

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 11, 1976  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by DR. LESLIE GREEN, Hyde Park Christian Church.

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for March 4, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

APPEARANCE TO MAKE A PRESENTATION

Mr. H. Joseph Brown, representing Austin Chapter of the American Institute of Architects and the Women's Architectural League of Austin, appeared before the Council to present a flag of Austin to the City as a Bicentennial gift. Mr. Brown noted that he was the past President of the Austin Chapter of the American Institute of Architects, and commented that during his ten years as President of the chapter, Mr. Sam Carruthers, President of the Philadelphia chapter, advised him that the City of Philadelphia wished to hang the flags of all major cities in the city during the national convention of the architects. After checking here in Austin, it was found that Austin did not have a useable flag for this purpose. With the aid of the Women's Architectural League a flag was made to give to the City and to also use in Philadelphia for the convention.

At this time, Mr. Brown introduced the President of the Women's Architectural League, Mrs. Nina Krier; also introduced was Mrs. Jim Faulk and her son Wendy who did the art work on the flag, as well as their respective husbands. Mr. Brown then revealed the flag to the Council.

Mayor Friedman read and then presented a resolution to the Women's Architectural League of Austin, sponsored by the Austin Chapter of the American Institute of Architects, in recognition of the Council's appreciation and enthusiasm of these citizens who had contributed to this representation of Austin in Philadelphia.

Mr. Chuck Croft, President of the American Institute of Architects, thanked the Council for the resolution and the lending of the flag to them for display in Philadelphia. He hoped to have pictures to present to the Council regarding the convention.

#### AMERICAN RED CROSS DAY

Mayor Friedman read and then presented a proclamation to Ms. Martha Townsley, Chairman of Red Cross Volunteers, proclaiming March 15, 1976, as "American Red Cross Day" and urged all residents to join the Council in accepting the dedication of the Centex Chapter home as a Bicentennial "gift to the nation" and in honoring those individuals who have provided dedicated service to their fellow men in the past and who will continue that tradition in the future.

#### KELLY WEEK

Mayor Friedman read and then presented a proclamation to Ms. Carolyn Kalterman proclaiming the week of March 15, 1976, as "Kelly Week" and further asked all residents to join in this spirit of giving and kindness exemplified in the works of St. Patrick and personified in the deeds of the Kelly Girls.

#### INTRODUCTION

Mayor Pro Tem Snell took this opportunity to introduce Dr. Arthur Flemming, and presented him with a certificate declaring him an Honorary Citizen of Austin. Mayor Pro Tem Snell noted that Dr. Flemming was visiting Austin and was staying with Dr. John Warfield, Professor at the University of Texas.

Dr. Flemming, Chairperson of the U. S. Commission on Civil Rights, expressed his appreciation for this award from the Council and was delighted to be in Austin as a guest of Dr. and Mrs. Warfield. Dr. Flemming explained that he recognized that in the final analysis if his recommendations that are made from time to time are to be really implemented and the rhetoric of the Constitution is to be translated into action, it will depend on the actions taken by bodies such as this.

## PARADE PERMIT

Councilmember Lebermann moved that the Council approve a request for a parade permit from Mr. John Arambula, Sr., for T. G. Harris Elementary School, on April 2, 1976, at 8:00 a.m. until 9:00 a.m., beginning at Handy Andy parking lot, 2001 Wheless Lane, onto Wheless Lane towards Berkman Drive, turn into parking lot of T. G. Harris Elementary School. 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

## REQUEST TO RESET A ZONING CASE FOR PUBLIC HEARING

Mr. Adrian M. Overstreet, Jr., Attorney, representing Mr. and Mrs. Antonio Salazar, appeared before the Council to request that the Council reset Zoning Case No. C14-75-083 for a public hearing. He noted that when this case previously was before the Council, he was out of the City on business and, therefore, asked that it be postponed.

Mr. Dick Lillie, Director of Planning, pointed out that there was a problem with the Minutes as approved by the Council in October, 1975. The request was for a postponement, but the Minutes noted it to be a withdrawal which would not allow the application to be reheard for one year from the date of withdrawal. The City Clerk has included in the material for the Council a copy of the transcript of the motion, since it was a confusing motion. Mr. Jan Kubicek, Acting City Attorney, stated that he had reviewed this with the City Clerk, Mrs. Grace Monroe, and in her opinion it was not a withdrawn case, but a postponement.

Mrs. Monroe commented that she had listened to the transcript and the motion was to postpone although the Minutes showed a withdrawal. The Minutes were corrected and there is no question that it was to be postponed.

Councilmember Himmelblau moved that the Council set Zoning Case No. C14-75-083 for public hearing on April 1, 1976. 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

## APPROVAL OF OUTDOOR BICENTENNIAL MUSICAL EVENT

Mayor Friedman commented that Mr. Win Anderson was requesting appearance before the Council to ask for the approval of an outdoor Bicentennial Musical event and to explain the organization of the event. Mayor Friedman also pointed out that this request was in conjunction with another item on the agenda which was Item H-6, an Ordinance amending Chapter 23, Section 23-13 of the City Code by changing the hours for the issuance of permits from 12:00 noon to 6:00 p.m., to 10:00 a.m. until 8:00 p.m. for the amplification of sound.

Councilmember Himmelblau was concerned about the number who would be in attendance and the City obligations as to police protection and health measures to make sure that the City would not be incurring a tremendous amount of cost. Councilmember Trevino noted that it was his understanding that the applicant had contacted the necessary City departments and he was satisfied that all anticipated problems had been taken care of.

Councilmember Linn moved that the Council approve the request for an outdoor Bicentennial Musical event. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

#### AMENDING THE CITY CODE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 23-13 OF ARTICLE I OF CHAPTER 23 OF THE AUSTIN CITY CODE OF 1967 BY CHANGING THE HOURS DURING WHICH PERMITS FOR THE AMPLIFICATION OF SOUND WILL BE GRANTED; ELIMINATING THE PROVISION THAT PROHIBITS THE ISSUANCE OF A PERMIT FOR THE USE OF CERTAIN SOUND DEVICES ON SUNDAY; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS OF ORDINANCES.

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 Lebermann, carried by the following vote:

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

#### REQUEST FOR FREE TRANSIT SERVICE ON MAY 1, 1976

The Council had before it for consideration a request from Mrs. Betty Lawrence, representing the Adult Services Council, A United Way Agency serving the Older Citizen, and General Chairperson for Older American Month May Fair, Saturday, May 1, 1976, Municipal Auditorium, for free transit fares for older citizens on this special day.

Mayor Friedman noted that this was associated with another item on the agenda concerning bus service for May Fair and pointed out that there would be an approximate \$300 to \$400 cost expectancy by the City to provide this free bus service.

Mrs. Betty Lawrence commented that this event has been co-sponsored by the Adult Services Council and the Parks and Recreation Department in previous years. There will be arts and crafts made by senior citizens on display, a wide variety of entertainment and one area of the auditorium devoted to a health screening program for testing those persons over 60. Mrs. Lawrence requested

that the Council provide free bus service for just this one day of May 1, and in doing this possibly it would encourage more people to attend this event.

Councilmember Lebermann moved that the Council approve and authorize the administration to develop the free bus service for the May Fair which will be on May 1, 1976, and offer the Council's support of this event. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

#### ZONING HEARING

Mayor Friedman announced that the Council would hear the zoning case scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning case was publicly heard.

EAST INDUSTRIAL	3000-4800 Blocks of Ed	From Interim "AA" Residence
DISTRICT	Bluestein Boulevard	1st Height and Area
Excluding Tracor	6000-6807 Martin Luther	To "D" Industrial
and Motorola	King, Jr., Boulevard	1st Height and Area
By Planning		RECOMMENDED by the Planning
Department		Commission, excluding 50 feet
C14-75-126		of "A" Residence to be main-
		tained adjacent to the residen-
		tial areas, subject to a 25-
		foot scenic area adjacent to
		Ed Bluestein Boulevard and
		East Martin Luther King, Jr.,
		Boulevard and 6-foot privacy
		fence or landscape shield
		adjacent to the residential
		areas

Mayor Pro Tem Snell pointed out that this zoning case was postponed from last week in order to allow the residents in the area to obtain names for a petition opposing the zoning change.

Mr. Louis Huff, Jr., stated that he had attempted to secure the petition but was not successful in securing the necessary 20%. He noted that the citizens in Craigwood subdivision and other subdivisions in the area are for industrial projects but not in a residential area. He felt that when the Master Plan was initiated years ago, it did not have the input from the Black citizens in East Austin, and he felt this Council should not abide by decisions made by the past Council when there were no Blacks serving in the decision making process. He asked that the Council deny the request for the proposed zoning change.

Mr. Frank Booth, representing three property owners of a 6-acre tract in the area, noted that they had an appeal against the 25-foot scenic easement. The property owners he was representing are Mr. James Ross, Sue Pope and Diana Ross Cook. They support the recommendation as to the type of zoning, but are

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concerned about the scenic easement. In reviewing the property by use of the aerial map, Mr. Booth pointed out the narrowness of the property and felt that the scenic easement would destroy the usability of the property.

