

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 8, 1976
10:00 A.M.

Council Chambers
301 West Second Street

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

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for March 25, 1976 and April 1, 1976. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

HONORARY CITIZENSHIP AWARDS

Mayor Pro Tem Snell took this opportunity to introduce Mr. Gordon Parks, Director of the movie "Leadbelly," and Mr. Roger E. Mosley, actor and star of the picture. He then presented them with Honorary Citizenship Awards and also a key to the City of Austin. Mr. Parks noted his appreciation for the awards and expressed his thanks for the cooperation he received while filming the movie in Austin. Mr. Mosley thanked the Council for the awards and extended his gratitude for the support of the citizens of Austin while filming "Leadbelly."

LITTLE CAMPUS DORMITORY DAY

Councilmember Hofmann read and then presented a proclamation to Mr. Colthorp, Mr. Lee, Mr. Waite, and Mr. Nowotny, former residents of Little Campus Dormitory, proclaiming April 10, 1976, as "Little Campus Dormitory Day" in Austin, and urged all residents to join the Council in honoring its proud heritage and the contributions of its former residents to our City, state, and nation. Mr. Nowotny expressed his gratitude for the proclamation and pointed out that the Little Campus Dormitory was built in 1858 and in 1926 the University of Texas began using the structure for a dormitory. Mr. Nowotny commented that the former residents of Little Campus Dormitory would gather for a fiftieth anniversary reunion, Saturday, April 10, 1976, and would try and be a credit to the City of Austin then and always.

ARMENIAN MARTYRS DAY

Councilmember Hofmann read and then presented a proclamation to Mr. Garabed A. Harutunian proclaiming April 24, 1976, as "Armenian Martyrs Day" in Austin and called on all citizens to join the Council in recognition of this event where Armenians around the world commemorate the day in 1915 when the Turks arrested and killed 250 Armenian community leaders and intellectuals. Mr. Harutunian thanked the Council for the proclamation on behalf of the American Armenians; those waiting to become citizens of the United States; the one and a half million Armenians that were massacred in an attempt by the Turkish authorities to exterminate the Armenian race; and all the Armenians around the world. Mr. Harutunian felt that the elected positions that the Councilmembers held are not only a tribute but an honor and an asset to the City of Austin.

INTERNATIONAL FOOD DAY

Councilmember Hofmann read and then presented a proclamation to Mr. Ernest Harkin proclaiming April 8, 1976, as "International Food Day" and asked all residents to recognize that our actions can effect positive changes in problems of hunger and that our initiative and enterprise can result in meaningful solutions to the scourge of hunger. Mr. Harkin thanked the Council for the proclamation and noted that the reason for International Food Day was in order to make everyone aware of the massive problems of hunger faced by many of the world's peoples. Mr. Harkin felt that the problem was due to poor distribution and allocation. He pointed out that Representative Eddie Bernice Johnson, Dallas, Texas, is drafting and will submit a Bill to require all primary schools that are eligible for Federal breakfast benefits to file for these.

COUNTRY MUSIC WEEK

Councilmember Trevino read and then presented a proclamation to Ms. Dotsie Grote, RCA recording star, and Mr. Townsend Miller, columnist for the Austin American-Statesman, proclaiming the week of April 11-17, 1976, as "Country Music Week" in Austin and called on all residents to join the Council in recognizing the performers who have brought this recognition to our community. Mr. Miller stated that Austin has become the leading center of country music for the world and commented that Austin would be honored next week by the Board of Directors of the International Country Music Association when they conduct a

seminar in Austin entitled "Everything You Always Wanted to Know About the Recording Industry." Mr. Miller noted his appreciation for this proclamation recognizing Austin's country music.

BICENTENNIAL PROJECTS REPORT

Ms. Maline McCalla, Co-Chairperson of the Bicentennial Commission, appeared before the Council to present a report on Austin's Bicentennial projects and noted that with the resources of the City and the staff, the Bicentennial Commission has acted as a coordinator of Bicentennial events throughout the City. The main thrust of the presentation today would be a slide program concerning the Horizon's Project and a report from the Heritage Committee.

Ms. Sara Cox, Co-Chairperson of the Heritage Committee, appeared before the Council and noted that the other Co-Chairperson, Mr. Luther Simon, was not able to be at the meeting today due to previous commitments. She reviewed the projects that the committee was assigned to be involved in such as obtaining money for the preservation of the Caswell House, with a total of 16 projects that they were involved in.

One project that was not included in the original 16, is the recognition of the various heritage related efforts by the citizens which will involve the presentation of awards and certificates to citizens that have been involved in projects that have been undertaken during the Bicentennial period. She hoped that the Council would participate in the award ceremonies that will be held later in the summer.

Two other events of notice are the Heritage Council Festival to be held on June 12 and 13 at Fiesta Gardens and the Caswell House Bare Bones Party, a fund raising event for the Caswell House restoration project, to be on April 28, 1976. Ms. Cox urged everyone to participate in these events since they are supporting some very fine activities.

Ms. McCalla then reviewed the festivals that had taken place thus far and pointed out the big one to be held on July 4, 1976, which would begin with a Sunrise Service on Town Lake and the remainder of the activities being focused on Town Lake. At 4:00 p.m., Mrs. Lady Bird Johnson will be taking a tour of Town Lake with people showing the highlights of it.

Before proceeding with the slide presentation on the Horizon's Program, Ms. McCalla commented that the Junior League of Austin had compiled the program and also funded it. Another environmentally related project in this area is one that Councilmember Hofmann has worked with and involves the registered tree medallion that Ms. McCalla showed at this time. Councilmember Hofmann noted that this marker could be placed at the base of the tree or displayed wherever the owner of the tree wishes. A list of trees has been formulated for the tree register and about 300 trees have been checked for this. Councilmember Hofmann felt that the tree register would emphasize the appreciation for the very old and beautiful trees that Austin does have.

Ms. Susan Morehead then presented the Horizon's Program which is one of three major public relations functions that the committee has created. The program is a slide presentation relating to the enhancement and reserving of creeks and waterways. She noted that the photographs for the slide show were taken by Ms. Janet Christie.

In conclusion Ms. Morehead distributed to the Council a poster concerning the preservation of creeks.

Ms. McCalla pointed out that loss involved with the Freedom Train totaled \$460.00 and felt this is a major victory considering the thousands of people that toured it.

RECOGNITION

At this time, Councilmember Hofmann introduced some students from Reagan High School that were visiting the Council meeting and also their teachers, Mr. Duane Moore and Ms. Salina Guerro.

REQUEST TO CHANGE RESTRICTIVE COVENANT

Mr. Melvin E. Corley, Attorney, Twin Towers Office Building, had requested to appear before the Council concerning the request for a change of restrictive covenant as to a fence; however, Mr. Chris Harsdorff appeared in his stead.

The request involves a restrictive covenant that was entered into by the City and the owners of Twin Towers Office Building with part of the covenant being that the owners would erect a solid 6-foot fence constructed on all property lines adjoining property zoned "A" Residence District at the time improvements are undertaken. It is the request of the owners of the building that the covenant be modified so as to have the 6-foot fence be a chain link fence. Mr. Harsdorff presented a petition that had been signed by each of the adjoining property owners that stated they were in agreement with the 6-foot chain link fence. The intent of the owners is to construct a chain link fence with the venetian blind type slats to preclude any direct vision onto the property; therefore, Mr. Harsdorff asked the Council to modify the restrictive covenant for records so that the future property owners would not be encumbered by the existing covenant.

