

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 26, 1976  
10:00 A. M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell presiding, and Mayor Friedman being present for the afternoon session.

Roll Call:

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

Absent: Mayor Friedman

The Invocation was delivered by REVEREND CLARENCE M. WALTON, Trinity United Methodist Church.

POSTPONEMENT OF LOBBY REGISTRATION

Councilmember Himmelblau moved that the Council postpone the public hearing to consider Lobby Registration and Consideration of the Ordinance until March 4, 1976, at 2:30 p.m. 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

PRESENTATION

Mayor Pro Tem Snell presented Mr. John Redman, Jr., with a key to the City of Austin and noted that Mr. Redman is the Mayor of Ames, Texas.

## RECOGNITION

Mr. Kirby Meyers made a presentation on behalf of the Texas Chapter of the American Public Works Association, and presented Mr. John German, Assistant Director of Public Works - Street and Bridge, an award designating him as Public Works Man of the Year, 1975. Mr. German thanked Mr. Kirby for the award and expressed his gratitude to the Council for taking the time to make the presentation. At this time, Mayor Pro Tem Snell also recognized Mr. German's wife, Jane.

## APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for February 19, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

## WITHDRAWAL OF AN ITEM

Win Anderson had requested to appear before the Council to request approval for an outdoor Bicentennial Musical event and explain organization of the event; however, Mr. Anderson withdrew this request.

## REQUEST FOR USE OF AUDITORIUM SHORES

Councilmember Lebermann moved that the Council approve a request by Mr. Walter E. Stueck, representing Northwest Sertoma Club of Austin, for the use of Auditorium Shores on the 10th and 11th of April, 1976, to conduct the Northwest Sertoma Club "Poor Boy" art show. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## PARADE PERMIT

Councilmember Linn moved that the Council approve a request by Charles Pace, Recreation Committee - Texas Union, for a parade permit on March 21, 1976, from 1:15 p.m. to 1:35 p.m. to begin at the Littlefield Fountain (University and 21st Street), on 21st Street to Speedway, and Speedway to the State Capitol. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

#### REQUEST CONCERNING ZILKER PARK GARDENS

Councilmember Linn moved that the Council approve a request by Mr. Marion Toole, President of the Austin Area Garden Council, for permission to close free admittance to the Zilker Park Gardens on May 1 and May 2, 1976, and provide that entry on those dates be by \$1.00 donation tickets only for the Fifteenth Annual Spring Garden Festival. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

#### APPEARANCE CONCERNING DRAG MARKET

Mr. Norman Beitch and Ms. Alice Roberts appeared before the Council to discuss competition on the Drag market and to recommend changes for the Drag area. Mr. Beitch, a vendor, felt there is an urgent situation existing on the Drag which pertains to the problem of people saving spaces. After citing problems he had encountered concerning his attempt in getting a space, Mr. Beitch definitely felt that this type of situation is a problem year round, not just at Christmas.

Mr. Beitch proposed that the Council immediately legislate and enforce a curfew on the Drag market at the recommended time of 10:00 p.m. to 8:30 a.m. This would enable craftsmen and importers to leave the area and not have to remain there in order to save their places. Then at 8:30 a.m. the City would employ a policeman to be on duty in the area to handle any situation that might arise. He also requested that the Council expedite matters in the area of urging the Vendor Committee to present their recommendations as soon as possible. He asked the Council to change the Christmas ordinance whereby the committee was supposed to present their recommendations on March 25, and request that the recommendations be presented next week.

Councilmember Linn pointed out that the police protection and the curfew terminated the day after Christmas.

Mayor Pro Tem Snell stated that he would ask the City Manager to see that supervision is maintained in this area, and Councilmember Linn also asked that a curfew be enforced.

Councilmember Trevino indicated that in order to change the ordinance there would have to be a public hearing conducted.

Councilmember Lebermann felt that any final resolution to the problems would come through the Council requesting the Vendor Committee to speed up their recommendations to the Council.

Councilmember Trevino agreed with Councilmember Lebermann and suggested that this report be presented next week or the following week and also at the same time set a public hearing to discuss any changes to the ordinance.

Motion

Councilmember Trevino moved that the Council instruct the Vendor Committee to present a report on recommendations for the Drag market at the March 4 Council meeting and also set a public hearing at that time concerning any changes. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Ms. Alice Roberts felt that part of the problem existing on the Drag is the fact that some people have more spaces than they legally should. She commented that she would like to see ordinance enforced that limits one permit to one business.

John Clyne, a member of the Vendor Committee, stated that all the problems that Mr. Beitch made reference to are covered in the new ordinance that will be presented to the Council.

Ms. Mayfield noted that the Vending Committee was established to arbitrate between the artists and craftsmen and importers and retailers, but the committee was not established to make decisions as to whether the market place should be limited or not.

SENIOR ACTIVITY CENTER SITE

Mayor Pro Tem Snell stated that the Council would now consider the site selection for the Senior Activity Center. MARY WOOTEN requested that a decision regarding the selection of this site be delayed until Mayor Friedman could be present. Mayor Pro Tem Snell commented that this would not be possible, and Councilmember Himmelblau felt that the Council was ready to decide on the site at this meeting.

MR. M. K. HAGE, JR., a property owner in the proposed site area of Bailey Square and a member of the School Board, felt it would be very unwise to replace the park with the Senior Citizen Center and suggested that a more spacious location could be found and at the same time another park could be created rather than removing one. His suggestion involved 8 acres of City property that adjoins Bryker Woods Elementary School, and he felt this area could be developed into an ideal place for the Senior Activity Center. By working with the School Board and the Council, both groups could share in a recreational and park responsibility as they have done in the past. Mr. Hage pointed out that if Bryker Woods was made a community school, the adjoining property of 8 acres could become the site for the Center. In doing this, the senior citizens would be in a position to utilize the gymnasium for any activities.

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Mr. Hage noted that several of the City departments were aware of a small bend in Shoal Creek that needs to be corrected that would alleviate any flooding possibilities. The large amount of fill that has been brought to the location could be leveled to bring the elevation the same as Shoal Creek Hospital and eliminate any flooding. He felt that if the concept of utilizing the area with the school could be developed, this would give a long term and more comprehensive program for the senior citizens. He suggested that the Council invite three members of the Council and three members of the School Board to meet early in March to reach a decision on this problem. In response to Councilmember Himmelblau's question concerning the location of access, Mr. Hage stated that access to the area would be from 34th Street. Mr. Hage indicated that the Austin Doctor's Building Corporation does have plans to build a high-rise apartment for retirees across from this proposed location and in the same area a nursing home.

Councilmember Hofmann was concerned with just how much of the acreage was out of the flood plain, because one cannot build within the flood plain. Mr. Hage commented that the School Board has applied for funds for the community school concept and if another community school was added for the center, then it would be available for Federal funding. At this point, HUD would then provide funding for the Senior Citizens Center; therefore, by joining with the Austin Independent School District, a superb facility could be developed.

In response to Councilmember Trevino's question as to whether the Retirees' Committee examined this location, Mr. Hage noted they had not. Mr. Jack Robinson, Director of the Parks and Recreation Department, commented that this suggested location has been studied by this department to develop as a play area possibly at some time. In response to Councilmember Linn's question, Mr. Robinson stated that the area was not a designated City park. Mr. Robinson pointed out that the majority of the area would be in the flood plain. He indicated that this area does flood when heavy rains occur and felt that the majority of the 8 acres would remain in the 100-year flood plain, thereby preventing any building. City Manager Dan Davidson informed Mr. Hage that the Parks and Recreation Department could not advise the Council today as to matters concerning the flood plain.

Mr. Roger Joseph, a property owner in the area, felt that the idea presented by Mr. Hage was an excellent one and the Council should consider it before making any decision. JENNY SHIPSEE commented that she was opposed to the Bailey Park location for the senior citizens. She also presented a petition containing 55 signatures of employees of the Bailey Medical Center who opposed placing the center in Bailey Park.

MR. GEORGE BRAY stated that he had been working on this matter since 1973 with 18 organizations and he urged the Council to examine the recommendations of the Parks Board and the Retirees' Coordinating Board. Mr. Bray pointed out that Bailey Park is their recommendation.

Mr. Jack Robinson, Director of Parks and Recreation, commented that due to the request of the Council concerning the 29th and Lamar site, he wanted to present some additional information at this time. By use of charts, Mr. Robinson outlined the area at 29th and Lamar and some of the problems with the site. One of the main concerns of the senior citizens about the area is the access to the area.

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Councilmember Himmelblau suggested that one possibility could be a curb cut on Shoal Crest, thereby eliminating the necessity of entering the area from 29th Street. Cars could come in both ways. Mr. Robinson stated that there could be access from Shoal Crest and 29th Street. Mr. Joe Ternus, Director of Urban Transportation, felt that the vehicular access to this area is a little better than the one at Bailey Park. He noted a substantial decrease in traffic on 29th Street since MoPac had opened and a slight increase on 34th Street. The bus service would not pose any problems and would be obtainable for people living in East Austin. Mr. Ternus reiterated that the 29th and Lamar site would provide a safer and more accessible access.

Councilmember Himmelblau commented that she had driven the area in which Bailey Park is located and felt that with the increase in traffic on 34th Street it was congested. In response to Councilmember Himmelblau's question as to the amount of additional traffic the proposed three buildings for the medical complex will generate, Mr. Ternus anticipated that the area would be increasing in activity due to the local activities presently in the area and noted that the area is becoming a major medical complex.

Mr. Robinson pointed out that approximately 25% of the people utilizing the center would be coming from East Austin by way of the Parks and Recreation buses and would have some bearing on the traffic in the area. He also noted that this land was purchased by Public Works bonds to be used for the widening of Lamar and if this development is to be constructed there would need to be a zoning change on the property.

In response to Councilmember Himmelblau's question as to the type of park that could be built at the 29th and Lamar site, Mr. Robinson stated he could develop just about anything the senior citizens wanted in this area, but at the present time they would not be able to give them the same amenities as they would have at Bailey Park.

Councilmember Linn expressed concern that this site was not located in Census Tract One. Mr. Robinson indicated that after checking with HUD, they indicated that the grant could be changed to accommodate this. Councilmember Himmelblau stated that since the CIP program is coming up again in the near future, that money could be put into the type of facility that the senior citizens would like. Mr. Robinson agreed that this could be done by reallocating existing funds or have other funds that are made available by some Federal source. Councilmember Himmelblau commented she would like to see this done if the 29th and Lamar site is chosen. Mr. Robinson indicated he would be very happy to work with the citizens to determine just what they would like to have.

Councilmember Linn noted that one of the problems of the Bailey Park site was that there was a lack of notification to residents in the area and would like some way of notifying these people when a major land change is about to be made. Mr. Robinson stated that this could be done and it would be done in the future. He noted his willingness to work with the Council and the City Manager in developing some type of notification, possibly a sign, for the residents in future cases such as this.

In response to Councilmember Lebermann's question concerning the traffic situation of Bailey Park and the site at 29th and Lamar, Mr. Ternus pointed out that the access to the 29th and Lamar site would be much better than at Bailey Park.

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MR. FRANK BALDESCHIWILER was opposed to the site being built at Bailey Park and wanted the park to remain a park.

JOSEPHINE HUNTLEY suggested that the idea of having the site located next to Bryker Woods School be explored a little deeper and that no decision be made today regarding the site selection.

TOM JOHNSON, Chairman of the Retirees' Coordinating Board, commented that he had discussed the area that was presented by Mr. Hage; however, Mr. Robinson had previously informed Mr. Johnson that this area would not be possible for the site since it is in the flood plain. At this time, Mr. Johnson asked members of the Board to rise if they desired to delay the matter to explore the area that Mr. Hage suggested, and it was noted that a delay was not wanted.

AMELICH SPELLMAN appeared before the Council and urged them to place the Center in Bailey Park.

S. D. BREEDING, 2205 Greenlee Drive, commented that he has studied the flow of streams, and felt that if the hairpin bend was removed, then the flood waters would be definitely a problem. LYLE HAMMNER commented that he also had been working on this site selection for a long time and felt that if a decision is not made soon that the money will not be granted. He did not think that the Bailey Park site was an unreasonable request. In response to Councilmember Himmelblau's question as to his being aware of the three additional buildings that would be placed in the Bailey Park area, Mr. Hammner stated he was not aware of this. Councilmember Himmelblau indicated that she thought Bailey Park was the best place for the Center until she became aware of the plans to build more buildings in the area. Now she felt there were some serious concerns as to safety in this area.

ANN SHERIFFS asked if the funds available for the site would not be granted if it was not in construction by May 1. Mr. Robinson noted that a decision would have to be made by the Council by June 1, but the construction would not have to be in progress. Mrs. Sheriffs commented that the site at 29th and Lamar was not in Census Tract One and would require a zoning change if selected for the site. She urged the Council to select the Bailey Park site.

