

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 29, 1976
10:00 A.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell presiding.

Roll Call:

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

Absent: Mayor Friedman

The Invocation was delivered by MR. ALVIN A. BURGER, St. David's Episcopal Church and President of Austin Area Conference of Churches.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes for January 22, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

OFFICE EDUCATION ASSOCIATION WEEK

Mayor Pro Tem Snell read and then presented a proclamation to Mrs. Sherilyne Palmer, VOE Teacher-Coordinator and nine representatives from each school, proclaiming February 8-14, 1976, as "Office Education Association Week" and urged all citizens to assist in according this observation the attention and importance to which it is so rightly entitled.

One of the students accepted the proclamation on behalf of the Office of Education Associations throughout the nation and noted that as members of the association, they would strive to be worthy of this honor being presented to them. Councilmember Himmelblau commented that she is proud of the young people and hoped that next year there would be twice this number at the Council meeting.

AMERICAN MUSIC MONTH

Councilmember Linn read and then presented a proclamation to the Wednesday Morning Music Club, Mrs. James Stewart, President and Mrs. Roger Tyler, a member of the club, proclaiming the month of February, 1976, as "American Music Month" and encouraged all residents to join the Council in saluting this nation's contribution to the world of music and in supporting the national and local Federated Music Clubs in their efforts to promote American music.

Mrs. Stewart noted their appreciation for the proclamation and pointed out that February had been designated "Parade of American Music" since 1955 and that it especially helps American composers.

RECOGNITION

Councilmember Hofmann took this opportunity to introduce the students from Reagan High School and their teacher, Mr. Duane Moore. She commented that she had visited the school and explained the agenda to them and was glad that they could attend the Council meeting today.

UP WITH PEOPLE DAY

Councilmember Hofmann read and then presented a proclamation to Mr. Johnny Anderson from the Greater South Austin Kiwanis Club, Marilyn Torborg and Barbara Finch from "Up With People," proclaiming February 2, 1976, as "Up With People Day" and urged all citizens to join the Council in appreciation of this group of young performers and in recognizing the contributions of the Greater South Austin Kiwanis Club. Marilyn Torborg thanked the Council for the proclamation and extended an invitation to attend the show.

PRESENTATION

Mayor Pro Tem Snell presented Honorary Citizen certificates to Marilyn Torborg and Barbara Finch.

APPEARANCE CONCERNING USE OF CITY BUILDINGS

Mr. Robert Young, Consultant with the Travis County Democratic Party, appeared before the Council representing Mr. Ken Wendler, the Chairman of the Party. Mr. Young was requesting the approval of the following City buildings on May 1, 1976, for the Democratic Party Primary Election and on June 5, 1976, for the Runoff Election, between the hours of 6:30 a.m. and 10:00 p.m.:

Doris Miller Auditorium	- 2300 Rosewood
Fire Station	- 4301 Speedway
Fire Station	- 7000 Reese Lane
Ullrich Water Treatment Plant	- 1000 Forestview
Austin Recreation Center	- 1213 Shoal Creek
Pan Am Recreation Center	- 2100 East 3rd Street

A letter requesting this was forwarded to City Manager Dan Davidson and Mr. Young noted that all of the locations were reviewed and it was agreed that the aforementioned locations would be the best. City Manager Davidson felt they should be approved.

Councilmember Linn moved that the Council approve the aforementioned sites for the May 1, 1976, Democratic Party Primary Election and the June 5, 1976, Runoff Election, between the hours of 6:30 a.m. and 10:00 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mr. Young stated that he had just returned from Washington, D. C., where he was associated with a team representing Travis County on a submission regarding the Federal Voting Rights Act. The statistical package prepared by Mr. Dick Lillie's office was submitted for the meeting and the Justice Department was extremely impressed with the manner in which this package was prepared. Mr. Young expressed his appreciation on behalf of the Party and the County to Mr. Dan Davidson and Mr. Dick Lillie for their cooperation.

ITEM CONCERNING PROPOSED PARK

Mr. Everett T. Dawson appeared before the Council to discuss a proposed park in the 4100 block of Jefferson. Mr. Dawson, a resident at 4107 Jefferson Street, was concerned about a proposed park site in his area that would parallel his property line. He indicated that the City accepted this donation of park land in 1975 of 1.5 acres of land for park purposes and felt if this land was implemented as park land, then he would become part of that park. Mr. Dawson commented that this donation included certain requirements that he felt were unreasonable.

Mr. Jack Robinson, Director of the Parks and Recreation Department, submitted that Mrs. Margaret Hill contacted his department and informed them she was interested in donating this land along Shoal Creek. He pointed out that this would be developed only in a limited way in an attempt to preserve it as a natural area. Mrs. Hill required that after one year after the City accepted the property that they would erect a 6-foot chain link fence along the property adjacent to Mr. Dawson. The other conditions contingent on the use of the property were that the property would not be used for anything except the following:

1. A boundary fence as specified.
2. A gravel or hard-surfaced hike and bike trail on one or both sides of Shoal Creek, said trail not to exceed the width of 10 feet.

3. No more than six picnic tables.
4. Any dams, footbridges or walkways across needed to retard the flow of water or to allow access to the property on the east side of the creek from the west bank.
5. Surface or subsurface construction activities as are necessary for the satisfactory prosecution of the governmental purposes for which commencement of such activities shall not occur without a prior public decision having been made by Council.
6. That mowing operations would be limited within 3 feet of both sides of the trail and 3 feet around each picnic table.
7. Each tree that has to be replaced would be replanted with a tree native to this area.
8. Pathways would not exceed 4 feet in width from each picnic table to the trail in the most direct line possible without removing any trees or shrubs 8 feet or taller.
9. That no pesticides, herbicides, fungicides or petroleum products would be sprayed on the property including the creek bed or its banks.
10. No motor bike or vehicle traffic would be authorized and the land donated would be named the Gregg Hill Park.

Mr. Robinson noted that Mrs. Hill was trying to retain the area as a natural one and at the same time allowing the City to put the Shoal Creek Hike and Bike Trail through this piece of land. At the present time, the land on the west side of the creek has been maintained by Mr. Dawson and the other side is a natural area that was used for a bird sanctuary by Mrs. Hill. In response to Mayor Pro Tem Snell's question regarding the cost of the fence, Mr. Robinson indicated that it would amount to approximately \$2,000 or \$3,000. Councilmember Hofmann stated that she felt the fence would not create any problem and that it was a very small price to pay in order to obtain this important link in the hike and bike trail.

Mr. Robinson pointed out that the previous Council voted and passed the approval of the park on April 10, 1974, and he would see that Mr. Dawson be presented with proof of this.