Mr. Booth indicated that in past zoning cases that had an easement problem such as this one, the Council has not accepted the Planning Commission's recommendation but has directed the Planning Department to present a Zoning Ordinance to cover this situation. He felt this zoning case should be handled in this same fashion.

MR. FRANK McBEE, President of Tracor and owner of approximately 6 acres of land as shown on the aerial map, felt that it was important for the Council to understand what problems the industries face when trying to locate in an area. In reviewing the things needed in order to operate an industry, Mr. McBee commented it was not their desire to ever have an unclean industry or to have a heavy industry.

After searching for an industrial site for six months, in 1963 a site was chosen that was zoned Industrial in accordance with the Master Plan. In 1966 when the plant was in operation, the Council granted a change of the Master Plan to Residential, thereby allowing the Craigwood subdivision to be inside an industrial area. To his knowledge there has not been any problems with the residents, and he felt that the land that he owned, as well as the other tracts in the area, were not suitable for anything other than Industrial zoning. He urged the Council to support the recommendation for Industrial zoning.

In response to Mayor Friedman's question as to a stipulation whereby no building would be started until a site plan was submitted to the Council and approved, Mr. McBee stated he would agree to this.

MR. TOM CURTIS, representing Mr. Bob Bobbitt of Tract 2 as shown on the aerial map, felt that the buffer on the west would not create any problem nor would the 50-foot strip of "A" Residence zoning. The site plan would not create any problems and he would be agreeable to that. The fence requirement and the 25-foot easement would also be agreeable to his client. Mr. Huff agreed that with the site plan and neighborhood input, this problem would probably be solved. In response to Mayor Friedman's question as to whether Mr. McBee and Mr. Booth would be agreeable to submitting the site plan before any development could occur, they were agreeable to this requirement.

Councilmember Linn inquired if Tract 2 had been changed to Residential and then back to Industrial, and it was determined that was correct, but it had been Industrial prior to the development of Craigwood. She inquired of each owner if their tract had ever been rolled back. Only Tract 2 had been rolled back.

In response to Councilmember Himmelblau's question as to any opposition from property owners in Tracts 3 and 4, Mr. Dick Lillie noted that there had not been any problem.

Councilmember Himmelblau moved that the Council approve "D" Industrial, 1st Height and Area, as recommended by the Planning Commission, on Tracts 1, 2, 3, and 4, subject to conditions, except with the deletion of the 25-foot scenic easement on Tract 1 on the west side, and to tie the zoning to a site plan on Tracts 1 and 2. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Mayor Friedman indicated that this would mean that nothing could be built on Tract 1 and 2 without the approval of the Council of a site plan with input from the neighborhood. He felt that with the site plan the neighborhood would have the additional protection and the points brought out by Mr. Huff are very valid. He thanked Mr. Huff and the neighbors for their help in obtaining a solution.

Mayor Pro Tem Snell still felt that allowing this to come into the neighborhood was not good no matter what the conditions, and did not want to continue to make the same error that was made in the past.

Councilmember Himmelblau asked that there be an amendment to the Zoning Ordinance so the Council could legally ask for a site plan without prevailing upon the developers or owners of the land to say that they would do so.

Councilmember Linn voted "no" because she objected to the way that Tract 2 was "juggled" around.

Mayor Friedman commented that the Council would expect to see a site plan whenever any development is proposed.

#### PUBLIC HEARING ON FINANCIAL DISCLOSURE AND ETHICS ORDINANCE

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. to discuss the Financial Disclosure and Ethics Ordinance. In referring to the draft that he had created, Mayor Friedman noted that there had been some revisions in the draft. At this time, Mayor Friedman reviewed the second draft.

#### Article V. Code of Ethics

##### Sec. 2-32. Definitions.

Mayor Friedman noted one additional definition that needed to be placed in this section and it is the definition of what a business entity is. The proposed definition of this would read "business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business is conducted."

##### Sec. 2-32.(d) 7

There needs to be a sentence included that states "Is a partner in a business entity also."

Sec. 2-33. Standards of conduct.

(a) No city official or city employee shall:

(1) Accept or solicit any money, property, service, or other thing of value by way of gift, favor, loan, or otherwise which the official or employee knows or should know is being offered or given (a) solely by reason of the official position held by said city official or employee, or, (b) with the intent to influence said official or employee in the discharge of official duties.

Article VI. Financial Disclosure by Certain City Officials

Sec. 2-34. Definitions.

When used in this article:

(a) "City official" means mayor, members of the city council, city manager, deputy city manager, assistant city manager, city attorney, department and deputy department heads, and where no deputy department head serves, the first principal assistant of such department, and members of the following boards, commissions and committees:

- (1) Board of Equalization
- (2) Zoning Board of Adjustment
- (3) Brackenridge Hospital Advisory Board
- (4) Human Relations Commission
- (5) Retirement Board
- (6) Airport Zoning Board
- (7) Planning Commission
- (8) Building Code Board of Appeals
- (9) Citizens Board of Natural Resources and Environmental Quality
- (10) Parks and Recreation Board
- (11) Building Standards Commission
- (12) Heating, Air-Conditioning and Refrigeration Appeal Board
- (13) Navigation Board
- (14) Electric Board
- (15) Plumbing Board of Appeals
- (16) Historic Landmark Commission



## (17) Ethics Review Commission

(b) "Person" means the designated city official, and said official's spouse.

Councilmember Himmelblau requested that including the term "spouse" was discriminating against marriage and if the term was to be used, it should be more inclusive. Mayor Friedman noted that this could be an option to include "spouses and others."

Councilmember Trevino referred to the section concerning the definition of "city officials" and noted that the municipal court judges and associate judges were not mentioned. Mayor Friedman addressed himself to this point and stated that the definition would include the municipal court judges and relief judges.

(c) "Major changes in the status of financial interests" shall mean any sale or purchase or loan to or from any city official of any money, goods, property, stocks, bonds, or other valuable thing valued at \$2,000 or more. Councilmember Himmelblau asked that this amount be increased to \$5,000 or more since she felt it would reduce the paper work. After discussion among the Council, Mayor Friedman said that the change to \$5,000 would be considered.

## Sec. 2-35 (c)(1)

Should read, "All sources of occupational income in excess of \$350 per source of the person reporting, including the amount, the name and business address of the employer and the nature of the occupation or business. If the person reporting is self-employed, or if such person owns, either legally or beneficially, at least a 5% interest in the legal entity employing such person, then the person shall report the names and addresses of the clients or customers from whom such person or the person's employer (including a partnership, trust, or corporation of any kind) received at least 5% of such person's partnership or employer's gross income during the reporting period, provided such information is not privileged by law.

Mayor Friedman noted changes here would be the occupational income in excess of \$350 not \$250 and the interest changed from 10% to 5%.

Councilmember Himmelblau suggested these changes and also asked that in section (b) the number of days be changed from 60 to 90 or 120-day reporting period.

Mayor Friedman pointed out that there would be an additional paragraph under Section 2-35(c)(7) specifying saving accounts, pensions, certificates of deposit, trust, etc. This was omitted in the definitions as to what would be included in reporting.

## Section (12)

"All financial liabilities of the person reporting which are in excess of \$1,500 and which are presently outstanding or which existed at any time during the reporting period, including the amount of the liability, when the liability is incurred, whether or not interest is being paid on the obligation, etc., and a sentence of reporting interest rates in categories to be listed.

Section 2-36. Financial disclosure by candidates.

(a) Non-incumbent candidates for election to city offices shall file a public statement of financial activity with the City Clerk within 5 days after filing for their respective offices for the year prior to the date of filing.

Mayor Friedman noted that the number of days was originally 10, but felt that 5 would be better.

Section 2-40. Ethics Review Commission.

(b) Members of the commission shall be appointed by the following groups: One to be selected by the Travis County Bar Association; one member by the Travis County Professional Association of Certified Public Accountants; and one to be selected by Common Cause of Texas, Austin Chapter; and two members to be selected by the majority of Council; deletion of Banking Clearing House and League of Women Voters.

Mayor Pro Tem Snell asked that at least one of the members be from a minority group and selected by the Council. Mayor Friedman stated that this would be included.

Section 2-38. Dates.

Councilmember Himmelblau asked that the March 1 date be changed to April 15 so it would be in line with the income tax return. Mayor Friedman felt that this would cause a problem since it would bring you past the date of election for the City Council. Also, Mayor Friedman stated that there had been a suggestion on loans outstanding that there be a categorical listing of interest payments such as:

0	-	2.5
2.6	-	4.5
4.6	-	6.5
6.6	-	8.5
8.6	-	10.5
10.6	-	12.5

Councilmember Himmelblau stated that she did not mind financial disclosure but when you get into interest rates, she felt this was punitive and was something that was her business and the banker or whatever business house wished to lend her the money on the collateral or reputation she has. Councilmember Himmelblau felt that nothing would be gained other than making it punitive to some members of the Council, boards and commissions, as well as those that come afterwards.

