

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 18, 1976
7:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for November 4, 1976, and November 9, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier to discuss some legal matters and one appointment to a board which was now before the Council for action:

Capital Area Manpower
Consortium Executive Committee

Councilmember Trevino moved that the Council appoint MR. RUDY SAENZ to the Capital Area Manpower Consortium Executive Committee. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

In referring to the legal matters discussed in the Executive Session, Mayor Friedman stated that the City would appeal the Teague Buda lawsuit on the grounds that the monetary damages awarded were not proper; the City Council will authorize the City Manager to see that all proper permits, as indicated by the Court's decision, will be issued to the applicant.

PERMISSION TO USE CITY-OWNED LOT FOR SALE OF CHRISTMAS TREES

Councilmember Linn moved that the Council approve a request from Mr. Henry Frantzen, representing the Southwest Austin Optimist Club, for permission to use City-owned property located on the northwest corner of the intersection of Barton Springs Road and Bouldin, to establish 1976 Christmas tree lot, from November 22, 1976, through December 31, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

PARADE PERMIT - EMERGENCY ITEM

Councilmember Linn moved that the Council approve a request from Mr. Bryan Spires, Jr., M. D., President of the American Heart Association, Austin-Travis County Division, that the City Council reschedule the Parade Permit granted for November 13, 1976, to November 20, 1976, from 10:00 a.m. to 2:00 p.m., beginning on the south side of the Capitol, proceed south to 6th Street, west on 6th Street to MoPac, south on MoPac at Lake Austin Boulevard to Zilker Park around large Oval on north side of Barton Springs for the remainder of the time. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

INFLUENZA IMMUNIZATION VOLUNTEER APPRECIATION DAY

Mayor Friedman read and then presented a proclamation to Harriet Zinn proclaiming Friday, November 19, 1976, as "Influenza Immunization Volunteer Appreciation Day" in Austin and called on all residents to recognize the contributions these men and women who have made the swine flu immunization program a success. Ms. Zinn thanked the Council for the proclamation.

MIDDLE EARTH WEEK

Mayor Friedman read and then presented a proclamation to Mr. Jim Cox proclaiming the week of November 28, 1976, through December 4, 1976, as "Middle Earth Week" in Austin and urged all citizens to join the Council in recognizing the organization and its volunteers for their valuable services to the community. Mr. Cox thanked the Council for this recognition and noted the outstanding efforts of the volunteers at Middle Earth.

ADOPTION WEEK

Mayor Friedman read and then presented a proclamation to Mr. Gene Howell proclaiming the week of November 22-29, 1976, as "Adoption Week" in Austin and urged all citizens to support this valuable community organization.

AUSTIN NATURAL SCIENCE GUILD DAY

Mayor Friedman read and then presented a proclamation to Ms. Mary Nell Drummond, Ms. Kathy Patman, and Wendy Hudson proclaiming December 3, 1976, as "Austin Natural Science Guild Day" in Austin and urged all residents to join the Council in recognizing the accomplishments of this organization and in supporting this fund-raising event for a worthy cause. One of the ladies then "branded" Mayor Friedman with a "G" signifying the Guild and the Gala and invited everyone to attend the Eighth Annual Gala that will be held on December 3, 1976, at the 26 Doors shopping complex. She noted that funds received from the Gala would be added to those received from the City to expand the program.

RESOLUTION PERTAINING TO WILLIAMSON COUNTY MUD NO. ONE WATERWORKS AND SANITARY SEWER COMBINATION TAX AND REVENUE BONDS, SERIES 1976

Councilmember Linn moved that the Council adopt a resolution for approval of the interest rates, terms and other conditions on the sale by Williamson County MUD No. One of \$1,250,000 waterworks and sanitary sewer combination tax and revenue bonds, Series 1976, bids to be received Thursday morning, November 18, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Mayor Friedman pointed out that the effective interest rate for these bonds was 7.22782% and that the City of Austin would be faced with these kinds of interest rates if we do not have the Water and Sewer Bonds passed in the upcoming election in order to develop a proper and viable water and sewer system for the entire community. He noted that last week the City sold bonds at 5.8% interest, and felt that the bid received by the MUD was very good; however, the intent is not to create MUD's throughout the Austin extraterritorial jurisdiction. To avoid this, the help of the voters is needed on this upcoming Water and Sewer Bond Election.