Mr. Dawson commented that he was not contacted about the erection of a fence and wanted it to be made known that in 1976 the Council has reached its hand into the sanctity of his home and taken and destroyed a phase of that priceless God-given inner sanctum sanctorum which no man has the right to touch, except by due process and there had not been this process. Mayor Pro Tem Snell recommended that Mr. Dawson meet with Mr. Robinson and Mr. Dan Davidson, if necessary, to discuss this problem; then return to the Council if necessary.

REQUEST FOR PARADE PERMIT

Councilmember Lebermann moved that the Council approve a request by Mr. Ervin C. Herber, Boy Scouts of America, Capitol Area Council, for a parade permit for February 14, 1976, to begin at 10:00 a.m. to 10:50 a.m., beginning at 2nd and Congress and proceeding north on Congress to 11th Street and dispersing on the Capitol grounds. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

CONTINUED HEARING ON MASTER PLAN IN LAKE AUSTIN

Mayor Pro Tem Snell opened the continued public hearing on amendments to the Master Plan in the Lake Austin Study Area and consideration of appropriate action.

MR. WOODROW SLEDGE appeared as an interested citizen and was representing the Austin Independent School District to some extent. He commented that he was opposed to the broad scale weapon being used in this matter and that if development was limited on a septic tank basis to no more than one unit per two acres, that this would work very well. Mr. Sledge felt that there was a biased feeling toward people living outside the City and a growing tendency to treat developers as "untouchables." He noted that the people living in the 5-mile area contributed just as much as other citizens in the area of taxes, employment, etc. In conclusion, Mr. Sledge urged the Council to restrict septic tank development.

JOE MITCHELL expressed his concern that there was not adequate notice to property owners at the lake concerning the recommendations being considered. Mr. Mitchell explained to the Council that recently he encountered problems when he tried to sell some of his property and the buyer could not obtain building permits because the area was never approved as a subdivision. He was never informed that he must apply for a subdivision. Mr. Mitchell urged the Council to please notify the property owners when contemplating ordinances of this type.

MRS. MITCHELL reiterated her husband's remarks concerning the notice to property owners and felt that there should have been more opportunity for input into the Master Plan.

I. R. WILLIAMS pointed out the efforts of the property owners to keep the lake area clean. He objected to any property being taken from the owners.

MRS. FRED EBY felt that if the interim controls were adopted that the property owners would be devoured and if the area beyond the extraterritorial jurisdiction is frozen, then it will become a no-man's-land.

BOB DUNAHAM stated that he felt this restriction would not be beneficial use of the land but would be an economical loss to his property. He urged the Council to assess the effects that this ordinance would have on the people and to seriously consider not approving it.

BRAD FOWLER commented that he has an interest in some property at the lake and felt that development would be prohibited if this ordinance was passed. He noted that one unit per two acres was not feasible.

LOREN HUDGINS, a property owner at the lake, felt that the proposal was a "land grab" and an application to steal. He felt that the requirements for obtaining water and disposing of it were unreasonable. Mr. Hudgins indicated that the proposal was devious and confiscatory and that there was other land on the lake that could be obtained legally and without threat to the property owners. Mr. Hudgins felt that legal annexation would be a more equitable approach.

ROBERT MORRIS, a consulting engineer, was concerned as to just what the Lake Austin Study Area would include, and DR. MAUREEN McREYNOLDS, Director of Environmental Resource Management, commented that there was 90 square miles included in the study area.

City Manager Davidson pointed out that the extraterritorial jurisdiction included many more square miles than 90. Mr. Morris felt that this should be pointed out that the amendments were proposed for the Lake Austin Study Area, but it is being requested that they be applied to everything outside the City limits and within the five-mile ETJ area.

Dr. McReynolds commented that the present Master Plan does show that for suburban residential the option of going to a higher density is permitted throughout the ETJ, and the Environmental Board originally recommended that this be amended within the Lake Austin Study Area.

CHARLES STAHL, an architect and planner, supported the comments presented by Mr. Fowler and felt that there would not be the sprawl that the City is concerned about. He suggested that the land be developed at a high density and that we learn to use the land better.

Councilmember Hofmann stated that since she made the original motion to consider interim controls, out of a genuine concern as to what might happen to the lake until the Lake Austin Development Plan can be implemented, it seemed appropriate to her that the following motion be made:

Motion

"We all know the Lake Austin Study is nearing completion. In a briefing Monday night, the consultants said they would be ready to submit their recommendations in April. In order to create a climate conducive to harmonious cooperation, I appeal to the developers to refrain from development activities until the plan is completed and reviewed. I would like to suggest two things for Council consideration. First, that in the place of legislation, the Council join me in discouraging development in the Study Area until the plan is reviewed (an action also taken by the Planning Commission) and request all property owners to participate in the review of the plan during the next several months; and second, that the Council request that the City Attorney advise us on the alternatives available to the Council, in the event a temporary action is needed to withhold development permits until the appropriate legislation is adopted to implement the plan."

This was seconded by Councilmember Trevino.

Substitute Motion

Councilmember Linn moved that the Council delete the language in the Master Plan that allows development to exceed .5 density in the Lake Austin watershed, and that zoning in the Bull Creek watershed be reassigned to suburban residential zoning. The substitute motion died for lack of a second.

Amendment to Motion

Councilmember Himmelblau offered an amendment to the motion whereby there would be the insertion of large scale development to allow the private landowner, the people that have building lots that want to build private residences, proceed without any interference. Councilmember Hofmann accepted the amendment.

At this time Councilmember Himmelblau requested that Mr. Lillie read the statement from the Planning Commission. Mr. Lillie noted that he did not have the statement with him, but that basically it pointed out that development should be discouraged during the interim time in which the plan was being prepared. Councilmember Himmelblau commented that this would alleviate any interim controls but would be a friendly word to discourage large scale development.

Councilmember Hofmann submitted that this appeal was in the place of legislation in order to create a climate which would be conducive to harmonious cooperation.

Roll Call on Motion

Roll call on Councilmember Hofmann's motion, as amended, and including closing the public hearing, showed the following vote:

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

Noes: Councilmember Linn

Absent: Mayor Friedman

The Mayor Pro Tem announced that the motion had carried.

Councilmember Trevino commented that the intent of the Lake Austin Development Plan is a recognition by the Council and a decision of the City that Lake Austin and its supporting tributaries is a good natural resource. The largest City park, Tom Miller Park, is located on Lake Austin. Thousands of our citizens use the lake for recreational purposes each year. As a Council, Councilmember Trevino stated they are vested with the responsibility to protect for the good of all this resource. Furthermore, the Council has the responsibility to deal fairly and uniformly with all citizens who own property on the lake. These citizens have purchased property and have incurred substantial financial obligations. These decisions to purchase were based partly on existing policies, ordinances and regulations.