MR. PHIL MOCKFORD, representing the Austin General Contractors Association, commented that the Association supported the Financial Disclosure and Ethics Ordinance, and pointed out that they did support the Ethics portion in its entirety. In reviewing the suggestions of the Association concerning the draft, Mr. Mockford noted that the category classifications on values should be eliminated entirely. He felt that inquiry into ones personal affairs was punitive and an invasion upon their privacy, and if this classification could not be eliminated, then it should be broadened.

Another recommendation involved the boards and commissions and he asked that they be eliminated from the category relationship, otherwise Mr. Mockford felt that this would cause people to be reluctant about serving on boards and commissions. He also felt that an update report should be done on a quarterly or semi-annual basis. There should not be an ethics commission, and if there was going to be one, then the Council should appoint all members to it.

Mr. Mockford also thought the filing requirement was too stringent and felt that in the initial stages there should be a notice requirement in the City Clerk's office in order to give people advance notice.

As regards the definition of "city official," it was the Association's feeling that the Council aides should be included on the Financial Disclosure filing.

RUTH EPSTEIN, representing the Travis County Democratic Women, felt that it was difficult to obtain information concerning matters to be presented at public hearings, and was a little concerned about the open meetings law being complied with. In general the organization supported the Ordinance and the addition of the Ethics Commission is very good. In response to Mrs. Epstein's question as to women being on the Ethics Commission, Mayor Pro Tem Snell stated that he was not opposed to this. She felt that it was a mistake to designate specific groups when considering the composition of the commission, and it should be left to the Council to decide this if it was going to be done. Mrs. Epstein stressed that this was her own opinion. As to revealing the spouse's income, she suggested the terminology of "people who share each others bank accounts." She also opposed asking the aides to financially disclose since they did not have the sovereign power.

JAMES HAMMERICK, representing the Austin Building Trades Council, stated the Council supported the Ordinance and recommended that the suggestions presented by Mr. Phil Mockford be considered.

CRAIG DAVIS, representing Common Cause, felt that government office was a public trust and any effort to realize personal gain through official conduct would be a violation of that trust. He noted that Common Cause felt that public officials should discuss their financial interests on a regular basis, and economic associates of public officials and persons under official regulation must also be accountable to the public. Mr. Davis enumerated certain provisions that he thought was necessary in the Ordinance to make it effective.

MR. CHARLES MILES spoke in favor of the Financial Disclosure Ordinance and recommended that there be an interest category included, otherwise, he felt that the minority might not be given the same consideration on interest matters. Also, he asked that dependent children be included, since this is one of the means that people use to manipulate their finances.

ALAN HIRST felt that there should be an addition to subsection (b) on page 3 of Mayor Friedman's second draft whereby there would be some language to allow the City Attorney and members of his staff shall not be precluded from representing any official or employee of the City in any action brought against them individually or in their official capacity for acts or omissions in the course and scope of their duties as such or because of their holding any such position.

He also recommended some sort of language allowing the City Attorney to make advisory opinions on the Ordinance to those who have to file under it. Mayor Friedman felt that this recommendation was basically included.

Councilmember Hofmann asked for some clarification concerning the effect on ordinary business transactions that the Ordinance would have, and Mayor Friedman noted that a report would be made on any significant changes every 60 days.

Mayor Friedman pointed out that due to some confusion as to the language on the agenda, the final vote of the Ordinance could not occur today.

#### Motion

Mayor Friedman moved that the public hearing be closed and that the City Attorney bring back to the Council for passage on March 25, 1976, the second draft of Mayor Friedman's proposed Financial Disclosure and Ethics Ordinance with the specific language as outlined below:

1. Section 2-32. Definitions.

- a. Under this section that there be an additional definition added as to what a business entity is.
- b. Section 2-32(d) 7 needs to be added that states "Is a partner in a business entity also."

2. Section 2-33. Standards of conduct.

- a. The addition of the word "solely" to section 2-33(a)1.

3. Section 2-34. Definitions.

- a. "City official" definition should also include municipal judges and relief judges.
- b. Section 2-34(c) a change from \$2,000 to \$3,500.

4. Section 2-35. Reports.

- a. \$250.00 should be changed to \$350.00 and the 10% changed to 5%.
- b. That an additional paragraph be added that would specify savings accounts, pensions, certificates of deposit, trust, etc., to be included when reporting.
- c. Change the \$1,000 to \$1,500 in (12), and the additional sentence of reporting interest rates in categories to be listed.

5. Section 2-36. Financial disclosure by candidates.

- a. A change in the number of days from ten to five.

6. Section 2-40. Ethics Review Commission.

- a. At least one member will be from a minority group.
- b. The deletion of selection by the League of Women Voters and the Banking Clearing House; and the addition that two would be selected by the Council.

7. Section 10. Legal Opinions.

8. Section 14(e). Categories for Interest Rates.

0	- 5%
5.01	- 7%
7.01	- 9%
9.01	- 11%
11.01	- 13%

The motion was seconded by Councilmember Linn. and carried by the following vote:

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

Councilmember Himmelblau felt that members of the boards and commissions should receive a copy of the Ordinance and stated that the hearing was closed without any input from people that are very significant in helping with City affairs.

Mayor Friedman commented that when the draft is ready and placed on the agenda, then the City Clerk can forward a copy to the Chairpersons of the 16 Boards and Commissions as listed.

\*Councilmember Himmelblau voted "no" because she was opposed to the interest section; however, she was in favor of the remainder of the Ordinance.

\*Councilmember Lebermann indicated that he was reluctant to commit to specific language until he has had the opportunity to review the changes by the Council and the public. This was his reason for abstaining.

PRESS CONFERENCE

Prior to the commencement of the afternoon session of the Council meeting, City Manager Davidson announced in a press conference his appointment of the new Police Chief, Mr. Frank Dyson. (Appointment is subject to confirmation by the Council.)

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AFTERNOON SESSION  
2:00 P.M.

Mayor Friedman called the afternoon session to order.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier, however, no board appointments were made due to the discussion of certain legal matters and the personnel matter concerning the Police Chief selection.

The Council did cancel the work session that was scheduled for tomorrow, and no date has been selected for another hearing of that matter until all the Councilmembers are present.

Several legal matters were considered concerning representation on certain pending law cases and no decision was reached. Also, Mayor Friedman announced that next week there would be two members of the Council that would not be present for the Council meeting.

Mayor Friedman concluded by stating that an Executive Session was scheduled for Monday, March 22, 1976, at 7:00 p.m. in the Mayor's office for the purpose of a personnel interview in connection with the Police Chief interview system.

REQUEST TO USE CERTAIN LAND FOR A FARMER'S MARKET

Mr. Tom Spiller requested to appear before the Council to ask for approval to use land at the Southwest corner of South Pleasant Valley Road and South Lakeshore Drive as a farmer's market.

Mr. Johnny Voudouris, County Commissioner representing the Commissioners' Court, presented a petition with five signatures supporting the concept for a farmers' market. In reading the petition, Mr. Voudouris stated the Commissioners' Court supported the request to use City parkland for the proposed farmers' market which would be north of Lefty Kreig Softball Complex on Pleasant Valley Road and with the joint use of the existing restroom facilities.

They understood and appreciated that the use and development of City parkland is of a very special concern of the Council and that the Council endeavors to protect and preserve these properties. With this in mind, the Court felt that this project would enhance this unimproved land without destroying any of its natural beauty. In clearing the weeds and rubble from the property each tree would be protected and all measures taken to preserve the ecology of this site. It is their feeling that a farmers' market would serve the constructive needs of citizens of the community and for this reason, the Commissioners' Court requested that the Council approve the use of this area for a farmers' market.

Mr. Tom Spiller referred to the drawing that was distributed to the Council showing the proposed farmers' market and noted that at this time, there were not any permanent buildings planned. He felt that the idea of the farmers' market was a good one for the community and had not received any opposition to the concept except for the comments from Mr. Dean Rindy, a member of the Planning Commission, and after talking with Mr. Rindy earlier, Mr. Spiller felt that the concept should be approved. Mr. Rindy felt, though, that it should be placed in a better position but he did not have any suggestions. Mr. Spiller urged the Council to read the letter that was submitted by Mr. Rindy concerning this matter.

Councilmember Hofmann commented that she had visited with Mr. Rindy and was informed by him that he felt more comfortable about the idea since there would not be any permanent buildings located on the property. Councilmember Hofmann commented that she was very excited about the idea.

In response to Councilmember Trevino's question, Mr. Spiller noted that there were two different locations that were considered for the farmers' market but the Commissioners' Court felt that the land they suggested would be best. Mr. Voudouris pointed out that restroom facilities would have to be constructed on the land being requested today; however, if the site was located across the street a restroom facility is present for use, but the land would have to be raised with landfill and would be done at the County's expense. He pointed out that this would be a two to three-year program, and if it was successful, the County would have to vote to buy land. Councilmember Trevino expressed concern since during the CIP discussions there were some recommendations by the Parks and Recreation Department to add some additional softball complexes in the area.

