to 2500 block of Pearl Street from 12:00 noon to 5:00 p.m., March 5, 1977, as requested by Mr. Darrell R. Roan of Kappa Sigma Fraternity. The motion was seconded by Councilmember Trevino.

MR. RALPH LEWIS, Manager, Old Main Apartments, appeared to explain that the apartments straddle 25th Street and are right along Pearl Street. He said he had been manager of the apartments for a year and had suffered through four street closings. He said they were noisy, litter was scattered over his property, the music level was so loud one could not sit inside an apartment and keep one's mind, the party-goers park in his parking lot, and he did not think there was any question but that the rights of his tenants and of him have been overlooked. He said he hoped that this would not happen again.

Councilmember Linn asked if someone from the Urban Transportation Department could tell if this was true. Noe Ternus said he did not have any verification of what Mr. Lewis had said. He said it was the responsibility of the applicant to contact all property owners who were effected and make them aware of the temporary closing. He said this is made clear to the applicant when he gets a permit for a street closing. Mr. Ternus went on to say that before the City had this policy, it prohibited the use of the streets for this purpose.

City Manager Davidson said that because of the large number of requests for street closings, his office had to devise some sort of a procedure whereby the applicant would be responsible for all expense, including the notification of abutting property. He said that the application was for March 5, 1977, and if the Council wanted to delay the request for a week, they would meet with the applicants and find out about the complaints. A report would be made back to the Council.

Motion Withdrawn

Councilmember Linn withdrew her motion and Councilmember Trevino withdrew his second.

Motion

Councilmember Lebermann moved that the Council approve postponement of the resolution on the City Manager's recommendation, waiting for his review and comment. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Mayor Friedman asked that when the issue of street closings comes back on the agenda, he would like a companion item designating that Urban Transportation will notify the property owners provided all expenses are covered by the applicant. Mr. Davidson said that he would have such a proposal for consideration.

ACCEPTANCE OF MINUTE ORDER

Councilmember Linn moved that the Council adopt a resolution authorizing acceptance of Minute Order No. 72188 authorizing State reconstruction of South 1st Street from south City limits to Slaughter Lane with the exclusion of two items that talk about the City's responsibility relating to curb, gutter and maintenance. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

POLICE TRAINING GRANT

Councilmember Trevino moved that the Council adopt a resolution authorizing application for a Police Training Grant from the Texas Department of Highways and Public Transportation, Office of Traffic Safety, in the amount of \$646.96. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

MULTIPLE USE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing entrance into a Multiple Use Agreement with the State Department of Highways and Public Transportation for the construction and maintenance of bicycle paths. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

GRANT APPLICATION

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of a grant application to the Texas Criminal Justice Division for the project entitled "Integrated Criminal Apprehension (ICAP)" in the amount of \$200,739. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

AMENDING 1976-77 HCD PROGRAM TO REALLOCATE \$1.933 MILLION

Mayor Pro Tem Snell opened the proceeding by making the following recommendations for reallocation of HCD funds:

<u>Purpose</u>	<u>Amount</u>
Shady Lane Bridge	\$ 279,000
Webberville Road Connection	79,000
Housing Rehabilitation	500,000
Model Cities Clinic Acquisition	175,000
Home Management/Maintenance Counseling	72,000
South Austin Recreation Center	180,000
Civitan Park	50,000
Buttermilk Creek Park	100,000
Rosewood Park	23,000
East 1st Street Neighborhood Center	281,000
Revolving Fund	59,040
Symphony Square	50,000
Austin Community Radio (ACR)	30,000
Austin Community Television (ACTV)	10,960
Contingency	<u>44,000</u>
Total	\$1,933,000

Motion

Mayor Pro Tem Snell then moved to accept the recommendations. The motion died for lack of a second.

Councilmember Trevino stated that he had been advised that Home Health Care, Austin Community Radio, Austin Community Television, and Spectrum did not qualify for HCD funds. He also stated that the proposal submitted by the Paramount Theatre was questionable, and he felt that it would be unwise to make a commitment to the Theatre. He mentioned that the Paramount had been advised to resolve those questions and come back to the Council for the third year funding of HCD. Councilmember Trevino then made the following recommendations for reallocation of HCD funds:

<u>Purpose</u>	<u>Amount</u>
Model Cities Clinic Operation	\$ 98,0000
Shady Lane Bridge	279,000
Webberville Road Reconnection	79,000
Housing Rehabilitation	500,000
Model Cities Clinic Acquisition	175,000
Home Management/Maintenance Counsel	40,000
South Austin Repair and Development of Recreation Center	180,000
Civitan Park Improvements	50,000
Buttermilk Creek Park Improvements	100,000
Rosewood Park Tennis Court/Lighting	50,000
East First Street Neighborhood Center/ Land Acquisition	103,000

Revolving Fund Historical Preservation	150,000
Symphony Square	50,000
Ricky Guerrero Park/Parking	20,000
Pan American Center Hillside Theatre	15,000
Improvement	
Contingency/Cost Overruns	<u>44,000</u>

Total \$1,933,000

Motion

Councilmember Trevino then moved that the Council accept the recommendations. The motion was seconded by Councilmember Lebermann.