As a government authority, the Council has a dual responsibility. The actions of those that make decisions under existing regulations must be respected and the Council should not be punitive. At the same time, regulations and restrictions should be changed if they become outmoded or when they fail to

adequately safeguard the resources of the City as a whole. This Council inherited the Lake Austin Study Plan and the final approval of existing subdivisions. He noted that the Council is aware of the community-wide support to upgrade the environmental safeguards regarding development in this watershed. He felt that the recommendations of the Planning Department should be accepted and that there be no change to the Master Plan and no adoption of interim controls at this time. The Council should request the development industry not to present any new preliminary or final high density plat unit development plans for the Lake Austin area which is under study by the consultants until the study is completed. The Council should instruct the City Manager to see that the study is presented on schedule in April to the Council for their study and action.

Councilmember Himmelblau thanked the Planning staff and the Planning Commission for their work and their input with the citizens. She encouraged the Environmental Board to work in this same manner if this should arise again.

Councilmember Linn felt that the Environmental Board contributed just as much work as the Planning Board and just because they disagreed does not mean they did not put in an equal amount of work.

Councilmember Himmelblau stated that the citizens were not contacted by the Environmental Board that a hearing would be held and she felt that a joint hearing should have been conducted between the two commissions.

Mayor Pro Tem Snell encouraged that whenever this type of situation arises, that input be obtained from the Environmental Board and the Planning Commission.

MRS. MARION FOWLER suggested that the property owners in the lake area meet and devise a list of the area residents to be contacted when this type of discussion arises.

Councilmember Lebermann stated that Mr. Dick Lillie's office would receive this type of list and he assured Mrs. Fowler that the list would definitely prove invaluable and Councilmember Lebermann wanted all the citizens in the area concerned to have the opportunity to have input.

APPROVAL OF CHANGE ORDER

Councilmember Linn moved that the Council approve a Change Order No. 2 in the amount of \$10,112.00 to AUSTIN ROAD COMPANY for Community Development District Number 3. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CHANGE ORDER POSTPONED

The Council had before it for approval the following Change Order:

Change Order No. 7 in the amount of \$9,015.00 to HENSEL-PHELPS CONSTRUCTION COMPANY, for West 9th and 10th Street Improvements Project.

Councilmember Hofmann felt that in this particular case every effort should be made to save this rather large tree, particularly in light of the history of the 9th and 10th Street project. She felt this would possibly work toward a reconciliation with the neighborhood if the tree could be saved. In developing plans for an island it was found that the cost would be no less than \$10,000 and no more than \$15,000 considering the involved expenditures; however, she did not like the idea of spending \$15,000 to save one tree.

At the present, there are negotiations to try and move the tree which would cost approximately \$2,000 or \$3,000. A local bank has indicated that it would possibly aid in this cost.

Motion

Councilmember Hofmann moved that the Council allow this project to proceed in the direction of moving the tree. The motion died for lack of a second.

Councilmember Himmelblau felt that without a set figure she could not see the Council approving the change order and preferred that this be deferred to a future meeting. Councilmember Hofmann was apprehensive to delaying this because the concerned parties were anxious to proceed.

In response to Councilmember Linn's question concerning the origin of the money for the project, City Manager Davidson commented that this would be charged against the CIP to this particular construction account and suggested that whatever is decided that this be the procedure to follow in charging the project.

Councilmember Trevino noted that everyone was concerned with saving the tree, but they were also concerned with the budget. He had no objections to delaying it for a few days.

Motion

Councilmember Himmelblau moved that the Council postpone voting on this until February 5, 1976. The motion was seconded by Councilmember Linn.

In response to Councilmember Hofmann's question as to the delay, MR. CHARLES GRAVES, Director of Engineering, noted that they wanted to proceed as soon as possible with this project; however, if delayed it probably would not cost the City since the contractor has been very cooperative.

City Manager Davidson pointed out that there was another item on the agenda today for consideration pertaining to right-of-way and would rather not delay anything pertaining to this project, but one week would not be critical.

Withdrawal of Motion

Councilmember Himmelblau withdrew her motion to postpone the vote on the change order. She submitted that she did not want to put any money into this now.

Motion

Councilmember Linn moved that the Council postpone approval of the following change order until February 5, 1976:

Change Order No. 7 in the amount of \$9,015.00 to HENSEL-PHELPS CONSTRUCTION COMPANY, for West 9th and 10th Street Improvements Project.

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

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

Noes: None

Absent: Mayor Friedman

RELEASE OF EASEMENT

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

The east thirty (30.00) feet of the west thirty-five (35.00) feet of the Public Utility Easements ten (10.00) feet in width centered on the common lot line between Lots A and B, Oltorf Village Section Two. (Requested by Mr. Harvey Smith, Registered Public Surveyor representing Hardin Associates, Inc., owners of Lots A and B)

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

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

Noes: None

Absent: Mayor Friedman

CONTRACTS AWARDED

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

JACK MCKAY LUMBER COMPANY
1645 East 6th Street
Austin, Texas

- Portland Cement, Central Stores.
Twelve Month Supply Agreement
Item 1 - \$25,418.88

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

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

Noes: None

Absent: Mayor Friedman

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

Bid Award	- 1 3-Gang Reel, 46 Power Rotary Mowers, 21 Grass Trimmers & Edgers and 2 Weed Trimmers, Parks & Recreation Dept. and Water & Wastewater Treatment Division.
GOLDTHWAITES OF TEXAS 10751 Sentinel Drive San Antonio, Texas	- Item 1 - 1 ea. @ \$2,086.00 Item 4 - 2 ea. @ \$ 244.95 Total \$2,575.90
W. H. RICHARDSON COMPANY 3708 Woodbury Austin, Texas	- Item 2 - 46 ea. @ \$94.50 Item 3 - 21 ea. @ \$94.83 Total \$6,338.43

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

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

Councilmember Linn noted that the minority statistics received on the above two contractors were of concern to her in that she felt they were incorrect and requested that a report be presented to her next week concerning these statistics.