RELEASE OF EASEMENT

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

Four (4) strips of Electric and Telephone Easements in Lot 2, Allandale Square, Section Two, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Curtis Burson, Vice President of Goldking Properties, Inc., owners of said Lot 2, Allandale Square, Section Two.)

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
Not in Council Chamber when roll was called: Mayor Friedman

LICENSE AGREEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing the following License Agreement:

Permitting encroachment by campus lights in the south right-of-way of Martin Luther King, Jr., Boulevard, and the east right-of-way of Trinity Street and also permitting encroachment by a parking lot over the drainage and public utilities easement in the eighty (80.00) foot vacated portion of Neches Street. (Requested by Mr. Corey A. Hoffpauir Landscape Architect for the Office of Facilities Planning and Construction of The University of Texas at Austin)

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

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

City Manager Davidson noted that the following License Agreement had been withdrawn due to an error:

Permitting encroachment by a building in the west right-of-way of Chicon Street, adjoining Lot 11, Block 6, Riverside Addition, a subdivision in the City of Austin, Travis County, Texas. (Requested by T. J. Thomas, Pastor, Faith Tabernacle Church, owner of Lot 11, Block 6)

TEMPORARY STREET CLOSURE

Councilmember Trevino moved that the Council adopt a resolution temporarily closing WHITIS AVENUE from 30th to 31st Street from 12:00 noon until 9:00 p.m., December 5, 1976, as requested by Rev. Merle G. Franke, representing the First English Lutheran Church. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

AGREEMENT WITH STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Councilmember Trevino moved that the Council adopt a resolution for authorization to enter into an agreement authorizing the State Department of Highways and Public Transportation to install, operate and maintain an emergency closure traffic control system for the upper level of IH 35. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

AGREEMENT FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AT U.S. 183 AND LAMAR BOULEVARD

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to enter into an agreement ~~for the operation and maintenance~~ of the traffic signals at the intersection of U.S. 183 and Lamar Boulevard. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

AUTHORIZATION OF CERTAIN TRANSIT SERVICES

The Council had before it for consideration possible authorization of the following transit services:

1. Extension of Airport Weekday--Saturday, and Sunday routes.
2. Extension of Red River Weekday--Saturday, and Sunday routes.
3. Modification of Allandale/Windsor Road Weekday--Saturday routes.

In response to Councilmember Linn's questions, Mr. Ternus explained the routes from East Austin and stated that the Burnet Road route does go to Highland Mall. He noted that most of the routes that go to the Malls come from East Austin or South Austin after stopping downtown. Councilmember Linn felt that there should be a system whereby citizens from East Austin could reach the Capital and Highland Mall shopping areas without having to change buses downtown. Mr. Ternus stated he would be bringing to the Council a proposal that would have this type of route referred to by Councilmember Linn. This proposal should be ready in approximately 3 to 6 weeks.

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

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

EXTENSION OF CONTRACT WITH INTERNATIONAL AERIAL MAPPING COMPANY

Councilmember Linn moved that the Council adopt a resolution authorizing an extension of the contract with International Aerial Mapping Company, for Phase 1B of the Aerial Terrain Study for Master Drainage Study. 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

Councilmember Lebermann stated that the next ATS meeting of the Policy Advisory and Steering Committee would be on December 6, 1976. He also noted the outstanding job that Mr. Ternus had done at the last meeting in discussion with the Highway Department.

CONTRACT AWARDED

The Council had before it for consideration possible authorization of the following contract award:

- | | |
|---|---|
| <p>DOW INDUSTRIAL SERVICE
109 Martha Street
Corpus Christi, Texas</p> | <p>- Chemical Cleaning of Boiler No. 1, Decker Power Plant, Power Production Division. Item 1, Chemical Cleaning using Ammoniated-Ethylene-Diamine-Tetra-Acetate Method (EDTA) Estimated at \$38,758.00 subject to escalation based on use of 60,000 pounds of "Vertan 675" and 30 hours of service time at \$0.55/lb. and \$129.00/hour.</p> |
|---|---|

In response to Councilmember Himmelblau's question concerning the cleaning of the boiler, Mr. R. L. Hancock, Director of Electric Utility, stated there could possibly be some type of legal terminology written into the contract whereby the company would be liable for any damages incurred to the boiler while cleaning; however, the company would be apprehensive to do this.