FELIX CRAWFORD appeared to support the Bailey Park location for the senior citizens.

JACK JENNINGS, Austin Heritage Neighborhood Association, noted that by placing the center in Bailey Park, it would add to the congestion that is presently already in the area, and Mr. Jennings felt there were other locations that could be considered for the senior citizens.

MARY WOOTEN, West Austin Neighborhood Group, pointed out that the Dr. Wootens had always viewed parks as open space and the idea of placing a building in the park was not good use of the land. At this time she read a letter from a Parks Board member that urged the Council not to place a permanent building on park land. The letter was signed by Margaret Caldwell Scarbrough. Mrs. Wooten was concerned about the environmental assessment that would have to be done on the site before the funds could be allocated, and at this time, to her knowledge the site had not been assessed. MR. ANDY RAMIREZ, Director of the Human Resources Department, indicated that the procedure for doing the

environmental study would come about when the site has been selected. This assessment is required in order to have a release of funds to proceed with the work. MR. ROBINSON stated that the Environmental Board was not asked to look at the Bailey Park site, but it was evaluated by the Engineering Department. Mrs. Wooten asked that the Council check the cost of the land at Bailey Park. She would like to see creative planning done to determine how land can best be utilized, and did not think that this proposed use of the land is in the best interest. Mrs. Wooten felt there were other locations that could accommodate the senior citizens.

SOPHIE DAWN, member of the Heritage Neighborhood Association, commented that Bailey Park is the only park that two neighborhood associations have access to. She felt that there was not sufficient notification to the neighborhood associations on the selected sites. She asked that there be a delay to study the other sites since she felt that another location, other than Bailey Park, would be better for the senior citizens. Mrs. Dawn felt that the environmental study should be done before the selection is made.

SUSAN MOREHEAD thought that it was rather strange that only three of the proposed sites were located in the Census Tract and one of the sites proposed is in the 100-year flood plain. She hoped this situation would be rectified if it occurs again. Ms. Morehead felt it would be very inconsistent for the Parks Board and the Council to consider eliminating this small square of open space land in the central portion of the City if there is another option available for constructing a building.

RELLA MOON asked if every park in Austin was without a building, and Mr. Robinson commented that there were buildings at other park sites. Mr. Robinson stated that if Bailey Park was utilized for the senior citizen center or it was not, he recommended that some development be done in the vicinity of 34th and Shoal Creek to accommodate the children in that particular area.

Mr. Andy Ramirez stated that once tentative sites have been selected they are reviewed by various City departments and a very brief preliminary study is performed by the Environmental Resource Department. Mrs. Wooten noted that even if a decision is reached today concerning the site since the environmental study has not been conducted, there still would be some delay. City Manager Davidson stated that whatever decision is made today, things would proceed immediately regardless of the site selected.

In response to Councilmember Linn's question as to the assurance of receiving funds since Bailey Park or 29th and Lamar was not located in Census Tract One, Mr. Ramirez assured her that HUD would fund the program, since the areas do border the census tract. Councilmember Trevino recalled a similar situation with the Model Cities program in which HUD agreed to fund money for a certain area since it was located on the periphery of the target area. Mrs. Sheriffs was concerned that there would be difficulty in trying to prepare the area at 29th and Lamar in time to receive the funds. Councilmember Himmelblau stated that the zoning change can be expedited and could proceed with the 29th and Lamar location as fast as can be done with Bailey Park.



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Councilmember Trevino made the following statement:

"Over the past nine months, we have been confronted with few decisions as difficult to make as this one. There have been those few who would have us believe that a vote against the Bailey Park site is somehow a vote against the senior citizens of our community. I deeply resent that inference, and I submit to those who would draw it do this Council, our community and themselves a great disservice.

"The backbone of decision making should be citizen input. I respect this idea and I value your input highly. Nevertheless, the final decision always rests with the City Council, and the input from any group must be weighed against the interests of the community as a whole.

"Several weeks ago we received three site recommendations for a senior citizen activity center. I have personally visited each site and discussed the pro's and con's of each at length with City Parks and Recreation staff and numerous citizens. It is my opinion that Bailey Park and the 29th and Lamar site would both be excellent locations for a senior citizen activity center. It is furthermore obvious to me, argument to the contrary notwithstanding, that Bailey Park is a much used park that has experienced an increase in usage over the past several years. I can see no reason, no justification to so drastically alter that park when the 29th and Lamar site is at least as good if not better site for the proposed center. I have supported this project without reservations as has every member of this Council. It is unfortunate that a project that the whole community should and will take pride in should have been, even temporarily, so divisive and polarizing. I hope that when the site selection is behind us, we can all join in supporting this worthwhile project."

#### Motion

Councilmember Trevino moved that the Council select the site at 29th and Lamar for the Senior Citizen Activity Center. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau\*, Hofmann, Linn, Trevino,  
Lebermann\*

Noes: Mayor Pro Tem Snell

Absent: Mayor Friedman

\*Councilmember Himmelblau stated that she would not want the senior citizen center in any location that she would consider unsafe or noisy. She felt that with proper building the noise abatement could be answered at this site, and after driving the area of the two locations, the 29th and Lamar location is a much safer site, especially in view of the plans for the 34th Street and Bailey Park area. She knew this vote would be disappointing to the senior citizens since she made the original motion for Bailey Park; however, now, she has grave reservations as to the traffic safety as well as people using public transportation would have to cross Lamar Boulevard for Bailey Park access. At the 29th and Lamar location they would not. These were the reasons for her voting "yes."

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\*Councilmember Lebermann commented that since last week, he had received new information concerning the Doctor's Corporation's plans for high-density development in the area of Bailey Park and he felt this would substantially change the traffic patterns. He also had anxiety about the safety of the area and it is regrettable that such a worthwhile project has passed through a period of divisiveness, and there is great anxiety on the part of these neighborhood organizations that the park remain largely open space and for recreational purposes serving the area. He felt they had made excellent points and felt that the 29th Street area, giving the traffic and transportation a very excellent planning in the area and the assurances of Mr. Robinson, will be an altogether suitable and desirable location. Therefore, he voted "yes."

Councilmember Himmelblau asked Mr. Robinson and his staff to prepare something for the Council at CIP time so they could proceed to provide the park area at 29th and Lamar for the facilities that the senior citizens desire and that it receive very high priority. Councilmember Trevino felt that the necessary paperwork for the zoning change should begin also. City Manager Davidson agreed and commented he would proceed.

#### RELEASE OF EASEMENT

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

The Public Utilities Easements, five (5.00) feet in width and being the south five (5.00) feet of Lots 8 through 12 inclusive, the east five (5.00) feet of Lot 12 and the west five (5.00) feet of Lots 13 and 14, all in Block 2, Brooks Subdivision, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Thomas B. Watts, representing Nash Phillips-Copus, owners of Lots 8 through 14, Block 2, Brooks Subdivision)

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

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

#### COST DIFFERENCE PAYMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing cost difference payments as follows:

CENTRAL TEXAS SERVICE CORPORATION, John T. Mahone, President,  
the cost difference of 12"/8" water and wastewater mains installed  
in Woodstone Village - \$16,478.09.

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

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

Councilmember Linn moved that the Council adopt a resolution authorizing cost difference payment as follows:

AUSTIN SAVINGS AND LOAN ASSOCIATION, the cost difference of  
12"/8" water mains installed in Las Cimas, Section I - \$11,828.84.

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

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

#### DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT

Councilmember Linn moved that the Council adopt a resolution authorizing the disposal of Surplus Vehicles and Equipment by Auction during March, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

#### CONTRACTS AWARDED

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

VON REECE AUCTIONEERS  
1502 South First Street  
Austin, Texas

- Auctioneer Services, Vehicle and  
Equipment Services Department.  
3.98% of gross sales, less Sales  
Tax Estimated \$9,950.00 for first  
twelve months.

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

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

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

INTERNATIONAL BUSINESS  
MACHINES CORPORATION  
1609 Shoal Creek Boulevard  
Austin, Texas

- Fixed Term Plan, Printer and Printer  
Control Unit, Data Systems Department.  
Items No. 1 and 2, \$1,483.00/month  
Two year Fixed Term Lease Plan

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

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

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

JOE BADGETT CONSTRUCTION COMPANY, INC. P. O. Box 9401 Austin, Texas	- Second Floor Addition to Electric Building - \$423,960.00
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The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

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

THOMAS-HAYWARD CHEMICAL 222 Seguin Street San Antonio, Texas	- Sodium Hexametaphosphate, used in water treatment, Water and Wastewater Department. Estimated 80 tons, initial price \$500.80/ton Estimated total \$40,064.00
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The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

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

AUSTIN METER, INC. 2300 Rutland Drive Austin, Texas	- Two Protective Relaying Systems, Electric Department. Item 1 - 2 ea. @ \$34,778.00 Total \$69,556.00
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The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

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

McKESSON CHEMICAL COMPANY  
4351 Director Drive  
San Antonio, Texas

- Sulfuric Acid, in bulk, for water treatment, Power Production Division. Twelve Months Supply Agreement  
Item No. 1, estimated 165 tons at \$39.80/ton  
\$6,567.00, plus estimated freight of \$1,608.75 - Estimated grand total \$8,175.75.

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

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

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

WATSON DISTRIBUTING COMPANY  
9111 Broadway  
San Antonio, Texas

- One Riding Greensmower, One Brush Attachment for Greensmower and Two 5 Gang Rough Mowers, Parks and Recreation Department.  
Item 1 - 1 ea. @ \$3,144.00  
Item 2 - 1 ea. @ \$ 24.00  
Item 3 - 2 ea. @ \$2,490.18  
Total \$8,148.36

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

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

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

OCCIDENTAL CHEMICAL COMPANY  
9802 Lawndale  
Houston, Texas

- Fertilizer, Furnish and Apply; applicable to golf course tees, fairways, and park areas, Parks and Recreation Department. Six Months Supply/Service Agreement  
Item No. 1 estimated 130 tons at \$107.25/ton; Item No. 2 estimated 40 tons at \$89.00-ton - Estimated grand total - \$17,502.50.

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

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

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

TAYLOR'S SOUTHSIDE AUTO PARTS 701 Industrial Boulevard Austin, Texas	- Pick Up, Reduce to Possession, and Impound any, each, and all abandoned motor vehicles. Two-year contract period. Estimated minimum annual revenue to City - \$2,318.00.
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The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

PARKING METER ZONES

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following Parking Meter Zones:

<u>Delete</u> <u>Zone 15-30</u>		
<u>Street</u>	<u>Block</u>	<u>Side</u>
East 11th Street	200	South
<u>Install</u> <u>Zone 15-30</u>		
<u>Street</u>	<u>Block</u>	<u>Side</u>
East 10th Street	200	North

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

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

AMENDMENT TO 1974 URBAN MASS TRANSPORTATION ADMINISTRATION CAPITAL  
ASSISTANCE GRANT

Councilmember Linn moved that the Council adopt a resolution authorizing an amendment to the 1974 Urban Mass Transportation Administration Capital Assistance Grant, Project TX 03-0023, CIP 73/90-02. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

LICENSE AGREEMENT

The Council had before it for consideration a license agreement between the City of Austin and DR. TAD DAVIS permitting encroachment of a pedestrian bridge over a portion of a drainage easement in Lot 6, AVAH SUBDIVISION, said Lot 6 also being known locally as 1902 South I.H. 35. Councilmember Himmelblau stated that it was her understanding that Mr. Davis has already begun construction and wondered why the Council was just now getting the request.

MR. LENDALL DAVIS, contractor for Dr. Davis, stated that he received a permit from the City concerning the construction and type of construction on the bridge. City Manager Davidson asked Mr. Davis if anyone had authorized him to cover the easement or proceed before the Council acted on this matter. Mr. Davis did not think he would be on the easement.

MR. REUBEN ROUNTREE, Director of Public Works, commented that a creek permit was obtained to construct an office building parking lot and a footbridge over the creek. The permit was issued subject to the release of this easement or the license agreement.

Mr. Davis noted that the bridge has not been completed and can be moved. Councilmember Linn was disturbed that people were proceeding on certain matters without having Council approval and felt when this type of infraction occurs there should be a penalty. City Manager Davidson indicated that no City department had told the contractor that the Council would definitely approve the license agreement, and if the Council does not approve it, then the bridge would be removed. Mr. Rountree commented that Mr. Davis has given the additional easement as requested by the Engineering Department for additional drainage. Mr. Rountree agreed that the license agreement should have been secured before the bridge was built.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a license agreement between the City of Austin and DR. TAD DAVIS permitting encroachment of a pedestrian bridge over a portion of a drainage easement in Lot 6, AVAH SUBDIVISION, said Lot 6 also being know locally as 1902 South I. H. 35. The motion, seconded by Councilmember Linn, carried by the following vote:

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

## AFTERNOON SESSION

2:00 P.M.