Councilmember Linn felt that the City and the County should meet and try to locate property within the area that the City and County could purchase together. The City has some property in this area, but not enough for a large farmers' market. She felt that this was something that should be considered in the next CIP.

Mr. Jack Robinson, Director of Parks and Recreation Department, indicated that his main concern when reviewing the sites was the "tying up" of the site for an extended period of time. After discussing this with Mr. Voudouris and Mr. Spiller, he felt that for the present time it would not be safe to build anything on any of the particular sites. In response to Councilmember Linn's question as to locating the market next to the softball field, Mr. Robinson noted that at the present time, there were no funds projected for development in this area. However, there is some interest in building a tennis center at this location. Mr. Robinson felt that the site by Kreig field would be less objectionable to the residents of the apartments on South Lakeshore and when the County did decide to terminate the market, then the fill would be left and the area restored to its natural condition. Councilmember Himmelblau requested to see a land use map at this time.

Mayor Friedman pointed out that he had met with the County officials and viewed the site in order to select a site that was not being used at the present time. He felt that for a temporary market, such as this one, that the Commissioners' proposed location would be ideal.

Councilmember Himmelblau felt that she was more comfortable with the first site, since she did not want anything adjacent to the softball field. Mr. Robinson pointed out that as designated by the approval of the Comprehensive Town Lake Development Plan in 1968, this land was designated as park land. Councilmember Himmelblau felt that precautions should be taken if park land is to be used. Mr. Jim Miller, Assistant City Manager, reminded the Council about the zoning requirements that would have to be changed in accordance with this concept.

Ms. Pat Kuney, a member of the Farmers' Market Advisory Committee for the County, introduced Mr. T. A. McDonald, an executive member of the committee and associated with the County Agriculture Extension T.A. She noted that the committee was very much in support of this concept and was recommended as a Bicentennial project for the County. She urged the Council to support the concept of a farmers' market in whatever location can be agreed upon and the Council may want to consider a temporary zoning from "A" to "C" if this was possible. Mayor Friedman stated that this would not be possible since there are requirements for certain procedures, but the Council could encourage this to be rushed through.

At this time, the Council viewed the map of the area and noted that the first site was located on the southwest corner of Pleasant Valley Road and Lakeshore Drive. The second site was located on the east side of Pleasant Valley Road.

After discussion with Mr. Joe Morahan, Director of Property Management, the possibility of locating the site in another area in town was discussed and due to several concerns of the Council, it was decided that a study needed to be performed to locate an alternative site.

Mr. Voudouris stated that several other locations were examined and the Court felt that the one site being requested would be the most desirable; however, if the Council was not in agreement, the Court would take what the Council offers. He stated that they did want this farmers' market and would like a decision as soon as possible.

City Manager Dan Davidson commented that in communicating with concerned parties about this idea of a market, at no time did he understand that there was a desire to study possible sites on a City-wide basis. Therefore, other areas were not examined for this site such as industrial property, property adjacent to the airport, or any of the state-owned property referred to by Councilmember Himmelblau. Councilmember Himmelblau stated that locating the site within a residential area or within a park area would be a definite violation of the Goals Program, even if this was done on a temporary basis. She submitted that she would not vote for either of the sites today. Councilmember Linn felt that possibly another site would be found that would be zoned for the proposed use.

In response to Mayor Friedman's question as to completing a study in two weeks, Mr. Morahan indicated that this would be sufficient time to do the study. City Manager Davidson noted that they would meet with Mr. Spiller and Mr. Voudouris to discuss the site locations to aid in guiding Mr. Morahan in his study. Mayor Friedman commented he would like to make a decision today, but since this was not going to be done, he suggested that this study be performed concerning the site locations for the farmers' market and present the recommendations to the Council in two weeks.



## CITY OF AUSTIN, TEXAS

## REQUEST TO PURCHASE WATER FROM THE CITY

Ms. Delores R. Griffin, Chairman of Board of Directors, SV Water Supply Corporation, appeared before the Council to request the approval to purchase water from the City of Austin through a master meter. Ms. Griffin noted that she was appearing on behalf of the Board of Directors of the SV Water Supply Corporation. She pointed out that the SV Corporation served a 37-acre area in the southwest part of Travis County west of Oakhill.

The present source of water is obtained from wells, and the quality is "hard." After considering several ways to obtain water for the area, it was decided that the most workable and feasible solution would be to purchase water from the City through a master meter. Ms. Griffin proposed that a water line could be run from their area to the City's main at Oakhill and secure the water necessary through a 3-1/4 tap at no cost to the City. Ms. Griffin requested that the Council seriously consider the request to purchase the water through a master meter or on an interim basis until other sources can be made available.

In response to Councilmember Linn's question as to the composition of the Board of Directors, Ms. Griffin stated she is the Chairman of the Board of Directors; Mr. Laurel Homan, Mr. Roy Davis, Mr. Alton Hull and Mr. Eugene Meadows are all members of the board and live in the division.

Mayor Friedman felt that this request would have to be studied and a report presented to the Council at the April 1 Council meeting in the afternoon. City Manager Dan Davidson stated that he would be glad to meet with Ms. Griffin to discuss this item and also that she could meet with Mr. Don Wolf in the City Attorney's office.

Mr. Eugene Meadows, one of the directors, commented that this request is being made by people who contribute to the economy of Austin and hope that the Council would give this request favorable action.

A member of the Water Board of Spring Valley commented that all the residents wanted was a good quality water for their system to be able to serve the residents and are willing to purchase the water at normal rates.

Mayor Friedman moved that the Council request that the City Manager and the staff present to the Council a full report as to the legal and practical applications of this request to purchase water from the City of Austin through a master meter and this report would be presented on April 1 in the afternoon. The motion, seconded by Councilmember Linn, carried by the following vote:

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

## REQUEST FOR POLLING PLACES

Councilmember Linn moved that the Council approve a request by Mr. Charles Sansom, Director of Administrative Services, Austin Independent School District, for permission to use the following City facilities as polling places for the School Trustee Election on April 3, 1976, and a runoff, if required, on April 24, 1976:

City Communication Building  
Austin Recreation Center  
City Fire Station

2610 Robinson  
1213 Shoal Creek Boulevard  
506 West Martin Luther King, Jr.  
Boulevard

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

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

#### PARADE PERMIT

Councilmember Linn moved that the Council approve a request from Ms. Lynda R. Duerksen for a parade permit for the American Diabetes Association Capitol Area Chapter, on Sunday, April 4, 1976, at 11:00 a.m. until 5:30 p.m., beginning at 303 East Oltorf, north on South Congress to West First Street, to Lavaca, M. L. King Boulevard, Guadalupe, 38th Street, Medical Parkway, Burnet Road, Woodrow, Anderson Lane, Burnet Road, Ohlen Road, Peyton Gin, to 9400 North Lamar Boulevard. ~~Returning~~ riders will turn off M. L. King Boulevard onto Guadalupe, south on Guadalupe to West First. This is a two-way route. Riders will be going north, while others south. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### APPEARANCE CONCERNING SENIOR CITIZENS CENTER

Ms. Monica Geick had requested to appear before the Council to protest the placing of the senior citizens' activity center; however, Ms. Geick was not present at the Council meeting.

#### LEASE AGREEMENT FOR THE LIBRARY

Councilmember Linn moved that the Council adopt a resolution approving a three-year lease agreement, with three one-year Lessee option extensions, for the rental of a 2500 square foot Southwood Branch Library in the Southwood Shopping Center at 1507 West Ben White Boulevard. (Lease period April 1, 1976, through March 31, 1979: \$200.00, or 8¢ per square foot per month) 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

## LEASE AGREEMENT FOR THE LIBRARY

Councilmember Linn moved that the Council adopt a resolution for a five-year lease agreement extension for a 3,000 square foot North Village Branch Library located at 2135 Anderson Lane. (Lease period July 15, 1976, through July 15, 1981; \$450.00, or 15¢ per square foot per month). 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 Hofmann found it difficult to understand why the space in the Southwood Shopping Center was 8¢ a square foot, and twice this amount in the North Village Branch Library. City Manager Davidson commented that the Southwood Lease Agreement started many years ago and the library has been very valuable for the center thereby enabling the City to extend the lease several years longer at the same price.