In response to Councilmember Linn's question as to having a qualified person to supervise the cleaning process, Mr. Hancock commented that efforts have been made to see that a more strict supervision is adhered to and also that this particular treating process has been recognized as the best boiler treating process available. Mr. Hancock noted that the same consultant that has been used in the past is also the one that is involved in this matter; however, he felt that the past problems that had occurred with the boiler cleaning was not the consultant's fault. Mr. Hancock stated that the consultant worked with the staff on the development of acid treatment, but the staff prepared the specifications that enumerated the amount of chemical treatment to be used in the boiler. This cost the City about \$900,000.

In response to Councilmember Himmelblau's question, Mr. Hancock stated that he felt this consultant is highly recognized in boiler consulting work throughout the state. The problem with the previous boiler was not specifically the fault of the consultant and felt it was the result of a combination of factors.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution awarding the aforementioned contract. The motion was seconded by Councilmember Linn.

Councilmember Himmelblau stated that she hoped there would not be any difficulty with this contract. Councilmember Linn pointed out that there is no question as to Dow Chemical deserving this contract award; however, the concern is the consultant that is administering this process.

Roll Call

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

HEARING TO PERMIT INSTALLATION OF TWO WASTEWATER LINES ACROSS JIMMY CLAY GOLF COURSE

Mayor Friedman opened the public hearing scheduled for 7:30 p.m. to consider the installation of two 12-inch wastewater lines across the Jimmy Clay Golf Course to serve the Williamson Creek Treatment Plant. Mr. Curtis Johnson, Director of Water and Wastewater, stated that this was an item that had been approved as a priority by the Council. He noted that this line would allow additional flows to be handled by the Williamson Creek Treatment Plant. He commented that this has been reviewed and approved by the Environmental Board and the Parks and Recreation Board.

Mayor Friedman asked if there were any other feasible or prudent alternatives to the placing of these lines through the Jimmy Clay Golf Course, and Mr. Johnson commented this route is the most feasible and prudent. In response to Mayor Friedman's question, Mr. Johnson stated that this project does take into account all reasonable and best planning to minimize any harm to the land. In response to Councilmember Lebermann's question, Mr. Johnson stated that this project would be finished by the end of March, 1977.

Councilmember Lebermann moved that the Council close the public hearing and adopt a resolution authorizing the installation of two 12-inch wastewater lines across the Jimmy Clay Golf Course to serve the Williamson Creek Treatment Plant. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Friedman noted that the resolution would also include the following:

1. There is no feasible and prudent alternative to placing said wastewater lines across the golf course; and,
2. This project includes all reasonable planning to minimize harm to the use of the land as a golf course.

ACCEPTANCE OF GRANT AWARD FOR PROJECT "AUSTIN RAPE CRISIS CENTER"

Councilmember Trevino moved that the Council adopt a resolution authorizing the acceptance of a Texas Criminal Justice Division grant award for the project entitled "Austin Rape Crisis Center," in the amount of \$29,182. (Program period: October 1, 1976, through September 30, 1977) The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

ACCEPTANCE OF GRANT AWARD FOR PROJECT "PSYCHOLOGIST SERVICES FOR AUSTIN POLICE DEPARTMENT"

Councilmember Lebermann moved that the Council adopt a resolution authorizing acceptance of a Texas Criminal Justice Division grant award for the project entitled "Psychologist Services for Austin Police Department," in the amount of \$24,157. (Program period: November 1, 1976, through October 30, 1977) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CONTINUATION OF PROJECT ENTITLED "POLYGRAPH UNIT FOR THE AUSTIN POLICE DEPARTMENT"

Councilmember Trevino moved that the Council adopt a resolution authorizing the continuation of the project entitled "Polygraph Unit for the Austin Police Department," and assume all financial responsibility for the project after the program year ending September 30, 1977, at least in the same amount (\$31,963.65). The motion, seconded by Councilmember Linn, carried by the following vote:

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

DISPOSITION OF PARCELS

Councilmember Linn moved that the Council adopt a resolution approving disposition of Parcel I-26 and I-53 to Huston-Tillotson College; Blackshear Project Area, Tex A-11-2. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

ACQUISITION OF CERTAIN LAND

Councilmember Trevino moved that the Council adopt a resolution authorizing the acquisition of certain land for the East 26th Street connection to Manor Road:

5,159 square feet of land being all of the west 108.05 feet of Lot 6, Northeastern Addition (Tula Ora Hatherly)

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

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

AUTHORIZING THE SALE OF CERTAIN LAND

Councilmember Lebermann moved that the Council adopt a resolution authorizing the sale of certain land by the City of Austin to the adjoining owner:

Lots 1 and 2, South Heights, a subdivision of a portion of the Isaac Decker League, plus one-half of vacated alley.