In response to Mayor Friedman's question as to any appearance before the Planning Commission being made regarding this, Mr. Harsdorff noted that Mr. Corley was referred to the Legal Department, but for certain reasons that possibly future property owners would not want the restrictive covenant he was seeking removal of the requirement for a solid 6-foot fence.

In response to Councilmember Himmelblau's question as to whether the building is occupied or not, Mr. Harsdorff stated that it is. Then, as pointed out by Councilmember Himmelblau, the requirements that were stipulated at the time of zoning have not been met. Mr. Harsdorff agreed with her and noted that they had been working on a solution to the problem. A summons had been issued for the violation. Councilmember Himmelblau felt that the intent of the Planning Commission was to protect the neighborhood and was also very distressed that the occupancy permit was given before the obligation was completed and would not move to grant the request at this time.

Councilmember Linn was in agreement with Councilmember Himmelblau and requested information as to how this was allowed to happen. Mayor Friedman asked the City Manager to make a report on this.

Mayor Friedman noted the restriction would stand as is.

PUBLIC HEARING ON PROPOSED FIREARMS ORDINANCE

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. to consider the proposed Firearms Ordinance.

Mr. George Elbrecht, Assistant City Attorney, reviewed the changes in the proposed ordinance and also reviewed the Prohibitions which are as follows:

1. It shall be unlawful for any person to falsely complete any part of a handgun transaction record.
2. It shall be unlawful for any dealer to fail to require a purchaser to produce two (2) forms of identification prior to the sale of a handgun, as provided in this article.
3. It shall be unlawful for any dealer not exempted from the waiting period provisions of this article to deliver any handgun to a purchaser before the expiration of a waiting period of forty-eight (48) hours, exclusive of Sundays and holidays, from twelve o'clock noon on the day following the day of completion of a handgun transaction record.
4. It shall be unlawful for any dealer to deliver a handgun to a purchaser after receipt of an order to stop sale from the Chief of Police.

Mr. Elbrecht also discussed the Handgun Transaction Record Section of the ordinance and noted this would be filled out at the time of purchase and has provisions relating to type, model, caliber or gauge, serial number, and manufacturer of the handgun. Also certain information pertaining to the purchaser is included.

There is also a provision relating to the authority of the Chief of Police, only in certain circumstances, to order a stoppage of sale. All of the above is basically what is included in the proposed ordinance. The following is not in the proposed ordinance:

1. No licensing whatsoever of dealers.
2. No regulation of their employees.
3. No requirement that any records be kept.
4. The Chief of Police has no authority to search the inventory of a dealer or any individual without a warrant; to search the premises or inspect the record.

DR. JAMES BROWN, President of the Austin Sportsman Council, appeared in opposition to the proposed ordinance. Although the drafted ordinance has been changed, Dr. Brown felt that the spirit and intent of the first draft is still present and the Austin Sportsman Council still opposed gun control. He noted that with the present gun laws in the state there is really no need for any additional control. He urged the Council to defeat the ordinance and submitted a petition containing 5,000 names opposing the proposed ordinance.

In response to Councilmember Linn's question as to the number of members in the organization, Dr. Brown commented it would be difficult to state an exact number, since the group represented approximately 15 to 20 different groups. This group is the umbrella group for many organizations.

MR. RALPH VERTREES stated that he had talked with a number of police officers and felt that there was not an emergency situation that would warrant this ordinance. Mr. Vertrees was concerned with the cost of the enforcement of the ordinance and in conclusion stated that the ordinance was not needed.

MR. ALLEN BRUNE, Research Engineer at the University of Texas, felt that a disservice had been done to the City by not informing the public in advance of what had been proposed in the ordinance. He supported training and safety programs.

Mayor Friedman stated that this was announced and publicized very clearly throughout the news media several days ago by Councilmember Linn.

Mr. Brune felt that the proposed ordinance was too costly and would not be effective. Up to date, there have not been any studies that have shown that gun control bills are effective in reducing crime. He noted that all the shooters would support the misuse of firearms.

RAYMOND TEAGUE urged the Council not to adopt the proposed ordinance and felt there was no justification for it and that it would set a precedent.

CHARLES ALLISON, veterinarian, appeared in opposition to the proposed ordinance and felt that the proposed ordinance is an obstacle to the law abiding citizens and would not deter crime. He urged the Council to vote against the ordinance.

JAMES HARRELL expressed that he felt the proposed ordinance was aimed directly to the dealers and the Austin Antique Gun Show because of the 48-hour waiting period. He noted that there are approximately 20,000 gun laws in the United States and none of them have worked, and Mr. Harrell urged the Council not to pass the proposed ordinance.

PAUL KELLER commented that all of his thoughts had been expressed and yielded his time to someone else. He was opposed to the proposal.

MARK FINLEY noted that the proposed ordinance would cause an increase in work for the police and read a letter from Senator Lloyd Bentsen that stated gun control proposals have not proven very effective. He encouraged the Council to support Senator Bentsen's proposal to have strict legislation and mandatory penalties when a gun is used for a crime. He urged the Council to reject the ordinance.

MARVIN MONKEN referred to the many letters that had been sent to the Councilmembers concerning opposition to the proposed ordinance and urged the Council not to ignore them. He felt the proposed ordinance would not deter criminals.

CHUCK MARETZKY, owner of Chuck's Gun Shop, also opposed the proposed ordinance and felt it would be expensive to enforce and would not be valuable.

BOB ECLER relinquished his time and stated that any comments would be repetitive remarks. BUCK WESTBROOK also relinquished his time and was opposed to the proposed ordinance.

PAIGE MASSEY distributed to the Council his letter of opposition to the ordinance in which he stated that Austin was considering enacting an ordinance that would in all probability not be legal. He urged the Council not to pass the proposed ordinance.

PAUL REYES felt that the proposed ordinance would create cumbersome regulations that would preclude gun shows from Austin, and did not think he should give up his right to privately own firearms.

FRED McFEE also yielded his time and was opposed to the proposed ordinance. MICHAEL AKIN yielded time and noted his opposition to the proposed ordinance.

FRANCES MONKEN commented that there was not a provision in the ordinance for the records to be written in Spanish and therefore they would be unable to fill out the form. Mrs. Monken also reviewed other sections of the ordinance that she was opposed to.

JOHN LeTULLE referred to the Bill of Rights and pointed out that it is the right of the people to keep and bear arms and that this right should not be infringed.

JOHN THOMAS urged the Council to vote against the proposed ordinance and to uphold his right as a free citizen. He questioned the motives and objectives behind this ordinance.

RANDY GILBERT, attorney, felt that the open records would pose some problems and was concerned with the presence of the emergency clause that was located in the proposed ordinance. He also expressed concern as to the jurisdiction of the Chief of Police if this ordinance was passed.

R. A. DOIG commented that he was opposed to the proposed ordinance and yielded his time. R. L. GADDIS yielded his time to Mr. Ralph Vertrees for additional comments.

