

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 16, 1976  
7:00 P.M.Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

## Roll Call:

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

Absent: Councilmember Lebermann

## APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for December 3, 1976; December 9, 1976 and December 10, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

## EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier to discuss land acquisition concerning some lignite.

Mayor Pro Tem Snell moved that the Council adopt a resolution to submit an application to acquire the Camp Swift lignite. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

Absent: Councilmember Lebermann

Councilmember Trevino stated that he was not present when the discussion took place.

Mayor Friedman also noted the Council discussed the potential acquisition of some property in Clarksville.

Mayor Pro Tem Snell moved that the Council approve purchase of the property known as The Haskell House. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

Absent: Councilmember Lebermann

#### SANTA BOWL DAY

Mayor Friedman read and then presented a proclamation to Officer Villegas, Austin Police Department and Rex Moss proclaiming December 19, 1976, as "Santa Bowl Day" in Austin and urged all Austin citizens to attend the game, or if unable to attend, to take a donation to Police Headquarters, the Storefront at 2142 East 7th Street, the Storefront at 745 Montopolis Drive, Brackenridge Hospital, or any of the three Austin television stations. The coach of the all-star team noted the many benefits received by the children from this project and invited all to attend the game. He noted that Mayor Friedman was a member of the all-star team last year.

#### APPEARANCE TO DISCUSS WILLIAM CANNON DRIVE

MS. MARILYN SIMPSON, Secretary/Treasurer, Whispering Oaks Neighborhood Association, appeared before the Council to discuss and recommend a design for William Cannon Drive. Ms. Simpson presented a slide presentation of what was being planned for the area and her recommendations regarding a design for William Cannon Drive. She stated that her neighborhood was being isolated by the roadways which are Manchaca Road, William Cannon Drive, and Westgate. Ms. Simpson stated that the neighborhood does not have bus service nor does it have school bus service to Cunningham Elementary or Crockett High School. In reviewing the proposed plans for the area, Ms. Simpson noted that her neighborhood supports the second plan proposed by the Urban Transportation Department which would include two 24-foot roadways and a 14-foot median. She felt this would be less disruptive of the neighborhood and would suit the needs of the City.

Ms. Simpson commented that the neighbors in her area were so opposed to the construction of the roadway with a 38-foot median that a petition containing 416 names had been submitted. She urged adoption of a plan that would create a smaller roadway and questioned the need for a six-lane highway in the future. She then referred to the zoning in the area of William Cannon Drive and pointed out that several of the retail stores in the area are being forced to close and felt that too much of the area is already zoned for Commercial use. She agreed with the recommendation of the Planning Commission that no more Commercial zoning be allowed on William Cannon Drive to the west.

Ms. Simpson referred her remarks to another aspect of the design recommendation and discussed the proposed intersection and Manchaca Road. She noted that this plan was not acceptable to the neighborhood and would be a very bad school crossing for children.

In conclusion, she proposed a design that would not change the existing portion of the roadway but would provide an easy transition between the six and four lanes. It would be small enough for pedestrian crossing lights to be installed allowing the school children to safely cross the entire roadway at once. She felt there should be a pedestrian crossing light and a school crossing guard at the intersection of William Cannon Drive and Westgate Boulevard. Ms. Simpson urged the Council to adopt her recommendations for the roadway.

City Manager Davidson stated that he had distributed information regarding this matter to the Council and pointed out that the proposed design had been worked out to benefit the residents in the area now and in the future. He assured the Council that everything would be done in order to provide a safe school crossing. Mr. Davidson stated that during January the project will be before the Council so that award of contract can be made for it to proceed. He stated that the engineering work has been completed on the project which would provide for the 38-foot median. Mr. Davidson stated that it was designed in this fashion so it would not have to be reconstructed later.

In response to Councilmember Linn's question, Mr. Davidson stated that as a precaution the 38-foot median has been suggested and it may or may not be used in the future. He commented that the City does anticipate using the right-of-way that has already been acquired by the City and using it in a way to prevent any further acquisition of such right-of-way. Mr. Davidson stated that he would be glad to work with Ms. Simpson and the neighborhood involving the project. Mr. Davidson stated that there were certain commitments with Motorola and the need for adequate east-west access. If an adequate street is not built in this section, then the traffic that will be generated in the future will not be taken care of properly.

Councilmember Linn felt that she would like to review this and meet with the neighborhood concerning their suggestions.

Councilmember Trevino moved that the Council delay advertising for bids on the project, and instruct the staff and members of the Council to meet with the neighbors with a report being presented on December 30, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

#### RECOGNITION

Mayor Pro Tem Snell read and presented a resolution to the Greater East Austin Youth Association commending its efforts in providing the necessary adult guidance, fostering a sense of team work, responsibility, leadership and fair play. He noted that the Greater East Austin Youth Association should be

commended for its contributions which have greatly benefitted thousands of young Austin citizens who are the future leaders of our City. One of the members of the Association stated that there are eight teams in the organization and the two teams in the playoff were the Blue Knights and the Green Hornets. A member of the East Austin Youth Foundation stated that they have seven teams in the City with two of the teams winning first place. He stated that the ages range from eight to thirteen years old.

APPEARANCE TO REQUEST MONIES FOR DAR UNTIL OTHER FUNDS ARE RELEASED

MR. SISTO RAMIREZ, Director, Development Assistance for Rehabilitation, appeared before the Council to request approximately \$6,500 per month contingency monies, from the City of Austin to keep DAR in operation until the Texas Criminal Justice Division funds are released. Mr. Ramirez distributed to the Council correspondence that had taken place with the Texas Criminal Justice Division regarding funding. He requested that the Council allow the continuation of funds to be released on costs incurred on a monthly basis for their program until the Criminal Justice funds have been released which should be in late February.

Mayor Friedman noted that this was not a request for additional funds, but just to get the money flowing to keep the program active. Councilmember Trevino explained that when the Council adopted the Budget, a condition was placed contingent on funding from Criminal Justice Division. Mr. Ramirez requested that this condition be removed until there was definite word from the Criminal Justice Division. In response to Councilmember Himmelblau's question as to the postponement, Mr. Ramirez stated that the Capital Area Planning Council review was not received in time for the Criminal Justice Division staff to review it.

Councilmember Trevino moved that the Council remove the condition and ask that Mr. Ramirez come back to the Council in February to make a determination on what the Council desires to do. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

APPEARANCE CONCERNING CABLE TV SERVICE IN AUSTIN

MR. DAN URBAN, MR. STUART DeLUCA and MR. JERRY PRESLEY, representing Austin Video Users Council, appeared before the Council to present research on Cable TV service in Austin and presented a Cable TV resolution. Mr. Dan Urban, Chairman of the Austin Video Users Council, stated that last March the Video Users Council adopted a comprehensive proposal for the improvement of cable television service in Austin. On April 15 of this year, their proposal was formally presented to the Council. Now after eight months, Mr. Urban hoped that the Council was prepared to hold a public hearing to determine whether the people of Austin are satisfied with present cable television franchise, and if not, what changes the public would like to make.