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

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

GRANT APPLICATION FOR TRANSITIONAL QUARTER FUNDS TO THE AUSTIN/TRAVIS COUNTY SENIOR LUNCHEON PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to submit a grant application of \$29,868 for transitional quarter funds as support to the Austin/Travis County Senior Luncheon Program, under Title VII of the Older Americans Act. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

ITEM CONCERNING SUBSTANDARD STRUCTURES

Councilmember Linn moved that the Council accept the recommendation of the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

- | | |
|--------------------------|-------------------------------|
| 1. 1163 Poquito Street | Willie Feagan, owner |
| 2. 3608 Manchaca Road | Ronald Tynes, et al, owner |
| 3. 1406-1/2 Cedar Avenue | Nathaniel C. Riep, Jr., owner |
| 4. 772 Northwester Blvd. | Carmen O. Gill, owner |

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

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

SETTING PUBLIC HEARING AMENDING AUSTIN DEVELOPMENT PLAN REGARDING ALTERNATE LOCATION FOR WILLIAM CANNON DRIVE WEST OF BRODIE LANE

Councilmember Lebermann moved that the Council adopt a resolution setting a public hearing for December 16, 1976 at 8:00 p.m. to amend the Austin Development Plan: Expressway and Major Arterial Plan to recommend an alternate location for William Cannon Drive west of Brodie Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

EXPENDITURE OF FUNDS ASSOCIATED WITH JOINT VISITOR PROMOTION PROGRAM

Councilmember Hofmann moved that the Council adopt a resolution for the expenditure of funds allocated to the Austin Chamber of Commerce and the Mexican-American Chamber of Commerce for a joint visitor promotion program. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Councilmember Lebermann commended Councilmember Trevino for his efforts in working with the Chambers on this matter. Mayor Friedman pointed out that both organizations have unanimously endorsed the Water and Sewer Bonds for the upcoming election on November 20, 1976. Councilmember Himmelblau noted her pleasure in seeing the two organizations working together.

MR. C. L. HRNCIR, President of the Austin Chamber, extended his thanks to the Council for the opportunity to work together with the Mexican-American Chamber on this venture. MR. JUAN COTERA thanked the Council also on behalf of the Mexican-American Chamber of Commerce.

ORDINANCE ESTABLISHING TEMPORARY ONE-WAY STREET PATTERN

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760909-A; DESIGNATING NEW TIMES AND DATES IN WHICH TRAFFIC SHALL MOVE IN THE VICINITY OF MEMORIAL STADIUM ON SAN JACINTO BOULEVARD, RED RIVER STREET AND MANOR ROAD ON NOVEMBER 26, 1976, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ORDINANCE AMENDING CITY CODE PERTAINING TO SCHOOL SPEED ZONES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41, SUBSECTION (d), OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS TO SAID SUBSECTION, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS," (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Great Northern, Eberhart Lane, Greystone, Leland Street, Ponciana Drive, Thelma Lane, Reicher Drive)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE AMENDING CITY CODE PERTAINING TO INSTALLATION OF NON-METALLIC DUCTS AND DUCT FURNACES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39, SECTION 1004 OF THE AUSTIN CITY CODE OF 1967 BY SUBSTITUTING A NEW SUBSECTION (d); PROVIDING FOR THE INSTALLATION OF NONMETALLIC DUCTS; REGULATING THE MANNER IN WHICH SUCH DUCTS MAY BE INSTALLED; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

In response to Councilmember Linn's question, Mr. Lonnie Davis, Director of Building Inspection, stated that this proposal had been reviewed by the Heating and Air Conditioning Board and unanimously recommended.