Mayor Friedman called the afternoon session to order.

## APPEARANCE TO DISCUSS ELECTRIC UTILITIES

Mrs. Shudde Fath appeared before the Council to discuss the subject of electric utilities. She asked the Council to consider several financial matters regarding electrical utility problems. Mrs. Fath felt that the City is faced with a staggering increase in financial commitments for future years, at least double our present annual debt requirements. Regardless of whether these amounts are paid entirely by bonds or partly out of current revenues, the dollars ultimately come from the pockets of Austin utility customers and tax-paying citizens.

In referring to a report that was presented to the Council by Mr. R. L. Hancock, Director of Electric Utility, Mrs. Fath disagreed with many quotes that were made of some of his charts that he presented to the Council. She suggested that the Council give deep consideration to joining our central Texas neighbor, the Lower Colorado River Authority, in accepting the attractive low bid for the Fayette Unit II. Mrs. Fath felt that the Fayette I and II would produce more electricity for us than the nuclear. Hopefully, the LCRA and Austin can eventually use Texas coal or "extremely inexpensive" Texas lignite to fuel the Fayette plants and thereby reduce the unit cost of electricity. She urged the Council to consider carefully the best interests of the people of Austin when making the critical choices that will come before them in the near future and especially to view any charts with skeptical minds.

Mayor Friedman felt her points were well taken and assured Mrs. Fath that the Council would be watching very closely any decision that has to be made. He noted that there should be another work session within the next few weeks to discuss Fayette II.

JOE COOK stated that he was in agreement with Mrs. Fath in that Austin should get out of the nuclear power plant and felt that there should be some concern before getting into the Fayette II operation.

(A transcript of the full report of Mrs. Fath is on file in the City Clerk's Office.)

## AMENDING CODE TO ADJUST PARKS AND RECREATION FEES

MR. HARRY SAVIO, Director of the Budget Office, noted that the Parks and Recreation Department and the Research and Budget Office had prepared a proposal for new fees and charges for recreation services and the complete schedule was before the Council for consideration.



The proposal as recommended by the Parks and Recreation Advisory Board, will increase revenues by 31% and is the first general revision since 1967. In the rate schedule itself, it was noted that the \$3.00 charge for the Learn-to-Swim classes was not included since it was not recommended by the Parks and Recreation Advisory Board; however, he was recommending it to the Council. Also noted was the no-charge at the neighborhood pools. Mr. Savio felt that a program could be introduced for neighborhood tennis reservation fee, something that has been requested by many members of the tennis community. As pointed out, for \$1.00 a tennis court could be reserved for 1-1/2 hours, and the Parks and Recreation Department would post a schedule twice per week at the neighborhood tennis court. With this type of reservation system, the courts would continue to be available at no-charge to people who would like to play when the court is not reserved. In response to Councilmember Himmelblau's question as to how this could be enforced, Mr. Robinson stated that it would be handled by the Park Maintenance people on duty in the park and he did not anticipate any problems.

In response to Mayor Friedman's question concerning which pools would have the admittance fee, Mr. Robinson submitted that these would be the Olympic size pools. Councilmember Hofmann felt that fees concerning the swimming pools should be used for swimming pools and not for other problems. Mr. Savio commented that when the budget is prepared, they certainly do examine the availability of funds and how much revenue the Parks and Recreation Department will be able to produce. MR. JOE LIRO, Management and Budget Administration Director, pointed out that funds cannot be "earmarked" except when the law requires it. He assured the Council that the funds produced by these proposed increases would be used for parks projects.

Councilmember Himmelblau expressed concern that when people register to swim that they show a driver's license thereby making it easier to recognize people utilizing the pool that do not live in the City limits. City Manager Davidson noted that all it takes is a policy of the Council and the fees can be adjusted and an ordinance presented to the Council to reflect this. Councilmember Himmelblau indicated that she would like to see this tried whereby anyone over 17 would show a driver's license with a home address and did not think it would pose any major problems. Mr. Robinson pointed out that not everyone would be reached by making this charge. Councilmember Himmelblau agreed but noted some would and did want to proceed. Councilmember Lebermann commented that the people who are taking advantage of the facilities that are extraordinarily expensive would be reached. City Manager Davidson stated he would be happy to undertake such a study since one has not been done recently.

Councilmember Linn wasn't in agreement with the cart permit fee for senior citizens and mobility impaired people and wondered if it could be deleted. Mr. Robinson noted that they did recommend that the fee be only \$5.00 but would be glad to follow any direction of the Council on this. Councilmember Linn suggested that possibly a permit could be issued to the mobility impaired and senior citizens without a fee.

Mr. Robinson reviewed the proposed fees for the use of athletic fields and indicated that the fees were not designed to discourage people getting together for a friendly game on park land, but it is designed toward organized play or a scheduled game. He hoped to work with the soccer and rugby people in scheduling officials and creating a league.

Mr. Robinson explained that many of the fees charged are used for the maintenance of the facilities. In response to Councilmember Himmelblau's question as to charging a fee for the Hillside Theaters, Mr. Robinson stated that this is a very popular area and did recommend a fee. Also among the recommended fees was the minimum fee for five hours' use of either the building or the patio at Fiesta Gardens, and Mr. Robinson felt that instituting this charge would not cause a loss of business. In response to Councilmember Hofmann's question as to the fees at Barton Springs Pool, Mr. Robinson noted there would be an increase here also.

Councilmember Himmelblau felt that the Council should consider fees for out-of-town residents and would not vote until this could be established. Mayor Friedman suggested a flat 1-1/2 times the City rate.

Mayor Friedman stated that since there was no action today, he requested that this be on the agenda for the March 4, 1976, Council meeting. Councilmember Linn asked that the fees for the mobility impaired and senior citizens to utilize the golf cart be deleted. Councilmember Hofmann requested that the fee for the Learn-To-Swim classes be deleted. Councilmember Linn agreed. Councilmember Linn felt that residents living out-of-town should be charged a fee for the Learn-To-Swim classes. City Manager Davidson commented he would proceed to prepare such a report.

#### EXECUTIVE SESSION

Mayor Friedman reported that there had been no action taken on matters that were discussed in the Executive Session.

#### PAVING ORDINANCE

The Council had before it for consideration an ordinance receiving and accepting work of paving WILLIAM CANNON DREVE, consisting of approximately 21 blocks.

In response to Councilmember Hofmann's question as to getting a traffic light at the intersection of South Congress and William Cannon Drive, Mr. Joe Ternus stated that plans were being prepared for this signal light; however, it could possibly be a matter of months before it will be installed. Councilmember Hofmann felt two months at the most.

The Mayor introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WILLIAM CANNON DRIVE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY AUSTIN ROAD COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 Hofmann, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### POSTPONEMENT OF ITEMS PERTAINING TO SOUTHWESTERN BELL TELEPHONE

City Attorney Don Butler indicated that in conjunction with the ordinances and one resolution associated with rate revisions for Southwestern Bell Telephone there were still some items that needed to be resolved. He felt that he could not advise the Council on any matters pertaining to this today, but hoped to have it ready for presentation to the Council at the March 4 Council meeting.

Therefore, the following items were postponed until March 4:

1. A resolution authorizing various agreements and stipulations with Southwestern Bell Telephone Company (Item E-8 on the agenda)
2. Second reading of Ordinance revising and extending the franchise of Southwestern Bell Telephone Company within the City of Austin. (Item H-3 on the agenda)
3. Passage of Ordinance revising rates of Southwestern Bell Telephone Company within the City of Austin. (Item H-4 on the agenda)

#### HEARING ON ZONING CASE C14-74-175

Mayor Friedman opened the public hearing scheduled for 3:00 p.m. to consider Zoning Case No. C14-74-175, Edmund J. Fleming, Jr.

ESTER JACKSON, 1800 Loretto Drive, stated that the concerned parties had met and at the first meeting she outlined the things that she felt should be done.

This request included the following: (1) A rollback of the zoning from "GR" General Retail District to "LR" Local Retail District and retain the "A" Residential District buffer strip in order to protect the neighborhood from no curb cutting; (2) A privacy fence installed to insure that there will not be curb cuts. This fence would be from 18th and Airport to Tillery and from Tillery to Martin Luther King, Jr., Boulevard. Mrs. Jackson presented a petition with 161 signatures from neighbors and concerned citizens requesting the rollback, only on the portion zoned "GR" General Retail and that it be rolled back to "LR" and retain the "A" Residence buffer strip which is 25 feet on 18th Street and 25 feet on Tillery.

Mr. Dave Richards, representing Mrs. M. Rosa Fowler, commented that when this matter initially went to "GR" General Retail, the proposition was at that time that there would be a wall along the 25-foot buffer that would insulate the neighborhood from the interference that would originate from the then proposed warehouse. Essentially, all the neighborhood is requesting is a restoration of that status quo that had been assured to the neighborhood and the Planning Commission initially.

Councilmember Himmelblau stated that this was with the more intensified zoning. Mr. Richards agreed but this was where the idea originated for some buffer. Mayor Friedman noted that the 25-foot buffer still exists and at the very minimum that should remain and the fence on 18th and Tillery goes up.

Mr. Richards felt the main concern of the neighborhood is that possibly under the zoning of "GR" General Retail, it would be possible for an establishment to open that would sell alcoholic beverages, and this would have an adverse effect on the neighborhood. Mayor Friedman commented that in order to have on-premise drinking there would have to be another type of zoning. Mrs. Jackson was concerned with the possibility that a restaurant could be constructed and sell alcoholic beverages, and she felt that it would deteriorate the neighborhood.

Mrs. Rosa Fowler, 1603 McKinley Avenue, indicated that she had met with the owners of the property in question and her chief concern was that they would have some protection in the form of a rollback and a fence. It was stated by Mr. Larry Niemann, one of the owners of the land, that the fence would be no problem; that a letter of credit would be taken care of through the bank. Mr. Niemann furnished Mrs. Fowler with a photostatic copy of the type of fence that would be placed at Tillery and East 18th Street on the two sides. She requested a rollback from "GR" General Retail to "LR" Local Retail.

Mr. Larry Niemann stated that he assumed that everything was settled to everyone's satisfaction, and as requested by the neighbors, he had architects prepare plans as to fence suggestions for the area. He noted that the neighbors also requested that everything zoned "GR" General Retail be rolled back to "LR" Local Retail and leave the "A" Residence buffer, as well as a fence, and no curb cuts. Mr. Niemann informed them that he did not think this was fair, but he would consider a buffering fence. He pointed out that the neighbors presented him with the type of fence they would like, which was a redwood fence. At the second meeting, Mr. Niemann presented his proposal that he would install a cedar fence, since this type was recommended by fence companies, at his expense. The neighbors were in agreement with this, so he assumed that an agreement had been reached.

In response to Councilmember Himmelblau's question, Mr. Niemann stated that the neighbors want to leave the present "A" Residential strip, roll back the "GR" General Retail to "LR" Local Retail and require a fence and covenant against curb cuts and driveways. He felt under these conditions, he would be worse off than if he had never decided to do anything. He requested that the Council allow him to proceed with what he thought was agreed upon more than a month ago.

In response to Councilmember Linn's question as to any interest from anyone to buy or lease the property, Mr. Niemann noted that he had been working very closely in trying to get a savings and loan association to take the corner, since the neighborhood group felt this would be appropriate. Another possibility would be a McDonald's or another type of fast-food operation. At the present time, there are no plans for beer to be sold there.

In response to Councilmember Lebermann's question as to the time an agreement was reached, Mr. Niemann indicated approximately one month ago.

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Mrs. Jackson stated that they met two weeks after the first Council meeting and at that time she recommended (1) a rollback of "GR" General Retail to "LR" Local Retail, leaving "A" Residential 25-foot strip with no curb cuts, (2) a rollback of "GR" General Retail to "LR" Local Retail and "A" Residence to "LR" Local Retail and recording a restrictive covenant prohibiting the access of 18th and Tillery Street, (3) fencing or hedging, (4) leaving "GR" General Retail and "A" Residence with fencing required.

Mrs. Jackson commented that these were the options that the Planning Department gave them and the recommendations of the neighbors was that a rollback of "GR" General Retail to "LR" Local Retail leaving "A" Residence, recording a restrictive covenant prohibiting access on 18th and Tillery Streets and requiring fencing along the "A" Residence strip. Also that a letter of credit be submitted to the City for upkeep of the fence by owners and any subsequent owners of the property. The demand of owners by the neighbors to submit in writing the kind of fence to be installed with a description of the wood as to the kind and grade and the quality to be used along with the nails, posts, etc.

When this was submitted, Mrs. Jackson stated that Mr. Jerry Reed, also one of the owners of the property, commented that these conditions were worse than what he had in the beginning. However, Mrs. Jackson pointed out that the neighborhood group never once indicated that they wanted anything different from what was requested. The change in the rollback was never deleted from their requests, and they felt the matter could be settled by the Council.