Mr. Urban noted that the Federal Communications Commission developed regulations in 1972 which would require the cable system in Austin, Capital Cable Company, to make a number of significant improvements. It appears that Capital Cable is doing everything possible to put off the required improvements.

In summary, Mr. Urban felt that Capital Cable Company has failed to provide the people of Austin with the quality of service that the consumers have a right to expect nor have they provided the service that the company has promised to provide. There are serious doubts that Capital Cable has fully lived up to the franchise agreement that now exists with the City, not only in terms of the services provided to cable subscribers, but in terms of Capital Cable's financial obligations to the City. Finally, there is some question about whether Capital Cable has properly observed the existing FCC regulations that apply to the Company's present operations.

Mr. Urban hoped that the Council would take the necessary action to provide the people of Austin with the kind of service the community needs and deserves.

Mr. Stuart DeLuca, Chairman of the Cable Television, reviewed the main points in the Austin Video Users Council's proposal. In summarizing the proposal, Mr. DeLuca stated the following:

1. That the cable system be expanded from the present 12-channel capability to a 20-channel capability.
2. Expansion of the cable system to the 20-channel capacity would require the use of a converter so that the subscriber can receive the additional 8 channels. It is recommended that Capital Cable should be required to provide the converters to those subscribers who want them, but at a reasonable extra charge.
3. That the cable system provide for two-way transmission of signals on at least one channel.
4. That cable system be designed so that at least some of the channels can be subdivided, with different programs being transmitted to different parts of town, simultaneously, on the same cable channel.
5. That Capital Cable's franchise have a term of 10 years from the date it is re-negotiated. Mr. DeLuca stated that he was not in favor of a term as short as five or eight years, as some franchises are written in other communities.
6. A deep concern about the operation of the public-access channel. A franchise should clearly set out the role of ACTV as the authorized coordinator of public-access programming.
7. That the City provide ACTV with a modest but stable and permanent source of minimum funding, by dedicating a small portion of the City's revenue from the cable system for the use of ACTV.

In conclusion, Mr. DeLuca stated that the proposed changes were not radical but would bring Austin's cable service up to the level already enjoyed in countless other communities.

Mr. Jerry Presley, also a member of the Austin Video Users Council, addressed his comments concerning the record of Capital Cable. He stated that he had researched the relationship between Capital Cable and the City and found many unanswered questions which he included in a letter to the Council. Mr. Presley pointed out that the Video Users Council was not trying to take over Capital Cable but felt a public hearing should be held for citizen input on this matter.

MR. DONALD THOMAS, Capital Cable Company, stated that Capital Cable does recognize the future potential of cable and the many things that can and will be done as soon as it is economically feasible. Mr. Thomas stated that the cost of the 20-channel system would be approximately \$6 million and would not provide much more than the people are already receiving. He commented that Capital Cable was providing everything that the law allows a station to carry and felt that the Video Users Council was trying to sell its programs for profit.

Councilmember Trevino moved that the Council set a public hearing on February 17, 1976, at 7:30 p.m. regarding Cable TV service in Austin. 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  
Absent: Councilmember Lebermann

#### HEARING ON THE LICENSING OF ROOFING AND SIDING CONTRACTORS ORDINANCE

Mayor Friedman opened the public hearing scheduled for 7:30 p.m. on the Licensing of Roofing and Siding Contractors Ordinance. Mr. Lonnie Davis, Director of Building Inspection, reviewed the Ordinance and stated that the Ordinance would require the licensing of Roofing and Siding Contractors in Austin that are engaged in work on existing one and two-family dwellings. He stated that he had met with Mr. N. A. Trimble, President of the Austin Roofers Association; and Mr. E. C. Little, H. C. Little Roofing Company regarding this Ordinance. Mr. Davis noted the changes in the Ordinance from the original proposal as follows:

1. Definition of a Homeowner - This has been expanded whereby a property owner or an agent can secure the permit to perform roofing or siding work on a one or two-family existing dwelling.
2. Registered Business Office - The applicant or contractor must have a business office with a telephone.
3. Definition of a Salesman - Any person who negotiates or offers to negotiate a roofing or siding contract with homeowners.

4. Applicability of Ordinance - The terms of this section shall be applicable only to roofing and/or siding that is performed or contracted to be performed on existing one and two family dwellings.
5. Licenses Required -
  - a. It shall be unlawful to maintain, own or operate a roofing and/or siding contracting business or to act as a salesman of roofing and/or siding services, unless a license is first obtained as provided in this chapter.
  - b. The owner of a business and all partners of a partnership and all officers of a corporation who are actively engaged in the performance of roofing and/or siding services shall obtain a license.
  - c. Such licenses, when issued, shall be valid for a period of one year ending on December 31 of each year.
  - d. Each contractor's or salesman's vehicle used in the siding and/or roofing business shall have posted on each side thereof a sign stating the name of the contractor and the number of his license obtained as provided herein. The letters on each sign shall be at least three (3) inches in height and shall be of a color which contrasts with the background.

Mr. Davis stated that the Austin Roofing Association and others have objected to the requirement of having the name of the firm displayed, and Mr. Davis stated that he would have no problem of removing this requirement since all that is really needed is the license number.

6. Licenses shall not be Required -
  - a. Of an employee of a building materials supply dealer engaged in the sale of roofing and/or siding materials.
  - b. Of an individual, not a salesman, who performs labor or services as a bonafide employee of a licensed contractor; or of an individual, not a salesman, who performs labor or services as a bonafide employee or subcontractor of a licensed contractor who does not deal directly with the general public as a roofing and/or siding contractor.
  - c. Of a homeowner or a bonafide employee of a homeowner performing work on his own residence.
7. License Fees - The fee for the initial license for a contractor or salesman shall be twenty-five dollars (\$25.00) and for each annual renewal thereof the fee shall be fifteen dollars (\$15.00).

8. Requirements for Licensing - No license shall be issued unless the applicant therefor establishes to the satisfaction of the building official the following:

- a. The existence and maintenance of a bonafide office, equipped with telephone, for the conducting of his business.
- b. That neither applicant, nor any partner or corporate officer in the roofing/siding contracting business on whose behalf the application is submitted, has ever been convicted of a felony or a misdemeanor theft during a five year period immediately preceding the date of the applications.

Mr. Davis stated that the proposed Ordinance requires licensing and permit requirements for all work in excess of \$200.00; and the Austin Roofers Association suggested that the amount be \$500.00. Mr. Davis felt that this was a little excessive and suggested \$350.00. Mr. Davis noted that a letter from Mr. Wayne Walden, President of the Austin Association of Builders, had been submitted which stated their support for the proposed Ordinance.

Mayor Friedman expressed concern regarding non-issuance of a license if a person has been convicted of a crime. Mr. Davis stated that it would not be a problem to remove this from the Ordinance. Councilmember Linn and Councilmember Trevino also agreed with Mayor Friedman regarding deletion of the section pertaining to non-issuance of a license to a person who has been convicted of a crime.