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE NORTH SIXTY-FOUR FEET OF LOT 8, AND THE WEST THIRTY-ONE FEET OF THE NORTH SIXTY-FOUR FEET OF LOT 7, BLOCK 103, ORIGINAL CITY OF AUSTIN, FRONTING SIXTY-FOUR FEET ON RIO GRANDE AND HAVING A DEPTH ABUTTING WEST 9TH STREET OF ONE HUNDRED FEET, LOCALLY KNOWN AS 809 RIO GRANDE AND 611 WEST 9TH STREET, FROM "O" OFFICE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (West Ninth Street Partnership, C14-75-110)

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

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

The Mayor announced that the ordinance had been finally passed.

In response to Councilmember Himmelblau's question as to the reason this has taken so long to come back to the Council, Mrs. Evelyn Butler, Planning Department stated that there had been a restrictive covenant that had not been completed thereby necessitating the delay. She noted that the applicant had been operating in violation. Councilmember Himmelblau felt that possibly after six to eight weeks, cases of this nature should be followed up if something is in operation in violation of the zoning. City Manager Davidson pointed out that the Planning staff is currently working on an updated report that will be presented to the Council in the very near future regarding this matter.

Mayor Friedman introduced the following ordinance:

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

- (1) LOTS 15 AND 16, BLOCK "C," NORTH MEADOWS SUBDIVISION, LOCALLY KNOWN AS 830 SAGEBRUSH DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) THE WEST EIGHTY FEET OF THE EAST SIXTY FEET OF LOT 28, BLOCK 20, LOUIS HORST SUBDIVISION, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1909 WHITIS AVENUE (JACOB LARMOUR HOUSE), FROM "A" RESIDENCE DISTRICT TO "B-H" RESIDENCE-HISTORIC DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City National Bank of Austin, C14-76-082; Jacob Larmour House, C14h-76-010)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 2,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1025 STASSNEY LANE, AND ALSO BOUNDED BY EMERALD FOREST DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Tom F. Marsh, C14-76-091)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 7.54 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8950 RESEARCH BOULEVARD (U. S. HIGHWAY 183), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Rose Fox and Marie Fox Bell, C14-76-087)

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

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

The Mayor announced that the ordinance had been finally passed.

SPECIAL COUNCIL MEETING SET TO CANVASS RESULTS OF BOND ELECTION

Councilmember Linn moved that the Council set a Special Council Meeting for November 22, 1976, at 9:30 a.m. to canvass the result of the November 20, 1976, Bond Election. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

ORDINANCE REGULATING AUTOMOBILE USE OF BICYCLE LANES

Councilmember Lebermann moved that the Council authorize the staff to prepare an ordinance to regulate automobile use of bicycle lanes. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Mayor Friedman stated that this could be placed under Ordinances and a public hearing would not be necessary.

DISCUSSION OF ECONOMIC GROWTH COMMISSION

Mayor Friedman stated that this item was delayed for approximately two weeks and would be back on the agenda when those that want to dictate what the Commission will be or what the Commission will not be will not have any political aims involved and can be discussed in a rational fashion.

PUBLIC HEARING ON TRUTH IN SEELING ORDINANCE

Mayor Friedman opened the public hearing scheduled for 8:00 p.m. to consider the Truth in Selling Ordinance. He noted that he had distributed to the Council a notice stating that the first ordinance involved in this hearing be eliminated in the discussion. He stated that the Board of Equalization and the Board of Realtors had developed a committee that is now functioning which will give the opportunity to set guidelines and appraisal procedures for all of the property within the City limits and would be a much more important program than the ordinance requiring the sale price to be listed. He thanked the Board of Equalization and the Board of Realtors for their work on this matter.

In reviewing the second part of the Truth and Selling Ordinance, Mayor Friedman stated that it would require that all property zoned "A" or "AA" that is sold within the City limits would have attached information explaining to the purchaser of the property any zoning other than "A" or "AA." He felt that it is important if any form of residential integrity is to be maintained that people be clearly informed of what kind of neighborhood they will be moving into. Mayor Friedman stated that the main thrust of the ordinance would protect the single-family home buyer. Also required by the ordinance is that building code regulations also be available to people as well as any change in the zoning within 300 feet.

MR. MOE TERRELL, realtor and President-elect of the Austin Board of Realtors, stated that he felt some means of informing the public of facts pertaining to the purchase of their property was needed, and that the signs being placed on property noting an upcoming zoning was indeed a good step in notifying people of zoning changes. Mr. Terrell expressed concern that the ramifications involved with this ordinance could be far-reaching, such as how the ordinance will be enforced and the expense to enforce it. He suggested that maybe additional research should be done on the ordinance to create an alternate proposal.