Mr. Jerry Reed informed the Council that Mr. Niemann made it clear that the rollback could not be done, but he would buffer it with a fence or a hedge, and thought this was the agreement. Mr. Richards commented that he was never included in any of the direct discussions concerning this and his information was second hand. He stated that the community does want the rollback and this notion was never deleted from their requests. His only direct negotiation involved a conversation with Mr. Reed in which it was agreed that the old gasoline station located on the property would be destroyed.

David Vanos, law clerk for Mr. Dave Richards, stated that he has continually told the community all substance of decisions were up to them to make and tried to advise the community on strictly legal matters. He noted that he was at the first meeting; however, he did not attend the second meeting and this was when an agreement was reached on the type of fence to be constructed and at that meeting, to his knowledge, there was no discussion of a rollback.

In response to Councilmember Linn's question, Mr. Vanos noted that no agreement was reached on anything at the first meeting. From this point on, his suggestion to Mrs. Fowler and Mrs. Jackson was to no longer discuss the rollback, just worry about the fence and not try to reach an agreement on the rollback. After a fence was built and everything was agreed upon, then a later Council would be asked for the rollback.

Mayor Pro Tem Snell wondered how Mr. Vanos could give this advice, and Mr. Vanos felt it was apparent that if the rollback was received, that Mr. Niemann made it clear that nobody had any legal power that would force him to build a fence and the neighborhood would be completely without protection.

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Mr. Vanos submitted that it was his understanding, after discussions with the neighborhood, that the rollback was never the first priority over the fence. This possibly was a misunderstanding on his part since the communications were mainly between the neighborhood and Mr. Niemann. As to his knowledge, Mr. Vanos thought that the neighborhood understood that the papers being prepared were strictly for the fence and nothing else. Councilmember Himmelblau stated that when this was discussed with Mr. Vanos in her office, she informed him that it would be best to keep the "GR" General Retail, but to keep the "A" Residence strip with no curb cuts and the fence. However, she could not see having a rollback also.

Mr. Niemann commented that at the second meeting several people commented that a rollback to "LR" Local Retail for the entire tract was not an acceptable solution since the neighbors did not want the traffic on 18th and Tillery. Mrs. Fowler pointed out that the neighbors concerned are residents of East Austin and have lived there for more than 20 years and are concerned. She felt that the rollback was not an unreasonable request to make.

Mayor Friedman felt that the problem was that the request for the rollback was not made prior to this time, as far as the "LR" Local Retail. The point in question is should it be rolled back to what it was originally or that some of it be maintained "A" Residence zoning, which was never on the tract as long as this Council has been considering it. In reviewing the options, Mayor Friedman commented that all of the property could be rolled back to "LR" Local Retail, as originally done, or the second option would be to keep the fence up and keep the 25-foot strip of "A" Residence and a "GR" General Retail and possibly an additional one that would prevent any kind of sale of alcoholic beverages.

Mayor Friedman then asked and suggested adding the restriction of prohibiting any alcoholic beverages to be sold on the tract, and leave the "GR" General Retail with the fencing and no curb cuts, and the 25-foot strip of "A" Residence. Mrs. Jackson felt that there were a number of different types of establishments that could be installed under the "GR" General Retail zoning. Mr. Don Wolf, Assistant City Attorney, commented that he had talked to Mr. Niemann and Mr. Vanos and they both assumed that the zoning would be "GR" General Retail with a fence and the 25-foot "A" Residence strip. Mayor Friedman noted that the Council would attempt to make the zoning as tight as possible thereby making it almost impossible for any other Council to come in and permit the sale of alcohol or have the curb cuts on the property. However, there could not be a guarantee on this.

Mr. Niemann felt that he had negotiated in good faith by following through with several requests of the neighborhood and did not think it was fair to ask that the restriction of no alcohol be instituted.

Mrs. Jackson pointed out that if the rollback could not be obtained, then the neighbors would compromise and go along with the "GR" General Retail zoning; 25-foot buffer strip; "A" Residence; fencing; restrictive covenant and no alcoholic beverages of any sort.

Mr. Ed Fleming, another owner of the property, asked if the alcoholic beverage restriction could be designated so it would stipulate that alcoholic beverages would be consumed off premises. Mrs. Jackson asked the Council that any type of alcohol not be allowed. Mr. Fleming indicated that he was not

interested in building a lounge, but he was very concerned about the sale of beer and wine and felt it would cause him difficulty in trying to sell the property to perhaps a grocery store.

Mayor Friedman reiterated remarks by Mr. Fleming and stated that his offer would be no consumption of alcohol on the premises, and the only way he would sell alcoholic beverages would be in conjunction with a convenience store or grocery store, but no liquor store and lounges. The sale of alcohol would be limited to just beer and wine. Mr. Fleming agreed with these conditions. Mrs. Fowler commented that she would agree to this.

Mr. W. L. Morris felt that even if the stipulation is included that prohibits against consumption on the premises, young people will be able to obtain it one way or another.

Mayor Friedman asked if the following would be agreeable to the parties concerned:

1. 6-foot fence as agreed to by the parties as described in the document presented to the Council and located on 18th Street and Tillery Street.
2. A 25-foot strip of "A" Residence from the fence back, and the remaining part of the lot would remain "GR" General Retail as it is zoned now.
3. A deed restriction against any kind of on-site consumption of alcohol. No liquor stores, nightclubs, discotheques, bars and no taverns.
4. If and when a convenience store or a grocery store moves in, that establishment would be allowed to sell beer and wine, but no more, for off-site consumption.

Mayor Friedman also noted that the beer and wine must be sold in conjunction with the normal operation of a retail establishment. Mr. Fleming and Mrs. Fowler both agreed to these conditions as outlined by Mayor Friedman.

Mayor Pro Tem Snell wanted it to be made clear that by permitting another establishment to sell alcohol would add to the high rate of DWI's and effect the neighborhood. He also directed another matter to the City Manager and stated that there has been too much hesitation on rezoning the entire East side of Austin. He felt that when zoning matters pertaining to East Austin are received, there was not enough attention given to them; he wished and thought that the entire zoning area of East Austin should be looked at as soon as possible.

Councilmember Lebermann moved that the Council close the public hearing and attach the following conditions to Zoning Case No. C14-74-175, Edmund J. Fleming, Jr:

1. 6-foot fence as agreed to by the parties as described in the document presented to the Council and located on 18th Street and Tillery Street.

2. A 25-foot strip of "A" Residence from the fence back, and the remaining part of the lot would remain "GR" General Retail as it is zoned now.
3. A deed restriction against any kind of on-site consumption of alcohol. No liquor stores, nightclubs, discotheques, bars and no taverns.
4. If and when a convenience store or a grocery store moves in, that establishment would be allowed to sell beer and wine, but no more, for off-site consumption.

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

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

Mayor Friedman pointed out that he had never seen a group of citizens work so hard to get to such an easy decision and he felt this problem should have been worked out before it was brought before the Council. Mayor Friedman thanked the neighbors for their perseverance, and felt that Mayor Pro Tem Snell's comments were appropriate.

#### ORDINANCE LIMITING PARKING OF CERTAIN VEHICLES

Councilmember Himmelblau asked that consideration of the Ordinance to limit the parking of certain vehicles on City Streets or Alleys be postponed until March 4, 1976.

#### SETTING A PUBLIC HEARING ON FIREARMS ORDINANCE

Councilmember Linn moved that the Council set a public hearing on April 8, 1976, at 10:30 a.m. to consider the proposed Firearms Ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

#### SETTING A PUBLIC HEARING ON CHAPTER 36 OF CITY CODE

Councilmember Himmelblau moved that the Council set a public hearing on April 15, 1976, at 7:30 p.m., to consider Chapter 36 of the City Code relating to licenses for tradesmen performing renovation repairs, remodeling and additions to any one or two-family dwellings. The motion, seconded by Councilmember Linn, carried by the following vote:

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



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## CLARKSVILLE AREA NEEDS AND APPROPRIATE ACTION

Councilmember Linn noted that a number of requests had been brought to her and Mayor Pro Tem Snell's attention by the Clarksville neighborhood group that involved a number of requests for the Council to consider. Reverend Willard Sutherland, a member of the Clarksville community, showed slides that pertained to some of the items that were being requested on the report that was distributed to the Council.

The first request involves plans for moving and restoring the old Haskell Homestead which is the oldest house in the community. The family has given permission for the house to be moved to City-owned property. John Henneberger, an advisor and volunteer in the Clarksville community, indicated that the house is about 600 square feet and was built in 1875. Mr. Henneberger commented that the house can be moved to the proposed location in Clarksville Park for approximately \$2,500. However, this would not include the cost of breaking the house into, building the foundation and erecting the structure on the property. Mr. Henneberger stated that he had discussed this matter with Mr. Jack Robinson, Director of Parks and Recreation, and Mr. Robinson indicated it is a good idea and would be willing to work with Mr. Henneberger on accomplishing this. In response to Councilmember Trevino's question as to what funds would be used for this purpose, Mr. Henneberger noted that they were requesting that the City allocate the additional money needed beyond the \$100,000 that has been earmarked for Clarksville.

Mr. Ramirez informed the Council that the Haskell House could be relocated with the use of HCD funds. In clarifying a point for the Council, Mr. Ramirez commented that if Federal funds are designated to be used as matching funds for the National Historical Parks and Recreation, they would determine how the money should be used. If it was not designated as matching funds, there are not any restrictions that they can make on the Federal dollars.

Mayor Friedman stated that in order to proceed as quickly as possible, it would be necessary to say that out of the \$100,000 of HCD funds available for Clarksville, that the amount of money needed for moving and renovation be taken out for the Haskell House, and the remainder be used as a match for the National program.

Motion

Councilmember Linn moved that the Council direct Mr. Jack Robinson and the Parks and Recreation Department to actively pursue this project to relocate and restore the Haskell House, and also direct him to explore the funding alternatives for moving and restoring the house. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

In proceeding with the report, Reverend Sutherland discussed item (2) of the requests which was to direct the City Parks and Recreation Department to explore the possibility of providing some immediate minor improvements to the Clarksville playground. Reverend Sutherland commented that there needed to be some direction from the Council to proceed with this.

The next request was item (3) which was a request for \$2,000 for supplies for emergency repairs. Reverend Sutherland pointed out that other sources had been contacted for help and at this point this has been very unsuccessful. In response to Councilmember Himmelblau's question as to what the money would be used for, Reverend Sutherland stated it would be used for minor repair on some of the houses. In response to Councilmember Trevino's question as to using HCD money for this, Mr. Ramirez indicated that this could be done; however, he was fairly certain that they could not be used until June 19, 1976.

City Manager Davidson felt that possibly there could be other problems that the Council might want him to report on and was not sure if the \$2,000 was available if it could be spent for this particular project. He felt that this should be carefully checked by the City before the Council is requested to appropriate money for this purpose. Councilmember Hofmann felt that possibly this would be only the beginning of repairs to the houses and more things would follow.

Mr. Jan Kubicek, Assistant City Attorney, felt that the best thing to do at this point would be to listen to the requests and have the City Manager then present something from the administration concerning the requests.

At this time, Reverend Sutherland proceeded with the remainder of the requests as follows:

4. Instruct the appropriate department to place a traffic control device and crosswalks at West 12th and West Lynn.
5. Direct the appropriate department to place stop signs on the following corners:  

West 12th and Charlotte  
Charlotte and Waterston  
Toyath and Waterston  
Toyath and West 10th  
Theresa and West 10th
6. Direct the Public Works Department to correct or eliminate the ditch in the 1700 block of West 10th.
7. Instruct all City Departments that the Clarksville Neighborhood Council is to be involved in planning the expenditure of all funds designed to rehabilitate the community.
8. Consider the guidelines (to be presented to the Council in the next few weeks) for the administration of housing rehabilitation funds in the Clarksville Community, and assure the Clarksville Neighborhood Council of input into developing the housing rehabilitation policy for 1976.

#### GOALS

1. To insure that Clarksville residents actively participate in designing plans for improvement in their neighborhood.

2. To improve the quality of existing conditions of houses, streets, drainage, and parks in the Clarksville area without destroying the unique and historical character of the neighborhood.
  - a. To maintain old homes as representative of the early Clarksville housing structures and as a reminder of the history of the area.
  - b. To rehabilitate homes which need improvements to be brought up to liveable and safe condition without destroying any existing housing or displacing residents.
  - c. To immediately repair unsafe housing conditions.
  - d. To improve street conditions to allow for safe vehicle and pedestrian travel without destroying any homes or the character of the community.
  - e. To install proper drainage for the area.
  - f. To maintain and create parks and green areas for neighborhood enjoyment and recreation.
  - g. To increase the population in the area to a desirable level, with former Clarksville residents having opportunity to return.
  - h. To use vacant land effectively, planning carefully where future development may take place, and maintaining an overall balance in the community of open space to structures.
3. To make well-planned change quickly and without delay.