N. A. TRIMBELL, President of the Austin Roofers Association, stated that he was not representing the Association and referred to three points that had been deleted from the Ordinance which he felt was very important:

1. Posting of a surety bond by the licensee for protection of the homeowner.
2. Carrying some type of general liability insurance which would also protect the homeowner.
3. Penalty portion referred to in his letter to the Council was a legal question and something the City could not do.

TOM BUNTYN, Allstate Roofing, felt there should be more protection for the homeowner and recommended that the proposed Ordinance should be studied more thoroughly before any passage has taken place.

RONNIE DURBIN, representing E. M. Durbin Inc., asked who would verify the qualifications as to one being a roofer. Mr. Davis stated that one would have to offer proof of being a roofer and would have to furnish some type of credentials. Mayor Pro Tem Snell suggested that there be some type of provision made whereby a person could receive a temporary license while waiting for his credentials to be checked. Councilmember Himmelblau stated that this would destroy the intent of the Ordinance.



Councilmember Himmelblau stated that she would be agreeable to removing the section pertaining to the non-issuance of a license to a person who had been convicted of a felony; however, she would not be agreeable to the suggestion of issuing a temporary license. Mayor Pro Tem Snell felt there should be some type of time limit placed on the time required to investigate a person's credentials.

Councilmember Himmelblau noted the bonding was deleted from the second draft of the Ordinance because certain people felt it was punitive to the small companies.

Mayor Friedman referred to the Cancellation of Licenses and felt that if someone has been convicted of a felony or misdemeanor theft he should not have his license cancelled and suggested that this be deleted from the proposed Ordinance.

Mr. Trimbell suggested that the roofer be bonded and let the roofer obtain the bond or insurance and that the bonding company do the investigation regarding the credentials.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 36 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR THE LICENSING OF ROOFING AND SIDING CONTRACTORS AND SALESMEN; PROVIDING FOR A DEFINITION SECTION; LIMITING APPLICABILITY OF SUCH LICENSING TO WORK PERFORMED OR CONTRACTED ON ONE OR TWO FAMILY DWELLINGS; REQUIRING THAT A PERMIT BE OBTAINED FOR WORK IN EXCESS OF \$350; REQUIRING A SURETY BOND; REQUIRING LICENSES; EXCEPTIONS TO LICENSING REQUIREMENTS; ESTABLISHING LICENSE FEES; PROVIDING FOR RENEWAL OF LICENSES; ESTABLISHING REQUIREMENTS FOR LICENSING; DESCRIBING THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR THE CANCELLATION OF LICENSES; PROVIDING AN APPEAL PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Himmelblau moved that the ordinance be passed to its second reading, deleting sections "H-3" and "J-1", and to bring back the ordinance to the Council on January 6, 1977. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

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

Councilmember Himmelblau stated that she did want more time to work on the Ordinance with interested citizens, but noted that this matter has been worked with for five months and she would like to proceed as soon as possible.

PUBLIC HEARING TO AMEND THE AUSTIN DEVELOPMENT PLAN: EXPRESSWAY AND MAJOR  
ARTERIAL PLAN TO RECOMMEND AN ALTERNATE LOCATION FOR WILLIAM CANNON DRIVE  
WEST OF BRODIE LANE

Mayor Friedman opened the public hearing scheduled for 8:00 p.m. Mr. Richard Lillie, Director of the Planning Department, spoke before the Council. He stated that the 1967 and 1969 Austin City Council retained alternate "A"\* (see below) for William Cannon Drive. He stated that the Council's decision would either retain current proposal "A" or be an amendment of the plan to some new alignment.

Mr. Lillie stated that the land inside the City is zoned "AA" or "A" which is single-family, low-residential usage. The area outside of the City (west of Brodie Lane) is not subject to zoning.

Mr. Lillie then cited the various routes of the alternate alignments:

1. (Alternate A) William Cannon Drive would continue northwest through the Williamson Creek Drainage Basin and, as originally planned, intersect with U. S. 290 at Boston Lane.
2. (Alternate B) Under the second alternative, William Cannon Drive would turn northward just beyond Garza Place subdivision and continue to U. S. 290 west, adjacent to the proposed senior high school of the Austin Independent School District.
3. (Alternate C) The McCarty Lane route would extend west of Brodie Lane using the existing McCarty Lane right-of-way adjacent to the Western Oaks subdivision. The route would turn northwest to tie in with U. S. 290 at Oak Hill. West Lake Drive also intersects at this point on the north side of U. S. 290.
4. (Alternate D - primary proposal) This route extends westward from Brodie Lane following the right-of-way of McCarty Lane and extending through a corner of the Western Oaks subdivision. It then continues westward between Forest Oaks Memorial Park Cemetery and the Convict Hill Subdivision to U. S. 290.
5. (Alternate E) The Convict Hill route proceeds from Brodie Lane southwestward across McCarty Lane to the south of the Western Oaks subdivision, then west to U. S. Highway 290.

Mr. William Bulloch of the Urban Transportation Department also spoke before the Council. He cited the following requirements for the five (5) alternate alignments:

1. (Alternate A) This alignment would require the crossing of two branches of Williamson Creek; the intersection of William Cannon Drive with U. S. 290 would require major upgrading; this alignment would closely parallel an already existing north-south facility

\*Map of proposed alternate alignments located on next page.



(Brodie Lane); existing subdivisions to the west of Brodie Lane would not be serviced by this proposal; more traffic would be encouraged to use McCarty Lane, an existing roadway with residential development and a county park adjacent to it; the need for an east-west arterial in this area would still be present.

2. (Alternate B) This route, as with original alignment "A" would not provide for an east-west arterial to serve the southwest; isolation of the existing subdivisions to the west of Brodie Lane would occur by choosing this route; this alternative would duplicate another proposed north-south street along this same alignment that would connect between U. S. 290 and McCarty Lane adjacent to the high school site. This street is proposed as a major north-south collector to serve the access needs of the high school; east-west travel would again be encouraged along McCarty Lane.
3. (Alternate C) Since West Lake and William Cannon Drives are to intersect at the same point, there will be a need to upgrade their intersection with U. S. 290; the intersection of William Cannon Drive, West Lake Drive, local traffic from Oak Hill, the actual business district of Oak Hill, and the high volume of through traffic, all combine to make this route undesirable. The proposed intersection could become hazardous due to visibility restrictions; Oak Hill Elementary School is located along the proposed West Lake Drive extension, and the intersection of these three roadways would encourage more traffic along the elementary school site; this route will provide for east-west travel, but along an area where houses front on the facility; traffic again will be encouraged through the County park area.
4. (Alternate D) This route disrupts a minimum number of existing residential properties, while still functioning as an east-west arterial; the McCarty Lane/Convict Hill extension best serves the developing residences in the western area; William Cannon Drive would "T" into U. S. 290 behind the Forest Oaks Cemetery, with good visibility, and there is non-intersecting street proposed directly opposite it; the location of the facility would be in keeping with the goal to provide east-west access to the residents in this area.
5. (Alternate E) This route satisfied the need for an east-west arterial, however, it extends mostly through undeveloped land to the south of existing developments and would serve a much larger area than the other alignments; this route would encourage development farther southwest and out U. S. 290 West, assuming utility availability; McCarty Lane, between U. S. 290 and its intersection with William Cannon Drive, would function as a minor arterial due to the lack of alternative east-west routes in this area.

Mr. Bulloch stated that the Texas Highway Department had been approached and they had no objection to proposal "D".

MR. ROBERT J. POTTS, JR., attorney representing the McCarty Lane Neighborhood Association, spoke before the Council. He stated that his organization recommended proposal "B." Mr. Potts pointed out the following objections to the proposal of the Planning Commission:

1. Cross-country trucks would use the route so as to avoid Ben White Boulevard.
2. No application has been made to the Highway Department for permission to intersect Highway 290 with William Cannon Drive at any location.
3. The intersection recommended in the Study poses the most severe traffic hazards of all of the intersections considered.
4. The pending hearing before the City Council is the first time that the persons most effected have been afforded the opportunity to contribute to the decision as to alignment of William Cannon Drive.

He stated that recommended route "B" would traverse a nearly vacant area (lowest population in the "Basic Data Tabulations" appended to the Study) which is some 2 miles closer to City utilities than the alternative. Bearing in mind that new roads create development, it would appear that a responsible thoroughfare policy would encourage development of adjacent undeveloped property rather than leap-frogging such areas and imposing additional burdens upon fringe area utility services.

In conclusion, Mr. Potts recommended that the City Council approve so much of the William Cannon Drive Alignment Study as recommends extension from Brodie Lane to the point at which Alternative routes B, C and D diverge; and that it resubmit the balance of the Study to the Urban Transportation Department for further study.

Councilmember Trevino asked Mr. Bulloch about the lack of an application to the Texas Highway Department. Mr. Bulloch stated that the Highway Department does not approve alignments of roadways and general intersections and that the Texas Highway Department would be approached with the detailed designs of the project when the extension is being built.

MR. WOODROW SLEDGE of the Austin Independent School District spoke before the Council. He stated that all the proposed routes except "E" would be acceptable to the School District. His own personal endorsement was for proposal "D" as proposed by the Urban Transportation Department.

MR. GARY BRADLEY, a property owner, spoke before the Council. Mr. Bradley stated that he endorsed alternate route "E." He stated that the property owners in that area did not receive much prior notice of the public hearing on William Cannon Drive and had had only 1-1/2 weeks to review the proposals. He stated that route "B" would serve future traffic in the area and zoning would not be a problem. He also pointed out that route "E" would not disturb existing neighborhoods in the area whereas the other alternate route would go through residential areas.

MR. RAY BROWN, a resident of the area, expressed disapproval for alternate route "E."

MR. RAY GARNER, a resident of the Oak Hill area, spoke before the Council. Mr. Garner stated that proposed route "E" would be very hazardous. He stated that proposal "D" offered the least amount of problems as far as traffic control was concerned.

Mayor Pro Tem Snell moved that the Council close the public hearing and adopt a resolution approving the recommendation of the Planning Commission to adopt proposed route "D." The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

#### PUBLIC HEARING ON ADOPTION OF THE REVISED CITY OF AUSTIN PERSONNEL POLICIES

Mayor Friedman opened the public hearing scheduled for 8:00 p.m. by stating that he did not anticipate a vote on the proposed personnel policy. He stated that he had sent a letter to the City Manager requesting information on the proposal and that he had not had time to review the information with the Manager.

MR. TOM GREENING spoke before the Council stating that he wanted a distinction made between the terms "service" and "employment." In reference to Page 3 of the proposal, he stated that the Federal Wage and Hour Law reads that a part-time employee is classified as anyone who works 30 hours or less. He stated that this part of the proposal needed clarification and suggested that City Attorney Jerry Harris check with the Federal Wage and Hour Laws.

In reference to Page 4 under Employer-Regular, Mr. Greening questioned why an employee who is "re-employed" with the City after being absent for something like maternity leave, has to complete a probationary period again. Mayor Friedman stated that this provision did not apply to an employee who was on leave but rather to someone that has been terminated.

In reference to Page 5, Merit Increases, Mr. Greening stated that any employee who receives a merit increase while on probation, should be automatically taken off the probationary period and be given some sort of award.

In reference to Page 6 under Probationary Period, Mr. Greening stated that if an employee of the State government leaves the State government of his own free will and accord, he has re-instatement rights for the equal amount of time that he worked. He stated that there would be nothing wrong with the City being compatible with some of the State statutes.

In reference to Page 13, Section 3, Employment and Separation, Mr. Greening suggested that Mr. Harris familiarize himself with the Equal Employment Opportunity requirements of Public Law 93-114, Sections 503 and 504.

Mr. Greening also called for certain rights or privileges for veterans working for the City.

In reference to Page 14 under Medical Examinations, Mr. Greening suggested that Mr. Harris and the Personnel Director make themselves familiar with the CFR's that have been issued by the Department of Health, Education and Welfare and the Department of Labor, regarding the use of medical information and obtaining medical information and the methods about which they can go about obtaining medical information. He referred to Public Law 93-114. Mr. Greening also stated that Item E-1, which states "if an employee is physically or mentally unfit to perform the job," should also be looked at by the Legal Department.

BEBE WRIGHTMEYER, a truck driver for the Street and Bridge Department and steward for AFSCME Local 1624, spoke before the Council in favor of the proposal put forth by their organization. She stated that they were asking for a personnel policy that would include the following provisions:

1. A policy that is clear to every employee.
2. Protection from arbitrary discipline and dismissal.
3. A process by which an employee can appeal unwarranted or unjustified actions.
4. Due process under the law and freedom from discrimination.

MR. JOE PINNELLI, a business agent for AFSCME Local 1624, also spoke before the Council. Mr. Pinnelli cited the following Council resolutions which he said the staff had failed to draft:

1. The active solicitation of employee suggestions.
2. Penalties for clearly defined offenses.
3. Simplification of the explanations of the complaint procedure.

Mr. Pinnelli stated that his organization would like to see a Grievance Board which would include input from the citizens. He called for the adoption of a policy handbook that would serve the interest of the taxpayer.

MR. WILLIAM BROOKS of the Emergency Medical Service (EMS) spoke before the Council. He stated that his department has to work a 6-hour period before they are paid for overtime in a 21-day period whereas other City employees are compensated for anything over the standard 40 hours. He cited Page 1 under C, Applicability, which states that all policies therein will cover everyone except the Police and the Fire Department due to the fact that they are covered by the Civil Service.

MR. WOODROW SLEDGE, representing the Austin Independent School District, spoke before the Council on age discrimination practices within the City. He cited one City department (name not disclosed) with only 4 persons above the age of 49 out of a total number of employees of 116. Out of the 17 top employees making over \$13,000, there wasn't a single black male in this top 17. Mr.

Sledge suggested that age be included upon the computer card files for City employees. He stated that mandatory retirement for top management positions was a healthy thing, but not for the generality of positions. People should be encouraged to work as long as they can. He also criticized the "affidavit of personal indispensability" that department heads submit on employees who reach the age of 65. He did not feel that anyone could pass such a test.

MR. ALLEN BUSSLER, of the Radio Shop/Communications Department, spoke before the Council. Mr. Bussler cited Section 2-F which reads: "Any supervisor who gives an instruction or an order to an employee and that employee has doubts or reservations or demurs as to whether or not he should comply with that, he will comply with the instruction until the matter is adjudicated." Mr. Bussler suggested the inclusion of the following sentiment: "If any employee knows for certain or he is reasonably sure that any instruction his superior gives him is illegal, improper, or unethical, that subordinate may refuse to comply until it is established by competent authority that the instruction is proper."

MS. MARY LEE TAYLOR spoke before the Council in reference to Page 10, which states: "The City shall furnish the tools and equipment and other things necessary for the performance of the job." She stated that she would like to see a statement in the policy about the required use of personal cars and the basis for reimbursement for the use of personal cars in pursuit of City business. She stated that she would also like to see a section on the damage or loss of City property through carelessness or violation of policy and a section about the probationary period after transfer from one department to the other. Ms. Taylor stated that she would also recommend a statement about the relationship between the Texas Merit System Council and the City of Austin.

MR. LARRY HILL, representing the Sanitation Department, stated that Sanitation Department employees are required to draw their vacation times out of a hat and that they wanted to be able to select their vacation days like the rest of the City of Austin employees. Mr. Hill stated that this drawing was to take place the following day. Mayor Friedman stated that the City Manager informed him that he would look into the matter and try to have some resolution to this before the drawing took place.

MR. PETE REYES of Electric Power Production spoke before the Council in reference to Page 10, Subsection D-1, which reads: "City employees may seek election to any public office except City elected officers." Mr. Reyes questioned if he would be required to quit his job if he decided to run for a political office.

Also Mr. Reyes stated that he was not in agreement with the idea of the City Manager appointing all the members of the Grievance Committee. He felt that Grievance Committees should be elected by other employees. He stated that this would give the employees more confidence in going before the Committee and that no person would be obliged to the City Manager or the Council for appointing him to that position.

Mayor Friedman stated that he believed they would be able to come up with a fair and equitable procedural manual on personnel policies. He suggested to the City Manager that a check be run on all of the comments that were made. Mayor Friedman called for a completed draft for presentation to the Council by the meeting of January 20, 1977, and placement on the agenda for final action by January 27, 1977.



Mayor Friedman moved to close the public hearing, set January 20, 1977, as the date for the Manager to return with the next version of the personnel policy, and place it on the agenda for January 27, 1977, for final action. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### RELEASE OF EASEMENT

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

The north five (5.00) feet of the west 110.21 feet of Lot 17, Block B, Garden Oaks, Section 2, a subdivision in the City of Austin, Travis County, Texas, also known locally as 3001 Locke Lane. (Requested by Mr. Ben W. Brigham, owner of Lot 17, Block B, Garden Oaks, Section 2)

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

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

#### REQUEST TO WAIVE ANNUAL FEE FOR LICENSE AGREEMENT

Councilmember Hofmann moved that the Council adopt a resolution waiving the annual fee for the License Agreement permitting encroachment by a planting area, in the west right-of-way of Guadalupe Street (2000 Guadalupe Street.) (Requested by Mr. J. Eugene Wukasch, and Earl Wukasch, owners of Lot 42). The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### AGREEMENT WITH TRAVIS COUNTY HEALTH DEPARTMENT AND UNIVERSITY OF TEXAS FOR PHYSICAL THERAPY STUDENTS

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to enter into an affiliation agreement between the Austin-Travis County Health Department and the University of Texas for Field Placement for Physical Therapy Students. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

RENEWAL OF TAXICAB FRANCHISES FOR 1977

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing the renewal of taxicab franchises for 1977 as follows:

1. Airline Taxi Company - 1 permit
2. Harlem Cab Company - 38 permits
3. Roy's Taxi Service - 40 permits
4. Yellow/Checker Cab Company - 60 permits

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

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

ROUTE CHANGES IN U. T. SHUTTLE BUS SYSTEM

Councilmember Hofmann moved that the Council adopt a resolution authorizing route changes in the University of Texas Shuttle Bus System as follows:

1. East Campus route.
2. South Riverside route.

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

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

ACCEPTANCE OF MINUTE ORDER PERTAINING TO CONSTRUCTION OF  
HIKE AND BIKE TRAIL

Councilmember Hofmann moved that the Council adopt a resolution authorizing acceptance of Minute Order No. 71995 authorizing construction of a Hike and Bike Trail along Johnson Creek from Enfield Road to the Colorado River. The motion, seconded by Councilmember Linn, carried by the following vote:

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

City Manager Davidson noted that he had contacted the Highway Department about expediting this project and they were very cooperative in doing so. Mayor Friedman instructed the City Manager to send a letter to the Highway Department thanking them for their cooperation.

CONTRACT WITH CENTRAL MEDICAL FOUNDATION FOR INDIGENT CARE AT  
BRACKENRIDGE HOSPITAL

Councilmember Linn moved that the Council adopt a resolution for a contract with Central Texas Medical Foundation to provide indigent medical care and a program of medical education at Brackenridge Hospital. 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  
Absent: Councilmember Lebermann

SETTING PUBLIC HEARING ON SOUTHERN UNION GAS COMPANY RATE APPLICATION

Councilmember Linn moved that the Council set a public hearing on December 30, 1976, at 3:00 p.m. to consider Southern Union Gas Company rate application filed September 1, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

TRUTH IN SELLING ORDINANCE

MR. ARTHUR BROWN of the Austin Neighborhood Council recommended the following ordinance changes to the Council:

1. To change from 300 feet to 1000 feet the ~~radius~~ within which zoning classifications must be disclosed to the prospective home buyer.
2. A summary of all zoning code meanings must be provided to the prospective home buyer.
3. All known and proposed roadways which are cited in the most recent Capital Improvements Program book which are located within a 1-mile ~~radius~~ of the subject tract or parcel must be disclosed to the prospective home buyer. This change was suggested in place of item 1-D in the ordinance.

MR. KEN ZIMMERMAN of the Austin Association of Builders stated that lack of awareness on the part of the public would cause violations of the ordinance and that the public would need to be educated. Mr. Zimmerman recommended the following word changes to the ordinance:

1. Part 1, Line 1 - From "No person shall convey fee" to "No person shall contract to convey fee"...
2. Part 1, Line 4 - From "Restrictive than "A" to "Restrictive other than "A"..."

Mr. Zimmerman questioned whether or not the ordinance would have any effect on FHA/VA housing. Mayor Friedman stated that the Council had no control over the Federal government. Mr. Zimmerman also suggested that since many sales transactions take place on weekends without the availability of a notary public, a provision be made for the designation of a witness on the affidavit.

Motion - Died

Councilmember Hofmann moved to adopt the recommendations made by Mr. Arthur Brown and substitute Part 3 for Section 1-D of the ordinance and add Part 2 to the ordinance. She also moved for passage upon first reading of the ordinance only. The motion died for lack of a second.

Motion - Failed

Mayor Friedman moved to include Part 2 only into the ordinance and also for passage upon three readings of the ordinance. The motion, seconded by Councilmember Linn, failed to carry by the following vote:

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

Motion - Carried

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

AN ORDINANCE REGULATING THE SALE OF REAL PROPERTY BY REQUIRING THE PROVISION OF AN AFFIDAVIT CONTAINING CERTAIN DESIGNATED INFORMATION; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Hofmann moved that it be passed to its second reading, including part 2 of the recommendations. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

ORDINANCE PERTAINING TO BICYCLE LANES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967, PROHIBITING THE MOVEMENTS OF VEHICLES UPON, IN OR ACROSS BICYCLE LANES UNDER CERTAIN CONDITIONS; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

In response to Councilmember Himmelblau's question, Mr. Joe Ternus, Director of Urban Transportation, stated that the Ordinance does allow for the vehicles to enter the bike lane for the purpose of parking or going into a driveway.

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) TRACT 1: AN 8.105 ACRE TRACT OF LAND, SAVE AND EXCEPT THE EASTERNMOST 465 FEET AND SAVE AND EXCEPT THE WESTERNMOST TWENTY-FIVE FOOT CORRIDOR ALONG U. S. HIGHWAY 183, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE EASTERNMOST 465 FEET OUT OF AN 8.105 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 1,125 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 4: A 1,125 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 5: THE WESTERNMOST TWENTY-FIVE FEET ALONG U. S. HIGHWAY 183 OUT OF AN 8.105 ACRE TRACT OF LAND, SAVE AND EXCEPT TWO TRACTS OF LAND EACH CONTAINING 1,125 SQUARE FEET OF LAND (TRACTS 3 AND 4), FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED ON U. S. HIGHWAY 183; AND

(2) LOT 1, WOOTEN ANNEX, LOCALLY KNOWN AS 8538 RESEARCH BOULEVARD, ALSO BOUNDED BY FAIRFIELD DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,  
 (3) LOTS 1 AND 2, BLOCK 86, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 300 EAST 7TH STREET (ST. DAVID'S EPISCOPAL CHURCH), FROM "C" COMMERCIAL DISTRICT TO "C-H" COMMERCIAL-HISTORIC DISTRICT; AND,  
 (4) THE NORTH ONE-HALF OF LOT 3, BLOCK 43, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 410 CONGRESS AVENUE (SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY BUILDING), FROM "C-2" COMMERCIAL DISTRICT TO "C-2-H" COMMERCIAL-HISTORIC DISTRICT;  
 ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-76-085, C14-76-100, C14h-74-017, C14h-76-016)

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 0.597 ACRE TRACT OF LAND, SAVE AND EXCEPT A 0.047 ACRE TRACT (TRACT 2) AND A 0.02 ACRE TRACT (TRACT 3), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: A 0.047 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 3: A 0.02 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;  
 ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9508 JOLLYVILLE ROAD (OLD BURNET ROAD) AT LOOP 360, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Clark L. and Dorice Jeffries, C14-76-088)

The ordinance was read the first time, and Councilmember Linn moved that it be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

DENTAL POLICY ADVISORY COMMITTEE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CREATING AN ADVISORY BODY TO BE KNOWN AS THE DENTAL HEALTH ADVISORY COMMITTEE; SETTING FORTH THE DUTIES OF THE DENTAL HEALTH ADVISORY COMMITTEE; PRESCRIBING REQUIREMENTS FOR APPOINTMENTS AND TERMS OF APPOINTMENTS FOR MEMBERS OF THE DENTAL HEALTH ADVISORY COMMITTEE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Councilmember Trevino extended his thanks to the Council for their support of this Committee and introduced Ms. Polly Robinson, President of the Dental Hygienists and other members of the group.

REDUCTION IN PUBLIC LIABILITY INSURANCE FOR SIGN CONTRACTORS

Councilmember Linn suggested that there be a reduction in the amounts of public liability insurance required to be carried by sign contractors under the Sign Ordinance. She stated that as the Ordinance stands now, small companies are not able to pay for the required insurance because it is too expensive.

Councilmember Linn moved that the Council instruct the City Attorney to work with Mr. Lonnie Davis, Director of Building Inspection, and the small sign contractors to find an acceptable solution and bring back an amendment to the Ordinance on December 30, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

# AMENDMENT TO CITY CODE TO REQUIRE TOILET FACILITIES AT CONSTRUCTION SITES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING THAT ANY PERSON EMPLOYING MORE THAN FIVE CONSTRUCTION WORKERS AT ANY TIME, AT ANY ONE SITE, WHO CONSTRUCTS, REPAIRS, ALTERS, OR RAZES ANY STRUCTURE FOR WHICH A BUILDING OR RAZING PERMIT HAS BEEN ISSUED SHALL PROVIDE TOILET FACILITIES FOR THE USE OF THE EMPLOYEES ON THE JOB SITE AT THE RATE OF ONE TOILET FOR EACH THIRTY (30) WORKERS OR LESS, AND THAT SUCH FACILITIES SHALL BE LOCATED WITHIN ONE HUNDRED FEET OF THE JOB SITE AND BE OF A TYPE APPROVED BY THE HEALTH OFFICER; PROVIDING THAT IT SHALL BE THE DUTY OF THE BUILDING OFFICIAL TO ASSURE COMPLIANCE WITH THIS REQUIREMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

## REPROGRAMMING OF HCD FUNDS

Councilmember Himmelblau stated that due to the passage of the Bond Program recently, \$1.6 million in HCD funds had been released and needed to go back through the Community Development Commission and the Planning Commission for reprogramming. Councilmember Trevino pointed out that as a result of the passage of the Water and Wastewater Election, the \$1.6 million has been released and he stated his agreement with Councilmember Himmelblau that this process begin to reprogram the money.

Councilmember Trevino moved that the Council instruct the Community Development Commission and the Planning Commission to come back to the Council with a prompt and balanced recommendation on the utilization of these monies. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

## 1976-77 SIDEWALK/BIKEWAY CONSTRUCTION PROGRAM

Mr. Joe Ternus, Director of Urban Transportation, noted that the Council had received copies of the proposed Sidewalk/Bikeway Construction Program and stated that the program had been endorsed by the Urban Transportation Commission.



During this fiscal year there is a total of \$400,000 available in two program areas as follows:

CIP #76/75-01 - Sidewalk Construction:

Safe School Route Program	\$200,000
Safe Street Program	- 65,550
Special Services Program	- 34,450
	<u>\$300,000</u>

CIP #75/79-01 - Bikeway and Sidewalk Ramp Construction:

\$100,000

The Safe School Route sidewalk program is presently being developed, and will be presented to the City Council in January. The Safe Street and the Special Services Programs were submitted to the Council, and both programs have been coordinated with the neighborhood groups in the areas slated for construction activity.

PRESENTATION OF CONSULTANT REPORT (TOUCHE-ROSS) AUTHORIZED BY THE CITY COUNCIL ON SEPTEMBER 2, 1976, ON THE SUBJECT OF RECOMMENDED ELECTRIC RATES

Mayor Friedman opened the presentation on electric rates listed under the City Manager's Report. Mr. Pat Loconto, representative of Touche-Ross Consultants and National Director of Public Utility Regulatory Consultants, spoke before the Council. Mr. Loconto stated that his company covered five basic points that they were asked to consider. They were as follows:

1. The ability of his company to support the rate structure proposed by the Mayor's Commission on Electric Rates.
2. The basis of the revenue expenditures utilized and the degree of liability attributable to these sources.
3. The actual cost impact the proposed rate structure would have on individual customers and groups of customers.
4. Recommendations concerning modifications or revisions to the proposal in the event that Touche-Ross could not support the proposal.
5. Recommendations Touche-Ross would have concerning modifications and revisions to the current fuel cost adjustment clause.

Mr. Loconto also cited four areas of policy which should go into a rate structure. They were as follows:

1. Operational policies
2. System development policies
3. Pricing policies
4. Financial policies

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Mr. Loconto stated that there was a lack of objectives in the proposed rate structure. He stated that there was no provision made for revenue stability. The structure would require annual revision and would create a problem from a revenue stability and a price stability point of view. He stated that customer impact would be a problem in that the proposed rates would produce an impact which would be just the opposite of what the Mayor's Commission Report stated. He stated also that the structure would allow some large users to profit at the expense of system reliability.

Mr. Loconto stated that neither the Commission or the Electric Utility Department used what he termed conventional estimating techniques in projecting revenue/expenditure cost. He stated that this was due to a lack of regulatory techniques in municipal utilities. He stated that although the proposed rates would effect the rate payer, it would have no effect on the rate structure itself.

He stated that his company had taken samples from 70 rate payers of different types and had found that the proposed rate structure resulted in increased bills and performed the opposite of what the Commission had proposed. He said that for this reason Touche-Ross could not support the proposed rate.

Mr. Loconto stated that Touche-Ross could not support the current or the proposed rate structures and recommended the development of a new rate structure with the inclusion of the following items:

1. Should establish goals and objectives in all the areas listed previously and that these goals and objectives should be submitted to the City Council for approval as the City's policy on Electric Utility.
2. Should develop customer profile information so the City utility can define the kind of customer they have by their electricity usage.
3. To incorporate multi-year revenue requirements at least through 1981 to obtain some kind of stability.
4. Should develop alternative rate structures as it is impossible to achieve all objectives and goals with a single rate structure.
5. There should be an orderly transition plan from the existing rates to a modified rate structure to prevent any economic dislocation that would be caused by a one time switch.

Mr. Loconto stated that the second area of recommendation consisted of a rate management program which would continue to develop ongoing rate structures even after a final structure is in operation. The final area of recommendation was the fuel cost adjustment clause. He stated that the present clause has been unchanged since the mid 1950's. He stated that the clause was clearly inadequate and this was recognized by the staff and the Commission. He stated that the clause will over-recover, in the following fiscal year, more than is required to pay for the cost of the utility. Their findings with the fuel cost adjustment are as follows:

1. That it contains inherent structural deficiencies which will result in recurring over-recovery of cost.
2. The City cannot consider adoption of a fuel cost adjustment clause without having a simultaneous upward trend in the basic rate structure.
3. Any interim modifications introduced to compensate for the over-recovery must be considered as reductions in the overall rates and no attempt should be made to associate reductions specifically with revenues generated from either the basic rate structure or the fuel cost adjustment clause.
4. The introduction of a fuel cost adjustment clause will impact the presentations of financial results and published financial statements. The adoption of a conventional formula is recommended but only after the full implications of any changes are identified and evaluated.

Mr. Loconto stated that what Touche-Ross recommends is that these considerations support an election to change current rates and charges. There is also a clear and immediate benefit to current ratepayers should rates be reduced. It is their opinion that the findings and conclusions support a reduction in the electric rates sufficient to compensate for the inadvertent over-recovery that will occur with existing rates.

Also, beginning with January billings, the utility rate begin to initiate a 3.85 mill per KWH rate reduction. The result of this would be to reduce overall revenue collections by \$8,317,000 for the remainder of the fiscal year. This would also be \$3.85 for each thousand KWH. He stated that what they were essentially recommending was to initiate the rate credit and then on a quarterly basis, review its operation to make sure that it is recovering the 8 million dollars predicted as an over-recovery and each quarter to re-evaluate to find whether or not it should be adjusted upwards or downwards to eliminate any over-recovery. This concluded the Touche-Ross presentation.

Mayor Friedman then instructed City Manager Dan Davidson to include on the December 30, 1976, agenda, an item to authorize the reduction of the fuel cost. He stated that as of the January billing, one way or another, the cost reduction would start taking place.

Mayor Friedman then moved that the City Manager be authorized to confer again with Touche-Ross and to also seek additional consultation so as to return to the City Council within 3 to 4 weeks with recommendations on consultants. He also moved that these recommended consultants would also be working with the Electric Rate Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

City Manager Davidson closed the presentation by extending his thanks to the Touche-Ross Company for bringing before the Council something on which it could act in a hurry rather than drag the electric rate structure question on for months.

PROPOSED SLIDING FEE SCALE AT BRACKENRIDGE HOSPITAL FOR INDIGENT CARE,  
ADMISSION POLICY AND ADMINISTRATION OF SOCIAL SERVICE PROGRAM

In response to Mayor Friedman's question as to whether or not this had been before the Hospital Board, Mr. William King Brown, Director of Brackenridge Hospital, stated that this had been considered twice by the Finance Committee of the Hospital Board and once by the Operations Committee. It was furnished to the Hospital Board at their December 3, 1976, meeting and is going through the proper channels at the hospital. Mr. Brown noted that a final recommendation for the Council was not ready at this time.

Councilmember Linn suggested that the Community Development Commission and neighborhood centers also be given an opportunity to review these recommendations.

NAVIGATION BOARD REGARDING MUFFLER REQUIREMENTS FOR BOATS ON LAKE  
AUSTIN, LAKE LONG AND TOWN LAKE

Mr. Lonnie Davis, Director of Building Inspection, stated that during the summer of 1975, the Navigation Board was requested to study the noise problem on Lake Austin and Lake Long. After the study was performed, an ordinance proposal was adopted by the Council on August 7, 1975. It has become evident that the ordinance needed to be revised and a new proposal has been requested which would include the following:

1. Exhaust control for outboard powered boats.
2. Requires, for other than outboard motors, and exhaust water manifold and a muffler or baffle, or the exhaust pipe to exit through the original factory-designed transom and not an extension or modification thereof and to have specified type of muffler.
3. Includes Town Lake.
4. Provides that the City Council may allow any type boat exhaust system for approved special power boat events (racing events included.)

MR. CONRAD FATH, Chairman of the Navigation Board, stated that these changes would not solve the entire noise problem on the lakes but would only be an interim answer. He felt the only way to solve the noise problem would be in working with the Environmental Board to obtain some type of restriction on how loud these noises can be.

Councilmember Linn moved that the Council accept the report and instruct the City Attorney to come back to the Council with the proper amendment to the Ordinance as soon as possible. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

BRACKENRIDGE HOSPITAL ADVISORY BOARD - CONSULTANT FOR BRACKENRIDGE  
HOSPITAL STUDY

MR. JIM PFLUGER, Chairman of the Brackenridge Hospital Advisory Board, noted that the Council had received some information regarding the recommendation from the Hospital Board and the basis for its choice. He stated that after receiving the Council's approval on October 28, 1976, to pursue discussions with consultant firms interested in assisting the Board with the Hospital Study, the Board had spent the last few weeks interviewing prospective consultants and developing a draft Request for Proposal.

After discussions with various representatives of twelve firms the Board determined that the tasks might be best accomplished as two separate phases of work under separate contracts. Mr. Pfluger recommended that the Council contract with a consultant to develop a study design and work program for the management of the study. He also recommended that a work session date be set for the Council and the Board to meet and discuss the total study.

From the initial twelve firms the Board recommended the following four firms for consideration and selection:

1. Arthur Anderson and Company - A. D. Little and Company
2. Arthur Young and Company
3. Peat, Marwick and Mitchell and Company
4. Institute of Policy Studies

Mr. Pfluger extended his thanks to Councilmember Himmelblau for meeting with the Director of the Harris County Hospital District.

In conclusion, Mr. Pfluger recommended that the Council hire a consultant on a very limited basis, to help design the study and produce the appropriate data that will enable the Council to set the direction regarding this matter.

Motion

Councilmember Linn moved that the Council select the firm of Institute of Policy Studies as the consultant for Brackenridge Hospital Study. The motion was seconded by Mayor Friedman.

Substitute Motion

Councilmember Himmelblau moved that the Council adopt a resolution selecting the firm of Peat, Marwick and Mitchell and Company as consultant for the Brackenridge Hospital Study. The motion was seconded by Mayor Pro Tem Snell.

Councilmember Himmelblau felt that Peat, Marwick and Mitchell and Company had worked with the City and was knowledgeable of the circumstances at Brackenridge Hospital. Mayor Pro Tem Snell felt that more information regarding the firms should have been provided to the Council. City Manager Davidson stated that he would be happy to obtain any additional information that the Council so desired. Mr. Pfluger suggested that possibly there could be some type of procedure worked out whereby both firms suggested by the Council could be utilized.

Roll Call on Substitute Motion

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

Noes: Councilmember Linn, Mayor Friedman

Absent: Councilmember Lebermann

The Mayor announced that the firm of PEAT, MARWICK AND MITCHELL AND COMPANY had been selected as consultant for the Brackenridge Hospital Study.

Mayor Friedman pointed out that the work session suggested by Mr. Pfluger would be handled through communication between the Council and the Hospital Board.

## ANNOUNCEMENT

Mayor Friedman announced that the Council would have an Executive Session on December 30, 1976, at 9:00 a.m.

## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on January 27, 1977:

HART GRAPHICS & 8000 Shoal Creek  
OFFICE CENTER, INC. Boulevard  
By William Hart  
C14-76-112

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

FRANCIS X. 1502 Spyglass Drive,  
BOUCHARD also bounded by  
By W. Lee Choate Barton Skyway  
C14-76-113

From "LR" Local Retail  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

MOREY, STERZING & WALKER, INC. C14-76-114	4501-4505 Avenue G 4500-4502 Avenue H	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
UNIVERSITY CHRISTIAN CHURCH, ET AL By Roy Snodgrass, III C14-76-115	2000-2004 University Avenue, also bounded by West 20th Street	From "B" Residence 2nd Height and Area To "GR" General Retail 2nd Height and Area
JIMMY D. FOSTER, ET UX By Pascual Piedfort C14-76-116	3201 Manchaca Road	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
IVAN H. ROBERTS By William B. Stringer C14-76-117	9550 Brown Lane	From Interim "A" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area
LYNN STORM C14-76-118	3801-3811 South Lamar Boulevard A 2317-2325 Panther Trail 3800-3808 Victory Lane	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
STATEWIDE STATIONS, INC. By G. G. Thorne, III C14-76-119	1400 West Ben White Boulevard, also bounded by Fort View Road	From "GR" General Retail 1st Height and Area To "C-1" Commercial 1st Height and Area
CITY OF AUSTIN By the Planning Commission C14-76-120	1505 Windsor Road, also bounded by Enfield Road and Harrell Lane	From "B" Residence 1st Height and Area To "A" Residence 1st Height and Area
HERMAN DEGOLLADO, ET UX By William Kemp C14-76-094	6511 Santos Street, also bounded by Vargas Road	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
CHESTER SCHULTZ, ET AL By E. C. Thomas C14-76-096	1605-1711 and 1620- 1708 Dungan Lane, also bounded by Dessau Road	From Interim "AA" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area
WALNUT HOLLOW BUSINESS PARK By William C. Montandon C14-76-097	F.M. 969 and Johnny Morris Road	From Interim "A" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area

WAYNE LAYMON  
CONSTRUCTION CO.  
By Norman Janssen  
C14-76-108

12032 Research Boulevard  
also bounded by Arabian  
Trail

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

ROMANI COMPANY  
By George Butler  
C14-76-110

515-519 Radam Lane

From "A" Residence  
1st Height and Area  
To "B" Residence  
1st Height and Area

TIPS HOUSE  
Franklin Savings &  
Loan Association,  
owner  
C14h-74-002

135 West Oltorf  
Street, also bounded  
by South Congress  
Avenue

From "C" Commercial  
2nd Height and Area  
To "C-H" Commercial-Historic  
2nd Height and Area

OMEGA INVESTMENT  
COMPANY  
By Roy Bechtol  
C814-76-012

2330 Bergstrom  
Highway

To a 640-unit residential  
Planned Unit Development  
called "RIVER HILLS"

A. D. STENGER  
C14p-76-049

2200-2202 Trailside  
Drive, also bounded by  
Robert E. Lee Road

From "A" Residence  
To 5 Townhouse Units

THE VILLAGE SHOPPING  
CENTER  
By Mike O'Dell  
C14p-76-050

2700 West Anderson  
Lane

A Melodrama Theater for  
theatrical presentation  
seating 200. (presently zoned  
"GR" General Retail)

DOWN ON SIXTH  
By Bennie Ruiz, Jr.  
C14p-76-051

501 East 6th Street,  
also bounded by  
Neches Street

Discotheque and restaurant  
with 250 seats called "Down  
On Sixth" (presently zoned  
"C-2" Commercial)

#### ADJOURNMENT

The Council adjourned at 11:45 p.m.

APPROVED

Mayor

ATTEST:

Grace Monroe  
City Clerk