Mayor Pro Tem Snell asked Councilmember Trevino why the Home Management/Maintenance Counsel proposal was reduced from \$72,000 to \$40,000. Councilmember Trevino stated that he had had reservations about the program altogether. He said that the City would be committing itself to a new program before it had a chance to review the entire budget and may end up putting out more money. Also, he stated that the agency was originally granted \$25,000 to qualify them for other monies, but there had been no evidence that any additional funds were brought in. Councilmember Himmelblau asked Councilmember Trevino if he would accept taking \$32,000 out of the Housing Rehabilitation allocation to bring the Home Management/Maintenance Counsel allocation up to the original request. She offered this as an amendment to Councilmember Trevino's motion. Councilmember Trevino would not accept the amendment because he felt that the Housing Rehabilitation program was too important.

Substitute Motion

Mayor Pro Tem Snell made a substitute motion that the Council postpone action on the HCD funding for one week. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

REVEREND DIXON, representing the Urban League, stated that the \$25,000 granted for Home Management/Maintenance Counsel was not seed money because the program was already established as a program of the National Urban League. He stated that they had a mandate which allowed them to qualify for both restricted and non-restricted funds which meant that they could solicit local municipalities and State governments. He said that the money from the City had nothing to do with the solicitations and contributions received as a national affiliate. He also stated that the full \$72,000 was needed to fund the program.

Motion

Councilmember Linn moved that the Council reconsider the issue. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Motion

Mayor Friedman moved that the Council approve the reallocation of HCD funds submitted by Councilmember Trevino with the following changes:

<u>Purpose</u>	<u>Amount</u>
Housing Rehabilitation	\$485,000
Revolving Fund Historical Preservation	135,000
Home Management/Maintenance Counsel	70,000

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

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

Councilmember Trevino stated that he still had reservations about funding a program that was going to cost \$280 per client. Mayor Friedman stated that this was simply a continuation of HCD money and there should be no problem with the City budget.

TAX APPEAL APPROVED

Councilmember Lebermann moved that the Council reduce the appraised property value for Aubrey Ronald Cartlidge, 1802 Woodland Avenue, by \$8,000.00. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Ron Cartlidge

Land	\$ 3,130
Imps.	<u>30,840</u>
	\$33,970

IMPROVEMENTS TO WILLIAM CANNON DRIVE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER

PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.
(William Cannon Drive)

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

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

The Mayor announced that the ordinance had been finally passed.

IMPROVEMENTS TO BURLESON ROAD

The item for Capital Improvements Program, improvement to Burleson Road, was withdrawn from the agenda.

CORRECTING ERRORS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 37 OF THE AUSTIN CITY CODE OF 1967 AND ORDINANCE NO. 761104-B BY AMENDING PART 1 OF ORDINANCE NO. 761104-B; ADOPTING THE NATIONAL ELECTRICAL CODE WITH CERTAIN DELETIONS; PROHIBITING THE INSTALLATION OF ELECTRICAL METALLIC TUBING IN CONCRETE; PROVIDING FOR ONE RECEPTACLE IN EACH BASEMENT AND ATTACHED GARAGE; AMENDING SECTION 37-32 AND SECTION 37-51 BY REPEALING SAID PROVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION 42-A-216 (a) TO REQUIRE A FIVE THOUSAND DOLLAR SURETY BOND; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

CITY CODE AMENDMENT

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39, SECTION 704 OF THE AUSTIN CITY CODE OF 1967 BY ADDING AN EXCEPTION TO SUBSECTION (1); PROVIDING FOR MINIMUM CLEARANCES IN FURNACE ENCLOSURES FOR ELECTRIC FURNACES AND AIR HANDLERS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced ~~ZONING~~ **AMENDMENT** ordinance:

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
TRACT 1: LOT 3, SAVE AND EXCEPT THE EAST 120 FEET, ANN DAYTON ADDITION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND,
TRACT 2: THE EAST 120 FEET OF LOT 3, ANN DAYTON ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
LOCALLY KNOWN AS 8103 RESEARCH BOULEVARD (U.S. HIGHWAY 183) AND ALSO BOUNDED BY BEECH DRIVE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (H.I. North, C14-74-137)

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

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

The Mayor announced that the ordinance had been finally passed.

STREETNAME CHANGE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM WALNUT CLAY DRIVE TO LEDGE MOUNTAIN DRIVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE:

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

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

The Mayor announced that the ordinance had been finally passed.

BOND SALE SET

Councilmember Lebermann moved that the Council set the date of Thursday, April 14, 1977, 10:30 A.M., Central Standard Time, to receive bids on and authorize the sale of the following bonds:

\$80,000,000 Electric Light and Power, Waterworks and Sewer System Revenue Bonds

\$50,000,000	Electric System Improvements	Auth. 11-17-73
15,000,000	Electric System Improvements	Auth. 11-17-73
6,500,000	Water System Improvements	Auth. 11-20-76
8,500,000	Sewer System Improvements	Auth. 11-20-76

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

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

INTERPRETERS FOR THE DEAF FOR MUNICIPAL COURTS

Mayor Friedman moved that the Council adopt a resolution requesting that the Municipal Court Judges and other officials utilize the free professional services of the Austin Interpreters for the Deaf as a routine effort to best serve deaf persons in the community. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TASK FORCE

There was no action taken on the item for setting up Task Force for Solid Waste Management.

REPORT ON ANIMAL CONTROL

MR. LARRY SULLIVAN read the report for the Health Department. It was as follows:

"The revised Dog and Cat Ordinance approved by City Council became effective February 1, 1977. Since that time, the Austin-Travis County Health Department has made every effort to provide increased enforcement of this ordinance.

During the first week, 749 animal complaints were received compared to 271 for the same period last year. This represents an increase of 176%. The number of dogs collected increased from 190 to 271, an increase of 43%.

Although these figures clearly indicate increased productivity on the part of the Austin-Travis County Health Department's animal control staff, it is also clear that the volume of complaints is rising faster than our ability to pick up animals identified. The Health Department has already re-allocated nearly \$24,000 in departmental funds to provide the following improvements in animal control services: increased service hours and weekend coverage, warden district realignment, 24-hour bite service, and improvements in dispatching facilities enabling evening and weekend dispatching. Additional staff and equipment will be necessary, however, if increased complaint volume continues.

The Health Department recommends the following as minimal necessary to upgrade our enforcement capability:

3-1/2 Animal Wardens (1 full time; 2-1/2 temporary)	\$14,963
1 Sanitarian (guard dog and citations)	12,355
1 Clerk Typist II (ownership records)	7,120
1 Radio-equipped modular vehicle	77,830
Operating costs (printing, mileage, supplies, uniforms, basic training, etc.)	14,815

Total	\$57,083
-------	----------

Impact on the Fiscal Year 1976-77 budget can be eliminated by utilizing available CETA funds, anticipated savings, revenues generated from ordinance enforcement, and a re-appropriation from the Humane Society contract, as follows:

CETA funds for staff	\$32,083
Enforcement revenues	9,000
Additional departmental savings	6,000
Humane Society Contract	<u>10,000</u>
Total	\$57,083

The Humane Society budget amendment has been discussed with Mr. Doyle Nordyke. Increased enforcement activity should generate more revenues for the Humane Society through increased tag sales and the potential for increases in adoptions. These additional revenues should help offset the reduction of \$10,000 in the contract amount and increases in operating costs from increased volume.

Please note that the positions funded by CETA in this year's budget will have to be considered as additions to the budget for Fiscal Year 1977-78."

Discussion followed the presenting of the report.

Councilmember Lebermann moved that the Council approve the request for \$57,083 for the Austin-Travis County Health Department's upgrading of enforcement capability. The motion, seconded by Councilmember Linn, carried by the following vote:

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

~~ETHICS~~ REVIEW COMMISSION

Mary Beth Rogers, Chairperson, Ethics Review Commission, presented an overview of the following:

"At its meeting, February 7, 1977, members of the Ethics Review Commission voted unanimously to request Council action on the following items:

1. The Commission recommends that the Council urge the Travis County Bar Association to make its appointment to the Commission within 15 days. If the appointment is not made within that time period, the Commission urges the Council to amend Ordinance No. 760408-G to provide for Council appointment of an additional member of the Commission who is an attorney. Commission members feel that until a fifth member is appointed, the ability of the Commission to conduct hearings and take meaningful actions is severely impaired.
2. The Commission recommends that the Council amend Ordinance No. 760408-G to clarify the question of the jurisdiction of the Commission. If the Council intends the Commission's jurisdiction to include hearing complaints on alleged violations of Article V - Code of Ethics - the ordinance should clearly state that intention. If the Council intends the Commission's jurisdiction to be limited to hearing complaints only on alleged violations of Article VI - Financial Disclosure by Certain City Officials - the ordinance should clearly state that intention.