Mayor Friedman stated that he was a little confused since Mr. Terrell had stated that he supported the ordinance and now was expressing his non-support for it. Mayor Friedman noted he met with members of the Board of Realtors concerning the ordinance and understood that they agreed with the ordinance. Mr. Terrell stated that his feelings about the ordinance were not necessarily the same as the Board of Realtors.

MR. CONWAY TAYLOR, realtor, stated that it was his understanding that both ordinances would be withdrawn after the discussion with Mayor Friedman about the ordinance. Mayor Friedman stated that this was not correct; only the first part would be withdrawn. Mr. Taylor noted that consumer protection for the community was very important and congratulated Mayor Friedman on withdrawing the first part of the ordinance. He referred to the second part of the ordinance and recommended that properties zoned "A" and "AA" which within 300 feet of their boundaries encroached or touched upon properties that were zoned other than "A" or "AA" be excluded. He stated that he was against an ordinance that would require a person who lives in and "A" or "AA" residential area to be required to submit to this prerequisite prior to being able to sell a home. In conclusion, Mr. Taylor felt that properties that do not touch any other zoning differential to "A" or "AA" should be excluded.

RUTH EPSTEIN, Travis County Democratic Women, supported both parts of the ordinance and expressed her dismay that the first part was withdrawn.

Mayor Friedman noted that a letter had been received from the Transportation Commission requesting that the ordinance contain a clause that transportation facilities within one mile radius of the property be included. This would give everyone the opportunity of knowing what kind of roadway development would be involved in the area. They also ask that all information required by the ordinance be made available at the time the purchase contract is signed rather than waiting for the closing of the transaction.

Councilmember Lebermann expressed concern about the Urban System maps and the guarantees of the map. Mayor Friedman suggested that maybe the section on building codes should also include contact with the Urban Transportation Department for current plans for major arterials. Councilmember Linn noted that the brochure she had requested includes a place to call in order to obtain this type of information. City Manager Davidson noted that this brochure would be available in about two or three weeks.

Councilmember Hofmann expressed concern about the restriction to "A" and "AA" and asked about areas that had been zoned "C" Commercial. Mayor Friedman pointed out that if a person is buying a lot that is zoned "C" Commercial, they should already be aware of the fact that there is a mixed neighborhood. Councilmember Linn stated that sometimes people don't check the zoning before purchasing property.

Councilmember Lebermann felt that consideration of this should be postponed for one week.

Motion

Mayor Friedman moved that the Council close the public hearing on the Truth in Selling Ordinance and instruct the City Attorney to come back with a draft that would limit the impact to any zoning within 300 feet of the subject tract that is different from "A" Residence or "AA" Residence District; that the

section on conspicuous notice of building regulations be included and notification to the Urban Transportation Department with information being handled prior to the signing of the contract; that the ordinance be brought back in three weeks in conjunction with the brochure that is being prepared. The motion was seconded by Councilmember Linn.

Mr. Taylor felt that by adding the Urban Transportation Department, it was only going to create additional hardship in selling property and more "red tape."

Roll Call on Motion

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

Mayor Friedman pointed out that he was still confused since the committee that had met with him in his office had agreed to the proposed ordinance and now was opposing it. He hoped that this was not an indication of the agreement being just a temporary one and was very disappointed.

ANNEXATION OF CERTAIN LAND AND PASSAGE OF THE ORDINANCE

Mayor Friedman opened the public hearing scheduled for 8:30 p.m. to consider the annexation of and directing the administration to institute annexation proceedings to annex the following, and passage of the Ordinance:

40.54 acres of land out of a part of the William Cannon League in Travis County, Texas, Buckingham Estates Phase Two, Section One, Buckingham Estates Phase Two, Section Two (unplatted land) and a portion of Cooper Lane. (Initiated by City of Austin, Edward R. Rathgeber, Jr., and Donald L. West, owners, Case No. C7a-76-014.)

MR. EDWARD R. RATHGEBER, JR., owner of the land, stated that he was surrounded by the City limits and had plans to develop this land; therefore, he wanted it to be annexed. Mrs. Evelyn Butler, Planning Department, reviewed the area being discussed for annexation and stated that as indicated by all of the reports from the City departments, the area can be adequately serviced. In referring to the financial aspect of the annexation as referred to by Councilmember Linn, Mrs. Butler stated that based on the reports received the annexation will not add anything of major consequence to the cost. City Manager Dan Davidson stated that this was a logical extension of the corporate limits and standard facilities are being installed at the cost of the developer so the City is not inheriting some immediate street or utility line repairs as a result of the annexation.

GLORIA UNDERWOOD, a resident on Cooper Lane, stated that there are no lights, gutters or street signs in the area and most of the property has suffered severe damage by past storms. She stated that at the present time she could not afford to be annexed due to damages resulting from these past storms. Mrs. Underwood asked the Council to delay annexation of this land for at least two years. In referring to another problem in the area, Mrs. Underwood noted that the builders in the area have piled garbage near her home and then they have burned the garbage. Councilmember Himmelblau pointed out that if the area was annexed, the tax would not be due until 1978. Councilmember Hofmann noted

the advantages of being annexed would include the garbage removal and street improvements. Mayor Friedman explained that if the area is annexed, the City would certainly work with Mrs. Underwood on the tax aspect so as to ease the burden as much as possible. In response to Mrs. Underwood's question concerning the zoning change if the area was annexed, Mayor Friedman stated that all of the information regarding this would be available and the staff would be glad to work with her. In referring to the possibility of connecting with the City sewer line, City Manager Davidson commented that unless there is a problem that needs immediate attention there would not be any immediate installation of the sewer. Mayor Friedman suggested that Mrs. Underwood meet with Mr. Pieter Sybesma in the City Manager's Office and he would provide her with all of the necessary information.

Councilmember Linn pointed out that this was the second week in a row that information had been brought to the Council's attention about the inability of the subdividers to regulate themselves in a proper manner. She asked if there was any way of controlling this by way of the Subdivision Ordinance. Mrs. Butler stated that there was no way in the Subdivision Ordinance and if the subdivision was in the County, it is even harder to control.

Councilmember Linn asked if the Subdivision Ordinance could be amended so that when building is being done there would be some provision regulating burning, distribution of garbage and proper roadways. Mrs. Butler stated that she did not know if the Subdivision Ordinance was the proper place for this amendment but would be glad to check on this.

In referring to the sewer lines being provided, City Manager Davidson noted that if all of the septic tanks in the areas were malfunctioning, then the City would have to provide a sewer line within three years. However, if the septic tanks are in good working condition and are monitored by the Health Department and the Water and Wastewater Department, then the City could delay installation of the line until such time as it would be needed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 40.52 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

COMMITTEE REPORT CONCERNING THE 1976 CHRISTMAS LIGHTING PROGRAM

Mr. Pieter Sybesma, appearing on behalf of the Energy Conservation Commission, stated that the Commission had met and proposed the following schedule for decorative lighting for the 1976 Christmas season:

- 1. Downtown Austin - (Congress Avenue and Sixth Street) from dusk until midnight from November 24 through January 1. Regular Street lighting to remain on for security purposes.
- 2. Giant Christmas Tree - (Zilker Park) from dusk until midnight, December 12 through December 25.
- 3. Yulefest - Santa's Village, Parking Lot, Garden Center Building Area - from 6:30 p.m. to 10:00 p.m., December 17 through December 22, 1976.
- 4. As was done last year, no other City facilities should be lighted with decorative lighting. Elimination of this lighting will continue to save over 250,000 kilowatt hours of electricity and will continue to help set an example for our citizens to follow in their homes and businesses.

Councilmember Lebermann moved that the Council authorize the staff to proceed with the 1976 Christmas Lighting Program as outlined. The motion, seconded by Councilmember Hofmann, carried by the following vote:

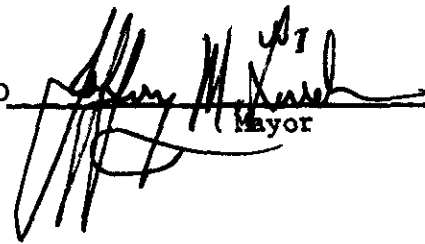
Ayes: Councilmembers Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn
 Noes: None

Mayor Friedman reminded everyone of the Bond Election on November 20, 1976, and encouraged all to participate and vote for the Water and Sewer Bonds.

ADJOURNMENT

The Council adjourned at 9:15 p.m.

APPROVED



Mayor

ATTEST:



City Clerk