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

WESTINGHOUSE ELECTRIC CORPORATION 201 North St. Mary's Street San Antonio, Texas	- Two 2,000 KVA Network Transformers, Electric Department Item 1 - 2 ea. @ \$26,033.00 Total \$52,066.00
--	--

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

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

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

CATAPHOTE CORPORATION 1001 Underwood Jackson, Mississippi	- Traffic Marking Glass Spheres, Urban Transportation Department Item 1 - \$6,944.10
---	---

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

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

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

KEENE CORPORATION	- 20 Each Bus Fare Boxes
4619 North Ravenswood	Urban Transportation
Chicago, Illinois	Bid Item 1 - 20 Ea. @ \$1,400.00
	Total - \$28,000.00

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

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

Councilmember Hofmann stated concern with the price of the fare boxes, and City Manager Davidson indicated that this was a matter of security for the bus drivers in that they needed adequate security for the fares collected. He hoped to demonstrate the fare boxes to the Council in the very near future.

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

MILLER BLUE PRINT	- Surveying Equipment, Engineering
501 West Sixth Street	Department
Austin, Texas	Items 1 through 8 - \$11,007.36

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

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

*Councilmember Trevino noted that his brother worked for this company.

CONTRACTS POSTPONED

Councilmember Linn moved that the following contracts be postponed until priorities for the Water and Wastewater have been established: (Possibly to be considered at the February 5, 1976, Council meeting).

JOE McDANIEL	- Installation of 4520 feet of
Route T, Box 67B	12-inch water mains and associated
Austin, Texas	appurtenances for Anderson Mill
	Road - \$137,888.00

AUSTIN ENGINEERING COMPANY
P. O. Box 3255
Austin, Texas

- Installation of 188 feet of 24-inch water line, 132 feet of 16-inch water line and 158 feet of 12-inch water mains and appurtenances for Jollyville Reservoir Pump House - \$82,278.00.

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

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

URBAN RENEWAL AGENCY DISPOSITION OF PARCELS

Councilmember Linn moved that the Council adopt a resolution approving the Urban Renewal Agency disposition of parcels, Glen Oaks Neighborhood Development Area, Tex A-11-4. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

GRANT APPLICATION TO CONTINUE COMMUNITY ACTION PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the submission of a grant application to the Community Services Administration in the amount of \$543,506 to continue the operation of the Community Action Program in Austin-Travis County. (Program period May 1, 1976, to April 30, 1977) The motion, seconded by Councilmember Linn, carried by the following vote:

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

CONTRACT WITH CAPITAL AREA PLANNING COUNCIL

Councilmember Linn moved that the Council adopt a resolution authorizing a contract with the Capital Area Planning Council (CAPCO), to assist in the development of a monitoring and evaluation system for the CAPCO Aging Program. (Contract period February 1, 1976 through February 29, 1976) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SUBMISSION OF A GRANT APPLICATION

Councilmember Linn moved that the Council adopt a resolution authorizing submission of a grant application modifying the existing CETA Title I grant by adding incentive and bonus funds and extending the grant period through September 30, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

EMINENT DOMAIN PROCEEDINGS

Councilmember Linn moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following described property for the widening and improvement of streets in the City of Austin:

3,468 square feet of land out of Lot A, Riverside Divide. (1609 East Riverside Drive) William Scott Thompson and Tony R. Davis, owners

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

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

Councilmember Linn moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following described property for the widening and improvement of streets in the City of Austin:

Two tracts of land: 175 square feet out of Lot 5, Bahn's Subdivision and 3,860 square feet out of Lot 1, 2, 3, 4, and 5, Bahn's Subdivision. (805 West 10th Street) Walter R. Carrington, owner

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

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

CONTRACT FOR PHARMACEUTICAL DISPENSING

Councilmember Linn moved that the Council adopt a resolution authorizing a contract with Central Pharmacy for professional pharmaceutical dispensing and related services to certain clinics operated by the Austin-Travis County Health Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Trevino requested that this contract be extended to include the Rosewood-Zaragosa. Mr. Jim Miller, Assistant City Manager for Community Services, pointed out that this is a contract for the Model Cities clinic and it could not be expanded outside the Model neighborhood.

Councilmember Trevino wanted the Council to go on record in supporting the utilization of pharmaceutical dispensing and related services to Rosewood-Zaragosa with the understanding that we would get the approval from the Federal government. Councilmember Trevino requested that the staff seek this approval.

Councilmember Himmelblau stated that what is offered in one clinic should be offered in all of them.

AFTERNOON SESSION

2:00 P.M.

Mayor Pro Tem Snell called the afternoon session to order.

EXECUTIVE SESSION ACTION

Mayor Pro Tem Snell announced that the Council had met in an Executive Session earlier and had discussed appointments to various commissions that were now before the Council, for action.

Historic Landmark Commission

Councilmember Linn moved that the Council appoint EVA MARIE MOSBY to the Historic Landmark Commission to fill the unexpired term to April 4, 1976, and a new term to April 4, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Library Commission

Councilmember Linn moved that the Council appoint ELIZABETH AIRTH to the Library Commission for a term extending to January 1, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Energy Conservation Commission

Councilmember Linn moved that the Council appoint the following to the Energy Conservation Commission:

Gerald Caldwell	to 7/3/76	Dr. Joel Barlow	to 1/31/79
Wayne Denton	to 1/31/77	Chandler Davis	to 1/31/79
Col. George Sauls	to 1/31/77	Barry Gillingwater	to 1/31/79
Billie Collie	to 1/31/79	Walter Orr	to 1/31/79

Board of Adjustment

Mayor Pro Tem Snell requested that the City Manager make a study of the current Board of Adjustment and present to the Council updated figures on the changes that could be made. City Manager Davidson commented that in the Executive Session some of the legal ramifications were discussed as to what might be done in the future. He noted that such a study would be undertaken immediately.

Mayor Pro Tem Snell stated that the Council would discuss appointments to the Board of Adjustment at their next Executive Session.

CONTRACT FOR EMERGENCY MEDICAL SERVICES - POSTPONED

Councilmember Himmelblau moved that the Council postpone action on a three-year contract with Travis County for Emergency Medical Services for one week; but to continue the same service to the County that the City is presently obligated to do under the 30-day contract. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

APPEARANCE TO SOLICIT A RESPONSE TO A PRESENTATION

Mr. Paul Velez, Chairman of the Alianza de Organizaciones Chicanas de Austin, appeared before the Council to solicit a response to their presentation of January 8. Mr. Velez stated that the Chicano organizations are deeply concerned over the selection process of the new police chief. He distributed to the Council requests that the Chicano organizations had formulated for Council consideration, and Mr. Velez was requesting a response to the four proposals being submitted today. In addition to the five points that were submitted at their last appearance, he offered the following:

1. That City Manager Dan Davidson accept the offer from the Human Relations Commission's subcommittee on police-community relations to assist in the interviewing of candidates in the selection process.