Commission members feel that this policy decision and its appropriate amendment to the ordinance is necessary for the effective functioning of the Commission. Until action is taken by the Council, any Commission determination would be subject to the very serious question of jurisdiction which is unclear due to the current wording of the ordinance.

3. The Commission recommends that Ordinance No. 7604088G, Section 2-39c be amended to state that the term of office for the initially appointed Commission members begin July 1, 1976. Since the appointments of initial Commission members are incomplete and have been spread over a six-month period, and since the appointments were not made at the same time, as is standard practice for new boards and commissions, clarification is needed about the length of term of office for the initially appointed members.

Commission members feel that the term of office for all initial appointments should begin at the same time, so that an orderly process of Council appointments for the full three-year terms of Commission members would begin this coming summer, exactly one year from the time of the first appointment to the Commission.

We request your immediate attention to and action on these recommendations, so that the Commission may begin to act on the merits of any complaint forwarded, rather than become embroiled in procedural questions caused by ambiguities in the ordinance language, as well as by the absence of a fifth voting member in case of tie-votes by the Commission."

Mayor Friedman moved that the Council direct the City Attorney to bring in an Ordinance March 3, 1977, with the three changes requested. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing before the City Council March 31, 1977:

WALTER WENDLANDT
AND CHARLES
WENDLANDT
C14-77-009

1611 West Ben White
Boulevard

From "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area

CENTEX FURNITURE OUTLET 10206 North IH 35
By Carl F. Paul
C14-77-010

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area

TEXAS STAR OIL
COMPANY
C14-77-011

10611 Research
Boulevard, also bounded
by Celeta Lane

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

GREGORY J.
VASQUEZ, SR.
By Daniel Vasquez
C14-77-012

623 Wood Street

From "B" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

C. L. HAGOOD
By Ricky Turner
C14-77-013

7801 Martin Luther
King, Jr., Boulevard
and also bounded by
Nixon Lane

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

MRS. GEORGE R.
FELTER ESTATE
By Deborah James
C14-77-014

9204 Brown Lane

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area

JOHN D. AND BETTY
J. POPE
C14-77-015

704 West St. Johns
Avenue

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

BETTY W. PELLIS AND
STEVEN AND CHERIE
J. DEUTCHMAN
C14-77-016

911 West 23rd Street
2208 Pearl Street, also
bounded by West 22-1/2
Street

From "B" Residence
1st Height and Area (Tract 1)
2nd Height and Area (Tract 2)
To "A" Residence
1st Height and Area (Tract 1)
and "B" Residence
1st Height and Area (Tract 2)

JOHN O. RANEY
By Harold Coit
C14-77-017

4208 South First Street

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

CITY OF AUSTIN
By Planning
Department
C14-77-018

Property bounded by Ben
White Boulevard, Todd
Lane, Burleson Road and
a line approximately
2,500 feet west of and
parallel to Montopolis
Drive

From Interim "AA" Residence
1st Height and Area
To "D" Industrial and
"A" Residence
1st Height and Area

CITY COUNCIL By Planning Department C14-77-019	Blocks bounded by Lyons Road, Tillery Street, Gonzales Street (East 7th Street) and Pleasant Valley Road	From "D" Industrial 3rd Height and Area To "A" Residence and "C" Commercial 1st Height and Area
ALFRED J. CADD, ET AL C14-69-145	4600-4616 F.M. Road 969 (M.L.K.Boulevard) and 4301-4501 Springdale Road	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
AMERICAN BANK, EXECUTOR By Ed Padgett C14-76-106	904 West 23rd Street, also bounded by West 24th Street	From "B" Residence 1st Height and Area To "B" Residence 3rd Height and Area (as amended)
JOHN W. BRADLEY, JR. C14-77-004	4206 South First Street	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
KINGSTIP COMMUNI- CATIONS, INC. By Donald Bird C14-77-005	1904 Pearl Street	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area (amended area)

The following application appears before the City Council in accordance with the amended Austin Development Plan, which allows City Council review of Planned Unit Developments as Master Plan amendments in the Extraterritorial Jurisdiction area:

OMEGA INVESTMENT COMPANY By Roy Bechtol C814-76-012	2330 Bergstrom Highway	A 640-unit residential Planned Unit Development, called "RIVER HILLS."
--	------------------------	--

ADJOURNMENT

The Council adjourned its meeting at 10:25 P.M.

February 17, 1977

APPROVED

W.T. Sullivan
Mayor

ATTEST:

Grace Monroe
City Clerk