APPROVAL OF CONTRACT BETWEEN TRAVIS COUNTY AND  
THE CITY FOR BOOKMOBILE SERVICE

Councilmember Linn moved that the Council adopt a resolution approving a contract between Travis County and the City of Austin for Bookmobile service in the amount of \$27,005. (January 5, 1976, through December 31, 1976) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Hofmann, Lebermann, Linn  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau

## RELEASE OF EASEMENTS

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

A Public Utilities Easement; the west five (5.00) feet of the south 112.24 feet of Lot 15, Block A, Horseshoe Bend, also known locally as 2404 Forest Bend Drive. (Requested by Donald P. Beck, owner)

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau

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

Two (2) Sanitary Sewer Easements that traverse Lots 7 and 8, Richland Estates, Section Two, Phase One, a subdivision in the City of Austin, Travis County, Texas. (Requested by Justin H. Beddow representing Beddow & Associates, Inc., owners)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

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

A portion of an Electric and Telephone Easement, seven and one-half (7.50) feet in width and being out of and a part of Lot 11, Block N, First Resubdivision of Block N, Quail Creek, Phase 2, Section 3, and which 195 square feet of land is to be released from the Electric Easement provided in an Instrument dated September 10, 1971, of record in Volume 4169 at Page 7 of the Deed Records of Travis County, Texas. (Requested by Edward F. Hanel, Vice President of Nash Phillips-Copus Company, owners)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

#### CONTRACT WITH URBAN MASS TRANSPORTATION ADMINISTRATION

Councilmember Lebermann moved that the Council adopt a resolution authorizing the execution of a contract with the Urban Mass Transportation Administration for a Capital Assistance Grant of \$281,600.00 under Section 5 of the Urban Mass Transportation Act of 1964 for purchase of specially equipped vehicles to serve the Mobility Impaired. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Mr. Joe Ternus, Director of Urban Transportation, informed the Council that there would be a delay in obtaining these vehicles. Because of problems dealing with the specifications, Mr. Ternus indicated that the vehicles would be delayed approximately three or four months, from the original anticipated time which was July.

## CONTRACTS AWARDED

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

HALL SIGN, INC.  
3000 West 3rd Street  
Bloomington, Indiana

- Aluminum Traffic Sign Blanks,  
Urban Transportation Department.  
Item 1-21 - \$29,768.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

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

TECHLINE, INC.  
8750 Shoal Creek Boulevard  
Austin, Texas

- 100 25-foot Street Light Poles,  
Electric Department.  
Item 1 - 100 ea. @ \$198.40  
Total \$19,840.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember  
Lebermann

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

ROCKFORD FURNITURE & CARPETS  
5524 West Bee Cave Road  
Austin, Texas

- Carpet and Rubber Cove Base for  
Municipal Building Improvements.  
Item 1-3 - \$5,684.00

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember  
Lebermann

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

DAVE ALLERT COMPANY, Representative - 20 Telemetering Transmitters/  
Datamaster, Division of ACCO Receivers, Water and Wastewater  
321 Dallas Department.  
Irving, Texas Items 1 - 40; \$8,325.00

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

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,  
Mayor Friedman, Mayor Pro Tem Snell  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

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

ANCHOR EQUIPMENT COMPANY, INC. - Installation of approximately  
8403 Shoal Creek Boulevard #2 3358 feet of 12-inch water mains  
Austin, Texas and associated appurtenances for  
U. S. 183 from Carvery to Cameron  
Road - \$55,792.20

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

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,  
Mayor Friedman, Mayor Pro Tem Snell  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

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

ARLINGTON EQUIPMENT COMPANY, INC. - Catch Basin Cleaner, Vehicle &  
1610 Industrial Court Equipment Services Department.  
Arlington, Texas Item 1 - \$85,131.00

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

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

Mayor Pro Tem Snell was in favor of this, but with the idea that no one would be without their job or be transferred to another position. He commented that this would eliminate from three to six people from working. Mr. Davidson commented that the personnel would be utilized for additional duties in the department that at the present time can't get done, and there will be no loss of manpower.

LICENSE AGREEMENT WITH SOUTHERN PACIFIC TRANSPORTATION  
COMPANY TO INSTALL WATER MAIN

Councilmember Linn moved that the Council adopt a resolution authorizing a License Agreement with the Southern Pacific Transportation Company for the purpose of installing an 8-inch Water Main beneath said Railroad's yard Track No. 23 and opposite Mile Post 114.24 in the City of Austin, Travis County, Texas. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor  
Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

IMPROVEMENTS TO BARTON CREEK WASTEWATER SYSTEM

Mr. Curtis Johnson, Director of Water and Wastewater Department, stated that on February 4, 1976, the Council passed a resolution that recognized and supported the administrative action that the staff had taken in ceasing the sale of water and wastewater taps in certain portions of the Barton Creek wastewater system service area due to a lack of capacity. The resolution also stated that applicants could negotiate for service with the City Manager and Mr. Johnson; this proposition would then be presented to the Council.

Mr. Johnson asked that the Council approve a contract with Sid Jagger and other applicants in the Barton Creek area so improvements could be made to the system in this area, so wastewater taps can be provided.

Councilmember Linn was concerned that the Environmental Department or Board had not reviewed this and she would not like to vote in favor of something they would not support. Mayor Friedman felt that there were some questions that should be answered by the Environmental Board. He pointed out that the lift station would service those people who would be paying for it and that the Environmental Board should be in a position to see where the line is supposed to be placed. Mayor Friedman felt that possibly the Council could authorize the contract pending approval by the Environmental Board on the location of the line.

Mr. Johnson felt this was his intention that the Council would approve the principle of the proposition, but not the specific contract. Mr. Homer Reed, Deputy City Manager, felt that what is needed would be Council approval of a contract with the entire project subject to the Environmental review.

Mr. Sid Jagger pointed out that it would be necessary to obtain a creek permit for the necessary lift station and then after review by various departments this would then come before the Council for final approval.

Councilmember Linn felt that since improvement in this area was one of the items defeated in the Bond Election, it was her feeling that possibly the people did not want this facility in the area. Councilmember Hofmann was concerned with the amount of development that could take place in the area.

Councilmember Himmelblau commented that the subdivision that would be served has been platted and approved by the Environmental Board and the Planning Commission over one year ago. She felt that the zoning was granted on the basis that the section of land would be served and could not see any violation.

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a contract for improvements to the Barton Creek Wastewater System at the expense of the applicants. (Sid Jagger and others) The motion was seconded by Councilmember Lebermann.

Mr. Homer Reed pointed out that the Master Plan, which is almost completed, will deal with standards of development in the Barton Creek area; however, if more study is needed, the staff could accomplish this after September.

Dr. Maureen McReynolds, Director of Environmental Resource Management, commented that no studies had been done concerning this particular lift station. Mr. Jagger noted that the only people that would be in a position to connect with the facility would be the small lot owner, not the people that own large quantities of land.

Councilmember Hofmann felt that when the budget was discussed there were funds for the study of the Barton Creek area as pointed out by Mr. Jay Weinheimer during the discussion. Mr. Reed was not aware of this, but noted that he would be glad to check on it.

Mr. Johnson felt that these discussions were during the CIP program and at that time this was discussed, but due to the failure of the Water and Wastewater portion of the Bond Election, those funds are no longer available.

Councilmember Himmelblau noted that this subdivision was very carefully planned and the developer made several environmental concessions to protect the environment.

Mayor Friedman indicated that if the creek permit is not granted, the City would not begin a liability position because of failure to complete the contract. Mr. Joe Riddell pointed out that the creek permits are issued at the discretion of the Director of Engineering and it is also his discretion as to whether he wants to refer the permit to the Environmental Board.

Mayor Friedman suggested that written in the contract would be that the Environmental Board and the Planning Commission would be given consideration as per the contract with final approval granted by the Council.

#### Roll Call on Motion

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

\*Councilmember Linn stated that her negative vote was because the people of Austin voted "no" on the whole Water and Wastewater issue and she felt that the Council should abide by that.



## PUBLIC HEARING ON WATER AND WASTEWATER RATES

Mayor Friedman opened the public hearing scheduled for 3:30 p.m. to discuss reduction in water and wastewater rate minimum service charges and other adjustments in water and wastewater rates. Mayor Friedman noted that this was in conformance with the decision of the Council last week to place on the agenda this Ordinance reducing the cost for the number of gallons on a minimum rate for 5/8" water meters. Mr. Joe Liro, Management and Budget Administrator, commented that there had not been any changes from last week.

Mr. Homer Reed indicated that there would be some commercial properties that would receive the reduced rate.

In response to Councilmember Himmelblau's question as to screening this out for the future, Mr. Liro felt that the Council's decision to change the minimum would change the way the program is administered.

Mayor Friedman thought that possibly what is needed is an ordinance that would require a meter for commercial usage be placed if the land is rezoned. Councilmember Himmelblau noted that she would like to proceed but would like some type of a "spot" checking to remove certain small offices or businesses from the minimum rate.

Mr. Liro indicated that he would give a report on this in 60 to 90 days, and the effective date for the implementation of this Ordinance would be April 28, 1976.

MR. DOUGLAS LAYCOCK stated that he was in favor of the proposal as it is but urged the Council to go further. He felt that the present proposal does not solve the problem for people using less than 1,000 gallons of water, and he enumerated his concerns about the proposal.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER SYSTEM AND THE WASTEWATER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND WASTEWATER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Snell 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 Linn, 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.

## SELECTION OF PROFESSIONAL ENGINEERING SERVICES

The Council had before it for consideration the selection of professional Engineering services in connection with the following 1976 Capital Improvements Program Project for the Public Works Department:

Congress Avenue Bridge Restoration and/or Alteration  
Town Lake (Colorado River) Structure

Mayor Friedman noted that this item was also associated with another item on the agenda which was Item H-8, an ordinance appropriating certain money for engineering services in connection with the Congress Avenue Bridge Restoration. (Ordinance 760311-C)

In response to Mayor Friedman's question as to why there were no local engineering firms included on the list for consideration, Mr. Reed pointed out that there were not any local firms that had experience in repairing concrete arch type structure. Mr. A. M. Eldridge, Director of Construction Management, commented that local firms were contacted but they did not have any experience in arch bridge construction.

Motion

Councilmember Linn moved that the Council select the firm of PARSONS, BRINKERHOFF, QUADE & DOUGLAS, INC., for professional engineering services in connection with the aforementioned 1976 CIP project for the Public Works Department. The motion was seconded by Mayor Pro Tem Snell.

Substitute Motion

Councilmember Himmelblau moved that the Council select the firm of SVERDRUP AND PARCEL & ASSOCIATES for the professional engineering services in connection with the 1976 CIP project for the Public Works Department as follows:

Congress Avenue Bridge Restoration and/or Alteration  
Town Lake (Colorado River) Structure.

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

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann

Noes: Mayor Pro Tem Snell, Councilmembers Linn, Trevino,  
Mayor Friedman

The Mayor announced that the ~~substituted~~ motion had failed to carry.

Roll Call on Motion

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

Noes: Councilmember Himmelblau

The Mayor announced that the original motion had carried.

## ORDINANCE TO APPROPRIATE MONEY FOR ENGINEERING SERVICES

Mayor Friedman introduced the following Ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750911-B, CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 1975-1976, BY APPROPRIATING AND TRANSFERRING FUNDS FOR ENGINEERING SERVICES FOR THE RESTORATION OF THE CONGRESS AVENUE BRIDGE TO THE 1975-1976 CAPITAL IMPROVEMENT BUDGET; AND DECLARING AN EMERGENCY. (Ordinance 760311-C)

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

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

The Mayor announced that the ordinance had been finally passed.

## EXTENSION OF PROFESSIONAL SERVICES AGREEMENT

Councilmember Linn moved that the Council adopt a resolution authorizing the extension of Professional Services Agreement with MATHEWS, LEEDSHILL, BRYANT-CURINGTON for the Crosstown Wastewater Interceptor, for the following services:

Permanent Monumentation and Documentation of Crosstown Wastewater Interceptor Control Surveys.

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

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

## SELECTION OF SOILS INVESTIGATION SERVICES

Councilmember Himmelblau moved that the Council select the firm of FRANK G. BRYANT & ASSOCIATES in connection with soils investigation services for the following project:

Caswell House - Exterior Maintenance

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

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

## DEDICATION OF CERTAIN LAND

Councilmember Linn moved that the Council adopt a resolution dedicating the following City-owned land for street and alley purposes:

Alley Purposes

Kerby Lane Alley and West 37th

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 Linn moved that the Council adopt a resolution dedicating the following City-owned land for street and alley purposes:

Street Purposes

Weberville Road and Pleasant Valley Road  
East Riverside Drive and Summit Street  
St. Johns Avenue

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

## AUTHORIZING ACQUISITION OF LAND FOR STREET EXTENSION

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of certain land for the extension of 26th Street from Dancy Street to Manor Road as follows:

2305 LaFayette Avenue (Clara Senff) (to retain the house)

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

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

Mr. Joe Morahan, Property Management Department Director, commented that Ms. Senff decided that she would like to retain the house, and the normal policy is to allow the owner to retain the structure if they do so as a part of the purchase. He submitted that it was agreed that Ms. Senff could retain the house, subject to Council approval, for the sum of \$700.00. Mr. Morahan recommended the approval of this subject to authorization of the owner to retain the house in return for proper payment.

LEASE AGREEMENT FOR SPACE IN TRAVIS BUILDING

Councilmember Linn moved that the Council adopt a resolution for the new lease agreement for certain space in the Travis Building. The motion, seconded by Councilmember Trevino, carried by the following vote:

- Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Lebermann, Linn, Trevino
- Noes: None
- Not in Council Chamber when roll was called: Councilmember Hofmann

ORDINANCE AMENDING THE CITY CODE ON SCHOOL SPEED ZONES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41, SUBSECTIONS (d) AND (j), OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SUBSECTIONS, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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 effective immediately. The motion, seconded by Councilmember Lebermann, 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:

Additions and deletions were as follows:

<u>DELETING</u>		
<u>20 M.P.H.</u>		
<u>ON</u>	<u>FROM</u>	<u>TO</u>
William Cannon Drive	180' East of Bill Hughes Road	188' West of South First Street
<u>ADDING</u>		
<u>20 M.P.H.</u>		
Mesa Drive	120' North of Steck Avenue	100' North of the North curbline of Greenflint Lane

ADDING  
25 M.P.H.

<u>ON</u>	<u>FROM</u>	<u>TO</u>
William Cannon Drive	150' East of Cooper Lane	180' West of Cooper Lane
William Cannon Drive	180' East of Bill Hughes Road	188' West of South First Street

ORDINANCE AMENDING THE CITY CODE ON SPEED ZONES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS TO SUBSECTION (c) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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 effective immediately. The motion, seconded by Mayor Pro Tem Snell, 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.

Additions were as follows:

<u>ON</u>	<u>FROM</u>	<u>TO</u>	<u>PROPOSED SPEED LIMIT</u>
Atlanta Street	West 7th Street	Lake Austin Boulevard	25 M.P.H.
Highland Terrace	Perry Lane	West 45th Street	25 M.P.H.
Newfield Lane	Niles Road	300' South of West 10th Street	25 M.P.H.
Oakmont Boulevard	Mohle Drive	Westover Road	25 M.P.H.
Winsted Lane	Windsor Road	West 7th Street	25 M.P.H.

## ORDINANCE AMENDING THE CITY CODE ON SPEED ZONES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS AND DELETIONS TO SUBSECTIONS (a), (b) AND (d) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING 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 Linn, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Additions and deletions are as follows:

<u>ADDING</u>		
<u>35 M. P. H.</u>		
<u>ON</u>	<u>FROM</u>	<u>TO</u>
East Rundberg Lane	I. H. 35	Cameron Road
West Gate Boulevard	South Lamar Boulevard (U. S. 290)	South City Limits
<u>40 M. P. H.</u>		
William Cannon Drive	Manchaca Road	I. H. 35
<u>50 M. P. H.</u>		
U. S. 183 (NB)	City limits at South end of Colorado River Bridge	(Station 81+00) Thompson Lane for a distance of .615 miles
U. S. 183 (SB)	Hergotz Lane	(Station 81+00) Thompson Lane for a distance of .398 miles
<u>DELETING</u>		
<u>35 M. P. H.</u>		
West Gate Boulevard	Jones Road	South Lamar Boulevard (U. S. 290)

DELETING  
50 M. P. H.

<u>ON</u>	<u>FROM</u>	<u>TO</u>
U. S. 183 (Left Lane) (NB)	City limits at south end of Colorado River Bridge	(Station 81+00) Thompson Lane for a distance of .615 miles
U. S. 183 (Right Lane) (SB)	Hergotz Lane	(Station 81+00) Thompson Lane for a distance of .398 miles

ORDINANCE AMENDING CITY CODE ON SPEED ZONES

The Council had before it for consideration amending Section 21-42 of the Austin City Code by adding and deleting speed zones as follows:

ADDITIONS  
(MoPac Boulevard)

<u>MOPAC BLVD.</u> <u>(Loop 1)</u>	<u>FROM</u>	<u>TO</u>	<u>PROPOSED</u> <u>SPEED</u> <u>LIMITS</u>
Northbound Main Lanes	Balcones Drive	2,503' North of North- land Drive - Station 345+22	45 MPH
Southbound Main Lanes	Balcones Drive	1,525' South of Enfield Road - Station 574+00	55 MPH
Northbound Main Lanes	2,503' North of Northland Drive - Station 345+22	2,125' South of Enfield Road - Station 580+00	55 MPH
Southbound Town Lake Interchange	1,525' South of Enfield Road - Station 574+00	5th Street - Station 609+00 1st Street - Station 612+00	45 MPH
Northbound Town Lake Interchange	2,125' South of Enfield Road - Station 580+00	1st Street - Station 612+00	45 MPH
Southbound Town Lake Interchange	1st Street - Station 612+00	5,025' South of Enfield Road (North side of Town Lake) - Station 609+00	45 MPH
Northbound Town Lake Interchange	1st Street - Station 612+00 5th Street - Station 593+00	5,025' South of Enfield Road (North side of Town Lake) - Station 609+00	45 MPH



<u>MOPAC BLVD. (Loop 1)</u>	<u>FROM</u>	<u>TO</u>	<u>PROPOSED SPEED LIMITS</u>
Northbound and Southbound Main Lanes	5,025' South of Enfield Road (North side of Town Lake Station 609+00	South City Limits	55 MPH

East and West Service Roads	Barton Springs Road	South City Limits	35 MPH
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ADDITIONS  
(City Streets)

<u>ON</u>	<u>FROM</u>	<u>TO</u>	<u>PROPOSED SPEED LIMITS</u>
West 1st Street	San Antonio Street	300' West of Lamar Boulevard	35 MPH
West 1st Street	300' West of Lamar	MoPac Boulevard (Loop 1) Lake Austin Inter- change - Station 612+00	40 MPH

In response to Mayor Friedman's question as to why the speed of 55 m.p.h. was being imposed after the Council voted to have 45 m.p.h., Mr. Joe Ternus, Director of Urban Transportation, stated that due to the traffic engineering studies, the speed of 55 m.p.h. was the desirable speed in accordance with the State law. Mayor Friedman felt that the City could proceed with the 45 m.p.h. speed limit, and if the State wanted to contest this it would be up to them.

Motion

Councilmember Himmelblau moved that the Council waive the requirement for three readings and finally pass an ordinance amending Section 21-42 of the Austin City Code by adding and deleting speed as outlined in the aforementioned changes. The motion was seconded by Councilmember Trevino.

Substitute Motion

Councilmember Linn moved that the Council set the maximum speed limit at 45 m.p.h. on Loop 1, waive the requirement for three readings and finally pass the ordinance. The substitute motion was seconded by Mayor Pro Tem Snell.

City Attorney Jan Kubicek pointed out that a City that has a controlled access highway running through it may exercise authority in terms of the speed limit being established, but may exercise that authority through a traffic and engineering study, which has been conducted. The study has shown the recommended speeds that the Council now has before them and an arbitrary or unilateral action to reduce it below that which occurred on the basis of the study is not permissible.

Mayor Friedman stated that it is permissible, but may not be effective. However, notwithstanding this legal counsel which is well taken, an engineering study that looks at 85% of the traffic going at a certain rate is reasonable. Then, perhaps it should be lowered, and he felt 45 m.p.h. was much safer. If the State was not in agreement with this, then it would be up to the State to find out why they cannot agree with the safety feature.

In response to Councilmember Lebermann's question as to the Council not accepting the recommendations of the study, Mr. Kubicek commented that the lower speed limit could not be enforced.

Mrs. John White enumerated the reasons for a lower speed limit on MoPac and the statement that was given by Mr. Ben Alley, Engineer with the Highway Department, that a 40 m.p.h. limit would be agreeable. She suggested that before any speed limits are raised on City streets, that it be reviewed by the Citizens Transportation Commission.

MR. WOODROW SLEDGE felt that the 55 m.p.h. was a proper limit and would like to see more enforcement to help maintain this speed. He supported the staff's recommendation for the proposed speed limits.

Councilmember Hofmann felt that the Council did not have much of a choice but to remain legal as pointed out by the City Attorney. She asked that as an amendment to the motion, after the speed limits are installed, possibly Mr. Ternus could conduct a new study.

Mr. Ternus stated that as a matter of procedure this would be done.

#### Amendment to Motion

Councilmember Hofmann requested that the motion be amended to stipulate that after the recommended speed limits are installed, that a study be conducted on the 55 m.p.h. speed limit. Councilmember Himmelblau accepted the amendment.

Mr. Erwin Samuelson wondered how the Council arrived at the recommended speed limit of 40 m.p.h. Councilmember Linn noted that there would be fewer deaths at 40 m.p.h. Mr. Samuelson supported the 50 m.p.h. and hoped that the Council would listen to the advice of their City Attorney.

Maxine Friedman appeared before the Council and encouraged the lower speed limit on MoPac for safety reasons.

#### Roll Call on Substitute Motion

Roll call on Councilmember Linn's substitute motion, Mayor Pro Tem Snell's second, to waive the requirement for three readings and finally pass an ordinance setting the maximum speed limit at 45 m.p.h. on Loop 1 showed the following vote:

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

The Mayor announced that the motion had failed to carry.

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Councilmember Lebermann commented that he could not vote for a procedure that is unlawful.

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

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS AND DELETIONS TO SUBSECTIONS (a), (c) AND (e) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART 6701d); AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Roll call on Councilmember Himmelblau's original motion, Councilmember Trevino's second, as amended, to pass the ordinance through the first reading only amending Section 21-42 of the Austin City Code by adding and deleting speed zones as in the aforementioned changes, showed the following vote:

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

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

Mayor Friedman commented that Mr. Ternus might want to contact the Highway Department and see if they would like to readjust their figures.

#### AMENDING CITY CODE TO ADJUST PARKS AND RECREATION FEES

The Council had before it for consideration amending Chapter 24, Section 24-2.1 (a) through (f) of the Austin City Code to adjust Parks and Recreation Fees. MR. HARRY SAVIO, Budget Officer, stated that the Budget Office and the Parks and Recreation Department met with several members of the Council to discuss the revisions to the fee schedule.

In referring to the new fee schedule that was distributed to the Council, Mr. Savio noted the changes and adjustments as requested by the Council which included the following:

1. Swim ticket
2. Non-resident fees for tennis
3. Fiesta Gardens
4. Austin Recreation Center Gym
5. Other Gym Centers
6. Athletics

In response to Councilmember Himmelblau's question as to price of the Swim Ticket for the non-residents, Mr. Robinson noted that the proposal was for 1-1/2 times the City resident.

ROY BROOKS referred to his letter that he had sent to the Council concerning his objection to the \$1.00 fee for the tennis court reservation, and felt that there were other alternatives.

CHRIS SOOTE felt that there should be more than one kind of a facility for tennis in Austin and courts that would be available on a no-fee basis with the minimum of maintenance. He urged the Council to continue to make available the free tennis courts. Mr. Soote suggested that possibly some courts have a reservation fee and leave other courts open.

Mr. Robinson suggested that if the Council so desired, the new plan could include the provision whereby in the instance there are two courts, one could be for free play and one for reservation.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 24 OF THE AUSTIN CITY CODE OF 1967 BY ADJUSTING FEES CHARGED FOR RECREATION SERVICES AND BY PROVIDING FOR ADDITIONAL CATEGORIES OF FEES TO BE CHARGED FOR RECREATIONAL SERVICES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ 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 amending Chapter 24, Section 24-2.1 (a) through (f) of the Austin City Code to adjust Parks and Recreation Fees as amended, and to include the provision that in playgrounds where reservations can be made for a court, that at least one of the courts be kept open for free play. The motion, seconded by Mayor Pro Tem Snell, 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.

#### AMENDING AN ORDINANCE TO CORRECT FEE SCHEDULES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 39-304, TABLE 3A, OF THE AUSTIN CITY CODE OF 1967, BY SUBSTITUTING A CORRECTED TABLE 3A; AMENDING SECTION 42-A215 OF THE AUSTIN CITY CODE OF 1967 BY SUBSTITUTING A CORRECTED SECTION INCLUDING FOOTNOTES; WAIVING THE RULE REQUIRING ORDINANCES TO BE READ 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 effective immediately. 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

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE TO RECEIVE AND ACCEPT WORK FOR PAVING

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF RUNDBERG LANE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY BRUCE LUCKIE CONSTRUCTION CO.; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING

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AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### APPROACH MAIN CONTRACT

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH N.P.C. ASSOCIATES. (Old Town, Phase II, Section 1)

Councilmember Hofmann 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 Himmelblau, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### AMENDING ZONING 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:  
LOT 4, BLOCK 2, LAKEVIEW ADDITION, LOCALLY KNOWN AS 503 WEST 38TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Michael R. Walsh and Charles Burks, C14-75-120)

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 Linn, 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.

ORDINANCE TO APPROPRIATE FUNDS FOR BRACKENRIDGE HOSPITAL  
SECURITY PROGRAM

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1975, AND TERMINATING SEPTEMBER 30, 1976, BY TRANSFERRING UNAPPROPRIATED GENERAL FUNDS TO A BRACKENRIDGE HOSPITAL SECURITY FORCE ACCOUNT; BY TRANSFERRING THE BRACKENRIDGE HOSPITAL APPROPRIATION FOR THE PRESENT SECURITY FORCE TO THE NEW BRACKENRIDGE HOSPITAL SECURITY FORCE ACCOUNT; 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 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.

ORDINANCE TO INCREASE STRENGTH OF POLICE SERGEANTS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1975, AND TERMINATING SEPTEMBER 30, 1976, BY INCREASING THE AUTHORIZED NUMBER OF SERGEANTS IN THE POLICE DEPARTMENT; 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 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.

ORDINANCE MAKING IT UNLAWFUL FOR A PERSON TO REFUSE TO OBEY  
CERTAIN ORDERS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 23 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO A NEW SECTION DESIGNATED SECTION 23-27, PROHIBITING A PERSON FROM REFUSING TO LEAVE RESTRICTED AREAS ON THE PREMISES OF BRACKENRIDGE HOSPITAL AFTER PROPERLY BEING REQUESTED TO LEAVE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three separate 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.

ORDINANCE ESTABLISHING A RESERVE SECURITY FORCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ESTABLISHING A RESERVE SECURITY FORCE FOR BRACKENRIDGE HOSPITAL; PROVIDING FOR THE APPOINTMENT, TRAINING, DUTIES AND OPERATIONS OF SUCH RESERVE FORCE; 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 separate 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.

MR. WILEY HARKINS commented that in the area of security at Brackenridge Hospital, he felt that the main problem was in connection with a staff shortage in the Emergency Room. He felt there was a need for more staff rather than security.

Mayor Friedman stated that there was a lot more to security problems at Brackenridge than just the Emergency Room and the aforementioned proposals speak to the whole concept of security. Mr. Homer Reed took this opportunity to introduce Sergeant Sanders who would be associated with the security force at Brackenridge Hospital.

## REVIEW OF SECURITY MEASURES FOR MUNICIPAL FACILITIES

Councilmember Trevino presented a resolution at this time in conjunction with the aforementioned ordinances concerning Brackenridge Hospital security.

"WHEREAS:

The City of Austin has recently experienced a tragedy due to insufficient security measures at Brackenridge Hospital; and

WHEREAS:

The potential for such tragedy exists at other municipally-owned facilities.

THEREFORE, BE IT RESOLVED THAT:

The City Council instruct the City Manager to conduct a study of security systems, or the lack of them, at all City-owned buildings and report back to the Council those security measures he deems necessary to maintain order, safety, and the avoidance of any tragedy in the future.

Motion

Councilmember Trevino moved that the Council adopt the aforementioned resolution. The motion, seconded by Councilmember Linn, carried by the following vote:

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

## WATER AND WASTEWATER CONSTRUCTION PRIORITIES

Mayor Friedman noted that this item was placed on the agenda at his request because of serious problems concerning the funds that the City will have in making its plans for any water and wastewater construction priorities now or in the future.

Mr. C. W. Hetherly appeared before the Council and proposed; (1) that the present priorities stay in effect; (2) increment fee of \$250.00 for water and \$250.00 for wastewater and (3) to continue the study of alternate sources for revenue. He read and submitted the following:

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"We the undersigned homebuilders and developers in the City of Austin have agreed to support Capital Increment Fees of \$250.00 for Water and \$250.00 for Wastewater.



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In addition, we request that the City Council support continuation of the study of alternate sources of revenue for the Water and Wastewater systems. If the study suggests other sources for revenues that will produce an equal amount of income for Capital Improvements, we will ask for Council consideration at that time.

We are fully aware of the financial plight of the Water and Wastewater systems and are hopeful that we can continue to work together for continued health of the utilities and the Austin economy."

Sincerely,

C. W. Hetherly  
Robert H. Nutter  
Clyde Copus  
Bill Milburn  
Nash Phillips  
Raymond Mitchell  
R. T. Mayfield  
John Reynolds  
David B. Barrow (by Charles Stahl)  
Sid Jagger

In response to Mayor Friedman's question as to his understanding of the above was that the aforementioned names would support the implementation in two weeks of the \$250.00 Capital Increment Fee for Water and \$250.00 Capital Increment Fee for Wastewater, Mr. Hetherly stated this is true. Mayor Friedman stated that this was an indication of good faith on the part of the industry. Mr. Hetherly indicated that he hoped that all could work together on this matter.

Mayor Friedman instructed Mr. Homer Reed to place on the agenda in two weeks the Capital Increment Proposal as developed by the staff with the \$250.00 for Water and the \$250.00 for Wastewater as indicated. He encouraged Mr. Hetherly and his colleagues to continue working on their studies and suggestions on how the City can save money as well as the industry.

Mr. Hetherly asked that they be given the opportunity to work with the City staff on the increment charges, since there were several questions that the industry does have. Mr. Reed noted that the staff would be glad to work with the industry during this two weeks and to present the proposal to the Council on March 25.

Mayor Friedman moved that the Council accept the good faith effort on the part of the signatories on the letter and have them work with the staff in accordance with good faith on both parties. 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

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## PROPOSED CONSTRUCTION ADVISORY COMMITTEE

Mayor Friedman noted that this item was placed on the agenda just to set a public hearing to discuss the creation of this committee to serve as an advisor to the City both in construction matters and concerns.

Mayor Friedman moved that the Council set a public hearing to discuss the Construction Advisory Committee on April 1, 1976, at 2:30 p.m. 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

## DEVELOPMENT OF TAX EXEMPT PROPERTY FOR PRIVATE USE

Councilmember Himmelblau pointed out that she had received a memorandum from Mr. Jack Klitgaard, Tax Assessor-Collector, regarding the use of City-owned utilities. She felt that something was needed from either Planning or Legal as to the use of City-owned utilities if there is a disagreement on how property is to be developed. Councilmember Himmelblau commented that she had not had time to pursue this matter, but felt that the Council could act regarding zoning on just what could be developed if they have the zoning control.

Mayor Friedman wanted to go further and would like to get a sense of Council, perhaps in a resolution, indicating the Council's disagreement with the development of tax exempt land for commercial usages to avoid paying any ad valorem property tax to the City. Also, at the same time, ask for a study as to what the City's rights and abilities will be in trying to stop such usage. He was very concerned that tax exempt land was not used to give an unfair advantage because of the tax break to commercial development.

In response to Councilmember Lebermann's question, Mayor Friedman pointed out that he did not like the University of Texas trying to build an industrial complex that would put them at an advantage over a private industry; nor did he like the idea of a Safeway store coming into the City on tax exempt land and not paying ad valorem or any payment in lieu of taxes other than what they have agreed. He noted that possibly the situation concerning Symphony Square would have to be considered when discussing the whole policy.

Mayor Friedman moved that it was the sense of the Council that they did not want tax exempt land developed for commercial usages unless they pay their fair share in ad valorem taxes, as well as authorizing the staff to proceed in studying what the abilities and powers are in controlling this. 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 Himmelblau pointed out that she felt exemptions would be granted particularly to organizations that there are service contracts with.

## CLARKSVILLE PLANNING AND IMPROVEMENT PROGRAM

At this time, Mayor Pro Tem Snell stated that there was supposed to have been a report presented today concerning the Clarksville Planning and Improvement Program, and nothing has been discussed. Mr. Reed commented that a draft of the report had been prepared and asked that it be discussed at the March 18 Council meeting since it needed some revision. Councilmember Linn was concerned since some of the residents of Clarksville were present today assuming it would be discussed today.

## PROPOSAL TO GRANT CITY TAX RELIEF TO TOTALLY DISABLED PERSONS

Ms. Maxine Friedman, Vice-Chairperson of the Human Relations Commission, stated that recently citizens have been approaching the commission with complaints concerning tax payment problems for totally disabled persons. After discussions with various City departments concerning this problem, the commission recommended that the Council request the Council Legislative Committee to begin work on possible remedies through State legislation. She encouraged the Council to proceed in this direction.

Mayor Friedman pointed out that there was no Legislation Committee; however, there was a Council Legislative Committee that is meeting on the relationship between Austin and the Legislature because of recent activities.

Ms. Friedman indicated that they were informed by the City Attorney that the Council would be the body to request action from regarding this matter.

Mayor Friedman stated that the proper place to go would be through State Representatives, but the Legislative Committee was not a lobby organization and was not designed to create this type of legislation. Mr. Jan Kubicek, City Attorney, noted that it is the Council's policy not to use this committee for this kind of purpose.

## WITHDRAWAL OF AN ITEM

Mayor Friedman commented that included on the agenda was an item to recommend Civil Service Commission be provided independent counsel; however, this item had been withdrawn.

## LOBBY REGISTRATION ORDINANCE

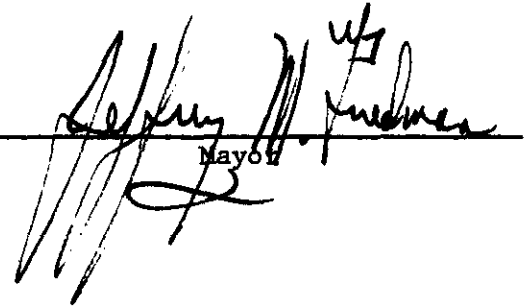
At this time, Mayor Friedman signed the Lobby Registration Ordinance and beginning March 12, 1976, all persons attempting to lobby as per the requirements of the Ordinance must register.

March 11, 1976

## ADJOURNMENT

The Council adjourned at 5:17 p.m.

APPROVED

The image shows two handwritten signatures over a horizontal line. The signature on the left is for the Mayor, and the signature on the right is for the City Clerk. The Mayor's signature is written in a cursive style, and the City Clerk's signature is also cursive. The word "Mayor" is printed below the Mayor's signature.

ATTEST:

A handwritten signature in cursive script, reading "Grace Monroe", written over a horizontal line.

City Clerk