Mayor Friedman thought that possibly these goals would be good for some of the other neighborhood associations.

#### Housing Rehabilitation

Reverend Sutherland reiterated the use of the \$2,000 by commenting that housing rehabilitation money be provided for emergency assistance and minor repairs to assist residents who cannot wait due to conditions of their homes.

Mayor Friedman asked that a report be presented to the Council concerning the items listed as 2 through 8 of the Clarksville community report and that it be presented on March 11 to the Council. City Manager Davidson stated this would be done.

In response to Reverend Sutherland's question as to the historical designation of the area, Mr. Jim Miller, Assistant City Manager, pointed out that the National Historical Commission does not approve, but simply reviews, as long as there are no national parks money involved in the project.

Councilmember Linn felt that since a \$25,000 study has been done, then action could be taken today on the remaining requests for the area.

Mr. Dick Lillie, Director of Planning, noted that the study was just about complete and should come before the Council in the next few months. Some of the items being requested on the report presented by the Clarksville community today are included in this study that is being prepared for the Council. Councilmember Linn felt that if the information has been gathered, then the report from the City Manager could be ready for the March 4, 1976, Council meeting. Mr. Tom Knickerbocker, Planning Department, stated that the neighborhood community in Clarksville has been involved in creating the plans and ideas for the community.

#### Motion

Councilmember Hofmann moved that the Council direct the City Manager to prepare a report addressing itself to all of the remaining points that were presented by the Clarksville community, and that it would be presented at the March 11, 1976, Council meeting. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

#### TRANSIT SYSTEM MANAGEMENT SERVICES

Mr. Joe Ternus, Director of Urban Transportation, presented a report to the Council that outlined several options that are available to the Council for the continuation of mass transit services. These types of services are analyzed in the report.

The three main options are as follows:

##### Option 1

Return to private ownership and operation of the transit system.

Mr. Ternus did not believe this option is viable if the Council is going to continue a strong public transportation policy and program.

##### Option 2

Public ownership and public operation.

He noted that if the City takes over the transit operation, there would be additional costs which would cause a great financial impact; Mr. Ternus did not think this would be a desirable option.

##### Option 3

Continuation of the present public ownership and private operation.

Mr. Ternus recommended this option to the Council since it would allow the Council to continue a strong public transportation program, and at the same time, utilize the expertise and cost efficiencies involved in private operation.

The City has had as a private operator the American Transit Corporation, and Mr. Ternus noted that he has been pleased with their service. Therefore, he recommended that the Council authorize the City Manager to negotiate a contract with American Transit Corporation and allow the contract to be brought back to the Council at a future date for consideration.

Councilmember Linn moved that the Council instruct the City Manager to proceed in negotiations of the contract with American Transit Corporation that would be presented to the Council for approval at a future date. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

#### PROPOSED NEIGHBORHOOD PLANNING PROGRAM

Mr. Dick Lillie, Director of Planning, pointed out that in the past few years, Austin has been moving in the direction of neighborhood identification and influence. At the present time, there are approximately 38 organizations representing about 50% of the land area in the City, three of the 38 representing areas beyond the City limits. Each group receives information concerning zoning and other matters related to subdivision activity, which will better prepare the citizens for public hearings scheduled.

The Austin Tomorrow Goals Program gives high priority to the preservation of neighborhoods, and the primary intent of the Neighborhood Planning Program is to formalize this priority by expanding the current educational efforts of the City to citizens on neighborhood, City and metropolitan issues, which would result in the development of land use plans and zoning plans and other programs to implement local needs.

Subject to the Council's approval, the staff with a subcommittee selected from the neighborhood organizations will develop over the next six to nine months the details of a formal planning program. This process will be submitted to the Council when it has been completed for approval. The contract of the work would include the goals to be achieved, the scope of the practice, structure of participation, priorities for organizations and several others. Mr. Lillie hoped that the program would help associations become more informed in the process of decision making, and improve the governmental perception of and responsiveness to neighborhood needs. Since the program is intended to continue to be voluntary, this process will not guarantee City-wide coverage of neighborhood organizations.

Representatives of 30 associations of the 38 met during December and January and recommended the resolution that was included in the material that the Council received.

The Planning Commission recommended the resolution with one amendment and that would be that in Paragraph 3 the wording would be, "Work with neighborhood organizations to develop a program to implement their plans, consistent with goals program and comprehensive planning."

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In response to Councilmember Linn's question concerning interfering with the Charter Revision proposal, Mr. Lillie stated that this would not interfere.

Councilmember Trevino stated that he has always believed in the concept of neighborhood involvement, but noted that lately there has been some criticism regarding the lack of minority involvement. He did not see listed in the report such neighborhood centers as East First, Montopolis and St. Julia Parish and was concerned that they be involved in the program. Mr. Lillie commented that some of the organizations that Councilmember Trevino was referring to had not requested to be added to the program, but he would be glad to add them.

City Manager Davidson pointed out that at this time, there is not an official Neighborhood Planning Program. It is on the agenda today so the Council can decide if they want to undertake the program, and if so, Mr. Davidson indicated that he would see that this type of information would be provided so all organizations could become more informed. City Manager Davidson suggested that this item could be considered at a later date if the Council felt that additional input should be received from the neighborhoods before beginning the program. Mr. Lillie noted that he would make an effort to notify any organizations that possibly might not be informed on this program. Mayor Friedman suggested that Mrs. Rosa Fowler be contacted from the 18th and Tillery area.

Councilmember Linn moved that the Council adopt a resolution directing the City administration to proceed on the following:

1. Include neighborhood planning as a part of the Comprehensive Plan and the next logical step in the planning process;
2. Work with neighborhood organizations to research and develop strategies for establishing a program of neighborhood planning;
3. Work with neighborhood organizations to develop and implement their plans, consistent with the Goals Program and Comprehensive Plan;
4. Submit a periodic report to the City Council on progress made in program development.

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

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Councilmember Hofmann

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Snell,  
Councilmember Himmelblau

#### MANAGEMENT IMPROVEMENT PROGRAM FOR UTILITY CUSTOMERS

Mr. Monty Nitcholas, Finance Director, presented a report to the Council concerning the Utility Customer Service Program. Mr. Nitcholas pointed out that the report showed that something is being done about the problem of customer service in the Utility office and how it is being alleviated.

The plan for the new computerized billing and record keeping system has been in the process for over two years, and is now in its final stages of development. The system will be in full working order on February 27. The system will make all utility records readily available to customer service personnel via computer video terminal which will result in quicker response to all requests for utility service or information. In conjunction with the computer system is the telephone system which will be an ACD system and will aid in avoiding long delays that have been experienced by some of our customers during rush periods.

The initial application of the phone system will not go into effect as early as was anticipated since some of the data could not be computerized until the new computer system was actually in operation. Mr. Nitcholas felt that by moving slowly into the system, it is less likely that some of the information would be lost. He felt that approximately in 30 days the total system should be in operation.

In reviewing the improvements being made in conjunction with the new system were the following:

1. Customer service personnel are being relieved of non-related clerical work in order to concentrate on serving the public.
2. Calls for information or assistance from other City departments are being rerouted to other personnel. This will permit customer service representatives to give priority at all times to citizen requests for information or service.
3. Weekly training sessions have been scheduled for customer service personnel in order to better enable them to serve citizens and respond to their questions.
4. A management group has been formed to conduct frequent reviews of all customer service operations, to assist in identifying problems or potential problems, and to make recommendations for further improvements.

Mr. Nitcholas stated that experience indicates there will be minor problems during any period of transition from one system to another, but he hoped to be able to handle any problems without necessitating the public to come to the Council.

City Manager Davidson pointed out that as soon as the new system is operating as planned, he would like to take the Council on a tour of the installation, and he would also like to come back to the Council periodically with an update on the system. Mayor Friedman felt this was a good idea.

#### MINORITY ECONOMIC DEVELOPMENT PROGRAM

Mr. Solon Bennett, Director of Purchases and Stores, introduced Mr. Ben Castillo and Mr. Edward Gibson, the two persons who have been employed to assist minority businesses in making the Minority Economic Development program a success. After reviewing their qualifications, Mr. Bennett felt that the City was fortunate to have such qualified men and felt it was the key to a successful program.

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Mr. Bennett pointed out that the Council, by resolution on November 6, 1975, established the Minority Economic Development Program in the Department of Purchases and Stores. Currently, all City departments engaged in purchases and contracting activities for construction, materials, supplies and services are including the statements in bid invitations and request for proposal to the effect that minority business enterprises will be afforded equal opportunity to submit bids.

All City departments involved in purchases and contracting activities have been requested to submit to the Office of Minority Business Affairs in the Purchasing Division by the tenth of each month the number of minority business enterprises invited to bid and the number of minority business enterprises who responded.

He also noted that the City of Austin Supplier Guide was updated in December, 1975, and now includes information on the Economic Development Program as well as minority business enterprise certification. It also continues to include non-discrimination ordinance requirements in City contracting involving contractors and sub-contractors with fifteen or more employees and who submit bids of \$2,000 or more.

The Personnel Department prepared job descriptions for the positions in the Office of Minority Business Affairs, and there were approximately 40 applications received and 15 applicants were interviewed, including three women. Mr. Bennett commented that he was continuing his efforts to fill the remaining Minority Business Specialist position with a qualified woman.

He stated that his objectives to establish a meaningful and effective Minority Economic Development Program and to bring the minority business enterprises into the main stream of Austin business affairs are the intent of the Council and were also his objectives.

Mayor Friedman welcomed Mr. Castillo and Mr. Gibson aboard and stated he was looking forward to working with them.

#### PUBLIC ACCOMMODATIONS ORDINANCE

Father Joe Znotas, Chairperson of the Human Relations Commission, noted that the committee had done extensive work to create the proposed ordinance that is being presented today. Ms. Euela Lane, Chairperson of the Public Accommodations Committee of the Human Relations Commission, reviewed the Public Accommodations Ordinance which has been approved by the Human Relations Commission. She noted that the Ordinance was designed to prohibit discrimination or segregation in places of public accommodation. This ordinance was proposed by members of the Human Relations Commission, Public Accommodation Committee, due to many complaints received by the Human Relations Office in regard to discrimination in places of public accommodation. These complaints have been against people of different ethnic groups as well as different sexes. Because of these complaints and the lack of legal law prohibiting such practices, this Ordinance is recommended.

At this time Ms. Lane reviewed in detail Sections 1, 5 and 6.



Councilmember Himmelblau asked a question concerning the term investigator and if the same type of staff would be used as with the EEOC Ordinance. Ms. Lane stated that the staff in the Human Relations Office would be used. Mrs. Maxine Friedman, a member of the committee, indicated that the City Attorney conformed this to the EEO Ordinance and would follow the EEO Ordinance in establishing that only trained investigators would be doing the investigations. Father Znotas pointed out that the majority of the Ordinance is covered by Federal or State, but the one area that does not have any coverage is nightclubs.

Councilmember Trevino moved that the Council set a public hearing on the Public Accommodations Ordinance on March 25, 1976, at 2:30 p.m. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### PRESENTATION OF MINORITY REPORT OF CITIZEN REVISION COMMITTEE

Mayor Friedman noted that this report would be presented at the public hearing scheduled for 7:00 p.m. tonight on the Charter.

#### RECESS

The Council recessed at 5:20 p.m. and would continue the meeting at 7:00 p.m. to discuss the Charter Revision Report.

#### PUBLIC HEARING ON CHARTER REVIEW COMMITTEE'S REPORTS AND RECOMMENDATIONS

Mayor Friedman called the recessed meeting to order and noted that all Councilmembers were present. He then opened the public hearing scheduled for 7:00 p.m. on the Charter Review Committee's reports and recommendations.

CHARLES MILES, Chairperson, Charter Review Committee, stated that the Committee had held over 100 meetings in different parts of the City to obtain input. He urged the Council to accept the majority report and call an election for April, 1976. He then introduced Ms. Mary Beth Rogers.

MS. MARY BETH ROGERS, Vice Chairperson, stated that the following problems were encountered during the review of the Charter:

1. Too little access to information in the City due to almost total bureaucratic control of sources of information by non-elected officials.
2. Too little involvement of Austin people in the process of decision-making in planning, zoning, and budgeting.

3. Too little knowledge of how the City raises money, how and where it is spent and the impact of its taxation and utility revenue income policies on middle and lower income taxpayers.
4. Difficulties in resisting powerful economic interest groups which traditionally tend to have a larger voice in municipal elections where at-large elections occur.
5. Continuing problem of discrimination against racial and ethnic minorities, homosexuals, convicted felons and students.