Mr. Ralph Vertrees accepted the time and stated that he felt a great discrepancy in that the proposal allows the sale of guns to persons between the age of 18 and 21 which is in violation of Federal law.

MRS. VIRGINIA GADDIS endorsed the opposition that had been presented thus far and requested that the Council oppose the proposed ordinance and specifically that Councilmember Linn withdraw this ordinance.

BILL FEILLE yielded his time. J. A. FRANKENY commented that he had 15 years of experience in hunter safety and felt that education in gun safety is the most important thing and he urged the Council to work with the people to produce a satisfactory ordinance. He stressed the importance of education before obtaining a license and felt that the people would be glad to work with the Council to create an ordinance that would be satisfactory to all.

At this point, Mayor Friedman stated that the Council was scheduled to have an Executive Session shortly and pointed out that there would not be any action taken today to allow the Council to study the latest draft.

Mayor Pro Tem Snell indicated that he was offended at the charges that had been made against the Council concerning the proposed ordinance and stated that the ordinance was not created by all on the Council. In regards to any decisions by the Councilmembers as to how they would vote on the proposed ordinance, Mayor Pro Tem Snell stated that he had not been contacted concerning how he would vote. Councilmember Linn pointed out that she had not spoken to any Councilmembers as to how they would vote, that this is only a public hearing.

TOM WOMACK noted that he was the first man in Texas to receive a certified gun safety instruction and he certified the first man in the State. He invited the Council to attend a class on gun safety. He suggested that the Council forget the ordinance and try to educate everyone on gun safety.

DICK HODGKINS appeared in opposition to the proposed ordinance and hoped that an opinion would be obtained from the Attorney General before proceeding with the ordinance. He asked Councilmember Linn to furnish any statistical data she might have as to number of cases involving suicide or murder where the gun was purchased in 48 hours or less from a dealer as well as other statistical information.

JOE MCBRIDE felt that the proposed ordinance was an infringement upon his rights as a businessman and would prove to be very costly to the City. Mr. McBride noted that precautions are taken on the sale of guns and felt that the ordinance could not prevent stolen arms being distributed.

TOM HAYES felt that there is a concerted plan and effort by the enemies of our country to disarm it and perhaps this proposed ordinance was a small effort in a complete disarmament. He then read a letter from Congressman J. J. Pickle which stated it was his feelings that he would do nothing to impair the constitutional rights guaranteed to the citizens and did not think any additional gun control legislation was needed.

WILSON FOSHEE yielded his time. BRUCE FIELDS yielded his time and stated his thoughts had been presented by other speakers.

ROD ATHERTON, a law student at U. T., felt that this proposed ordinance was not the tool to accomplish lower firearms death and lower crime. There is a lack of statistical support and did not think the ordinance was logical.

HERB HARRIS stated his opposition to the proposed ordinance and felt that the Gun Control Act provided sufficient control. He urged the Council to reject the ordinance.

IVAN HATLEY, attorney, felt that the 48-hour waiting period would not deter crime and that the ordinance was a demolition of his liberty.

JOHN ALBACH appeared in support of the proposed ordinance and enumerated his reasons for supporting it. He felt that the 48-hour waiting period would serve as a "cooling off" for persons who might want to injure another or rob possibly for the first time. Also, Mr. Albach stated that according to the latest Gallup Poll, 71% of all Americans favor gun control in general. He urged the Council to vote for the adoption of this ordinance.

BILL SPAIN urged the Council to reject the proposal.

C. G. JACKSON, associated with Charles P. Davis Hardware, felt that the ordinance would be detrimental to the gun dealers and pointed out that the legitimate gun dealer is in business to protect himself and the community.

MARK ROGERS commented that if this ordinance was passed it would only be the first step in additional laws being passed and felt there are enough laws for gun control now without any more. This proposed ordinance would not stop the sale of guns.

VERNON HANZ signed a card to speak but he was not present when his name was called.

STEVE MUSIL, Co-Chairperson of the American Civil Liberties Union, read the position of the Union on gun control. It was their stand that the right to bear arms applies only to preservation efficiency of a well-regulated militia. Except for lawful police and military purposes, the possession of weapons by individuals is not constitutionally protected.

ALOUIS KNEUPER distributed a letter stating his opposition to the ordinance and suggestions for it also. He felt there was confusion as to the prepared comment being entitled an ordinance since it was not one until voted on and passed. RICHARD KEINE was not present to speak.

FATHER JOE ZNOTAS, Pastor of St. Julia Church in East Austin, appeared in support of the ordinance and felt it was not unreasonable to ask someone to wait the 48-hour period. He related his experience with people and what some people do when they have guns in their control. Councilmember Trevino pointed out that crimes occur in other parts of the City, not just in East Austin.

GARY LASSITER, a student, appeared in opposition to the ordinance and felt that people should be allowed to have a gun in their home for protection. Mr. Lassiter also enumerated the other items in the ordinance that he was not in agreement with. A. J. ADAIR felt that more concern should be placed in apprehending criminals than on gun control and opposed the ordinance.

MARY WALSH appeared in support of the ordinance and felt that it would alleviate senseless acts of violence and she encouraged the Council to pass the proposed ordinance.

Councilmember Linn stated that she appreciated everyone being present for the hearing and the purpose for a hearing is to obtain understanding from everyone and to get suggestions. She felt there were a number of things that needed to be worked on.

Motion

Councilmember Linn moved that the public hearing on the proposed Firearms Ordinance be closed. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Mayor Friedman pointed out that the Legal Department would draft in final form the proposed Firearms Ordinance and allow time for everyone to obtain a copy and review it. Councilmember Linn stated that there would be at least 2 weeks notice before the ordinance would be before the Council again. Mayor Friedman noted this would allow time for review of the ordinance and ample opportunity for the citizens to appear before the Council again if they so desire.

Mrs. Frances Monken suggested that when the ordinance is before the Council again, that it be discussed at the monthly night Council meeting thereby allowing the opportunity for more people to attend. Mayor Friedman felt this was a valid request and the Council would set the time in the next few weeks at which time this would be discussed.

Mayor Friedman announced that the Council would go into Executive Session now and would reconvene at 3:00 p.m.

AFTERNOON SESSION
3:00 P.M.

Mayor Friedman called the afternoon session to order.

RELEASE OF EASEMENT

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

A portion of the public utilities easement five (5.00) feet in width at the east side of Lot A, Cameron Ridge. (Requested by Bob Baldree, Pastor, representing The Cameron Road Baptist Church, Inc., owner.)

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

In response to Councilmember Linn's question as to the zoning being correct, Mr. Reuben Rountree, Director of Public Works, commented that this was located in the county and the zoning was no problem.

COST DIFFERENCE PAYMENTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following cost difference payment:

P & H CONSTRUCTION COMPANY, H. Randell Hood, Vice President,
the cost difference for 12"/8" water mains installed in the
Resubdivision of Lot 1, Southwest Mediplex - \$4,514.16.

The motion, seconded by Councilmember Trevino, 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

Councilmember Himmelblau moved that the Council adopt a resolution
authorizing the following cost difference payment:

AUSTIN COUNTRY CLUB ESTATES, Jon Washam, Attorney-in-Fact, the
cost difference of 12"/8" water mains and appurtenances installed
in The Crossing, Phase I - \$12,027.07.