Mayor Pro Tem Snell understood that answers to the proposed requests being presented today were given at the meeting held at the Oak Springs Library. Mr. Velez commented that he wanted to present the proposals at an official Council meeting and wanted an answer today.

City Manager Davidson noted that he had explained at the Human Relations Commission meeting and to members of the Council that it is not proper for any subcommittee or any special committee to interview candidates heading toward the selection of the new police chief. Therefore, this first request cannot be granted.

2. That the City Council appoint the Human Relation Commission's subcommittee on police-community relations to assist in the interviewing by the City Manager of police chief candidates.

Councilmember Hofmann stated that the City Manager's answer to the first question would also apply to this request. Councilmember Linn indicated that she would very much like to do this; however, according to the City Charter the Council is not in a position to do anything prior to the presentation of the name by the City Manager to the Council.

In response to Mr. Velez's question as to the Council suggesting to the City Manager that he accept the Human Relations subcommittee on police-community relations, Councilmember Linn commented that she would make the suggestion now, but it was not within her power to demand it.

Mr. Jan Kubicek, Senior Assistant City Attorney, pointed out that one meeting was conducted in the community concerning this subject as well as many suggestions regarding this, that while the police chief is appointed by a provision set forth in the Civil Service Statute, there is no distinguishable difference in the appointment stage from that found in all of the departmental heads and deputy director positions. The City Manager appoints these replacements.

Mr. Velez was concerned with the extent of suggestive power that the Council has with the City Manager, and Mr. Davidson stated that this type of statement was not fair to the Council. The City Charter clearly states who has the power with the City and who makes the basic policy decisions that operate this municipal government, and it is not the City Manager but the Council. Mr. Davidson submitted that regardless of how the request was made, as a courtesy, desire or a wish, he would not violate the principles or the spirit or the letter of either the City Charter or 1269-N as a State law. It is for this

reason that it is not appropriate for this request to be made to the Council.

Mr. Paul Hernandez, the Alianza Vice Chairman, felt that the decision not to accept the offer of the Human Relations Commission is an unfair one to the citizens of East Austin.

Councilmember Trevino noted that his feelings regarding this matter was known to the Chicano organizations, but the prohibitions on the Council are made clear through the City Charter. He expressed that the Council was very concerned with the new appointment of the police chief and just what effect this appointment will have on everyone.

Mayor Pro Tem Snell asked if the subcommittee represented all the groups and that possibly some of the police officers would not be represented on this subcommittee if this particular group was utilized to interview. He felt that the police officers should be included in having input into this selection. In response to Mayor Pro Tem Snell's question concerning the subcommittee, Mr. Hernandez noted that it was established to assist with better communications between the City officials and the citizens of Austin. Mr. Hernandez stated that the people of East Austin do not trust City Manager Davidson's decisions.

Councilmember Hofmann requested that the Chicano organizations have some faith in the Council as the Council has demonstrated their faith in Mr. Davidson.

3. That the City Council present a suggested criteria to the City Manager for the selection process of the new police chief, after consulting with community groups and organizations.

City Manager Davidson pointed out that 160 letters have been sent to organizations asking for suggestions regarding this selection and there has been a great amount of response. At the Human Relations meeting he informed the Councilmembers that were present that the letters would be placed on file in the Mayor's office, City Clerk's office, Personnel and the City Manager's office for review. Councilmember Hofmann stressed that she felt the 160 letters received regarding this matter was more than just token input.

Councilmember Himmelblau stated that she deeply resented the aspersions being cast at the City Manager. Mr. Davidson serves at the pleasure of the Council, and he will have input from every member of the Council on this important matter. She did not want to discuss it further.

Councilmember Lebermann pointed out that the Charter is a document by which the City is governed and the City Manager has to follow the process set out in this Charter, which he felt is a good process. The Council will have the final say and stressed the importance of working through the Council to insure that the end result is satisfactory to all of Austin. The process is established and it is a good and proper one.

4. Fourth and finally, that the City Manager allow the HRG's subcommittee on police-community relations to interview all the persons who applied for the position of police chief, with their consent, of course.

City Manager Davidson again stated that this could not and would not be done.

Mayor Pro Tem Snell asked Mr. Davidson if there was a way that he could ask the applicants if they would go before the Human Relations Commission. Mr. Davidson commented that the personnel applying for this position would hopefully be qualified law enforcement personnel and they would know that there would not be any reporting to the City Manager. He felt that this type of request would reduce the number of applicants for the position, and did not think it was proper.

In response to Councilmember Linn's question concerning the hiring of the police chief, Mr. Jan Kubicek noted that the City Manager was responsible for this appointment as outlined by the Charter and he does have the opportunity for citizen input as is being done in this case. As regards the Council interfering with this process, it could not be done. The appointment is exclusively the City Manager's with confirmation by the City Council.

REQUEST TO USE NAVAL RESERVE BUILDINGS FOR COMMUNITY CULTURAL ARTS CENTER

City Manager Davidson commented that a report had been prepared concerning the use of the U. S. Naval Reserve Armory Buildings as a Community Cultural Arts Center. Many suggestions have been made as to how this facility might be utilized. It is estimated that possession of this facility will be gained in approximately 30 days, and attached to this report presented to the Council was a listing of the facilities that would revert to the City. That listing was as follows:

1. Two-story Training Building
2. Covered Storage - garage, one story
3. Covered Storage - flammable, one story
4. Rifle Range - one story
5. Radar Tower
6. Radio Antenna System
7. Flagpole
8. Ammunition Storage

After meeting with various committees and the staff, Mr. Davidson felt that the interests of the City would be best served by:

1. Assigning the facility to the Parks and Recreation Department. That department would use the facility as a headquarters for its program of cultural arts activities and would also be given responsibility for providing accommodations for non-City cultural arts organizations.
2. Assigning the indoor firing range to the Police Department for use in scheduled firearms training.

If this recommendation is approved by the Council, the staff would take immediate steps to correct some of the surface drainage problems in this area. Mr. Davidson noted that the Engineering Department estimated that approximately \$10,000 in improvements would be required to solve those problems. This recommendation would allow the Parks and Recreation staff to move temporarily into some of this space until renovation is completed at the Parks and Recreation Department. Funds for converting the facility into a cultural arts center are provided in the current Capital Improvements Program as approved by the voters.

Councilmember Himmelblau expressed her approval of this project and would like some assurance that the cultural arts program would not be squeezed out by massive movement of personnel into the building.

Motion

Councilmember Himmelblau moved that the Naval Training Center be designated as a Cultural Arts Center for Austin. The motion was seconded by Councilmember Hofmann.

Councilmember Linn was concerned with the ammunition being stored in the building and the safety factor involved. MR. JOE LIRO, Management and Budget Administrator, noted that the firing range would be closely supervised and that no ammunition would be stored.

Councilmember Himmelblau thanked the members of the Arts Commission and the staff, and especially Mr. Bronson Dorsey, who had done extensive work in preparing the recommendations that were received.

Roll call on Councilmember Himmelblau's motion, Councilmember Hofmann's second, showed the following vote:

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

HEARING ON 1976-77 HOUSING AND COMMUNITY DEVELOPMENT PROGRAM

Mayor Pro Tem Snell opened the public hearing scheduled for 2:30 p.m. to consider the 1976-77 Housing and Community Development Program and Application.

MR. LUTHER POLNAU, Community Development Coordinator, presented to the Council the recommended projects which comprise the 1976 Housing and Community Development block grant application. He noted that Mr. Mike Guerra, a member of the Planning Commission, chaired a special subcommittee that developed the recommendations and Ms. Eloise Campos, Chairperson of Community Development Commission, would describe the citizen participation process and the needs that the recommendations will address.

Mr. Polnau reviewed the purpose of the HCD Act and noted it was addressed primarily to families with low and moderate incomes. There were 12 public meetings held to determine the needs of the citizens and these needs were submitted to the appropriate City departments for response to them. The special subcommittee reviewed the project proposals and developed a set of recommendations that were endorsed by the Planning Commission.

The following projects are recommended for immediate implementation from the contingency fund which remains from the 1975 HCD grant:

1. Water and wastewater relocation for Tillery Street as a prerequisite to the paving for which funds exist.
2. Flood abatement measures on Boggy Creek be initiated as an interim project preceding the Corps of Engineer work.

The Commissions recognized the importance of many projects which could not be funded under this years' HCD application and the Commissions recommended that the Council consider locating other funding sources so that these projects can be implemented. Mr. Polnau reviewed the current projects recommended for the 1976 HCD block grant as outlined in the report presented to the Council. In making the recommendations, the Commissions wanted to emphasize one important qualification which is as follows:

"The Commissions found that the failure of Propositions 11 and 12, the Water and Wastewater propositions, which were strongly supported by the residents of East Austin seriously effects the range of projects which HCD funds can support. It is for this reason that we urge the City Council to carry through with their announced commitment to provide local bond funds for utilities and street paving in the target areas.

"In particular, we urge the City Council to consider providing at least \$850,000 for water and wastewater systems in CDD's 2 and 5 and at least \$100,000 of the approved street bond funds for construction of needed streets and sidewalks and alleys in South Austin. It is our desire that these two projects be done with local funds, but in the event this is not possible we recommend, as a last resort only, that HCD funds be used. We have therefore included these projects in Category 1.

"If the Council does commit bond monies, we recommend the \$850,000 and \$100,000 be used to provide an additional \$500,000 for Housing Rehabilitation, \$100,000 for additional operating funds for the Model Cities Health Clinic and \$40,000 for the Montopolis Health Clinic operation. The remaining funds should be placed in the local contingency account to support eligible activities."

MR. MIKE GUERRA, a member of the Planning Commission, commented that Mr. C. W. Hetherly, Chairman of the Planning Commission, appointed him to head a subcommittee to review the proposals submitted by the City departments. He wanted to thank members of the Planning Commission and the Community Development Commission who helped the subcommittee, as well as members of the Planning Department and Human Relations Department.

After reviewing the proposals, the subcommittee unanimously submitted their recommendations to the Planning Commission, and at this time, Mr. Guerra wanted to thank the area residents for their time and patience at the public hearing that was held concerning this. The Planning Commission and the Community Development Commission endorse this recommendation.

MS. ELOISE CAMPOS, Chairperson of the Community Development Commission, wished to thank the Council for allowing the opportunity for the Commission to exercise their responsibility. Under the circumstances, the plan presented was the best one considering the amount available to work with. She encouraged the Council to consider using some of the money for streets, utilities and drainage improvements from the Capital Improvements Program monies. Also that the contingency fund that is presently available be used for the Boggy Creek problem, and that strong consideration be given to some form of economic development. She concluded by saying she appreciated the opportunity of working and coming before the Council and approved the plan as presented.

MR. C. W. HETHERLY, Chairman of the Planning Commission, commended Mr. Guerra for his fine job and enjoyed working with Ms. Campos and hoped that the Council would approve the recommendations. Mayor Pro Tem Snell thanked the staff for their work as well as the Commissions who contributed much to the completion of the plan.

REVEREND WILLARD B. SUTHERLAND, a member of the Clarksville Neighborhood Center Advisory Board and Vice President of the Concerned Citizens for the Development of West Austin appeared before the Council and felt that the Clarksville area had been neglected by the City for several years. He requested that the proposals being presented today be adopted in order to give the Clarksville area the help needed.

MR. JOHN HENNEBERGER, a volunteer working in the Clarksville community, stated that he had been requested by some of the members of the community to appear before the Council to present some requests for the Council to consider. The following are the areas of concern:

1. Provide housing rehabilitation money for emergency assistance.
2. Provide a schedule of when housing rehabilitation money will become available.
3. Specific information on how to apply for rehabilitation funds.
4. A request for funds to be made available when matching federal grants for historic restoration are available.
5. To realize the character and value of homes in Clarksville when deciding whether to rehabilitate the homes or not.
6. A guarantee that the community will have enough rehabilitation funds to arrest the deterioration.
7. Approve necessary funds to complete street engineering, utilities, and drainage.
8. That community input regarding park improvements be accepted.
9. Sufficient funds be made available for playground improvements.
10. Investigating using vacant public land for parks, playgrounds or green areas.
11. Crosstown expressway elimination
12. That Clarksville be recommended as a desirable location for low density public housing.
13. Emergency pedestrian and traffic safety devices be installed at specific locations.

Mr. Henneberger urged the Council to consider these proposals and give Clarksville the attention that it needs.

January 29, 1976

CITY OF AUSTIN, TEXAS

CHUCK WADDELS, 1306 Cotton, felt that the recommendations presented by the Commissions for this year on the HCD were a vast improvement over last year. He submitted the following recommendations:

1. In the future, the City should utilize at least six months for public hearings and processes necessary to complete a report of this type.
2. That there be a City wide task force on housing.

He felt that the City should look at the total comprehensive efforts and should encourage input from the various neighborhoods. Mr. Waddels complimented the Clarksville community for their efforts and felt if all of the low income neighborhoods reported their needs as the Clarksville community has that the Council would see a better block grant program.

REVEREND WILSON WADE, Chairman of the Clarksville Advisory Board, requested that citizen participation be made part of the ordinance, so that when it comes time to spend the funds that the people will be contacted for their input regarding the needs of the community.

In response to Councilmember Linn's question regarding the use of bond money for utility relocation in the Clarksville area, MR. HOMER REED, Deputy City Manager, stated that none of the bond funds had been planned for that purpose, but it would be possible to use some funds and at the present time there are some bond funds yet remaining that have not been allocated.

Motion

Councilmember Trevino moved that the Housing and Community Development Block Grant Application be submitted as proposed by the Planning Commission and the Community Development Commission with the following amendments:

1. That the Model Cities Clinic application be increased from \$514,000 to \$614,000 in order to maintain the present level of service at that facility, and
2. The Clarksville appropriation of \$750,000 be passed as is with the stipulation that the water and wastewater projects included in that amount be proposed in the next utility bond election and that upon passage of such proposal by the voters the monies earmarked for water and wastewater in the HCD application be re-programmed, and
3. That existing bond authority be used for the paving portion of Heflin Lane decreasing that request from \$317,500 to \$151,000, and that the \$100,000 for South Austin streets, pending further study of the possibility of using existing bonding authority for those unspecified streets reducing that request from \$100,000 to -0-, and
4. That the request for \$850,000 for the relocation of water and wastewater projects in CDD's 2 and 1 be reduced to \$500,000 for utility adjustments in CDD 2 only. And, furthermore, that the staff be instructed to proceed immediately with the completion of CDD 1 using existing bond money.

5. That the request for neighborhood planning staff be decreased from \$100,000 to \$50,000.
6. That \$40,000 be requested for the Montopolis Health Clinic.
7. That \$30,000 be requested for improvements at Pan American Park and those monies presently planned for Pan Am be used to establish a playground at Brooke School.
8. That \$154,000 be requested to provide needed dental care services in low income areas.
9. That \$35,870 be requested for the completion of Tillery Street.
10. That the proposed contingency fund be increased from \$11,000 to \$317,600.
11. That \$100,000 be earmarked for housing rehabilitation in Clarksville.

Councilmember Linn seconded the motion.

Councilmember Lebermann stated that he had some anxiety about the depletion of the utility funds in the contingency category; however, Mr. Homer Reed pointed out that the program outlined by Councilmember Trevino would leave adequate flexibility for the Council and felt it was a reasonable program.

Councilmember Linn referred to the \$154,000 proposed for the dental clinic, and asked the staff to pursue the possibility of having a mobile dental clinic attached to one of the Model Cities clinic. It could travel in the Model Cities area and provide the dental service for the neighborhoods, since many of the people are unable to get to the clinic.

Mr. Andy Ramirez, Director of Human Resources, indicated at the present time, discussions were occurring concerning dental services and he would request that this matter be considered with the Health Services Administration.

Roll Call on Motion

Roll call on Councilmember Trevino's motion, Councilmember Linn's second, to adopt the Housing and Community Development Block Grant Application with amendments and to close the public hearing, showed the motion carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Councilmember Lebermann congratulated Councilmember Trevino for his excellent work regarding the development of the program.

Councilmember Trevino felt that the thanks should go to the people in the neighborhoods who originated the ideas and members of the various commissions and to the staff. At this time, Councilmember Trevino read a telegram from Mayor Friedman concerning the proposal.

"I have had an opportunity to review the proposed changes in the HCD FY76-77 proposal. I am most confident that within our monetary constraints the total new package adequately reflects the needs expressed by the communities which have participated in the planning process. It is my hope that you the Council act affirmatively on this proposal today. Best wishes, Mayor Friedman."

CONTINUATION OF HEARING ON HCD FUNDING OF BOGGY CREEK

Mayor Pro Tem Snell opened the continued hearing scheduled for 2:30 p.m. to consider the HCD funding of Boggy Creek Improvements and passage of the appropriation ordinance.

MR. JORGE GUERRA, representing St. Julia Parish Board and members of the St. Julia community, was concerned with the situation in Boggy Creek and hoped the Council would state how certain monies would be used for Boggy Creek.

Mr. Charles Graves, Director of Engineering, reviewed the report that was presented to the Council at an earlier date concerning the funds for the Boggy Creek area. He noted that there were areas where the City could help and recommended the following:

1. On a temporary basis, that the City involve itself in a very intensive and extensive maintenance program to open the channels so when the rain storms do occur, there will be maximum efficiency. The cost for this maintenance would be \$204,000 for one year.
2. That a bridge be built at the Shady Lane crossing at the cost of approximately \$200,000.
3. Area near the railroad tracks and Pleasant Valley Road be provided with an interceptor at the cost of \$50,000.

Councilmember Trevino was concerned about the complaints from people in this area concerning improvements to Tillery Street, and asked Mr. Guerra which area he felt was more critical. Mr. Guerra felt that Tillery Street should be paved and thought this money was appropriated in the CIP for this. He noted that he would be in favor of the bridge at Shady Lane.

Councilmember Trevino indicated that it was his understanding that paving monies were available for Tillery Street; however, with the failure of the water and wastewater bonds there is no money for relocation of the utilities. He noted the possibility of allocating the required money, or at least part of it, to relocate the utilities.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1975-1976, AND ORDINANCE NO. 750911-B, CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 1975-1976, BY APPROPRIATING AND TRANSFERRING 1974-1975 HOUSING AND COMMUNITY DEVELOPMENT CONTINGENCY FUNDS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council close the public hearing, waive the requirements for three readings, declare an emergency and finally pass the ordinance effective immediately, as follows:

1. Boggy Creek maintenance \$204,000
2. Govalle Interceptor Relief Main \$50,000
3. Tillery Street water and wastewater relocation of utilities, \$244,130 with the stipulation that while these monies are authorized, that no construction be done on Tillery until the next Bond Election and if the Bond Election passes, then this money be transferred over so the bridge on Shady Lane can be taken care of.

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

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

Noes: None

Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell commented that he was working on an idea that would possibly save the City some money on the maintenance of creeks and would present it at a later date.

AMENDING THE SIGN ORDINANCE

The Council had before it for consideration amending Ordinance No. 760122-F (Sign Ordinance) to provide for signs at ball parks. Mr. Jan Kubicek noted that there were two proposed ordinances to effect amendments to the Sign Ordinance:

1. To exempt from licensing but not from permit fees.
2. Exempts from both.

Mr. Mike Sampson, Assistant City Attorney, pointed out that this operation of renting the space at the ball parks for signs is a non-profit situation.

MR. DOUG MORRIS, a member of the Optimist Club, was concerned with the signs advertising Christmas trees, and City Manager Davidson commented that this would be a separate matter that would have to be discussed at a later date.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967 BY ADDING CERTAIN SUBSECTIONS EXEMPTING CERTAIN SIGNS FROM LICENSE REQUIREMENTS AND PERMIT FEES; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

ST. JOHN'S NEIGHBORHOOD CENTER

The Council had before it for consideration appropriating and transferring \$6,800 for St. John's Neighborhood Center Improvements.

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1975-1976, BY APPROPRIATING AND TRANSFERRING BLUNN CREEK LAND ACQUISITION FUNDS FOR ST. JOHN'S NEIGHBORHOOD CENTER IMPROVEMENTS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirements for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion was seconded by Councilmember Lebermann.

Councilmember Himmelblau stated that the St. John's Community Association wants to charge the City rent for the use of this facility and she could not vote for this funding in good faith if the City was going to have to pay rent on a facility that is being financed with City money.

MR. ROD NELSON, an attorney representing St. John's Neighborhood Association, commented that the intent of charging the rent is to allow a steady fund to be maintained in order to aid in the maintenance of the building. He noted that the Human Resources is currently utilizing the building and has used it for the past five years without paying rent.

Councilmember Himmelblau pointed out that the Human Resources Department use of the building is to provide services for the St. John's area.

In response to Councilmember Linn's question as to whether other centers charge rent, Mr. Andy Ramirez, Director of Human Resources Department, indicated that rent was not paid to any other association; however, the City does rent facilities such as the East First Center and the Montopolis Center.

As to the activities conducted at the St. John's Center, Mr. Ramirez commented that there was certification of clinic cards, information referral and sewing to name a few. Councilmember Himmelblau noted that these are City services being offered to the community and felt the same regarding funding of this money.

VIRGINIA BROWN, a worker in the St. John's area, felt that if this money is received, that there would be some type of a lease created to rent the building. Ms. Brown noted the appreciation of the Association for the Council considering the funds for the St. John's Center. She felt sure that the St. John's Association Board would work on this agreement if this money was granted.

Substitute Motion

Councilmember Himmelblau moved that the Council defer action on appropriating and transferring \$6,800 for St. John's Neighborhood Center Improvements until a letter of good faith from the St. John's Community has been received. The motion died for lack of a second.

Ms. Brown stressed the importance of approving this today since the building needed to be finished as soon as possible for use. She stated that she would submit the letter that is being required, and it would be submitted tomorrow. She felt the Board would be acceptable to presenting this letter. Mr. Nelson reiterated his remarks concerning the intent of the rent being requested.

Amendment to Motion

Councilmember Himmelblau offered an amendment to Councilmember Trevino's motion, whereby the appropriating and transferring of \$6,800 for the St. John's Neighborhood Center Improvements will be approved contingent upon receiving a letter from the St. John's Community that no rent would be charged to the City for use of the facility for City activities related to the welfare of St. John's. Councilmember Trevino accepted the amendment.

Roll Call on Amended Motion

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

Noes: None

Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed, with the amendment.

SELECTION OF ARCHITECTURAL AND ENGINEERING CONSULTANTS

Councilmember Hofmann stated that since she had begun serving on the City Council she had not been comfortable with the procedure for selecting consultants for architecture and engineering services. She was convinced that there can be a more effective method devised of determining who will contract for municipal design activities.

Motion

Councilmember Hofmann moved that the Council direct the City Manager to survey other major cities to determine how this is being handled elsewhere and that he consult with various engineering and architectural organizations to arrive at some new ideas. She suggested that a timetable of 45 days be set for this study. The motion was seconded by Councilmember Trevino.

City Manager Davidson noted that he would not be limiting ideas to any specific area or procedure but would be obtaining some ideas for improving the present system.

Roll Call on Motion

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

Noes: None

Absent: Mayor Friedman

Abstain: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Lebermann

Councilmember Himmelblau commented that she was not ready to vote on this at this time.

OPTIONS CONCERNING THE ZONING BOARD OF ADJUSTMENT

City Manager stated that the legal aspects of this were discussed by the Council in Executive Session and the Council has requested that the City Manager prepare a report on this for the Council.

OPTIONS TO THE HOTEL-MOTEL TAX

Mr. Jan Kubicek indicated that City Attorney Don Butler had written his opinion concerning this and it has been distributed to the Council. Two questions regarding this were asked at this time:

1. If an increase could be made to the tax in question, to which Mr. Kubicek stated that the City was at the maximum allowable tax.
2. If the motel-hotel tax funds could be used for purposes of a general museum nature, and the answer is no, except to the extent that such funds might be employed for museum activities that would have a direct relationship to promoting tourism and conventioning.

Mr. Davidson noted that since Mayor Friedman requested this opinion, he possibly would have some additional comments for the Council to consider. If the Council so desires, Mr. Davidson stated that he would discuss this with the Mayor.

INTERIM APPROACH MAIN POLICY

MR. GEORGE RAMSEY, Chairman of the Joint Committee on Approach Main Policies, referred to their recommendation to the Council as follows:

"That Approach Main contracts for projects which had construction contracts signed and approved by the City's Water and Wastewater Department prior to January 20, 1976, be approved under the existing Approach Main policy; provided that no Approach Main contracts be approved without certification from City departments that the existing utility system has the capacity to serve those subdivisions."

Mr. Ramsey commented that the Committee is aware that an interim policy must be formulated as soon as possible.

In response to Councilmember Linn's question, Mr. Ramsey commented that in referring to contracts, these would be ones that have been signed and approved by appropriate City departments but not by the Council.

Councilmember Hofmann thanked Mr. Ramsey and noted that she called the committee into existence.

COMPLETION OF MOPAC BOULEVARD

MR. BILL BULLOCH, Transportation Planning Engineer, presented a report from the Citizens Traffic Safety Commission concerning the completion of MoPac Boulevard. The Commission wanted to congratulate the Council in working with the State Department of Highways and Public Transportation on the development of this section, and urged, from a safety standpoint, that the remainder of the facility as proposed be expedited and completed.

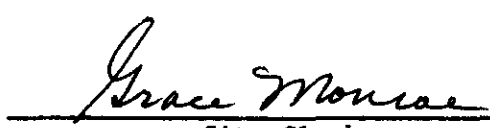
ADJOURNMENT

The Council adjourned at 4:34 p.m.

APPROVED


Mayor

ATTEST:


City Clerk