Most of the recommendations being made by the majority were attempts to provide basic structures in the Charter to enable the Council to solve those problems in specific manner by ordinance. The Committee was recommending changes in 40 sections of the Charter covering subject matter dealing with 14 or 15 different subjects. She then reviewed the proposed changes.

Preamble - There would be a new section to include the following Preamble:

"The City Council, in the interest of the public in general, shall preserve, promote and protect human rights and human dignity; shall promote and encourage the recognition and exercise of human responsibility; and shall prohibit discrimination on the basis of race, color, religion, sex, sexual preference, national origin, age, physical handicap, appearance, political beliefs or past criminal record if the individual has been discharged from any sentence imposed, except as when the act committed has a substantial relationship to the functions and responsibilities to be performed."

Article I - No changes recommended.

Article II - Section 1 - Enlarges Council to ten single member districts, with the Mayor elected at large. Limits Councilmembers to three consecutive two-year terms and provides for a method to draw districts (Subsection (e))

Article II - Section 2 - Qualifications - Brings Charter into compliance with State law by allowing 18 year olds to serve on elective bodies and reduces residency requirement from three to one year.

Article II - Section 10 - If the Council were enlarged, then four members would not constitute a quorum. The phrase, "A majority of the Council then qualified and serving constitutes a quorum." was added.

Article II - Section 15 - Council staff - Allows the Council to appoint and compensate staff for itself, for any of its appointed committees, commissions or boards.

Article III - Section 2 - Election by Majority and Run-off Elections - Brings Charter into conformity with recommendation for single-member districts.

In response to Councilmember Trevino's question, City Attorney Kubicek stated that the next City Council election would be on Saturday, not Tuesday.

Article IV - Referendum and Recall - Article completely changed.

Article IV - Section 2 - Allows a new procedure for referendum petition, whereby a petition signed by 5% of the City's registered voters would be forwarded to the Council. The Council would not have to call a special election, but would place the item on the next regularly scheduled election. Another mechanism would have a petition signed by 10% of the registered voters and requiring that the item be placed on the ballot for a special election within 90 days.

Article IV - Section 3 - Ms. Rogers read the following portion of the article: "Before acquiring signatures on a petition, a citizen must file a copy of such petition with the City Attorney. Within seven days the City Attorney must either declare the style of the petition to be legal or offer amendment to cause it to be legal. Once the style is declared legal by the City Attorney, there may not be further legal challenges to such style."

In response to Mayor Friedman's question, Ms. Rogers stated "once the style is declared legal by the City Attorney, there may not be further legal challenges to such style."

Article IV - Section 4 - Procedural

Article IV - Section 5 - Provides for Spanish language ballots.

Article IV - Section 6 - Conforms with recommendations for single member districts by providing that 20% of the registered voters in a district must sign a recall petition.

Article IV - Sections 7 through 10 - Procedural

Article V - Section 4 - Provides for review and confirmation of Directors of Departments by the Council on even numbered years.

Article V - Section 6 - Provides for confirmation of City Attorney by the Council.

Article VI - Section 1 - Provides for a 24-hour Municipal Court with a translator, if needed.

Article VII - Section 5 - The budget would be prepared by the City Manager to reflect priorities set by the City Council. Insofar as possible the budget shall include an analysis of proposed expenditures broken down by geographic areas of the City to be defined by the Council and shall show the impact of the proposed expenditures in achieving the Council's stated priorities, shall show a justification in terms of cost benefits for the expansion of existing programs or the creation of new ones. The budget shall also contain detailed estimates of all proposed expenditures itemized by department, program and goals to objectives.

Article VII - Section 6 - Creation of Citizen's Budget Review Board. Its purpose will be to provide citizens with an opportunity to participate in the budgetary process by contributing to budget decisions before the budget becomes a fixed document and by reviewing from the citizens' point of view the budget document submitted to the Council by the Manager. Each Councilmember would appoint one member to the Board.

Article VII - Section 7 - Changes the budgetary calendar by moving the process back to January 1st.

Article VII - Section 10 - Requires a public discussion of how and why City deposits are placed in certain institutions within the City and what the City may require of those institutions in return for use of the money.

Article VIII - Section 3 - Assessment of Property for Tax Purposes - Requires the Tax Assessor-Collector to give written notice to each property owner of the estimated true market value as well as the value at which property is to be assessed. The Council shall require by ordinance a method to require sellers or purchasers of all real estate within the City to report the consideration for such transactions in dollars and cents.

Article VIII - Section 10 - "The City Council shall at least once every five years review the appraisal work of the City Tax Department to determine the equity and uniformity of tax appraisals in the City of Austin. In addition, the City Council shall before the end of each fiscal year cause to be published a report on the impact, effect and equity of all tax policies and procedures, as well as those of the revenue generating public utilities established by the City."

Article IX - Section 4 - Retirement System - Adds language so that the City will not be limited in the future if it wants to contribute more than the employee does to the Retirement System. At least one-half of the members of the Board of Directors would be elected from below the median rank of employees who are classified within the City's classification system.

Article X - Section 1 - Expands size of Planning Commission and provides that one member will be elected from each district. No more than one member may have a major source of income directly or indirectly from real estate or land development. The term of office would be three years, with an ex-officio member from the Austin Board of Realtors. The Council would remove any member from the Commission who missed three consecutive meetings without obtaining a leave from the Commission or who failed to attend 40% of the meetings without obtaining a leave during their term of office. The Planning Commission would be required to publish a list of recommended Capital Improvement items each year. The Planning Commission would have the option of appointing a staff coordinator responsible to the Commission.

In subsection (d) changes in the Master Plan would reflect the interest in preserving historically significant buildings and districts. The Plan would cover the entire City or consist of a combination of plans governing specific geographic areas which together cover the entire City. A five-year update of the Master Plan would be required.

In subsection (e) specifies a new public hearing requirement for any proposed project which would conflict with the existing Master Plan.

Article X - Section 2 - Creates area advisory boards. The boards would be democratically elected and would not replace any voluntary neighborhood associations. Subsection (b) deals with the powers and duties of the area advisory boards. The Planning Commission would be required to seek the advice of the area advisory boards on any matter effecting their area. Detailed zoning cases would be placed in the hands of the boards, not the Planning

Commission. Any zoning change which went against the desires of the area boards would require one more vote than a majority of the Planning Commission.

Article XI - No changes recommended.

Article XII - Section 1 - Code of Ethics. Mandates that the Council enact a code of ethics.

Article XII - Section 2 - Public Financial Disclosure. Requires annual public disclosure of finances of all elected officials, Municipal Judges, the City Manager, department heads and candidates for elected office, both by the individual and spouse.

Article XII - Section 3 - Financial Disclosure to the Board of Ethics. Requires private disclosure of financial interests of persons serving on City boards and commissions and committees.

Article XII - Section 4 - Conflict of Interest. Has been reorganized and is more detailed than the existing Charter provision.

Article XII - Section 6 - Nepotism. Extends the nepotism provision from the second degree of consanguinity to the third degree of consanguinity.

Article XIII- General Provisions - Sections 2, 3 and 6 were moved to the Ethics Article and Article XIII renumbered.

Article XIII - Section 2 - Political Activities. Permits political activities for City employees within certain guidelines.

Article XIII - Section 15 - Elimination of Sexist Language. Provides for the elimination of sexist language in every other Article of the Charter that had not been covered.

Ms. Rogers concluded her presentation by stating that the Committee recommended the proposed changes as a program for a more responsive City government for the people of Austin.

Mr. Charles Miles reiterated Ms. Rogers' statement by stating that the theme in the majority of the Committee recommendations was that regardless of where people lived in the City or what their means were they would have an equal opportunity to participate and get responses from City government.

MR. SAM PERRY presented a minority report signed by ten members of the Charter Review Committee. During the review of the Charter, many good ideas were presented which should be adopted as ordinances or policies. The dissenting members of the Committee did not feel, however, that such recommendations belonged in the City Charter.

Mr. Perry stated that through any charter, the people of Austin place certain limitations upon their officials, set up governmental structures and mechanisms, and allocate powers among City officials and within the municipal structure. It was a basic function of a charter to delineate those limits, structures and allocations. Beyond that, the people, through a charter, can reserve to themselves certain rights while preventing or requiring governmental action in specific areas. Charters must not try to solve problems, but rather

direct what problems are to be met, and who will solve them. A charter must not be used to settle political debts or inhibit the freedom of the political process.

Mr. Perry also made the following points:

1. A charter should not dictate additions of superfluous staff or citizen boards and commissions.
2. A charter should not dictate added governmental costs because a charter should be appropriate throughout a multitude of economic times.
3. A charter should not experiment, but enable.
4. A charter should not dictate specifics, but specify generally.

Most members of the dissenting group supported 17 revisions to the Charter and in so doing judged them by the following basic criteria:

1. Does the proposal further any of the basic principles delineated above?
2. Does the proposal promote or protect fundamental human rights?

Most of the minority group represented by Mr. Perry supported the following proposals:

1. Preamble, except that several of the undersigned object to the inclusion of "sexual preference".
2. Article II, Section 2.
3. Article II, Section 10.
4. Article IV, Sections 6-10.
5. Article VI, Section 1.
6. Article XIII, Section 2.
7. Article XIII, Section 15.
8. A modified form of Article III, Section 15, which would (i) place a reasonable limitation on the number of council aides; (ii) permit temporary staff assistance to "ad hoc" committees; and (iii) permit the Council to hire specialized staff assistants for limited periods of time to work on special projects.
9. Article III, Section 2, would be necessary if district representation were enacted.
10. Abolishing the section in the present Charter on limited annexation as recommended by the City Attorney.

11. Deleting the section in the present Charter about the City School Board, as recommended by the City Attorney.
12. Deleting the requirement in the present Charter that Council meetings must be held at City Hall.
13. A general provision mandating the Council to enact ethics and financial disclosure ordinances.
14. If the Council is enlarged, that portion of present Article II, Section 11, providing five votes for emergency legislation should be changed to two-thirds.
15. Article VI, Section 6, of the present Charter dealing with the remission of fines and forfeitures should be deleted.
16. A revision of Article II, Section 3, of the present Charter (vacancies) to establish more realistic ground rules for filling vacancies.
17. We support the addition of a provision requiring that any candidate be required to file a petition signed by a small number (300 or less) of voters as a condition to filing.

All of these proposals either bring the charter into line with statutes, make changes that expand the rights of Austin citizens or clarify ambiguities in present language.

The minority report unanimously opposed the following proposed changes:

Article V - Section 4 and Section 6. Confirmation of the City Attorney and department heads by the Council every two years was regarded by the minority committee as the most lethal proposals in the majority document. The goal should be to minimize the extent of politics effecting the delivery of services rather than the setting of policy. Mr. Perry stated that in the Form of Government Subcommittee, which he chaired, the majority of testimony favored retaining present Charter language concerning the hiring and firing of department heads and retaining the Council/Manager form of government. He quoted Professor Robert J. McDonald of the LBJ School of Public Affairs, to support that position.

Article VIII- Section 3 and 10 - Taxation. The proposal would mandate the Council to enact penalties for failure to render property (real and personal), whereas the present Charter is permissive. Mr. Perry asked the Council if it was ready to impose criminal penalties on each property owner and home owner simply because they do not voluntarily render their property for taxation. Mr. Perry suggested a careful scrutiny of the provision requiring the Council to provide a method whereby sellers or purchasers of real estate report the consideration of such transaction in dollars and cents. He felt that again, the burden would fall hardest on the individual homeowner, since the sales price of commercial tracts would be determined by City appraisers.

Under Section 10, a review of tax policies would be required every five years. The minority report suggested that the procedure not be mandated by the Charter. Such a review, to be meaningful, would have to be undertaken by an expensive consulting firm.

Article X - Section 1 - Subsection (a) - Organization. The subsection read in part "No more than one member may have a source of income directly or indirectly from real estate or land development." Such language would disqualify a substantial segment of the populace of Austin. The minority requested that the language be tightened.

Article X - Section 1 - Subsection (b) - Powers and Duties. "The Planning Commission shall: (7) Appoint a staff coordinator responsible to the Commission who shall be provided with adequate budget and enabled to hire adequate staff." The minority felt that one concept of the Council/Manager form of government was being invaded by providing for a separate Planning Commission staff. Mr. Perry heard no persuasive testimony before the committee that supported the necessity for a separate staff. Another staff would represent a costly and unneeded arm of government that could only conflict with and hamper the duties of the present staff.

Mr. Perry then called on Mrs. Goldston to discuss the area advisory boards and Mr. Shivers to discuss the budget portion of the document.

MRS. CAROLYN GOLDSTON stated that the proposed Area Advisory Boards (Article X, Section 2) were an example of the basic flaw in much of the majority report; it simply was not charter material. She thought that the idea was excellent, but that it needed flexibility and should be done by ordinance.