The motion, seconded by Councilmember Trevino, 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

CONTRACTS AWARDED

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

TEXAS EMULSIONS, INC.
1103 Perry Brooks Building
Austin, Texas

- Emulsion, Asphalt, used for dust control
and seal coating, Street and Bridge
Division. Twelve Months Supply Agree-
ment. Items No. 1 and 2, Estimated
100,000 gallons @ \$.31/gal (Item 1) and
200,000 gallons @ \$.3250/gal. (Item 2)
Estimated total \$96,000.00

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

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

Bid Award:

- Data Processing Cards, General Services
Division.

GLOBE TICKET COMPANY
8800 Ambassador Row
Dallas, Texas

- Items 1 through 7, 10 through 12 -
\$11,950.60.

IBM CORPORATION
1609 Shoal Creek Boulevard
Austin, Texas

- Items 8 and 9 - \$1,971.00

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

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

LANFORD EQUIPMENT COMPANY
830 Airport Boulevard
Austin, Texas

- Anhydrous Ammonia, used in Water
Treatment, Water & Wastewater Treatment
Department. Item No. 1;
estimated 60 tons @ \$290.00/ton
Total \$17,400.00

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

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

LICHTI-TARKAN INTERNATIONAL
11832 S. Bloomfield
Santa Fe Springs, California

- Twelve months maintenance on six
passenger loading bridges at Municipal
Airport Terminal Building -
\$14,400.00.

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

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

TRANS-PARK SYSTEMS, INC.
202 North Loop West
Houston, Texas

- Vehicle Loop Detectors, Urban Trans-
portation Department.
Item 1 - \$11,500.00

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

Councilmember Linn moved that the Council adopt a resolution awarding the following contract, and cancelling Item 19:

Bid Award: - Trees, Plants and Shrubs, Parks and
Recreation Department.

FOREVERGREEN LANDSCAPING - Item 1-18 and 20 - \$11,660.17
1722-B West Anderson Lane
Austin, Texas

Item 19, to be cancelled.

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

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

FLUID DYNAMICS CORPORATION - Repair/replacement parts and components,
13770 Beta Road Decker I Power Plant, Power Production
Dallas, Texas Division
Items Nos. 1 through 13 - \$6,424.15

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

In response to Councilmember Linn's question concerning the part to be replaced, Mr. H. L. Peterson, Electric Utility Department, commented that this was not a replacement but would increase freeze protection on some pipe at Decker Plant.

City Manager Davidson pointed out that the item with Trans-Park Systems, Inc. of the aforementioned contracts, the price is 27% below the price the City paid in 1973, and the item with Forevergreen Landscaping represents 20% below the last contract. Mr. Davidson hoped that this trend would continue.

ALLOWING CITY TO BECOME SELF INSURED FOR ELECTRIC DEPARTMENT
BODILY INJURY LIABILITY COVERAGE

The Council had before it for possible authorization allowing the City of Austin to become self insured for Electric Department Bodily Injury Liability Coverage.

In response to Mayor Pro Tem Snell's request as to additional information on this item, Mr. Norman Barker, Finance Administrator, stated that the City has carried a policy for the Electric Department and the Water and Wastewater Department for several years. The loss experience of the Electric for the last 5 years has been nil as regards insurance company pay out. This year the carrier would like to continue the coverage on Electric but elevate it from \$8,000 to about \$45,000 annually. Since the City has experienced no loss the last five years, Mr. Barker felt, as a matter of risk reward consideration, that the City should consider being self insured in this area rather than pay the high premium. Mr. Barker then explained the term "self insured" and how it would work with the City. In conclusion, Mr. Barker noted it was his recommendation to approve this request.

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the City of Austin to become self insured for the Electric Department Bodily Injury Liability Coverage. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

TEMPORARY STREET CLOSURE

Councilmember Linn moved that the Council adopt a resolution authorizing temporary closing of PEARL STREET from 24th to 25th Street, April 9, 1976, from 3:00 p.m. to 6:00 p.m. as requested by Mr. James D. Van Deventer, representing the Sigma Alpha Epsilon Fraternity. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

RENTAL AGREEMENT FOR MODEL CITIES SERVICE CENTER

Councilmember Trevino moved that the Council adopt a resolution approving a rental agreement with Len C. Dure for the property at East 6th and Comal Streets for the Model Cities Service Center. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

ACQUISITION OF CERTAIN LAND

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of certain land for the extension of East 26th Street from Dancy Street to Manor Road. The motion, seconded by Councilmember Trevino, carried by the following vote: (2315-B Dancy Street - Braulio Ledesma)

Ayes: Councilmember Himmelblau, Hofmann, Trevino, Mayor Friedman

Noes: Councilmember Linn, Mayor Pro Tem Snell

Not in Council Chamber when roll was called: Councilmember Lebermann

LEASE AGREEMENT WITH LIBERTY LUNCH AND WAGONYARD

Councilmember Linn moved that the Council adopt a resolution authorizing a lease agreement with Liberty Lunch and Wagonyard covering certain property within the Municipal Annex area located at 405 West 2nd Street. The motion, seconded by Councilmember Trevino, 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

LEASE AGREEMENT FOR FARMER'S MARKET

The Council had before it for consideration authorizing execution of a lease agreement with Travis County for a site for the Farmer's Market.

Councilmember Linn asked that the contract with Travis County include their handling of any garbage problem and that the site and design plans be presented to the Planning Commission and approved by them. Mr. Joe Morahan, Property Management Director, stated that after the zoning was approved by the Planning Commission and the County Commissioners are ready for the site building, the site plan would have to be approved by the Planning Commission. Councilmember Linn commented she wanted to be sure that the Planning Commission has the ability to approve or disapprove the design.

City Manager Davidson commented that the purpose of this would be to insure that the County obtains a building permit and would comply with the various building codes in connection with this development. If the Council so desires, the Planning Commission or the Planning staff to look at the design, this can be included in the contract.

In response to Councilmember Hofmann's question concerning the zoning, Mayor Friedman noted that the lease agreement would be granted subject to the zoning.

Councilmember Trevino inquired as to the availability of space for the importers and whether this was included in the lease agreement. Mr. Morahan responded by stating that no other uses were referred to in the agreement other than it being a Farmer's Market. Councilmember Trevino requested that this be included in the agreement.

Mayor Friedman indicated that the Legal Department would have to draft a separate clause indicating that part of the space should be amenable to the importers.

In response to Councilmember Himmelblau's question as to the land being posted and the proper notification sent to property owners, Mr. Dick Lillie, Director of Planning, stated that in both cases this was done.

Motion

Councilmember Linn moved that the Council adopt a resolution authorizing execution of a lease agreement with Travis County for a site for the Farmer's Market, subject to zoning and the following conditions:

1. That the garbage be handled adequately.
2. That space be provided for the importers and wholesalers.
3. That the Planning Commission approve the final site and design with appeal to the Council.

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

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

Councilmember Trevino asked that if the Commissioner's Court was not in agreement with the Planning Commission's decision on the site plan, could they appeal to the Council, and Councilmember Linn stated they could. Mr. Lillie noted that the site plan will come to the Council automatically.

PROPOSAL FOR A RATE DEMONSTRATION PROJECT

The Council had before it for approval the authorization to proceed with a formal proposal for a Rate Demonstration Project, and authorizing submission for funding in the amount of \$450,000 to the Federal Energy Administration. (\$90,000 "in-kind" services required).

City Manager Davidson stated that Energy Conservation Commission endorsed the application and asked that it proceed. Mayor Friedman commented that the Mayor's Commission on Electric Rates was also supportive of the whole program.

Mr. H. L. Peterson, Electric Utility Department, commented that this proposal would be submitted FEA for funding a Rate Demonstration Project that would incorporate the following:

1. Peak load pricing (through the application of experimental rates) and load-shaving technologies for residential, industrial and commercial customers.
2. Experimental life line rates for low income and/or fixed income residential customers with remote load control and demand limit control.

If funded, Mr. Peterson requested that the Council appoint Ham-Mer Associates as the consultant to this project. Councilmember Linn asked if the study could also include middle class homes, and Mr. Peterson stated this would be looked at to see how it could be included in the study.

Mayor Friedman pointed out that the Mayor's Commission on Electric Rates has been looking at life line rates for several months and recommendations should be forthcoming within the next month. However, the City would not be precluded from taking any action because of studying being done.

City Manager Davidson explained that the request was not to employ this company to proceed with anything at this point, but felt it should be explained that this company has developed one of the rate study concepts that is being applied for. All that is being requested is that the Council allow the submission of an application to the Federal government, and if approved, then it will be presented to the Council for approval of the rate consultant.

Mayor Friedman moved that the Council adopt a resolution for authorization to proceed with a formal proposal for a Rate Demonstration Project, and authorize submission for funding in the amount of \$450,000 to the Federal Energy Administration. (\$90,000 "in-kind" services required) 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

CONSULTATION CONTRACT WITH AUSTIN STATE HOSPITAL FOR SURGICAL SERVICES

Councilmember Linn moved that the Council adopt a resolution approving a Consultation Contract between the City of Austin for Brackenridge Hospital and the Texas Department of Mental Health and Mental Retardation for Austin State Hospital for surgical services. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

GRANT APPLICATION TO HEW FOR COORDINATING PROGRAMS FOR THE AGING

Councilmember Trevino moved that the Council adopt a resolution authorizing the submission of a grant application to the HEW Office of Human Development's Administration on Aging in the amount of \$46,000 to fund two professionals and one secretary to work in the areas of planning, evaluation, and coordinating programs for the aging in Austin. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

LEGAL DISPOSITION OF SUBSTANDARD STRUCTURES

The Council had before it for consideration the recommendation from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

- | | |
|--------------------------|---------------------------------|
| 1. 2012 Bergman Avenue | Antonio F. Arevealo, owner |
| 2. 3113 Castro Street | Mary Jane Hernandez, owner |
| 3. 2609 (Rear) Hidalgo | Carlos Ruiz, owner |
| 4. 1908 College Row | Alfie Dickerson Sterling, owner |
| 5. 1204 Singleton Avenue | Teresia A. Davis Lewis, owner |

In response to Mayor Pro Tem Snell's question as to notification being sent to the above owners, City Manager Davidson stated they were notified and Mr. Lonnie Davis, Director of Building Inspection, commented that they were also mailed a letter that this was on the Council agenda for consideration.

Councilmember Linn asked if a permit was granted to repair the structure at 1204 Singleton Avenue, Mr. Lonnie Davis stated there had been none. City Manager Davidson commented that the Council could consider this subject to that permit. Mayor Friedman referred to a memo that was addressed to Mr. Davis which stated that the property had been sold twice and the new owner had taken out a permit to repair on March 31, 1976, and Mr. Cliff Rader, Building Inspection Department, who sent the memo, recommended that it be postponed for 30 days. Mr. Davis indicated, after checking his records, that the structure at 1204 Singleton Avenue did have a permit for repair and could be deleted from the list.

Motion

Councilmember Trevino moved that the Council accept the recommendations from the Building Standards Commission that the Law Department take proper legal disposition of the aforementioned substandard structures which have not been repaired or demolished within the required time, with the exception of item 5.

Mr. Everett Rhambo, owner of the property at 1908 College Row, appeared before the Council and stated that he did not receive a citation and was not acquainted with Mr. Alfie Dickerson Sterling. Repairs have begun on the house and he requested that the Council allow him time to finish this. Mr. Rhambo noted that he had a permit. Mr. Davis stated that the tax records show that Mr. Alfie Dickerson Sterling is the owner of the property at 1908 College Row. Mayor Friedman suggested that this item also be deleted and that Mr. Davis consult with Mr. Rhambo and the Tax Department to settle this problem.

Withdrawal of Motion

Councilmember Trevino withdrew his motion in view of the unanswered questions involving the substandard structures.

Motion

Councilmember Trevino then moved that the Council instruct the Building Inspection Department to double check the following substandard structures and postpone any action until a later date:

- | | |
|--------------------------|---------------------------------|
| 1. 2012 Bergman Avenue | Antonio F. Arevealo, owner |
| 2. 3113 Castro Street | Mary Jane Hernandez, owner |
| 3. 2609 (rear) Hidalgo | Carlos Ruiz, owner |
| 4. 1908 College Row | Alfie Dickerson Sterling, owner |
| 5. 1204 Singleton Avenue | Teresia A. Davis Lewis, owner |

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

Mayor Friedman suggested that Mr. Davis check with Mr. Klitgaard in the tax office and get a current address on Mr. Rhambo.

APPROVAL OF FINAL TARIFF SUBMISSION OF SOUTHWESTERN BELL COMPANY

Mr. Don Butler, former City Attorney, stated that the proposal that the telephone company has made was reviewed by himself and City Attorney Jan Kubicek and they recommended approval. The proposal provides for an increase on the common equipment which would be from \$1.55 to \$2.55 and a slight increase on the private line charge which would be consistent with the rates in Dallas. He recommended that the final tariffs be approved and go into effect at midnight tonight and that the resolution provide that the rates will go into effect without prejudice to the position of either the City or the Company; and without the requirement that there be any refund because of over collection at this time.

This would also include the increase on residential line from \$7.00 to \$7.15 and the business customer will have his line charges increased from \$18.00 to \$19.00.

Motion

Councilmember Lebermann moved that the Council adopt a resolution approving the final Tariff Submission as adjusted. (Southwestern Bell Company) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ORDINANCE ESTABLISHING PROCEDURES AND DATES FOR REVIEW OF 1975 TEST YEAR FIGURES BY SOUTHWESTERN BELL

Mr. Don Butler felt that the Council should review all the information concerning this. Southwestern Bell has indicated that it intends to file its 1975 Test Year data and other support material that has been requested. He recommended that the Council schedule any necessary public hearings and final action on the rate ordinance on or before May 13, 1976; and he recommended that also specified in the ordinance would be that the Council take final action on any motions for rehearing on or before May 27, 1976; and that any requirement for a refund contained in the present ordinance be deleted.

Mr. Butler pointed out that the 1975 figures may indicate a need for a greater rate increase and he felt that the company is entitled to have its 1975 figures acted upon because they are the most recent figures. The Council also has the opportunity to see these figures fully developed, and if the figures show that the company is entitled to a greater increase or a lesser one than what has been granted, then the City should proceed in this direction.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE SETTING DATES FOR A PUBLIC HEARING AND ADOPTION OF A FINAL RATE ORDINANCE FINALIZING ALL INTERIM RATE ORDERS OF THE COUNCIL APPLICABLE TO SOUTHWESTERN BELL; ESTABLISHING A DATE BY WHICH THE CITY COUNCIL SHALL TAKE FINAL ACTION ON ANY MOTIONS FOR REHEARING AS MAY PERTAIN HERETO; REPEALING REFUND PROVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. 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

The Mayor announced that the ordinance had been finally passed.

Mr. W. G. Bryant, Division Manager of Southwestern Bell, stated his agreement with the comments presented by Mr. Butler and was now submitting a signed acceptance of the Gross Receipts Ordinance signed by the Vice President of Southwestern Bell Telephone of Texas. Also included are Southwestern Bell Telephone Company's statement of Exchange Operating Expenses and Net Operating Income for the year ended December 31, 1975, together with all necessary support material and work papers consistent with, and in the same format as, prior filings.

The following is the acceptance of the Gross Receipts Ordinance signed by the Vice President of Southwestern Bell Telephone of Texas:

April 8, 1976

Honorable Mayor and Members of the City Council of
the City of Austin

In accordance with Section 16 of Ordinance Number 760325-A, the gross receipts ordinance agreement passed by the City Council on third and final reading on March 25, 1976, Southwestern Bell hereby accepts the terms of said ordinance and files this letter with the City Clerk as evidence of such acceptance.

From January 1, 1976, through April 8, 1976, Southwestern Bell will calculate its gross receipts payment to the City of Austin at the rate of two per cent (2%), as provided by the previous gross receipts ordinance.

At 12:01 a.m., April 9, 1976, Southwestern Bell will implement new tariff rates authorized by Ordinance Number 760304-F and the resolutions of the Council passed on March 18, 1976, March 25, 1976, and April 8, 1976. Effective with the implementation of such rates, at 12:01 a.m., April 9, 1976, Southwestern Bell will consider Ordinance Number 760304-F effective insofar as the provisions of Section 10 of the gross receipts ordinance pertain thereto; thereafter, the gross receipts payment rate will be calculated at four per cent (4%) in accordance with the terms of said gross receipts ordinance.

Yours very truly,

(signed Charles Marshall)
Charles Marshall
Vice President-Texas

Mr. Bryant felt that the figures that have been submitted will show the need for an additional sum of money.

AMENDING ORDINANCE TO CORRECT ERROR IN MINIMUM WATER
AND WASTEWATER RATES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NUMBER 760311-B CORRECTING AND MAKING ADDITIONAL PARAGRAPH REFERENCES; REPEALING ALL ORDINANCES, REGULATIONS, 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: 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.

AMENDING A SECTION OF HEATING AND AIR CONDITIONING CODE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39, SECTION 39-307 OF THE AUSTIN CITY CODE OF 1967 BY SUBSTITUTING A NEW SUBSECTION (1); PROVIDING FOR THE EXTENSION OF TIME TO RENEW A LICENSE; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

In response to Councilmember Linn's question, Mr. Lonnie Davis stated that from January 1, the first 45 to 60 days, there were approximately 10 or 15 people that did not renew their licenses due to unforeseen problems. Therefore, the Heating, Air Conditioning and Refrigeration Appeals Board felt it was an undue burden requiring the written examination and fee for original license.

AMENDING CITY CODE BY DELETING AND ADDING A
ONE-WAY ALLEY

Mayor Friedman introduced the following ordinance:

AN ORDINANCE DESIGNATING THE DIRECTION IN WHICH TRAFFIC SHALL MOVE IN THE ALLEYWAY EAST OF UNIVERSITY AVENUE BETWEEN MARTIN LUTHER KING, JR., BOULEVARD AND WEST 21ST STREET, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: 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.

DELETE

<u>ALLEY</u>	<u>FROM</u>	<u>TO</u>	<u>DIRECTION</u>
Alley East of University Avenue	20th Street	21st Street	Southbound

ADDING

Alley East of University Avenue	Martin Luther King, Jr., Boulevard	21st Street	Southbound
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City Manager Davidson pointed out that the Urban Transportation Commission considered this and approved it.

ASSIGNING PRIORITY STATUS TO WATER AND WASTEWATER
TO CERTAIN CIP PROJECTS

The Council had before it for consideration possible passage of an ordinance assigning priority status to Water and Wastewater relocation portions of certain drainage, sidewalk, and street improvement Capital Improvement Program projects.

Mayor Friedman stated that this would be for programs on Cumberland Road, Oltorf Street, Stassney Lane, and Rundberg Lane.

In response to Councilmember Hofmann's question concerning the programs, Mr. Joe Liro, Administrator Management and Budget, commented that the figures referred to in the report supplied to the Council were only for the water and sewer utility relocation portions of these projects. Funds are available in the Public Works portion of the Capital Improvements program, but these dollars cannot be spent until some priority is assigned to the water and wastewater dollars.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ASSIGNING PRIORITY DESIGNATIONS TO CERTAIN WATER AND WASTEWATER UTILITY RELOCATIONS; AND PROVIDING AN EFFECTIVE DATE.

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 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.

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:
A 14.583 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4600-4800 SOUTH INTERSTATE HIGHWAY 35, 4601-4615 WEIDEMAR LANE, AND 925-1211 SHELBY LANE, FROM "A" RESIDENCE DISTRICT TO "DL" LIGHT INDUSTRIAL 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, Trustee, C14-75-117)

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.

FINANCIAL DISCLOSURE AND ETHICS ORDINANCE

Third Reading

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

AN ORDINANCE AMENDING THE CITY CODE; ESTABLISHING A CODE OF ETHICS FOR CITY OFFICIALS OF THE CITY OF AUSTIN; PROVIDING STANDARDS OF CONDUCT; REQUIRING THE FILING OF FINANCIAL ACTIVITY STATEMENTS BY CERTAIN OFFICIALS; ESTABLISHING AN ETHICS REVIEW COMMISSION; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Kubicek pointed out that in Section 2-35(b) City officials shall file on the "1st day of September" should be changed to the "last day in October" of each year for the supplemental report.

Motion

The ordinance was read the third time, and Councilmember Linn moved that the ordinance be finally passed. The motion was seconded by Councilmember Trevino.

Friendly Amendment to Motion

Councilmember Trevino offered a friendly amendment to the motion whereby Section 2-35(h) would be amended to include the Ethics Review Commission. Councilmember Linn accepted the friendly amendment.

Substitute Motion

Councilmember Himmelblau moved that the Council pass the Financial Disclosure and Ethics Ordinance through the third reading with the following amendments:

1. Section 2-35(h) would read "all boards, commissions and committee members listed in Section 2-34 may report sources of income and assets rather than monetary amounts, or categories of the amounts set forth in (f) and (g) above." She also wanted to delete two boards from disclosing because she felt that they did not have any sovereign power whatsoever, and these two would be the Brackenridge Hospital Advisory Board and the Historic Landmark Commission.
2. Section 2-35(g) changing the categories on interest rates to less than 8%; 8% to 12%; and more than 12%, as recommended by Common Cause.
3. Section 2-40(a) that the sentence reading "The commission shall have the duty and power to establish publicly stated criterion for the review of statements of financial activity" be deleted from the paragraph.
4. Section 2-40(c) be amended whereby the term of the Ethics Commission members would be limited to two years and not to have them succeed themselves.
5. The addition of a paragraph after Section 2-40(g) which would provide some type of voluntary compliance.

The motion was seconded by Councilmember Lebermann.

Councilmember Lebermann then offered the following friendly amendments:

1. The addition of a paragraph after Section 2-40(g) that would read "To the extent provided by law, all hearings held by the Ethics Review Commission shall be conducted in a confidential manner." (Accepted by Councilmember Himmelblau. Councilmember Linn accepted and later stated she accepted only "the initial hearing.")
2. Section 2-40(g) have the phrase "to the City Attorney and the party involved" inserted after the words "in writing." (Accepted by Councilmembers Himmelblau and Linn.)

After discussion among the Council concerning the amendments to the ordinance, Mayor Friedman opened the floor for speakers.

MR. WALT STUECK, Austin Citizens League, urged the Council to consider indicating only sources and not amounts and have this applied to everyone that the Financial Disclosure Ordinance will apply to.

MR. DON WALDEN, member of the Environmental Board, felt that if the Environmental Board was required to disclose, despite the fact that they are not in any sense of the word a sovereign board, then there are some other boards and commissions that he felt should be included. Mr. Walden enumerated these other boards and commissions.

If this ordinance is passed, then Mr. Walden suggested that the Council consider having a work session with the Environmental Board to explore areas in which they would amend the ordinance.

MR. BILL MILSTEAD urged the Council to consider the exclusion of department heads and City employees from the ordinance. He felt that the City employees should be required to have financial disclosure to the City Manager.

MR. WOODROW SLEDGE urged the Council to adopt the amendment of the City Manager's which would exclude department heads and assistant department heads from the ordinance. He also felt that it would be better to limit disclosure to categories and description of assets and income rather than to require amounts.

City Manager Davidson stated that he felt if his request to delete the City employees responsible to the City Manager from disclosing, there would be a much more thorough and more complete financial disclosure program applied to more employees that really should be covered. Mayor Friedman pointed out that if this amendment is not accepted by the Council, the City Manager is not prevented from establishing his own line of thought on this for those employees not covered by the ordinance, since he does have the responsibility of seeing that City employees meet a certain standard of not involving their personal interests with their City function.

City Attorney Kubicek commented he endorsed what the City Manager stated, and felt that there was one aspect of the Manager's suggestion whereby there would be an element of flexibility under this program that would accommodate changes in personnel and assignments, powers, duties, etc., that would really be best addressed in the Manager's program rather than an ordinance program.

Councilmember Himmelblau accepted the City Manager's request to exclude department heads and key personnel from the ordinance.

Councilmember Linn rejected the request.

Second Substitute Motion

Councilmember Hofmann moved that the Council pass the Financial Disclosure and Ethics Ordinance through the third reading with all of the amendments proposed by Councilmember Himmelblau but excluding the removal of the Brackenridge Hospital Board and the Historic Landmark Commission; and to include the Planning Commission, Board of Equalization, Board of Adjustments and the Ethics Review Commission in the ordinance. The substitute motion died for lack of a second.

Roll Call on Substitute Motion

Roll Call on Councilmembers Himmelblau's motion, Councilmember Lebermann's second, as amended, showed the following vote:

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

The Mayor announced that the substitute motion had failed.

Roll Call on the Original Motion

Roll Call on Councilmember Linn's motion, Councilmember Trevino's second, to pass the Financial Disclosure and Ethics Ordinance through the third reading with the following amendments, showed that the motion carried:

1. The draft as submitted on the agenda by the City Attorney after last week's approval with the specific housecleaning amendments of the addition under 2-35(h) listing liabilities and changing of the semi-annual reporting date from September 1 to the last day of October.
2. Inclusion of the members of the Ethics Review Commission as one of the boards listed with Zoning Board of Adjustment, Planning Commission and the Board of Equalization.
3. Adding notification to the "City Attorney and the party involved" to within 15 days of action taken by the Ethics Review Commission under Section 2-40(g)
4. Keeping of the proceedings of the initial hearing to determine if there should be proceedings then initiated, as an executive matter.
5. The voluntary compliance as agreed to.
6. The terms to stay remain three years.
7. Deletion of the sentence in Section 2-40(a) that reads "That the Commission shall have the duty and power, etc., down through activity."

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Himmelblau prefaced her vote by submitting the following statement:

"I campaigned last Spring vigorously for an Ethics and Financial Disclosure Ordinance. I also campaigned diligently for equal rights for men, women, Blacks, Browns, the elderly and the young; equal rights and equal treatment for all aspects of our citizenry. In short, I campaigned for fairness, reasonableness and equality. The current nature of the Financial Disclosure Ordinance, in my opinion, is unfairly discriminatory, unreasonable and punitive, to certain segments of this community. It forces an unfair and unreasonable burden to all businessmen and women in Austin, whether they own large or small interests. Many small businesses cannot afford the services of a professional lawyer or CPA. Here I am referring to owners of family businesses such as dry-cleaning establishments, printing

establishments and gas stations. I could go on, but the point is clear. A small businessman may purchase a large inventory of stocks three times a year all at different interest rates. Each purchase could change his net worth by \$5,000 or more. It is equally punitive to the large businessmen except it is more cumbersome and costly. Their intent and meaning of conflict of interest is not being addressed. A conflict of interest by its very nature has absolutely nothing to do with the amount of a source of income. Is there a difference if one has a \$500 conflict of interest, a \$1,500 conflict of interest or a \$5,000 conflict of interest. All in my opinion suggest a conflict of interest regardless of the amount. This very point is addressed very well by the national Common Cause proposed legislation, legislation that does not contain disclosure by amount but does require disclosure by source.

As I stated earlier, I am in favor of Financial Disclosure and Ethics Ordinance, and I believe a majority of the citizens of Austin want one. I still believe that an appropriate bill can be written which does not unfairly penalize or discriminate against any segment of the community. I had hoped to amend this ordinance to make it less punitive. Being unable to do so, I vote "no."

Councilmember Lebermann prefaced his vote also by stating the following:

"We have been working hard over the last several months...several years, and I have offered a Financial Disclosure Ordinance. As a matter of fact I recall a couple of years ago, 18 months perhaps, there were about five of us that offered one, and they were variations on the same theme. I think that an Ethics and Financial Disclosure Ordinance is important, less important to curb miscreancy than it is to restore public faith and confidence. We worked hard all of us, all seven in good faith, I think, to achieve an ordinance which is sensible and workable, and I think this ordinance exceeds the need, but then that is just my judgement. I think we could have done it more simply less burdensomely and so forth, but in the interest of the energy of the last two years and the interests of the public concern that I perceive, I vote "yes."

Councilmember Trevino prefaced his vote with the following statement:

"Almost every person on this Council campaigned in favor of financial disclosure. I believe the people of Austin have spoken quite clearly in favor of a meaningful and fair Financial Disclosure Ordinance.

What we are talking about is the public's perception of local government. In a post-Watergate world, a Financial Disclosure Ordinance is fundamental to restoring trust in government. I believe the good that this ordinance will do for the City as a whole will far outweigh the inconvenience or discomfort it might cause any individual. The public has a right to know what, if any, potential conflicts of interest might exist in local government and they have the right to know it in detail. Councilmembers, staff, and members of boards and commissions have accepted positions of public trust and must accept the accompanying responsibility of answering to the people.

This is a complicated ordinance and not a perfect one. Any individual bent on dishonesty could likely circumvent its provisions, but that is true of any ordinance. I believe this ordinance is a step in the right direction, and I vote "yes."

Mayor Pro Tem Snell prefaced his vote with the following statement:

"In full fairness to the entire group, I think we have put in three long weeks working on this ordinance, and I want to congratulate the group for carrying it the full three weeks to get as much input from the citizens as we possibly could. I think that we have come up with an ordinance that the majority of us can live with, and I vote "yes."

RESOLUTION TO GOVERNOR BRISCOE DEALING WITH UTILITY RATES

The Council had before it for consideration a resolution urging Governor Briscoe to call a Special Session of the Legislature to deal with utility rates and urging the Commission on Electric Rates to consider a Lifeline Rate structure for adoption by the City's Electric Department. Councilmember Linn stated that this was a request for a resolution asking for the Special Session to study the rates and to urge the Electric Study and the Electric Commission to enlarge the concept of Lifeline Rate structure and how it would involve the bills of other economic groups.

Mayor Friedman commented that he supported the resolution calling for the Special Session, but the Commission on Electric Rates has already undertaken the study for Lifeline Rate and their report is due in about three weeks. Therefore, he requested that the motion be amended by deleting "urging the Commission on Electric Rates to consider a Lifeline Rate structure for adoption by the City's Electric Department."

After discussion, Councilmember Linn moved that the Council adopt the resolution urging Governor Briscoe to call a Special Session of the Legislature to deal with utility rates. The motion was seconded by Mayor Friedman. There was no vote taken.

REQUEST OF STAFF REPORT ON FEASIBILITY OF HOSPITAL DISTRICT COVERING AUSTIN AND TRAVIS COUNTY

Councilmember Himmelblau stated that this was a request that the staff do a study to see if such a district was formed would it lower the ad valorem taxes for people living in the corporate limits. Mayor Friedman noted that it would also include any proposal the staff might have on how the adjoining neighbors could be included. City Manager Davidson stated he would begin work on this immediately. Councilmember Hofmann was in agreement with Councilmember Himmelblau's request.

BOGGY CREEK AD HOC COMMITTEE

Councilmember Trevino noted that the Corp of Engineers had suggested that a committee be formed to assist in monitoring the Boggy Creek Project and he would like to establish an Ad Hoc Committee with the members chosen by the Council at a later date.

Councilmember Trevino moved that the Council approve the following:

WHEREAS: Areas within the Boggy Creek flood plain remain in imminent danger of flooding, causing danger to the life, limb and property of thousands of Austinites; and

WHEREAS: The United States Army Corp of Engineers has undertaken to study the problem and to have public hearings in Austin; and

WHEREAS: The effect of this study may have an impact on the lives of a large segment of our community;

NOW, THEREFORE, be it resolved that the City Council appoint an Ad Hoc Committee of eleven persons, including the City Manager or his designate and the City Engineer as ex-officio members, to monitor all developments effecting flooding conditions in the Boggy Creek area, and accordingly, to advise and inform the City Council and the public as to such developments.

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

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

INDUSTRIAL WASTE ORDINANCE

In referring to the report that was created by the Environmental Resource Management Office, Councilmember Linn stated that it dealt with the application of the Industrial Waste Ordinance to dental offices and other similar small businesses.

City Manager Davidson stated that he had received a call from Mr. Carl Hardin stating that he had been out of the City and had not had an opportunity to review the report prepared. Therefore, Mr. Hardin requested that the matter be delayed. Mr. Davidson informed him that the report would be presented and that Mr. Hardin could return to the Council later if he had some concerns about the report.

Councilmember Linn moved that the Council accept the report from Dr. Maureen McReynolds, Director of Environmental Resource Management, and that there be no changes at this time. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AFFIRMATIVE ACTION PLAN

City Manager Davidson distributed to the Council copies of an Affirmative Action Program Status Report that was prepared by Mr. Jimmie Flakes, Director of Personnel.

Mr. Flakes stated that included in the report was the following:

1. A report on the statistical changes that have occurred comparing October, 1973, when the first formal activity began in this area; April, 1975, when departmental affirmative action plans were implemented; and March, 1976, the date of the initial status report.
2. A status report of the various programs that were developed for Budget Year 1975-76 when the Affirmative Action Division of the Personnel Department was approved by the City Council.
3. Proposed programs that will enhance systemic accommodations for affirmative action.

Mr. Flakes noted an increase in minorities from 29.6% to 32.1% and an increase of females from 29.8% to 30.3%. He pointed out that approximately 10 programs have been adopted to increase the employment of minorities and females in the upper levels of City government and to increase the potential of hiring minorities and females in the lower levels.

Mr. Flakes expressed that he is very excited about the program and thanked the City Manager for his efforts that have been invested in the program as well as efforts by the Council. He felt the organizational arrangements made last week by the City Manager will be an enhancement in the Affirmative Action plans.

Mayor Friedman felt the most important part of the report was located on the second page which reiterates the commitment by the City Manager, Council and Mr. Flakes in moving ahead with the program.

Mayor Pro Tem Snell extended his congratulations to Mr. Flakes on the fine effort made in preparing the report and encouraged him to continue the program. Councilmember Linn indicated that she was pleased with the manner in which the figures were recorded. Mayor Pro Tem Snell complimented the City Manager for his stand in this program and hoped that Austin could continue to be the leader in an Affirmative Action program. Councilmember Trevino stated that if there was anything the Council could do to assist Mr. Flakes they would be happy to do so.

MR. WOODROW SLEDGE noted his interest in affirmative action programs.

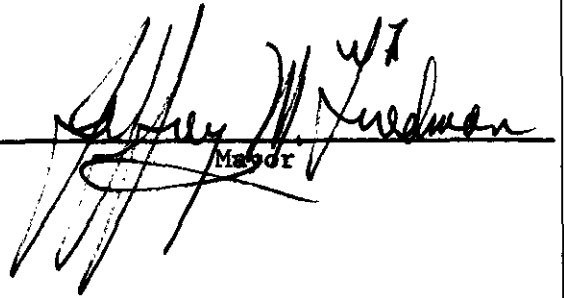
EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in Executive Session earlier in the day to discuss various matters; however, no decisions were reached and appointments to boards and commissions will be postponed for two weeks. Also the Council was informed on matters pertaining to real estate, but no decision was made.

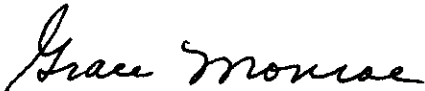
ADJOURNMENT

The Council adjourned at 5:15 p.m.

APPROVED


Mayor

ATTEST:



City Clerk