MR. BUD SHIVERS addressed the Council regarding the Citizens Budget Review Board (Article VII - Section 6). He felt that creation of the Board would insulate the Council from many citizens who might wish to make input on the budget. Mr. Shivers reviewed the proposed new timetables for the budget and made several objections to the timing. He suggested that this portion of the proposal be reviewed by the City Manager to determine its workability.

Mr. Perry then introduced Mr. Joe K. Wells, who presented the views of members Younglood, Lassiter, McClellan and Shivers. Those members strongly recommended and urged that the present method of electing the City Council and the number of Council members stay the same.

MR. WELLS made the following points:

1. The district system promotes, encourages, invites gerrymandering (of districts), political bossism in geographic sections of the City and political bartering or trade-outs.
2. The district system would remove almost 90% of the government from the people.
3. The district system with the Mayor elected at-large would move the City in the direction of the strong mayor form of government. The members opposed such a move.
4. The members were not willing to trade something that they knew would work for something that might work.

Mr. Perry then brought back Mrs. Goldston, who presented her views on the proposed single-member districts and the present at-large system. Mrs. Goldston made the following points:



1. Austin was not best served by either the single-member district plan or the present at-large system. The Council should explore the possibility of combining district and at-large representation.
2. Austin does not need 11 full-time, paid, staff council members.
3. A person who vigorously supported a losing candidate in a district could turn only to the mayor.
4. There should be more than one council member that may desire that citizen's support in a bid for re-election.

Mr. Perry then introduced Mr. Royal Masset, who presented his views on single-member districts. Mr. Masset made the following points:

1. Austin could be served best by ten single-member districts with the mayor elected at large.
2. The district system is the best mechanism for accommodating Austin's diverse cultures but could lead to deterioration in the Council's decision-making ability.
3. The majority report contains recommendations which encourage parochialism and set district in competition with district at the expense of city-wide policy. Those recommendations are:
  - a. Having district boundaries drawn up by a commission composed of one appointee from each council member. Unless the commission can be better insulated from political influence gerrymandering will be encouraged.
  - b. The mandatory analysis of municipal budgetary expenditures and proposed project costs by geographical area. This will exacerbate parochial self-interest at the expense of city-wide issues.
  - c. The appointment by each council member of a district representative to be on the Budget Review Board, the Tax Advisory Commission, and the Planning Commission. These accentuate the parochial fragmentation of municipal decision making and encourage appointees to be chosen on the basis of political value rather than competence.
  - d. Giving council members the right to hire a staff and consultants. This has the potential of dignifying political patronage.
  - e. Area Advisory Boards. These boards have the potential of becoming legitimatized political machines controlled by the district representative rather than the constituency.
4. If a district system is to be established in Austin, all due care should be taken to reduce the potential abuse of that system and propensity for fragmentation to an absolute minimum.

Mr. Perry, speaking for himself and members Wendler and Nichols, made the following points:

1. The Council should be composed of eight members elected from districts and the mayor elected at large. The following five reasons were given to support the recommendation:
  - a. From the testimony presented during the public hearings, we are persuaded that a change from seven to eleven seats on the council is too drastic. An enlargement of the Council is urgently needed, but it should be no greater than is required to insure adequate minority representation and reasonable campaign costs. Eight districts will insure, without gerrymandering, representation of minority groups. The ratio will be approximately one district for each 31,500 persons, as compared with one seat for each 72,600 in San Antonio, and one for each 76,700 in Dallas. There is no magic number which will insure adequate representation, no guarantee of responsiveness. However, the more districts we create, the more particularistic the interest represented by each Council member. Our system of government is fundamentally a process of compromising diverse specific interests for the general good. The more particularistic the interests represented, the more difficult becomes this crucial process of equitable compromise. We fear that this proposal could create such a fragmented council. The 31,500 figure represents a sufficiently dramatic reduction in the number of citizens represented by each council member under the present at-large plan. Eight districts are the minimum and least disruptive increase which will insure each significant and identifiable group of people adequate representation without disrupting well-known neighborhood political boundaries or ethnic cohesions. Nothing more is required of us.
  - b. By creating ten districts, we may, in fact, be worsening the problem we are trying to solve, representation for the minorities. By forcing the city to divide into ten districts, it is inevitable that certain portions of minority areas will be split away from the rest of their community, diluting their voting strength, rather than increasing it. In addition to splitting district minority segments, the problem also arises in the forming of compact districts without cutting through other areas of similar interest as in large neighborhoods and voting precincts.
  - c. In our deliberations we must not lose sight of the fact that these proposed amendments must pass the voters to be included in the charter. The question of single-member districts will be one of the key issues in the election. The public is accustomed to the concept of four districts, both for County Commissioners and State Representatives. A voter will better accept splitting four districts into eight, than creating ten new districts. Dividing Austin into eight districts, in the voter's mind, assures compactness with less gerrymandering than trying to force the city into ten districts.

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- d. The existing geography of the city lends itself to eight districts. The river and IH 35 act as natural boundaries as do Shoal Creek and distinct avenues which mark neighborhoods of various ethnic, economic and social groups who have natural areas of common interest. Also, by drawing more lines, the city is forced to cross more pre-existing boundaries dividing County Commissioners and voting precincts.
  - e. In basic economics, a nine-member council is more desirable. Additional members of the council mean additional money spent by the city for staff, salaries, office space and the like.
2. The three members offered a proposed amendment to Article II, Section 1 - Number, Selection and Term of Office as an attachment to the minority report.

In summary, Mr. Perry urged the Council to let the City Attorney review the basic document from a purely technical drafting standpoint. He also urged that the Council not act precipitously in presenting the document to the people for action.

MRS. JOAN BARTZ presented a separate minority report. She agreed in essence with the preceding minority report. She then noted her exceptions to the majority report and made the following comments:

1. Preamble - Not needed in the Charter.
2. Article II - Section 1 - 9 Council members recommended instead of 11. She opposed the district representation and regarded it as a back door attempt to change from the Council/Manager form of government to the strong mayor form. She did not believe that the courts had mandated the straight district system. She recommended that 5 council members be elected by districts, 3 at large and the mayor at large. Boundaries of the 5 numbered districts would be drawn in a manner determined by the Council, but shall represent a contiguous and compact district of the City composed of approximately equal population, as determined by the last preceding general population federal census.
3. Article II - Section 2 - Qualifications. Took exception to the 18 years age and 12 months residency requirements. In response to her question, City Attorney Kubicek stated that those requirements were State law.
4. Article II - Section 15 - Council staff. Not Charter material. The item could be handled by ordinance, but would impose an additional hardship on the taxpayer. She recommended deleting the item to unclutter the ballot.
5. Article III - Section 2 - Election. Disagreed with reference to district election (lines 16 through 24). No mention of at large candidates other than mayor.

6. Article IV - All Sections - Referendum and Recall. Recommended retaining present Charter language.
7. Article V - Section 4 - Directors of Departments. Viewed as a back door attempt to remove the Council/Manager form of government from Austin and to politicize the professional staff of the City. Retain the present Charter language.
8. Article V - Section 6 - City Attorney. Retain present Charter language.
9. Article VI - Section 1 - Municipal Court. Approved as submitted in the majority report.
10. Article VII - Section 5 - Budget Document. Did not have sufficient information regarding the time frame and capabilities involved in implementing this provision. Recommended discussion between the Council and the City Manager to determine feasibility of implementation.
11. Article VII - Section 6 - Citizens Budget Review Board. Regarded as attempt to undermine the professionalism of the Budget/Finance Officer and a further weakening of the Council/Manager form of government. Recommended dropping the item from the ballot. The Council could possibly consider implementation of some improvement by ordinance.
12. Article VII - Section 7 - Budget Preparation and Adoption. Recommended initiating discussion between Council, City Manager and department heads involved in the process to determine if a time frame change from the ~~present~~ charter language is necessary. If time does not allow this discussion and research, she recommended retaining the present charter language.
13. Article VII - Section 10 - Depositories. Retain original charter language.
14. Article VIII - Section 3 - Assessment of Property for Taxation Purposes. Retain original charter language.
15. Article VIII - Section 10-- Review of Taxation and Revenue Generating Policies. Not regarded as charter material; could be handled by ordinance. Recommended deleting from the ballot.
16. Article IX - Section 4 - Retirement System. Equal contributions should be retained. Proposal appears to give the Council direct authority to select the method of Board appointment, rather than by ordinance. Recommended retaining the present charter language.
17. Article X - Section 1a - Planning Commission Organization. Appointments to the commission according to single-member district could lead to establishment of political control via patronage and obligation. Restricting real estate and land development interests to one place on the commission is not realistic, is punitive and reflects a personality decision, not a professional one. Recommended

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retaining a 9-member planning commission, members reflecting equitable geographic representation, but not selection according to district concept. Restrict real estate and land development interests on the commission to a maximum of three. Make appointments in August, but take office in October. Use the interim as a training period.

18. Article X - Section 1b - Powers and Duties. Recommended that a decision for any change should be based on discussion between the Council, Planning Commission and the Planning Director to determine the need and cost for additional personnel (consultants, coordinator and staff). Also, clarify the cost and feasibility of publishing the CIP (as noted on lines 31 through 48 in the majority report).
19. Article X - Sections 1d and 1e - Master Plan and Legal Effects of the Master Plan. Approve as recommended by the majority report.
20. Article X - Section 2 - Area Advisory Boards. Objected to all subsections as not charter material. Regarded as unnecessary governmental level between the people and those elected to serve them. Proposals included in the article already are in effect in the City. The accurate intent behind the proposal is additional political strength through controlled area advisory boards. Recommended deleting the item from the ballot.
21. Article XI - Sections 1, 2, 3 - Ethics. Recommended deleting from the ballot as not being charter material. Should be handled by ordinance.
22. Article XI - Sections 4 and 5 - Conflict of Interest and Nepotism. Recommended retaining General Provisions and Nepotism provisions as now stated in the Charter. Delete new Article XII from the ballot.
23. Article XIII - Section 2 - Political Activities. Had no problem with the item except the reference to the Code of Ethics (lines 30-44). Recommended approving the remainder of the article as proposed.
24. Article XIII - Section 15 - Elimination of Sexist Language. Took no exception to the intent of the section, but did not believe it was charter material. Recommended deleting from the ballot.

Mrs. Bartz summarized by stating that the priority problems in the ballot were as follows:

1. Districts
2. Confirmation of Department heads and City Attorney.
3. Citizens Budget Review Board.
4. Council staff
5. Taxation review

6. Planning Commission changes
7. Area Advisory Boards
8. Ethics

The following items could be handled by ordinance: City budget, review, Council staff, taxation, Area Advisory Boards, ethics and language. She had made 14 recommendations to delete items from the ballot. Approving the majority proposals would establish a political base, whether or not it was intended. She urged the Council to consider both the majority and minority recommendations wisely and dispassionately realizing that the charter recommendations must benefit all Austin citizens.

MS. ETHEL BARROW, Travis County Democratic Women, made the following comments:

1. Article V - Section 4 - Supported the Council/Manager form of government. Opposed confirmation of department heads.
2. Article VI - Section 6 - Opposed the Citizens Budget Review Board.
3. Article X - Section 2 - Rejected both the concept and the section.
4. Article XII - Section 3 - Public disclosure for one group and private disclosure for another was unfair.

In response to Mayor Friedman's question, Ms. Barrow stated that she had considered staggering terms for Council members. She recommended an 8/1 council.

VOLMA OVERTON, President, Austin Branch, NAACP, supported the majority report. He endorsed the following recommendations of the majority report:

1. Single member districts
2. Budget Review Board
3. Department heads confirmation
4. Neighborhood Advisory Groups.

BOB TINSTMAN noted that the ordinances establishing a Human Relations Commission in Austin and Oklahoma City were drafted during his tenure as City Manager. He then made the following points:

1. Article II - Section 2 - Opposed election of council members by straight district. Recommended electing two council members from each district with residency requirements for the district. One member would be elected by district residents and the other elected at large.

2. Article V - Section 4 - Directors of Departments. Would discourage public service and result in mediocrity.
3. Opposed the Budget Review Board recommendation.

ROBERT MACDONALD urged the Council to look carefully at the recommendations of Article II - Section 15 - Council staff, with a view of reducing the legislative content. He objected absolutely to Article V - Section 4 - Confirmation of Department Heads, and commented as follows:

1. Enactment of the article moots Article I - Section 2, since it makes the City Manager's power of appointment and removal subject to political considerations and influences.
2. Would encourage department heads to deal directly with individual council members and respond to administrative directives from them individually.
3. Would destroy the assumption that staff recommendations represent reasonably objective assessments.
4. Council action to remove a department head whom the City Manager had not removed as a practical matter would also remove the Manager from office.
5. If enacted, the International City Managers Association probably would not continue to recognize Austin as a Council/Manager city, since it would appear to violate one of ICMA's basic criteria for such recognition.
6. Avoid the impulse to place all 14 proposed changes on the ballot. Instead, settle the issue of City Council composition. He cited Lipscomb vs. Wise as an example of how single-member districts was law and felt that it could be used in further law suits.
7. Virtually all of the other recommendations made by the CRC could be done legislatively or put before the people after more mature consideration and refinement.

DEAN RINDY, Member of the Planning Commission, supported the Majority Report. He stated that the proposed section limiting to one person on the Planning Commission engaged in real estate or land development paralleled present Charter language. The new charter proposal language was narrower than the present language. It was not singling out a class of people, but was guarding against temptation. Regarding the proposed Area Advisory Boards, Mr. Rindy stated that the principle effects the structure of Austin city government and was charter material. It would not create a new layer of bureaucracy, but would create a new level of citizen participation.

PHIL SAVOY urged the Council to consider the majority report. He supported more citizen input and review.

POLLY EBY questioned how Austin could be divided into districts equitably. She recommended keeping the Council as it was.

VALENTINE PEREZ spoke in favor of single-member districts.

LINDA LEWIS McGOWAN concurred with Dean Rindy's comments on the Planning article. She supported both the Area Advisory Boards and district representation.

ED WENDLER stated that the City Charter was easier to amend than the State or Federal Constitutions. He supported the majority report. Regarding single-member districts, he stated that the Supreme Court had destroyed multi-member districts by its ruling on campaign contributions limitations. There was no other way to limit campaign contributions except through single-member districts. He favored ten districts over eight, and stated that single-member districts were not the old ward system, since wards had their own budgets. He supported confirmation of department heads and pointed out that the Council/Manager form of government was losing out in the big cities.

MARGARET J. GOMEZ stated that the CRC was not trying to do away with the Council/Manager form of government. She supported confirmation of department heads.

THURMAN BLACKBURN wondered what the Charter Review Committee had told the citizens of Austin. He felt that the majority report conflicted with the existing charter. He also felt that the report discriminated against owners of real property and people in the real estate industry. The document was expensive both in money and in creating power politics. He requested that other individuals be given time to study the document and that the Council also take additional time.

TINA NAVARRO, representing the Mexican-American Business and Professional Women of Austin, made the following recommendations:

1. Supported 10 single-member districts.
2. Supported review and confirmation of City department heads.
3. Supported having Municipal judges available on a 24-hour basis.
4. Supported complete financial disclosure for all City elected officials, members of sovereign boards and commissions and all City department heads.
5. Supported simplifying Charter language and translating it into Spanish, as well as eliminating all sexist language.

ERNEST W. HARKINS felt that the proposed Area Advisory Boards were redundant in view of existing neighborhood groups. Appointment of department heads by the Council was also redundant, but if necessary, there should be a six-month phase-out period. If instituted as a scheduled review, it should be a six-month option after the Council takes office. Regarding single-member districts, he favored twelve plus one, not ten plus one. If the Council were expanded to eleven members, he favored electing the Mayor and two others at large.



SUSAN REID, representing the League of Women Voters, presented the League's position article by article:

1. Supported the Preamble.
2. Article II - Supported a combination of district and at-large council members plus at-large election of the mayor. There should be no less than seven and no more than eleven council members, with the majority elected from districts.
3. Supported adequate council pay and felt that the charter should state that council members could vote on pay raises only for succeeding councils.
4. Article II - Section 15. Council should be able to hire its aides, but additional staff should be furnished by the City Manager.
5. Article IV - Does not support the 5% petition, but does support 10% petition and 20% petition for recall.
6. Article V - Section 4. Opposes the biennial review of department heads because the League supports a strong Council/Manager form of government.
7. Article VI - Supported 24-hour operation of Municipal Court, with translators.
8. Article VII - Opposed Citizens Budget Review Board.
9. Article VIII - Section 3. Supported giving written notice to the property owner of the estimated true market value as well as the assessed value.
10. The League was distressed that the Human Resources Commission was deleted from the Planning Article. It was hoped that the Council at a later date could create the Commission by ordinance.
11. Article XII - Requested that the Council reinstate the proposed Board of Ethics and staff it independently. Provision should be made for financial disclosure, but details should not be in the charter.
12. Article XIII - Supported political activities for City employees.

WILLIAM MILSTEAD made the following comments:

1. The document being offered was complicated; people were wanting simplicity.
2. The document offered increasing and escalating costs.
3. People were interested in fair hearings and prompt decisions. The document offered delay.

4. People were interested in improved management and clarification of organizations. The document offered mismanagement and confusion.
5. People were interested in less government and less politics. The document offered more of both.

When the Council reviewed the document, Mr. Milstead asked that they keep the preceding points in mind.

CAREY VASQUEZ, representing the Mexican-American Business and Professional Women of Austin, supported Article VII (Budget Document) and the Budget Review Board, the Area Advisory Boards and political activities for City employees.

BERT PENCE asked the City Manager what the cost would be to the City's taxpayers for the charter revision. Mr. Davidson stated that he could not answer the question. Mr. Pence then asked if any council member could answer his question, and none responded. He then stated that an estimate he had received placed the figure at \$20 to \$25 million. In response to Councilmember Linn's question regarding his authoritative source, Mr. Pence stated that he preferred not to quote his sources at this time. Mr. Pence asked that the Council not stampede the document onto the ballot in 8 days since the cost of the revisions was not known and people had not had time to study it.

CARY JONES spoke in favor of Area Advisory Boards. He felt that the item was appropriate charter material since it dealt with structure. Neighborhood input would increase.

STROUD KELLY stated that he was the author of the original proposal for Area Advisory Boards which went to the Charter Review Committee. He made the following points:

1. The proposal would aid City government and the Planning Commission.
2. Would allow neighborhoods to work out problems with developers and people seeking zoning changes at the neighborhood level.
3. It would establish a process for input at the neighborhood level.
4. Would not undercut neighborhood groups.
5. The Boards will fill an existing need.
6. It would guarantee that citizens would be heard.

JIM WEBB requested that the Council allow more time for study of the reports and that additional public hearings be set.

GERILYN FARB, representing the UT Young Democrats, supported single-member (10/1) districts, confirmation of department heads every two years, political activity by City employees and the Area Advisory Boards. She hoped the items would be on the ballot for April.

BOB SCHMIDT, representing the Student Action Committee, supported single-member districts (10/1), confirmation of department heads, budget review, Area Advisory Boards and public financial disclosure. He asked that the election not be held in August.

LARRY SPRINGER, Citizens Board of Natural Resources and Environmental Quality, presented to the Council a proposed article on environmental policy, which he felt should be part of the Charter.

COLIN CARL stated that the single-member districts proposal was the most important one in the document. He felt that perhaps there should be more districts.

TOM HARRISON requested that more hearings be held, that the decision to have the election did not have to be made now.

MARK BROWN, a volunteer staff member of the Charter Review Committee, felt that the Area Advisory Boards belonged in the Charter. He pointed out that the Boards would not have legislative powers.

HOWARD FERGUSON felt that the majority report went far to destroy the effectiveness of City government. He was not opposed to single-member districts, but favored a combination of single-member and at-large, preferably at least two besides the mayor. He could not support the document as now written. He asked that more time be allowed for people to consider the document. He asked that an election not be held in April.

LEO HERNANDEZ favored the 10/1 district system and the Area Advisory Boards.

PAT MARCUM, representing Citizens for Responsible Government, requested that the Council not call an April election on the Charter. He asked that the election be set for either August or January, 1977.

ERWIN MCGEE requested that the Council set an April election.

RUTH EPSTEIN made the following comments:

1. Favored giving Council as much power as the City Manager.
2. Supported 4-year staggered terms for the Council.
3. Supported 3-year staggered terms for the Planning Commission.
4. Supported hiring of staff for Council.
5. Endorsed election from ten districts and mayor at large.
6. Supported hiring of a coordinator for the Planning Commission.
7. Opposed area neighborhood councils.

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LUKIN GILLILAND supported the majority document, in particular Article II - Section 15, Article V - Sections 4 and 6, and Article VII - Sections 5, 6 and 7. He requested the Council to call an April election.

JEFF JONES stated that the City Manager had 80% of the power, the Council 15% and the people 5%. The proposed charter changes would greatly increase the power of the Council. A paid Council was not part of the Council/Manager form of government. Since the Council was paid, it needed more power. He asked that the entire majority report be placed on the ballot for the people to decide.

STEVE GUTOW asked that all 14 items be placed on the ballot for April. He especially supported single-member districts and the Area Advisory Boards. He asked that the matter be considered next Thursday.

Mayor Friedman stated that there was a difference of opinion as to whether there were 14 major changes in the majority report; as many as 39 changes had been discussed. He then asked the City Attorney if all of the changes could be combined.

City Attorney Kubicek stated that each change would not have to be separate necessarily, but would have to have a logical and chronological tie together. Some would appear alone and some would be summarized topically and put together. Under the Voter Rights Act, the City ran the risk of conducting an election without first getting the Justice Department's views on the change in the method of electing representatives. He did not agree with Mr. MacDonald's statement that Austin could be mandating districting. If the voters approved the change in election procedures and the Justice Department did not agree, then the City would be forced to take the matter to court, with the possibility of losing. He could not guarantee the Council that he could pull everything together for an April election. In response to Councilmember Linn's question as to whether or not he was suggesting an August election, the City Attorney stated that he was not suggesting any particular time for the election.

In response to Councilmember Lebermann's question as to the response time from the Justice Department, City Attorney Kubicek stated that it depended upon how big the submission was. He thought that several weeks would be a reasonable period of time.

Councilmember Hofmann stated that she was not ready to put anything on the ballot until she had studied further the various reports and citizens input and discussed the revisions with other council members.

#### Motion

Councilmember Hofmann moved that at the next Council session the Council set a schedule of public hearings. Councilmember Himmelblau seconded the motion and stated she hoped that the City Manager would have some workshops on the document.

#### Substitute Motion

Councilmember Linn offered a substitute motion that in order to hold an April election that the Council instruct the City Attorney to condense and prepare in ballot form the major proposals in the majority report and the minority report that was signed by the ten people, that the City Council hold a

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special meeting on Wednesday, March 3 to select the items to be submitted to the voters and that, the next Thursday the Council vote on the items for the final ballot. Mayor Pro Tem Snell seconded the motion.

City Manager Davidson stated in fairness to Mr. Kubicek, he and the City Attorney's office were being asked to do something in a few days that had taken months to prepare. He was not sure that without a great deal of guidance from the Council that the City Attorney had enough understanding now as to what he would take from each report.

In response to Mrs. Bartz' question regarding the inclusion of her minority report in the motion, Councilmember Linn stated that she had specified the one signed by the ten people.

Councilmember Lebermann felt that the Council was being precipitous in taking the Charter revisions to the people before having adequate time for review.

Margaret Gomez suggested that the City cooperate with the County Attorney in preparing the necessary Voting Rights Act material. Mayor Friedman stated that that was not the problem. It was the matter of preparing the ballot by next Thursday. Councilmember Himmelblau felt that she did not have sufficient time to go through the reports and make intelligent contributions that she would like to make in such a short period of time.

Councilmember Hofmann felt that the recommendations were less likely to pass in April if they were put on hurriedly. If it were put on in August, she felt that it was more likely to pass. Councilmember Trevino stated that an election should not take place when a significant and important segment of the community was absent. The student population was an important part of the Austin community. In response to Councilmember Himmelblau's question, Mayor Friedman stated that an election could be held in August, the following January or by petition to the Governor for some other date.

#### Amendment to Substitute Motion

Mayor Friedman offered a friendly amendment to Councilmember Linn's motion that four-year staggered terms for council members from districts be included. Councilmember Linn accepted the amendment.

#### Roll Call on Substitute Motion

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell

Noes: Councilmembers Himmelblau, Hofmann, Lebermann, Mayor Friedman

The Mayor announced that the motion had failed to carry.

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Roll Call on Original Motion

Roll call on Councilmember Hofmann's motion, Councilmember Himmelblau's second, that at the next Council session (March 4, 1976) the Council set a schedule of public hearings showed the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Trevino,  
Mayor Friedman

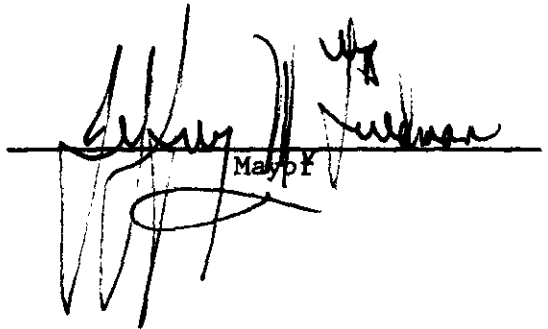
Noes: Councilmembers Linn, Mayor Pro Tem Snell

The Mayor announced that the motion had carried.

## ADJOURNMENT

The Council adjourned at 11:36 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk