

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 14, 1976
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Pro Tem Snell presiding, noting that Mayor Friedman would be present momentarily.

Roll Call:

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

Absent: None

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

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for October 7, 1976. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

EXECUTIVE SESSION ACTION

Mayor Pro Tem Snell announced that the Council had met in an Executive Session earlier and discussed certain legal matters, but no decisions were reached.

HUSTON-TILLOTSON COLLEGE WEEK

Mayor Pro Tem Snell took this opportunity to introduce Ms. Bernadine Wyatt, Queen of Huston-Tillotson College, and extended congratulations to her from the Council.

He then read and presented a proclamation to Ms. Cowens, Bernadine Wyatt, and Clifton Sirls proclaiming the week of October 17-23, 1976, as "Huston-Tillotson College Week" in Austin and further proclaimed that Congress Avenue shall be called Huston-Tillotson College Avenue throughout the day of October 22, 1976, and called on all residents to join the Council in recognizing the outstanding work and goals of this great institution of learning. Ms. Wyatt thanked the Council for this recognition, on behalf of the students and the President of Student Government, Mr. Ben Sirls. She invited the Council to attend the activities that have been in association with Huston-Tillotson College Week.

BUSINESS AND PROFESSIONAL WOMEN'S WEEK

Councilmember Himmelblau read and then presented a proclamation to Cecil Gibson and Margie Hood proclaiming the week of October 17-23, 1976, as "Business and Professional Women's Week in Austin" which is sponsored by the National Federation of Business and Professional Women's Club, Inc., and urged all citizens in Austin, all civic and fraternal groups, all educational associations, all news media and other community organizations to join in this salute to working women by encouraging and promoting the celebration of the achievements of all business and professional women as they contribute daily to our economic, civic and cultural purposes. One of the ladies thanked the Council for the proclamation and stated that the National Federation of Business and Professional Women's Club, Inc., was looking forward to working together with Austin to make a better City.

LEONARD MASTERS DAY

Councilmember Hofmann read and then presented a proclamation to Mr. Leonard Masters, proclaiming October 14, 1976, as "Leonard Masters Day" in Austin and urged all citizens to join the Council in recognizing this outstanding citizen. Mr. Masters extended his appreciation to the Council for this proclamation on behalf of the Board and staff of KMFA.

MEXICAN-AMERICAN WOMEN WEEK

Councilmember Trevino read and then presented a proclamation to Ms. Martha Cotera and other ladies proclaiming the week of October 18-24, 1976, as "Mexican American Women Week" in Austin and called on all citizens to join the Council in recognizing the contributions of all Mexican American Women during this week. Ms. Martha Cotera thanked the Council, on behalf of the American G.I. Forum Woman's Chapter, Mexican American Business and Professional Women of Austin and the LULAC Women's Chapters. She expressed their appreciation for the Council's support in Mexican American Women Week and of their activities. Ms. Cotera then presented the Councilmembers with a copy of her book "The History and Heritage of Chicanas in the U.S."

LIFE INSURANCE WEEK

Mayor Pro Tem Snell read and then presented a proclamation to Mr. W. H. "Scottie" Oliver and Mickie Batsell, members of the Austin Association of Life Underwriters, proclaiming the week of October 18, 1976, as "Life Insurance Week" in Austin and urged all citizens to learn more about their life insurance. Mr. Oliver thanked the Council for this recognition and stated that during Life Insurance Week as well as the remainder of the year, the association hoped to increase the public's awareness of the importance of life insurance.

CONCORDIA DAY

Councilmember Hofmann read and then presented a proclamation to Dr. Ray Martens; Clarence Saegert; Vic Mathias; and Dick Rathgeber proclaiming the day of October 15, 1976, as "Concordia Day" in Austin and asked all citizens to acknowledge the position of excellence Concordia Lutheran College maintains in this community and to further support its continuing excellence through the years to come. Councilmember Hofmann stated that this proclamation is very special to her since her daughter had attended Concordia College.

Dr. Ray Martens thanked the Council and stated that various groups had been invited to join Concordia in their celebration and noted the benefit Concordia has received by being a part of this community. He invited all of the Council to a special luncheon in conjunction with the planned activities. Mayor Friedman stated that the City is very proud to have Concordia in Austin and thanked them for the many things they have contributed to the community.

PARADE PERMITS

Councilmember Lebermann moved that the Council approve the following request for a parade permit:

Mr. Danny M. Harvey, requesting a Parade Permit for The Heart Association on November 13, 1976, from 10:00 a.m. to 2:00 p.m., beginning on south side of 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 remainder of time.

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

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

Councilmember Lebermann moved that the Council approve the following request for a parade permit:

Mr. Harley Max Fisher, requesting a Parade Permit for David Crockett High School Student Council, on October 28, 1976, from 3:30 p.m. to 4:00 p.m., beginning on Redd Street, west side of Manchaca Road to Crockett High.

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

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

Councilmember Lebermann moved that the Council approve the following request for a parade permit:

Mr. Arthur Kramer, requesting a Parade Permit for Austin-Travis County All Veterans Committee, on November 11, 1976, from 6:30 p.m. to 7:30 p.m., beginning on 2nd and Congress, up Congress Avenue to 11th Street.

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

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

PERMISSION TO USE LOT FOR SALE OF CHRISTMAS TREES

Councilmember Linn moved that the Council approve a request from Mr. Dick Nichols, President of the Austin Optimist Club (Downtown), for permission to use City-owned lot at the corner of San Gabriel and North Lamar for Christmas Trees, from Thanksgiving Day until December 23, 1976. 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

RELEASE OF EASEMENTS

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

All the Public Utility and Drainage Easements in Green Trails Estates, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Samire G. Hanna, R.P.S. Project Manager for Cecon Inc., Engineers-Planners, representing Green Trails Estates, owners of said subdivision)

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

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

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

The Public Utilities Easement ten (10.00) feet in width and centered between the common lot line of the east 85 feet of Lot 1 and Lot 2, Block B, Eubank Acres, Section 2, a subdivision in Travis County, Texas. (Requested by Mr. Rene Ramirez, owner of Lots 1 and 2, Block B)

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

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

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

Public Utilities Easement: All of the east seven and one-half (7.50) feet of the north 228.15 feet of Lot B, Resubdivision of a portion of Lot 20, Block 9, Westfield "A." (Requested by Mr. Patrick McLean, owner of Lot B, Block 9)

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

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

LICENSE AGREEMENT FOR WASTEWATER MAIN

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to enter into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 10-inch and an 18-inch wastewater main beneath said Railroad's Right-of-Way near Mile Post #4, Engineer's Station 204+70 and 215+48 in the City of Austin. 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

APPROACH MAIN CONTRACTS

Councilmember Trevino moved that the Council adopt a resolution authorizing the following Approach Main Contract:

DONALD REYNOLDS, GLENN CASEY & - Construction of an 8" wastewater
DARR HAMPTON main to serve Green Trails Estates.
Estimated cost to City: \$4,500.00

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

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

Councilmember Trevino moved that the Council adopt a resolution
authorizing the following Approach Main Contract:

CONTINENTAL OIL COMPANY - Construction of an 8" wastewater
main to serve St. Edwards Heights,
Section 2. No City participation

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

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

SETTING PUBLIC HEARING ON INSTALLATION OF WASTEWATER LINES

Councilmember Linn moved that the Council set a public hearing on
November 18, 1976, at 7:30 p.m. to consider installation of two 12-inch waste-
water lines across the Jimmy Clay Golf Course to serve the Williamson Creek
Treatment Plant. The motion, seconded by Mayor Pro Tem Snell, carried by the
following vote:

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

PUBLIC HEARING IN CONNECTION WITH PAVING ASSESSMENTS AND PASSAGE OF ORDINANCES

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. in
connection with Paving Assessments to be levied on the various streets and
passage of Ordinances.

MR. A. W. TIEKEN, Real Estate Appraiser, stated that he had inspected
all of the aforementioned properties and noted some variances and exceptions
where the fair market value did not equal the assessment as follows:

60-B Alf Avenue & Sundry Other Streets

<u>Name</u>	<u>Local Address</u>	<u>Unit No.</u>	<u>Amount Recommended</u>
George Gillar	4706 Alf Avenue	75-11(a)	\$ 250.00
James C. Turner	4708 Alf Avenue	75-11(b)	250.00
James C. Turner	4800 Alf Avenue	75-11(c)	250.00
Raymond Ybarra	4802 Alf Avenue	75-11(d)	250.00
Fred D. Mann & wife, Betty	4804 Alf Avenue	75-11(e)	250.00
Julian G. Cisneros & wife, Nelda	5004 Alf Avenue	75-11(f)	250.00
Ramon F. Martinez & wife, Philipa	4701 Alf Avenue	75-11(g)	250.00
John Buentello, Jr. & wife, Josie	4703 Alf Avenue	75-11(h)	250.00
Tony L. Calderon & wife, Josie	4807 Alf Avenue	75-11(i)	250.00
L. C. Terry, & wife, Bernice	5005 Alf Avenue	75-11(j)	250.00
Alberto Gonzales & Wife, Anita	1124-C Berger Street	75-13(a)	250.00
M. F. Realty	1132-C Berger Street	75-13(b)	250.00
Alejandro L. Calderon & wife, Mary Esther	1125-C Berger Street	75-13(c)	250.00
William M. Terrell	1127-C Berger Street	75-13(d)	250.00

CD #3 Alexander Avenue & Sundry Other Streets

<u>Name</u>	<u>Local Address</u>	<u>Unit No.</u>	<u>Amount Recommended</u>
Thomas B. Christopher	1701 Clifford	74-25(d)	\$ 350.00
Andrew Lee Tasby, et al	2707 East 13th Street	74-28(d)	800.00
Ada Green	1601 Ulit Avenue	74-30(b)	500.00
Bobbie Jean Higgins	1411 Cedar Avenue	74-30(c)	500.00
Margaret A. Thomas	1700 Ulit Avenue	74-32(c)	500.00
Leon Annis	2803 East 17th Street	74-32(d)	500.00
James City	2601 East 18th Street	74-33(b)	600.00
Novella Redd	2607 East 18th Street	74-33(c)	400.00
John H. Davidson	2303 East 22nd Street	74-34(a)	450.00
	1206 Alamo Street	74-37(a)	

CD #4 Alamo Street and Sundry Other Streets

<u>Name</u>	<u>Local Address</u>	<u>Unit No.</u>	<u>Amount Recommended</u>
Edward O. Doyle	1206 Alamo Street	74-37(a)	\$ 350.00
William McKinley Walker	1207 Alamo Street	74-37(b)	350.00
Pearl Johnson	1178 Bedford Street	74-38(a)	300.00
Rufus M. & Rosie L. Pender	1180 Bedford Street	74-38(c)	300.00
E. C. Gilden	1171-75 Bedford Street	74-38(d)	430.00
Minnie L. Hardeman Estate	1181 Bedford Street	74-38(e)	225.00

(CD #4 Alamo Street and Sundry Other Streets - continued)

<u>Name</u>	<u>Local Address</u>	<u>Unit No.</u>	<u>Amount Recommended</u>
Mildred D. Valentine	1166 Coletto Avenue	74-39(a)	\$ 300.00
Della Moore	1186-88 Coletto Avenue	74-39(c)	500.00
Hezekiah Crenshaw & wife, Hattie	1194 Coletto Avenue	74-39(d)	300.00
Bobby Williams	1185 Coletto Avenue	74-39(f)	350.00
Shed Williams, Jr.	1173 Hargrave	74-40(b)	150.00
W. H. Patterson & wife, Alice	No local address	74-42(a)	350.00
Jessie Shaw, Jr.	No local address	74-42(b)	1,450.00
William E. Miller & wife, Billie	1176 Pandora Street	74-43(a)	230.00
Arthur Harris	1184 Pandora Street	74-43(b)	350.00
Arthur Harris & wife, Lovella	2541 Sol Wilson Avenue	74-46(h)	350.00
Dallas Holmes, Jr. & wife	1173 Pandora Street	74-43(c)	200.00
Margaret F. Cooper	1181 Pandora Street	74-43(d)	225.00
Mrs. Lou Willie Carter	1185 Pandora Street	74-43(e)	175.00
A & N Properties	2601 Sol Wilson Avenue	74-43(f)	250.00
A & N Properties	2601 Sol Wilson Avenue	74-46(i)	350.00
Trs. of Grant Chapel A.M.E. Church	2000-2 Pennsylvania	74-44(c)	500.00
C. B. Williams & wife	1180 Alamo Street	74-36(a)	225.00
C. B. Williams	1180 Alamo Street	74-44(d)	225.00
Mrs. R. C. Kuykendall	2106 Pennsylvania	74-44(f)	275.00
Laura E. Swisher	2108 Pennsylvania	74-39(b)	415.00
Laura E. Swisher	2108 Pennsylvania	74-44(g)	320.00
Laura E. Swisher	2108 Pennsylvania	74-44(h)	212.00
Theresa O. M. Anderson	1903 Pennsylvania	74-44(k)	400.00
Walter L. Robinson & wife, Norma	2007 Pennsylvania	74-44(o)	275.00
Willie Owens	2536 Sol Wilson Avenue	74-46(a)	200.00
Arvan V. S. Freeman	2600 Sol Wilson Avenue	74-46(b)	200.00
Richard Johnson	2606 Sol Wilson Avenue	74-46(c)	250.00
R. L. Wormley	2608 Sol Wilson Avenue	74-46(d)	150.00
Jessie Shaw, Jr.	1194 Harvey & Sol Wilson	74-46(e)	280.00
Clyde Clark, Jr. & wife	2537 Sol Wilson Avenue	74-46(g)	250.00
Otto David Wiseman & wife	2609 Sol Wilson Avenue	74-46(j)	200.00
Loetta Johns	2503 East 13th Street	74-47(c)	400.00
Laura E. Swisher, Estate	2113 Pennsylvania Avenue	74-44(p)	225.00

Webberville Road

<u>Name</u>	<u>Local Address</u>	<u>Unit No.</u>	<u>Amount Recommended</u>
Concepcion Aleman & Cruz Aleman	2703 Webberville Road	75-26(a)	\$ 500.00

Mr. Reuben Rountree, Director of Public Works, stated that the property owners on the east side of North Lamar were given the opportunity to sign quit claim deed, but they did not desire to do so; therefore, the only recourse for the City was to assess the property.

VALVERDA LEMONS, 1211 Singleton, executor of the Luetta Johns estate, appeared before the Council questioning the amount of assessment of \$803.29. Mr. Tieken stated that he felt this was too high and felt that the value of the property was not raised to this amount; he recommended the lower figure.

Councilmember Linn commented that she had received a call that some of the people who signed for the non-interest bearing procedures were actually people who could have afforded to pay. Mr. Rountree stated that he did not question as to whether one could pay or not. Councilmember Hofmann felt that possibly the City was dealing with a lot of wealthy absentee ownerships and was concerned about this. Mayor Friedman suggested that this policy should be looked at and given some thought to tighten the procedures. He asked that Mr. Rountree and City Attorney Jerry Harris meet to discuss this and then return to the Council in the next week or two with some suggestions on this.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (North Lamar Boulevard)

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

Ayes: 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Burnet Road)

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 Hofmann, 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:

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CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alf Avenue and sundry other streets)

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 Hofmann, 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alexander Avenue and sundry other streets)

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 Hofmann, 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alamo Street and sundry other streets)

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, Mr. Tieken's changes included. 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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Rundberg Lane)

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 Hofmann, 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alamo Street and sundry other streets [Non-Interest Bearing])

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately, ~~Mr. Theken's~~ changes included. 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

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE

SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Webberville Road [Non-Interest Bearing])

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 Hofmann, 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alexander Avenue and sundry other streets [Non-Interest Bearing])

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 Hofmann, 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.

PUBLIC HEARING ON PROPOSED IMPROVEMENTS TO WEST 1ST STREET
AND B. R. REYNOLDS AND DEDICATION OF PARK LAND

Mayor Friedman opened the public hearing scheduled for 10:30 a.m. on the proposed improvements to West 1st Street and B. R. Reynolds, and dedication of park land for B. R. Reynolds Drive right-of-way. Mr. Joe Ternus, Director of Urban Transportation, stated that this public land has been used for park purposes and in order to convert it to other uses there must be a public hearing and determination by the Council that this is desirable. Mr. Ternus noted that the amount of land being considered is minimal and will be used to create safer conditions for pedestrians, automobiles and buses. He stated that the project had been reviewed by the Parks and Recreation Board and the Urban Transportation Commission. He recommended the Council's consideration of the dedication of the land necessary for B. R. Reynolds Drive and the improvements to West 1st Street. A citizen from the audience asked that the location of this be shown. Mr. Ternus then reviewed the location and explained the project.

Councilmember Linn moved that the Council adopt a resolution closing the public hearing and authorizing the proposed improvements to West 1st Street and B. R. Reynolds Drive, and dedication of park land for B. R. Reynolds Drive right-of-way. The motion, seconded by Councilmember Trevino's second, carried by the following vote:

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

CONTRACTS AWARDED

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

ROBERT HURST COMPANY	- Installation of approximately 470
1506 Karen	linear feet of 8" wastewater main in
Austin, Texas	Arabian Road - \$17,694.00

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

In response to Councilmember Linn's question, Mr. Curtis Johnson, Director of Water and Wastewater, stated that this was a recently annexed area and the customers have requested service. They are presently using septic tanks.

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

SOUTHWAY ELECTRIC UTILITY
3201 Longhorn Boulevard
Austin, Texas

- Lineman's Rubber Goods Testing Equipment, Electric Department
- Item 1 - 1 ea. @ \$19,500.00
- Item 2 - 1 ea. @ \$ 4,000.00
- Total \$23,500.00

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

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

JACK BROWN'S FABRIC CARE
615 Martin Luther King, Jr.
Boulevard
Austin, Texas

- Laundry Service; Pickup, Processing and Delivery of City-furnished linens and other items for Brackenridge Hospital. Three year agreement including extensions for up to two (2) additional one (1) year periods.
- Item No. 1, estimated 2,250,000 lbs. of linens and miscellaneous item @ \$0.128/lb.
- Item No. 2, estimated 20,000 pc. of starched work @ \$0.68/ea.
- Estimated Grand Total of \$301,600.00

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

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

CONVEYOR SYSTEMS, INC.
6451 Main Street
Morton Grove, Illinois

- Portable Railroad Car Unloader with Conveyor System, Street and Bridge Division.
- Item No. 1 - \$19,390.00

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

The Council considered the following contracts:

Bid Award:

- Service, Parts, and Miscellaneous Items for Decker Unit No. 1 Turbine-Generator, Power Production Division.

WESTINGHOUSE ELECTRIC
(Principal Supplier)
1455 West South Loop
Houston, Texas

- Estimated cost for project:
\$25,000.00

Various other suppliers for support parts and miscellaneous items as determined necessary.

In response to Councilmember Linn's question, Mr. R. L. Hancock, Director of Electric Utility, stated that the problem does involve Decker Unit No. 1 and this requested authority would allow for the necessary testing to determine if there really is a problem. He noted that across the country there has been evidence of some cracking in these particular pipes of this kind.

Mr. Hancock stated that a representative from Westinghouse had not inspected the pipes, but the City was going to do this under Westinghouse supervision. Regarding any type of warranty, Mr. Hancock commented that if there is a problem with the piping, it will have to be investigated to determine if the City has a claim against Westinghouse.

In response to Councilmember Linn's question, Mr. Hancock noted that the support parts and miscellaneous items are included in the \$25,000. Councilmember Linn requested that Mr. Hancock keep a good list on what is being done here because she felt Westinghouse is making money here on this project.

Motion

Councilmember Linn moved that the Council approve the contract and that the City Manager be instructed to make a report on the inspection, pipes, cost to replace the pipes, Westinghouse's liability and possible court action. 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

City Manager Davidson stated that a detailed report would be brought back to the Council concerning this matter.

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

PHYSIO-CONTROL CORPORATION
1231 West Magnolia
Fort Worth, Texas

- Ten Defibrillator, Cardiascope-Recorders, Model Lifepak V, Emergency Medical Services Department
\$55,000.00

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

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

NATIONAL RECORD PLAN
44 West 18th Street
New York, New York

- Musical and Spoken Records, Austin
Public Library. Twelve (12) Month
Supply Agreement 43% discount on
Musical and Spoken Records
Estimated Expenditure: \$13,500.00

INNER SANCTUM RECORDS
Austin, Texas

- 35% discount on Cassettes
Estimated Expenditure: \$3,000,000

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

In response to Councilmember Linn's questions, Mr. David Earl Holt, Director of the Library, stated that the Inner Sanctum Record bid was the lowest bid received on the cassettes; they did not recommend the bid first, because it would have involved creating a different account and they would have had to do a lot of back ordering. He noted that it really did not make that much difference which company received the award as there was only a \$60.00 difference. Councilmember Linn felt that Inner Sanctum should receive the contract because it was the lowest bid and is an Austin company.

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

BAKER & TAYLOR COMPANIES
Industrial Park
Clarksville, Texas

- Adult and Juvenile Books, Austin
Public Library.
Twelve (12) Month Supply Agreement,
with an option for a year extension.
Item 1 - Approximate expenditure
\$225,200.00

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

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

- | | |
|--|--|
| <p>Bid Award:</p>
<p>INDUSTRIAL DISPOSAL SUPPLY
1106 Paulsum Drive
San Antonio, Texas</p>
<p>DALLAS BRUSH MANUFACTURING COMPANY
13835 Welch Road
Dallas, Texas</p> | <p>- Item No. 1, Street Sweepers; Item No. 2, Vacuum Street Sweepers, Vehicle and Equipment Services Department</p>
<p>- Item No. 1; 3 ea. @ \$31,073.00
Total \$93,219.00</p>
<p>- Item No. 2; 3 ea. @ \$42,370.00
Total \$127,110.00</p> |
|--|--|

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

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

- | | |
|---|---|
| <p>HAUFLER CYCLE CENTER
4312 Gillis
Austin, Texas</p> | <p>- Police Motorcycles, Vehicle & Equipment Services Department.
Item 1 - 6 ea. @ \$3,600.00
Total \$21,600.00</p> |
|---|---|

Mayor Friedman pointed out that the Police Department was returning to the two-wheeler motorcycle because they felt it will provide more efficient service.

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

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

- | | |
|---|--|
| <p>SIGNAL ENGINEERING COMPANY
2032 Dunlavy
Houston, Texas</p> | <p>- Traffic Controllers, Urban Transportation Department.
Items 1 and 2 - \$29,404.00</p> |
|---|--|

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

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- Humane Society Parking Lot
Improvements - \$15,863.92.

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

In response to Councilmember Himmelblau's questions, City Manager Dan Davidson stated that the Council directed that this be done as the Humane Society budget was considered last year.

The following contract consideration was postponed until October 21, 1976:

BELSON MANUFACTURING COMPANY
111 North River Drive
North Aurora, Illinois

- 200 Bus Stop Benches, Urban
Transportation Department.
Item 1 - \$19,600.00

Councilmember Linn stated that her office had been contacted by a citizen with a proposal that would allow his company to furnish the bus benches in return for advertising privileges. She felt that this should be considered since this particular person is scheduled to appear before the Council regarding this on October 21, 1976; and Councilmember Linn asked that it be postponed until then. Mayor Friedman stated that there is a possibility that this contract would have to be postponed for two weeks if there is nothing resolved next week.

City Manager Davidson stated that this matter revolves around a previous policy adopted by the Council which pertains to advertising and he would get this policy statement and report transmitted to the Council. Councilmember Linn felt this idea would generate some money for the City and also relieve it from spending some.

Mayor Friedman stated that the Urban Transportation Department would be looking at the policy the City has on the equipment of advertising. There may be nothing resolved next week as far as the equipment is concerned, but a report can be ready so the Council can make a decision to change this policy on benches.

Mr. Joe Ternus requested that the Council consider these as two separate items so he could go forward with the bench award because it has been a year in the making and considerable financial support has been received from the government. The question as to changing the policies to apply to additional purchases of benches or the use of advertising on the buses is a major item which he felt needed additional time to present at a later date. Mayor Friedman commented that Mr. Ternus would be ready to make this presentation next week since the citizen concerned in this matter would be on the agenda then.

Motion

Councilmember Linn moved that the Council POSTPONE consideration of the aforementioned contract until October 21, 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

CONTRACT BETWEEN CITY OF AUSTIN AND UNITED STATES GEOLOGICAL
SURVEY OF THE DEPARTMENT OF INTERIOR

Councilmember Linn moved that the Council adopt a resolution authorizing renewal of an Agreement between the United States Geological Survey of the Department of the Interior and the City of Austin for installation, operation and maintenance of stream-gages throughout the Austin area. (Total cost: \$100,000: City of Austin 50% & Geological Survey 50%) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

In response to Councilmember Himmelblau's question as to this being a duplication of services, Mr. T. J. Hillis, Engineering Department, stated that this was not a duplication of services being done by the Water Quality Board. This work will be done at the mouth of the creeks that enter into Town Lake and this contract is very beneficial to the City. City Manager Davidson noted that in the past, the Engineering Department and the Planning Department has had inadequate information on storm flows, and it is necessary to tabulate additional data.

OPTIONS TO CONTRACTUAL AGREEMENTS FOR CASWELL AND PHARR
TENNIS CENTERS

Motion - Died

Councilmember Linn moved that the Council adopt a resolution for authorization to exercise options in the Contractual Agreements for the Caswell and Pharr Tennis Centers. Died for lack of a second.

Motion

Councilmember Hofmann moved that the Council POSTPONE consideration of this possible authorization to exercise options in the Contractual Agreements for the Caswell and Pharr Tennis Centers. The motion was seconded by Councilmember Trevino.

Councilmember Hofmann stated that she would like to look into this contract some more and felt a two-week postponement would not cause any problems. Mr. Jack Robinson, Director of Parks and Recreation, stated that a two-week postponement would be fine. City Manager Davidson noted that the City would continue under the same arrangement until the Contractual Agreements are approved. Mr.

Robinson stated that his department is satisfied with the contracts and the pro's.

Substitute Motion - Died

Councilmember Linn moved that the Council adopt a resolution for authorization to exercise options in the Contractual Agreements for the Caswell and Pharr Tennis Centers. The substitute motion died for lack of a second.

City Manager Davidson stated that there is no problem in postponing this item if the Council so desires; however, he still recommended approval of this agreement. Mayor Friedman recommended that the contracts be approved since the Council approved the contract last year and this authorization is just to pick up the options that the Council inserted into the contract last year.

In response to Councilmember Himmelblau's question concerning the amount of money received on sales, Mr. Robinson stated that the "break even" figure for the pro is \$40,000 and up. Until he has generated a revenue of \$40,000, there is no profit to him.

City Manager Davidson distributed a report to the Council which contained information requested by Councilmember Hofmann.

RON CAPP stated that he had distributed a petition to the Council concerning the replacement of the tennis pro at Caswell Tennis Center. He felt that the Caswell Center is an excellent one for tennis, but that it did warrant replacing the present manager/tennis professional. He then noted his reasons as outlined in his petition. Councilmember Hofmann stated that her main concern about this matter was the revenues from the vending machines. Mr. Robinson stated that the pro at Caswell picks up all of the costs for the personnel. The Parks and Recreation Department maintains the building, the courts and the ground. The pro pays for all of the staffing for the center and all of the merchandise in the center. Regarding the manager/tennis professional at Caswell Tennis Center, John Fulton, Mr. Robinson stated that he had received very good comments about Mr. Fulton. Mr. Fulton is a businessman and he operates this as his business, and we must recognize that the pro's have to be paid a fair income. In response to Councilmember Linn's question, Mr. Robinson stated that extensive work went into finding a pro for the center and in his opinion, Mr. Fulton was the best qualified for the job.

DONNA BRASHER, supervisor at the centers, felt that Mr. Fulton had contributed much to the centers and was doing more than an adequate job. Councilmember Hofmann reiterated that this particular matter with Mr. Fulton was not her concern, but she is concerned about the operation of the centers and the fact that Mr. Fulton does make more than the Assistant City Manager.

City Manager Davidson commented that it was not a valid comparison to compare what a pro makes, under a private enterprise, with what an individual might make under salary. He felt that the contracts should not be restricted more than they presently are, and the staff felt that Mr. Fulton would double his income by this time next year.

October 14, 1976

STEVE SIMON stated that he had sent a letter to Mr. Robinson regarding the Caswell Center and the present policies being followed there which should be looked at more. He also referred to the proposed contract and noted that it lowers the number of courts from 4 to 3 which is a step in the right direction as regards the use of the courts for lessons. As far as comparing the tennis contract with the golf contract, Mr. Robinson responded to Mayor Pro Tem Snell's question and stated that the golf contract is different from the tennis contract; however, there are certain things that the golf pro does not pay any fee at all on. At the present time, there are problems with the income of the golf pro's due to the change in the system. In conclusion, Mr. Simon urged the Council not to renew the contract as it is presently written.

In response to Mayor Friedman's question, Mr. Jack Robinson pointed out that the rebate from the fees last year was \$5,444 from Caswell Tennis Center. He stated that the City is in serious trouble with the golf pro because many of them are making less than \$10,000 per year. If the City ever has to take over the operation of the pro shop and operate the tennis center, it will prove to be very expensive. The contract is recommended because it gives the City a fair share and provides for the continuation of pro's at Caswell and Pharr Tennis Centers. Councilmember Linn stated that she didn't want to get involved in the politics of pro's and felt that this was occurring here in this case. She felt that the recommendations of the people who have worked on this contract should be accepted. She could see no reason for delaying this matter since all of the information has been provided. Councilmember Hofmann stated that she was not questioning the quality of the pro, but had received the new report, which she would like to study more before making any decision.

The Council POSTPONED the possible authorization to exercise options in the Contractual Agreements for the Caswell and Pharr Tennis Centers until October 28, 1976,

PUBLIC HEARING ON PURCHASE OF M. K. & T. RIGHT-OF-WAY

Mayor Friedman opened the public hearing scheduled for 11:30 a.m. to consider possible purchase of M. K. & T. Right-of-Way. Mr. Jack Robinson stated that this right-of-way of M.K.T. has been looked at all the way from Georgetown to Austin. The possibility of purchasing with the County to the County line is also being looked at, and the Commissioner's Court is considering this same matter today. At the present time, Mr. Robinson stated that it looks like it would be to the City's advantage to buy to the Dessau community and the County buy beyond that point. The cost to the City would be approximately \$148,000 to go as far as Dessau. Mr. Robinson stated that this land was not needed immediately today, but would be very vital part of our community in five or ten years. He felt the property can be acquired now and do some general development on it and minimum maintenance until such time that a heavier use is needed. Mr. Robinson stated that it was the intention to totally develop along the right-of-way, but to try and keep this as natural as possible. He hoped that as the park system is developed further out, the City would be able to develop rest stations and camping areas within the district park that would be developed adjacent to the Katy right-of-way. Mr. Robinson commented that the County has shown a great deal of interest in this project, and he felt that in 20 years the City would be very pleased that they acquired it. He recommended to the Council that this be purchased through the community of Dessau.

MR. VIC MATHIAS, Executive Vice President of the Austin Chamber of Commerce, referred to a resolution that was passed by the Board last May which pertains to this item. He stated that the Chamber recommended to the Council, to the Commissioners Court of Travis County, and to the Commissioners Court of Williamson County that through mutual cooperation every effort be made to timely negotiate and consummate the purchase from M.K.T. Railroad of said abandoned right-of-way with public funds. The Chamber also recommended that the funds be utilized for such purchase by each respective governmental agency by unallocated general funds, rather than parkland or other single-purpose funds, in order that options may be maintained for multiple future public uses, as the need for and desirability of such uses may develop, and that said land not be restricted to any one type of future public use.

In response to Mayor Friedman's question, Mr. Mathias stated that he hoped that Travis County and the City would proceed on the section within the County.

ROBERT BRADSHAW, attorney representing Glenn Neans, a property owner next to this M.K.T. right-of-way, appeared before the Council and referred to the cost of \$148,000 as stated by Mr. Robinson. He felt that there will be additional costs involved in this and will eventually be more than \$148,000. Another point Mr. Bradshaw expressed concern about was the idea of having a public thoroughfare so near the property owners and the majority of the owners felt this would be unfair to them.

Mayor Friedman stated that the program, as it stands now, is to buy this land with funds from the Parks and Recreation Department which would prevent it from being used for anything except for parks related material. The \$148,000 is only for land acquisition, and to develop it as a hike and bike trail in the two phases will be approximately \$300,000. Regarding a roadway, Mayor Friedman stated that it would be hard to build one unless Williamson County becomes interested in the project.

DEWEY DUNGAN appeared in opposition to development of this land for anything. He stated that he owned 5 acres adjacent to the M.K.T. line and wanted it to remain as it is now. Councilmember Hofmann stated that she had received a call from some people who lived north of Dessau Road and they supported the development of this land.

RUEL SNOW, 1506 Lupine Lane, appeared in support of developing this area and felt the land should be bought now. Regarding the use of the proposed hike and bike trail, Mr. Snow felt that it would be utilized by a number of groups and individuals. He noted that Texas was considerably behind other states in this type of development and urged the Council to buy the land now and develop it.

ROBERT HELTON, owner of a dairy in the area, noted that in 1876 his great grandfather deeded five acres of land to the International and the Great Northern Railroad and received a compensation of \$130.00. He noted that his land was located on both sides of the railroad track and that he moves his cows across this tract often. Mr. Helton stated that the railroad has been responsible for keeping the fence up and asked if the City buys the land who will have this responsibility. In conclusion, Mr. Helton stated that he opposed this idea of developing this land for the hike and bike trail.

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In response to Mayor Friedman's question as to limiting the trail to a non-motorized situation and fences to keep people from wandering onto Mr. Helton's property, Mr. Helton commented that it would still create problems for him.

BRUNO SHANE, a property owner on both sides of the railroad track north of Dessau, stated that he was unable to use most of his property because of people walking up and down the tracks and coming over the fence onto his property. He noted that his gates are left open by these people and he definitely opposed the proposed use of the land.

R. B. PAYTON stated that he owned about a mile on each side of the railroad and wondered how the City planned to enforce the rule of no motorized vehicles in the area. Mayor Friedman stated that this would be done by the Park Rangers in the City portion. Mr. Payton was also concerned about the fire protection and who would provide it, and campers that would use the area. Mayor Friedman noted that the City would determine where camping is permitted and would be enforced by the park rangers. He pointed out that urbanization of rural areas causes the kind of fears and concerns that have been expressed today. No decisions have been made regarding the right-of-way, but if it is decided at some point to proceed with this purchase, Mayor Friedman agreed that there are a lot of things that will need protection. Mr. Payton felt that by purchasing this right-of-way the City would be working toward annexation of this area, and Mayor Friedman pointed out that this is not the reason for considering the possible purchase of this right-of-way. It is only being considered for the purpose of a hike and bike trail. He stated that no annexation is planned at this time, but the authority already exists.

CHUCK MARETZKY, a resident of Austin, stated that he could not understand why the City continues to allow the Parks and Recreation Department to spend money on projects that are really not needed. He felt the costs involved in this possible purchase would be very high and saw no reason for it. He wanted the bond money used for parks and areas within the City such as the Decker Lake area and Pioneer Park.

JOHN GAINER, Austin Cycling Committee, stated that this committee is in favor of this proposed project for the right-of-way. He felt that if the proposed hike and bike trail is constructed, it should be prohibited to motor vehicles. Mr. Gainer noted that there is a need for long distance facilities for hiking and biking and this area would be great for this type of thing. Mr. Gainer noted that Congress had just approved a Railroad Revitalization and Regulatory Reform Act which provides up to 90% funding for state and local government for recreational hike and bike trails. Mr. Gainer felt that the fears of the residents around this right-of-way would be reduced as has been the case in other areas where this type of thing has occurred. He felt that by purchasing this right-of-way the City would be providing for the bicyclists.

Councilmember Lebermann announced that he would have to leave the Council meeting at this time due to a prior commitment.

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KEN MILLER stated that he supports the idea of hike and bike trails and recommended the purchase of this land. He stated he owned 5 acres south of Dessau.

JOAN BARTZ, administrative assistant of County Commissioner David Samuelson and also representing the northeast Austin community area, appeared before the Council and stated that this is a very good opportunity to purchase this land. She noted that Commissioner Samuelson would like to see this land purchased either by the City, County or jointly, but she could not say this officially at this time. Ms. Bartz referred to a deadline regarding this matter which is November 15, 1976, by which time this land must be purchased. After this time, the M.K.T. has the right to offer it to private individuals. Ms. Bartz felt that it is possible to have a good hike and bike trail that would not be an intrusion to the property owners. She suggested that these concerned citizens contact Commissioner Samuelson's office regarding this matter.

Regarding the northeast area residents, Ms. Bartz stated that her area is very much in favor of purchasing this land since there is nothing like this in their area. Ms. Bartz then made reference to bridges and trestles being in place on the railroad, and Mr. Joe Morahan, Director of Property Management, commented that all of the bridges and trestles are still in place. Ms. Bartz also stressed the importance of having the proposed hike and bike trail left in a natural state with no paving of any kind. She also noted the existence of Indian artifacts in this area, which she wanted the Council to be aware of. In conclusion, Ms. Bartz stated that the organization she was speaking for is the University Hills Homeowners Association.

MARIE BIRD, a home owner in the area, expressed concern about the fire protection. Mayor Friedman pointed out that the only fire protection would be along the hike and bike trail but not for the adjacent property owners. Mrs. Bird felt that this right-of-way purchase was an intrusion on her rights and that if this hike and bike trail idea is pursued that there should be some protection for the residents in this area.

Ms. Bartz pointed out that the idea of purchasing the right-of-way is something being discussed by the County but no proposals have been made at this time. Mayor Friedman pointed out that this entire project was brought to the City by a Commissioner who indicated that the County Commissioners supported this idea. If they are not indicating support of this project, then the City will not proceed until some indication has been received from the County Commissioners.

In conclusion, Mrs. Bird pointed out that their County Commissioner is Bob Honts and not David Samuelson and urged the Council to consider this proposal very carefully. JOHN STEWART stated his support for all of the remarks presented by Mrs. Bird.

STEVE HANSON, Conservation Committee Chairman for the Sierra Club, supported the idea of hike and bike trails and felt that this is one area that is lacking in the state of Texas. He asked if this possible M.K.T. purchase was taking priority over the Barton Creek acquisition. Mayor Friedman stated that it would have to because there are no C.I.P. funds available for it at this time. Any expenditure for purchase of this land would have to come out of other existing C.I.P. projects. Mayor Friedman stated that he felt the Wild Basin project is much more important than this hike and bike trail. Council-

member Linn commented that money used to purchase this right-of-way will be money taken away from the Barton Creek area and this should be talked about also. Mr. Hanson stated that the Sierra Club has been interested in Barton Creek for about six years and reviewed the differences between the Barton Creek area and the proposed area for the hike and bike trail. In conclusion, he felt that the projects in Barton Creek and Wild Basin should be considered before this proposed hike and bike trail. Mayor Friedman pointed out that there is a November 15, 1976, deadline; however, if no decision has been made by that date to purchase the land, this does not mean that the City and County will not have another opportunity.

RUTH EPSTEIN, Travis County Democratic Women's Committee, stated that her committee could not take a stand on this issue due to a lack of information. She felt that all of the adjacent property owners should have had an opportunity to be heard as well as the Parks and Recreation Board, Transportation Board and the Planning Commission. Mrs. Epstein stated that the committee felt the Barton Creek project is more important than this proposed hike and bike trail. Councilmember Linn noted that communication from each of the departments mentioned by Mrs. Epstein has been received regarding this matter. Mayor Friedman pointed out that his position was that this land will not be purchased by cutting out other projects such as Barton Creek or Wild Basin. Mrs. Epstein asked that the Council request the various commission members to take a position on this matter.

DAVID WEINTRAUB, a member of the Austin Cycling Committee, noted the need for bikeways and felt that federal money for this project can be obtained. Mayor Friedman stated that there is no guarantee that Austin will receive any money for this and that in the past most of the money is not placed in Texas. City Manager Dan Davidson stated that he had looked into this and was informed by the federal government that this hike and bike project would have a very low priority for receiving money.

Mr. John Gainer spoke again and reiterated the importance of having this hike and bike trail. In response to Councilmember Linn's question, Mr. Gainer stated that he felt the hike and bike trail would be more beneficial to the bicyclists than the Barton Creek project.

GARY SIMPSON appeared in opposition to the hike and bike trail.

WILMA DANZEY asked just where in northeast Austin is this type of hike and bike trail available, and Mayor Friedman commented that bike lanes are being provided and hike and bike trails are located throughout the City. This particular bike path is well outside the City limits.

Motion

Councilmember Linn moved that the public hearing on the purchase of M. K. & T. Right-of-Way be closed subject to reopening depending on the decision of the County Commissioners. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

*Mayor Friedman stated that no action has been taken on this matter, but the hearing is subject to reopening. This matter was brought to the Council by Commissioner Samuelson with the understanding that the County would be an active participant in this. When the Commissioners come forward and acknowledge that they are ready to proceed, then the hearing will be reopened. He suggested that all interested in having input into this matter to contact Commissioner Honts and Samuelson.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

PUBLIC HEARING ON REFUSE RATES AND PASSAGE OF ORDINANCE

Mayor Friedman opened the public hearing scheduled for 2:00 p.m. to consider the proposed increases to commercial refuse rates establishing minimum standards for garbage and trash receptacles, apartment collection fees, performance bonds, minimum insurance coverage, licensing fees, commercial disposal fees at the sanitary landfills; AND CONSIDER adopting an Ordinance. MR. JIM FORTE, Research and Budget, stated that this hearing involves several recommended changes and amendments to the City Code dealing with refuse and garbage. Mr. Forte noted that the commercial refuse collection rates were last revised in 1967-68. Since that time, costs associated with commercial service have risen while revenues collected have remained constant. Significant rate adjustments are proposed as follows:

1. Commercial Refuse Rates - An increase in commercial rates of 200% across-the-board with an estimated revenue from the increase, assuming current levels, will be \$419,300.
2. Containerization - The changes proposed here update the City Code to be more in line with currently accepted practices. The amendment has been modified to include language pertaining to water tightness and solid construction.
3. Correction to Residential Rate - The Code provides the City with the right to initiate collection at apartment buildings, if for some reason, collection by a private refuse service has been discontinued. The amendment permits the City to charge a rate consistent with prevailing residential rate for each dwelling unit within the apartment complex.
4. Performance Bonds, Insurance, and License Fees - An increase in performance bonds and property damage insurance requirements for private collection services which operate within the City. An increase in licensing fee is also recommended in order to fully return to the City the administrative costs of licensing and inspection.

5. Landfill Disposal Rates - An increase in the rates at the City operated landfill which is based on the potential capacity of the vehicle as it arrives at the landfill and not on the actual load delivered.

A final item not recommended for action at this time is the concept of franchising private collection firms. Representatives from the City are currently meeting with the franchise firms regarding this matter.

The following actions are requested in the Ordinance:

1. Increase the commercial collection rate by 200%.
2. Adopt a new container standard.
3. Correct the breach of contract clause pertaining to apartment buildings.
4. Increase the bond, insurance and licensing fees for private haulers.
5. Increase the landfill rates.

In response to Councilmember Linn's question as to holes being in the bottom of containers, Mr. Bob Beckham, Public Works, stated that this was discussed with some of the private haulers and they preferred that the holes be left in the containers. Councilmember Linn stated that she was tired of walking in the drainage from the cans. Mr. Beckham felt that this was more of a problem of controlling the material that goes into the containers rather than the material flowing out the bottom. Councilmember Linn explained the problem that occurs downtown with the material down the alley and wanted this problem regulated by this Ordinance. Mr. Beckham stated that the way the Ordinance is written it will cover this area.

City Manager Dan Davidson stated that with the combined controls of the operators and the City Codes we have, the City can specify that certain things not be used unless it is a water tight container and this will be done in order to solve the problem referred to by Councilmember Linn. Councilmember Linn stated that she had done quite a bit of work in Historic preservation and looked into different cities with Historic districts and noticed that in some areas the use of underground garbage cans has proved very successful. She felt that in the areas anticipated for walking alley use that there be underground garbage cans and asked if this was considered. Mr. Beckham stated that his experience with the underground garbage system has not proved very effective. City Manager Davidson also felt that this type of system has not proved to be a good one. Councilmember Hofmann commented that the underground containers are also used in Frankfurt, Germany, and have proved to be very successful.

In response to Councilmember Himmelblau's question as to trucks using the landfill that are from out of the County, Mr. Beckham noted that the Ordinance states that they must be licensed, and regarding the pricing for those outside the corporate limits as compared to the ones within the limits, Mr. Beckham stated they are all the same.

Councilmember Himmelblau asked if it is possible to charge more for non-City, and Mr. Beckham noted that other cities had tried to do this but only experienced difficulty with it. Councilmember Linn stated that she preferred not to abandon the idea of the underground garbage system.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 28-15 OF THE AUSTIN CITY CODE; INCREASING CERTAIN RATES CHARGED BY THE CITY OF AUSTIN FOR REMOVING GARBAGE; PROVIDING FOR THE EVENT OF BREACH OF CONTRACT WITH A PRIVATE REFUSE COLLECTOR; AMENDING SECTION 28-19(c) AND (d) TO INCREASE REQUIREMENTS AND LICENSING FEES FOR PRIVATE REFUSE SERVICES; AMENDING SECTIONS 28-1 THROUGH 28-3, AND 28-15 TO REVISE REQUIREMENTS FOR REFUSE RECEPTABLES; DECLARING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain: Councilmember Linn*

*Councilmember Linn stated that her abstention was because she was not quite sure if this is good or bad and felt uneasy about outlawing underground garbage cans because she felt there is already enough garbage on top of the land.

City Manager Davidson noted that the other aspects of this proposal, which will effect the commercial operators within the City, will be placed on a future agenda after there has been an opportunity to fully discuss these proposals with the people involved. Councilmember Lebermann commented that the private haulers are extremely important and hoped that they can participate with the City Manager in the development of this proposal.

PUBLIC HEARING ON THE MASS GATHERING ORDINANCE

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider the Mass Gathering Ordinance.

Councilmember Himmelblau opened the public hearing with the following statement:

"Everyone knows that large gatherings of people not held at permanent facilities equipped for large groups pose certain problems for citizens who attend such events, for citizens who live in the area of such events and for municipal officials who are charged with the responsibility of looking after the health, safety and welfare of every citizen. At this time, many of these gatherings are not subject to any kind of review by the City.

"Mass gatherings often present unique health, safety and sanitation problems for those citizens in attendance. And, mass gatherings often present inconveniences to neighborhood residents due to noise, litter, traffic congestion, and other potential hazards. Also, mass gatherings present City officials with extraordinary problems in traffic control, health and sanitation control as well as in general enforcement of laws and ordinances of the State and City. In short, these gatherings often times involve substantial costs to the City and jeopardize neighborhood integrity.

"Because of the problems presented by large groups, the City Council has in the past enacted legislation which has successfully alleviated the problems to the benefit of all citizens. For example, the City has a parade permit ordinance which requires that an application be reviewed by various City departments to insure all necessary safety and traffic problems are adequately handled. Only when the City Council is assured that the safety and traffic precautions are adequate does it approve the permit.

"In addition, the City regulates other large gatherings in various ways. Before the Council grants any street closure, a review of the proposed action is made by City departments, once again, to insure that all safety concerns are adequately handled. And, again, the Council approves the event only if safety and traffic measures are adequate. And, of course, the City regulates very closely all mass gatherings held on property owned or controlled by it, by requiring strict standards to be met concerning police protection, health and sanitation.

"Therefore, I am proposing this ordinance to protect the City from the potential costs of these events and to protect and preserve neighborhood integrity. I would like to emphasize that this ordinance will not apply:

1. To events held at permanent facilities, such as stadiums and auditoriums, which are capable of handling large groups.
2. Where fewer than 5,000 people are involved in any 24 hour period, and,
3. Where other ordinance, policies, or contracts already regulate such events."

Councilmember Himmelblau then asked the City Attorney, Mr. Jerry Harris, to outline the key provisions of the ordinance. Mr. Harris stated as follows:

1. The promoter of any gathering which attracts more than 50000 persons within a twenty-four hour or lesser period will be required to obtain a permit from the City Council.
2. The promoter must specify in the permit application pertinent information relating to sanitation and health measures, traffic control measures, person and property protection measures and medical service measures. And, also the promoter must file with the application, bond or cash in an amount deemed by the Council sufficient to cover City expenses incurred for police and fire protection, ambulances and hospital services and ground cleaning work, if necessary. Also, certificates of proper liability insurance must be provided with application.

3. The Chief of Police and City Health Officer will be required to review the promoter's application and report as to whether minimum standards of health, sanitation, safety and public order will be maintained.
4. The City Council will conduct a public hearing on the application and will grant the permit if it is satisfied that all applicable standards of health, safety, welfare and public order will be maintained.

Councilmember Emma Lou Linn then asked if there was a certain time schedule within which the City had to grant or deny a mass gathering permit as most applicants need to know months ahead if their application is approved. Mayor Friedman stated that the ordinance should state when an application for a mass gathering should be approved and, if denied, why the application was denied so that the applicants could make corrections and then reapply. He also stated that 21 days should be allowed for public hearings on applications and then an additional 7 days for final approval. He also felt that the number of persons should be expanded to 7,500. Councilmember Himmelblau said that would be agreeable.

Mayor Pro Tem Snell suggested that there be a viable permit charge as opposed to a fixed rate, which would be based on the number of persons that would be attending any mass gathering.

MR. MARK YZNAGA of the Student Government City-County Lobbying Committee spoke before the Council. Mr. Yznaga stated the following objections that his organization had to the Mass Gathering Ordinance:

1. That exclusion of permanent gathering places should be put into the definitions section of the ordinance.
2. That the ordinance does not specifically exclude state-owned property. Mayor Friedman stated that the City has no control over State property.
3. The ordinance ~~exempts~~ all sports events. This is unclear for if establishing minimum standards for health and safety (i.e., sanitation, traffic control) is the intent of this ordinance, then sports events should be included. It would also seem consistent to apply these standards across-the-board, regardless if it is City-sanctioned or held on City property. Along these same lines, property owned by the Austin Independent School District should be subject to the same minimum standards.
4. The application requirement is unclear as to what specific preparations can be made for minors that have not been filled by the general minimum health and public safety standards. Mayor Friedman stated that provisions for minors could not be made.

5. That total discretion and responsibility for establishing minimum liability rests solely with the Council. Total discretion with lack of a standard formula for establishing minimum liability could possibly result in discriminatory practices by future Councils.
6. The 45-day deadline for application and the 15-day deadline for a public hearing is inadequate for large commercial activities. They felt that 45 days for a public hearing would be better.
7. They believed that there should be input by the citizens involved as to what minimum standards be established.
8. Leaving a minimum of 15 days for the public hearing before the mass gathering is inadequate for large commercial and community activities. Such events are pre-planned and two weeks is extremely short cancellation notice.
9. They were in agreement that some form of guidelines needed to be established concerning mass gatherings; however, they felt that the ordinance did not best respond to the City's need for regulation of such events. The Student Government City-County Lobby Committee believes that further input from the community is needed before passage of any mass gathering ordinance. They suggested that the Council look into the possibility of forming an advisory committee to study the problem.
10. They also stated that mass gatherings other than rock concerts need to be taken into account such as tent religious revivals.

MR. WOODROW SEEDGE also spoke before the Council. Mr. Sledge suggested that the ordinance be limited to health and safety considerations and that a minimum of discretion be left in the enforcement of the ordinance.

MS. LEE ROHN, attorney, also spoke before the Council. She stated that the ordinance was unconstitutional in regards to the First Amendment which guarantees the right of free assembly. She stated that promoters would have to pay performers before they could submit their names to the Council for permit approval and if the permit was denied, then they would lose money. She also felt that financial disclosure of the promoters financial sources were none of the City's business. She stated that the 24-hour or less period for a gathering of 5,000 or more persons needed to be more clearly defined. Council-member Himmelblau stated that this was designed to ~~aggregate~~ ^{aggregate} capping on mass gathering areas. Ms. Rohn said that the boundaries of what was the mass gathering areas needed to be designated also. She stated that the provisions (safety and sanitation, etc.) for a temporary gathering site should be the same as for a permanent gathering site. She concluded by stating that the permit process needed to take place 4 months before the event.

MS. SHARLET McDANIELS of the Austin Federation of Musicians spoke before the Council. Ms. McDaniels read a wire from Mr. Hal Davis, President of the American Federation of Musicians. He stated that the ordinance would cause the (music) industry to suffer and that beforehand specifics of concerts would be impossible and discriminatory.

MR. LEON WHITNEY of the Northwest Austin Civic Association spoke before the Council. Mr. Whitney outlined the following points on behalf of his organization:

1. They recommended a penalty of up to \$10,000 rather than \$200 for persons violating the ordinance. Mayor Friedman stated, however, that \$200 was the maximum that could be levied.
2. They recommended a minimum time period of 4 hours for an event to be covered under the ordinance.
3. Recommended that the ordinance apply to gatherings of 1,000 rather than 5,000 persons.
4. They recommended a \$100,000 performance bond from the promoters and/or land owners to insure that the City or County would not lose money because of clean-up problems.
5. They felt that the land owner as well as the promoter should be held responsible.
6. They recommended that the ordinance should describe how the promoter or land owner is to handle the public 24 hours before and after the event.
7. They recommended that the ordinance provide that the effected neighborhood civic organizations be notified at least 3 weeks in advance of any event. Mayor Friedman stated that the notice of public hearing would serve that purpose.

MRS. LEROY PIPER also spoke before the Council. She recommended a fine of more than \$200. Also, she recommended that the draft of the ordinance require a public hearing on granting a permit.

MS. WALTER RICHTER of the Hyde Park area spoke before the Council. She recommended a stipulation on the noise pollution caused by musical events.

Councilmember Himmelblau moved that the Council continue the public hearing on the mass gathering ordinance and take no action in order to have time to meet with the persons and organizations concerned with the ordinance. She also moved that the Council meet again on the mass gathering ordinance issue at 1:30 p.m. on November 9, 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

PUBLIC HEARING ON SOUTHERN UNION GAS COMPANY'S RATE INCREASE APPLICATION

Mayor Friedman opened the public hearing scheduled for 3:30 p.m. to consider Southern Union Gas Company's rate increase application.

MR. ROBERT M. LACZKO, Manager of Southern Union Gas Company, Central Texas District, spoke before the Council. Mr. Laczko stated that on Wednesday, September 1, 1976, he submitted a letter of the company's intent to increase rates in the City of Austin. He stated that the application included 4 schedules that provided the operating results, revenues and costs, summary of adjustments, the rate base and the revenue deficiency upon which the request was based.

Mr. Laczko stated that on October 6, 1976, he filed a statement to which was attached schedules E and F, which was the basic information that the City needed before considering an increase in rates to Austin gas customers. Mr. Laczko presented charts (screen) that showed the company's operating results. He also distributed copies of the material presented on the charts. Line one of the chart showed gross assets such as mains, services and meters that he stated were necessary to conduct business in the Austin area. He stated that the company had funds invested in real property such as tools, vehicles and furniture. The chart also provided allocations of property located elsewhere. The total value of this property was \$35,180,961.

Mr. Laczko chose the 1975 calendar year as representative of the company's capital needs for the future. The first item of expense was \$28,262,528.00 for the cost of gas. He stated that the price of gas had been adjusted through the year to \$1.65 per 1,000 cubic feet during normal weather. The second item was \$4,058,467 in wages, salaries and miscellaneous expenses not classified. He stated that this item had been adjusted for wage increases. The third item of expense was the amount of depreciation of the company's Austin property. The fourth item was all taxes other than income taxes which the company pays to the local, State and Federal governments. He stated that other taxes included the City's gross receipts tax of 2% and other taxes based on revenues such as the State gross receipts taxes which averaged 1.993%. He stated that the total of all of these taxes \$2,244,770. Other expenses were payments to investors, additional State and local taxes and Federal income taxes.

He stated that if the company was to recover its cost it had to receive \$40,333,225 annually from its customers. However, the proposed rate would only generate \$39,559,712. In 1975 the company's revenue was \$37,971,860. Revenue adjustments had been made to reflect increased gas cost and to include the additional revenues from a normal year's weather and from new customers. With these adjustments there still remained a deficiency of \$2,361,365 and Southern Union should implement new rates to cover this deficiency and generate a total Austin revenue of \$40,333,225 annually. He said that the company would probably never reach the 8% return requested because of the past 10-1/2 months of cost increases which were not included in the rate increase application.

Mr. Laczko made the following statements:

1. The company has been investing money into Austin on the average of \$2.1 million a year since 1969.
2. The company's wages must increase in order to attract and retain highly qualified personnel
3. The company wants to be competitive, but not more so than is necessary.

4. With regard to cost of materials, those costs are controlled by price levels set by others.
5. The company receives quantity discounts because of the volume of items purchased on a system-wide basis.

In 1969, gas purchases only accounted for 45% of the company's total cost, but in 1975 this figure rose to 79%. He said that net income has also decreased as a percent of total revenues, increasing the risk taken by company share holders. The company's total increase in rates has lagged behind the nation's cost of living index. Mr. Laczko illustrated this on the charts he provided.

In December of 1975, Mr. Laczko appeared before the Council to request that provisions in Southern Union's franchise ordinance be amended to better reflect operating conditions facing the company. He said that on August 4, 1976, he submitted to the Council another request that the ordinance be amended and that Southern Union be permitted to implement a set of rules of service now in effect in other locales. He noted that at the request of the Mayor, he computed the additional revenues which such changes would generate, and that Southern Union was prepared to reduce their calculated revenue deficiency by that amount. This could be handled in the rate calculations as a revenue adjustment and the figure was \$138,354. Mr. Laczko closed by offering the City access to all of the company's records and by offering any information the City would need to come to a quick decision.

MR. ELDRIDGE ARMSTEAD stated that Southern Union revenues in 1972 were over \$113 million, and in 1975 they were over \$352 million, an increase of 311%. The company's share earnings since 1972 went to \$2.62 to \$3.25 to \$.29 to \$4.17 in 1975. He stated that if the company was lacking in Austin, they were making up the difference somewhere else. In 1972 Mr. Armstead noted he was paying \$1.20 per 1,000 cubic feet, and the average for this past summer was \$3.11, an increase of 259%. He stated that 6% did not seem like more but that by the time the customer pays it, it would be 50 or 75 percent. The operating expenses of the company in 1974 were \$38,466,000; in 1975 they were \$47,525,000, an increase of 23%. In the same period the company's operating revenue increased from 199, almost 200 million to 352 million, a 152 million increase. He concluded by imploring the Council to not approve a rate increase for the company.

MR. JERRY HARRIS, City Attorney, requested the Council to select a rate consultant. Councilmember Lebermann moved that the Council close the hearing and instruct the City Manager to come back next week with recommended rate consultants' names. 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

CONTRACTUAL AGREEMENTS FOR CONTRACT SERVICES

Councilmember Linn moved that the Council adopt a resolution for authorization to enter into Contractual Agreements for the following contract services in accordance with appropriations approved on September 23, 1976: (Contract period: October 1, 1976, through September 30, 1977)

Afro-American Players	\$13,000
Austin Symphony Orchestra	33,650
Delta Sigma Theta Black	6,685
Heritage Committee	
French Legation	2,000
Laguna Gloria Museum	50,000
Paramount Theatre	7,500
Zachary Scott Theatre Center	22,500

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

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

Councilmember Himmelblau stated that she had one addition to this which was discussed with Lawrence Miller at Laguna Gloria. This would be the stipulation to their contract that Laguna Gloria come to the City for approval to hold the fiesta and that they indicate they will take the necessary measures to protect the health and safety of those attending and the area residents. Councilmember Himmelblau stated that this tracks the Mass Gathering Ordinance.

In response to Councilmember Himmelblau's question, City Manager Davidson stated that these agencies will come under the same reporting and accounting procedures as the social agencies.

INCREASE IN FUNDING FOR EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Councilmember Linn moved that the Council adopt a resolution authorizing contract modification with Equal Employment Commission to increase funding by \$29,000 to \$76,000 for contract year ending December 31, 1976. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

In response to Councilmember Hofmann's question, Mr. Bill Stewart, Director of Human Relations, stated that this money has to be used for equal employment and nothing else. Councilmember Hofmann expressed concern that this amount of money is being spent for seminars. In response to Councilmember Himmelblau's question, Mr. Stewart stated that the government offered for this to be done. Councilmember Trevino noted that this money has been earmarked for the City of Austin to use.

FATHER JOE ZNOTAS, Chairperson of Human Relations Commission, commented that he had met with the regional directors and people from Washington, regarding this seminar and the basic purpose will be for a five-state seminar. This money is coming from the EEOC Commission in Washington for Austin to co-sponsor this.

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 WEST 26 FEET OF LOT 2, AND THE EAST 15.8 FEET OF LOT 3, BLOCK 66, OF THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 410 EAST 6TH STREET, FROM "C-2" COMMERCIAL DISTRICT TO "C-2-H" COMMERCIAL-HISTORIC 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.
(Dos Banderos, C14h-74-044)

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

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

Noes: None

Abstain: Councilmember Linn

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:
(1) LOT 1-A (SAVE AND EXCEPT A STRIP OF LAND TWENTY-FIVE FEET IN DEPTH RUNNING ALONG THE SOUTHERN PROPERTY LINE OF SAID LOT 1-A), LINDY HUBER SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
(2) A STRIP OF LAND TWENTY-FIVE FEET IN DEPTH RUNNING ALONG THE SOUTHERN PROPERTY LINE OF LOT 1-A, LINDY HUBER SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9130 JOLLYVILLE ROAD (OLD U. S. HIGHWAY 183), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; 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.
(C. Darrell Hopkins & Associates, Inc., C14-75-095)

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

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:

RUTLAND DRIVE BUSINESS PARK, SECTION 4, LOCATED ON METROPOLITAN DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, 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. (Mrs. Louise F. Boyer, C14-73-161 - [Portion of Case - Area Study])

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

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:

TRACT 1: A 0.14 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 0.138 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 3: A 1.916 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 4: A 3.305 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 5: A 0.782 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 6: A 1.400 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 7: A 20.099 ACRE TRACT OF LAND, SAVE AND EXCEPT A 1.400 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;
ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 11158-11512 U. S. HIGHWAY 183 AND 11011-11205 OLD BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS;
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mary Beatrice Hill, C14-76-058)

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

October 14, 1976

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.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
TWO TRACTS OF LAND CONSISTING OF APPROXIMATELY 11,907 SQUARE FEET OF LAND, LOCALLY KNOWN AS 3409 WEST AVENUE, AND ALSO BOUNDED BY THE END OF WEST 35TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (34th and West Investment Group, Inc., C14-75-106)

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

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

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

POLICE/FIRE RECLASSIFICATION STUDY

JIMMIE L. FLAKES, JR., Director of Personnel, reviewed for the Council a report prepared by City staff on the Police/Fire Reclassification Study. The report contained the following recommendations:

1. Parity - Parity currently exists between four of eight police and fire ranks, primarily at the entry levels and again at the upper-level positions. It should be retained at these ranks and should be implemented between two additional sets of ranks: Police Sergeant and Fire Lieutenant; Police Lieutenant and Fire Captain.

2. Consolidation of Ranks - The ranks of Senior Police Officer and Fire Specialist should be eliminated and respectively consolidated with those of Police Officer and Fire Fighter. The two-year change in base rate currently in effect for Firefighter should be implemented for Police Officer. In addition, a new base rate for first- and third-year officers and firefighters should be established.

3. Base Salary Adjustments - Increases should be made to current base rate salaries paid police and fire personnel.

Reasons for Recommendations:

1. Parity - The current job evaluation of police and fire jobs supports the retention of parity at the previously approved levels and further indicates that two sets of intermediate-level ranks should be made equivalent. These are Police Sergeant and Fire Lieutenant; and Police Lieutenant and Fire Captain.

The highest rank at which parity will exist is between Police Major and Fire Division Chief. No equivalent rank in fire currently exists for the Deputy Chief in the Police Department. Study results show that the Assistant Chief in the Police Department remains slightly higher in value than Fire Deputy Chief. It should be noted that the recommended parity is not by job title but by equivalent levels of responsibility.

2. Consolidation of Ranks - Results of the job evaluation indicate that the duties performed by Police Officer and Senior Police Officer and by Firefighter and Fire Specialist do not differ significantly in value. It is therefore recommended that Senior Police Officer and Fire Specialist incumbents be placed appropriately within the Police Officer and Firefighter ranks. These changes will result in no loss of pay for any individual. The establishment of a new two- and three-year base rate for Police Officer and Firefighter will more than offset the proposed elimination of ranks and will address the need to provide some means of automatic progression within the Police and Fire salary structure. These changes will further enhance career mobility within the departments as individuals will be able to take promotional examinations for higher level ranks in a shorter time period than is currently possible.

3. Base Salary Adjustments - In developing the proposed new base salaries for police and fire jobs, data was collected both about the content of these jobs in the City of Austin and about salaries paid for similar positions in other cities. This data was analyzed and evaluated with the assistance of the project consultant in order to determine the proper relationships between the various jobs in both departments.

The Personnel Department recommended the following Police and Fire Department proposed salary adjustments:

POLICE AND FIRE DEPARTMENT
PROPOSED SALARY ADJUSTMENTS

C U R R E N T			P R O P O S E D		
<u>Job Titles</u>		<u>Base Salaries</u>	<u>Job Titles</u>		<u>Base Salaries</u>
Police	Fire		Police	Fire	
Cadet	Cadet	796	Cadet	Cadet	819
Pol. Officer	Firefighter	894	Pol. Officer	Firefighter	903
6 month Police Officer & Firefighter		983	6 month Police Officer & Firefighter		993
		—	- 1 year		1043
Sr. Pol. Off.	2 yr. Firefighter Fire Specialist	1009 1061	- 2 year		1074
		—	- 3 year		1106
Sergeant	Lieutenant	1169 1134	Sergeant	Lieutenant	1223
Lieutenant	Captain	1267 1211	Lieutenant	Captain	1344
Captain	Section Chief	1371	Captain	Section Chief	1549
Major	Division Chief	1520	Major	Division Chief	1701
Deputy Chief		1610	Deputy Chief		1722
	Deputy Chief	1773		Deputy Chief	1906
Assistant Chief		1856	Assistant Chief		1985

Based upon some concern expressed by the Police and Fire Associations, City Manager Davidson had prepared the following alternative plan of rank structure and salary schedule for Council review:

<u>Job Titles</u>		<u>Base Salaries</u>
<u>Police</u>	<u>Fire</u>	
Cadet	Cadet	\$ 819.00
Police Officer	Firefighter	9903.00
<u>6 Month</u> Police Officer	<u>6 Month</u> Firefighter	993.00
<u>18 Month</u> Police Officer	<u>18 Month</u> Firefighter	1,043.00
Senior Police Officer	Fire Specialist	1,074.00
<u>2 Year</u> Sr. Police Officer	<u>2 Year</u> Fire Specialist	1,106.00
Sergeant	Lieutenant	1,223.00
Lieutenant	Captain	1,344.00
Captain	Section Chief	1,549.00
Major	Division Chief	1,701.00
Deputy Chief		1,722.00
	Deputy Fire Chief	1,906.00
Assistant Chief		1,985.00

Mr. Flakes pointed out that the features and recommendations of the alternative plan were counter to the study conducted by the Personnel Department. He did not recommend adoption of the alternative plan. Mr. Flakes felt that the objections raised by the Associations probably could be handled by some basic administrative procedures that could be developed in each Civil Service department.

City Manager Davidson stated that the report which he submitted had outlined some points evaluating the best alternative if the Council decided to consider one of the alternate proposals. The matter had been discussed with representatives from both the Fire and Police Departments, including the Chiefs. Mr. Davidson asked that if the Council wanted to consider one of the alternatives as opposed to what was recommended that the Council carefully suggest the alternative that was outlined in the report.

In response to Mayor Friedman's question, Mr. Flakes stated that the alternative proposal kept the ranks as they were currently and gave differentiation between ranks as well as a longevity increase. Mayor Friedman stated retention of the Senior Police Officer/Fire Specialist ranks was a morale problem, and he had requested an alternative plan from the City Manager. In response to Mayor Friedman's question, Mr. Flakes stated that the proposed base pay for Senior Police Officer/Fire Specialist included the 5% pay raise, but did not include longevity pay.

A. C. FROHNAPFEL, President, Austin Firefighters Association, stated that with the exception of eliminating the Senior Police Officer/Fire Specialist classifications, the Association was pleased with the Personnel Department study and pay adjustments. The Police and Fire Associations had recommended eliminating Patrolman III and Firefighter III and replacing the classifications with Senior Police Officer and Fire Specialist. However, Mr. Frohnappfel was concerned that such a change would require further study and a delay in the pay increase. He did not want additional delay.

After a brief recess to discuss the proposed plans, Mr. Frohnappfel stated that the Austin Firefighters Association could accept the alternative plan proposed by the City Manager.

FRANK DYSON, Chief of Police, Austin Police Department, stated that career mobility within police and fire services was especially important today. He felt that the alternative plan was an excellent compromise which would offset the concern that now existed while retaining intact the concept of career mobility. He urged the Council to consider favorably the alternative plan which was submitted today. In response to Councilmember Hofmann's question, Chief Dyson stated that he felt that the alternative plan would improve the situation regarding a high turnover of personnel.

CHIEF ED KIRKHAM, Austin Fire Department, felt that perhaps the alternative plan did provide a better line of authority and probably would cost a little less money.

SERGEANT DOYNE BAILEY, President, Austin Police Association, concurred with the statements of the three previous speakers.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760930-F BY REVISING THE BASIC PAY AND PROBATIONARY PAY FOR PERSONNEL OF THE POLICE AND FIRE DEPARTMENTS; ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, adopting the alternative pay scale with the Fire Specialist and Senior Patrolman. The motion, seconded by Councilmember Linn, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

TRAFFIC SIGNAL ON ANDERSON LANE

Councilmember Himmelblau stated that during the past several weeks she had been discussing with merchants, property owners and various City staff members methods of improving traffic safety along Anderson Lane. It was the consensus of all individuals at the meetings that concrete medians from Burnet Road to Shoal Creek Boulevard and traffic signals at Anderson Lane and Northcross Drive should be installed as soon as possible. City staff had anticipated that a contract could be considered by the City Council on October 28, 1976, to construct the medians prior to November 19, 1976.

Motion

Councilmember Himmelblau moved that the Council direct the City administration to install traffic signals at Anderson Lane and Northcross Drive and The Village driveway, consistent with the schedule of the necessary revisions of that driveway, hopefully by December 1, 1976, and at the City's expense. The motion was seconded by Mayor Pro Tem Snell.

Mayor Friedman pointed out that the signals had been authorized about a year ago, but the delay in installing them was not caused by the City. In part, the delay had been caused by property owners who had decided not to relocate Northcross Drive.

Mayor Friedman stated that it should be part of the official record that the owners who had previously requested the relocation of Northcross Drive would not now relocate the street. Mr. Ternus stated that whatever action was appropriate would be done.

Councilmember Himmelblau stated that next week she would have an agenda item to reduce the speed limit on Anderson Lane from 40 miles per hour to 35 miles per hour. Mr. Ternus stated that the item would be scheduled as soon as the necessary paperwork could be prepared.

Roll Call on Motion

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

FAIR HOUSING ORDINANCE HUMAN RELATIONS COMMISSION

FATHER JOE ZNOTAS, Chairperson, Human Relations Commission, stated at the last meeting of the Commission, twelve members were present and had voted unanimous approval of the proposed ordinance.

JANNA ZUMBRUN, Chairperson of the Subcommittee on Housing, presented some historical background on the work of the Subcommittee and then reviewed the major points of the ordinance for the Council. In response to Councilmember Himmelblau's question as to why "Occupation" was included in the ordinance, Ms. Zumbrun stated that students were the major group being discriminated against under the definition of "Occupation" in the ordinance. In response to Mayor Pro Tem Snell's question regarding the cost of enforcing the ordinance, Ms. Zumbrun stated that the Commission hoped to apply for Federal funding through the HCD block grant given to the City each year. A tentative budget drawn up by Mr. Bill Stewart called for two investigators and one secretary to enforce the ordinance.

In response to Councilmember Linn's question, Ms. Zumbrun stated that it would not be known whether or not Federal funds would be granted for enforcement by the time the ordinance passed or failed. If approved, Federal funding would not be available until October 1, 1977. In the meantime, the Human Relations Commission staff would try to enforce the ordinance to the best of its ability. Mayor Friedman stated that the Federal funding aspect would be looked into and the Councilmembers may have some thoughts on the ordinance and it would be set for public hearing in the future.

Mayor Pro Tem Snell moved that the Council accept the report of the Human Relations Commission. 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

GOLF DRIVING RANGES

MRS. VIRGINIA B. BEDINGER, Member of the Parks and Recreation Board, stated that she and Tim Pierce were on a subcommittee which investigated the golf driving ranges. Based upon the investigation, the Parks and Recreation Board recommended that the City Council approve the following items concerning driving ranges on municipal golf ranges:

1. No lights should be installed at the municipal golf course ranges.
2. a. The charge at the municipal ranges should be 70 cents for the standard bucket of 30 golf balls.
b. The professional managers should pay to the City 15% of the range revenue gross.
3. The monthly rates should be discontinued with the exception of having such rates available to juniors (age 17 and under or still in high school), to college team members, and to seniors (62 years of age or over); the monthly rate being \$25 for the months March through September and \$15 for October through February.

4. Hours of operation to be from daylight until approximately one hour prior to dark.

In response to Councilmember Linn's question, Mrs. Bedinger stated that under the new proposal the City's charge for a bucket of balls was slightly less than the comparable bucket at a commercial driving range. In response to Mayor Pro Tem Snell's questions, Mrs. Bedinger stated that there had been input from the commercial driving range owners, but that the recommendations were not taken to them for acceptance.

MR. WILLIAM B. HILGERS asked the Council to consider the following:

1. At the time the Parks and Recreation Board considered the driving ranges at municipal courses, no one considered that four driving ranges would be put out of business. The present recommendation of the Board would not change that situation.
2. Future driving range operations would be taken over by the City because private operators could not compete. Mr. Hilgers felt that the situation was unfair and a violation of anti-trust laws.
3. A solution to the problem might be for the City to provide only a warm-up facility with a small bucket of balls which would be added to the regular green fee.
4. It was not consistent with a sound policy for the City of Austin to destroy private enterprise which was serving existing needs.
5. Terminate the driving ranges or otherwise put them on a basis to provide only warm-up facilities.

Motion - Died for Lack of a Second

Councilmember Linn moved that the Council approve the recommendations of the Parks and Recreation Board. The motion died for lack of a second.

MR. HERBERT MARTINEZ, President of the Pan American Golf Association, and a member of the Austin Parks and Recreation Golf Advisory Board, stated that both of those groups voted unanimously to oppose any increases at all in the golf driving ranges. He felt that the golf pros would benefit the most from any increase in cost. In response to Mayor Friedman's question, Mr. Martinez stated that golfers using municipal courses should be able to shag their balls at no cost, or some golfers might want to use private facilities and not pay to shag their balls.

At Mayor Pro Tem Snell's recommendation, the Council accepted the report from the Parks and Recreation Board and agreed to bring the item back for further discussion as an Item from the Council.

In response to Mayor Friedman's question, Mr. Hilgers stated that all four of the commercial driving ranges were practically closed down except one. Last Friday he was present at the Riverside Driving Range where there normally would have been about 75 people using the range. During a period of three hours, there were no customers at the range.

RECOMMENDED AMENDMENT TO ENERGY EFFICIENCY
RATIO (EER) ORDINANCE

MR. MAC HOLDER, Chairperson, Energy Conservation Commission, stated that in December of 1974 the City Council passed an ordinance which established minimal requirements and provided for the gradual phasing out of the less efficient air conditioning units installed in Austin. Minimal standards for air conditioning units were to rise over a period of three years.

Based upon input obtained during a public hearing, the Energy Conservation Commission was recommending that the Council delay implementation of the 1977 standards for one year.

Mayor Friedman stated that the item should be brought back on the agenda as an amendment to Ordinance 741219-F to change the January 1, 1977, EER's to January 1, 1978. No public hearing would be required.

Motion

Mayor Pro Tem Snell moved that the Council place the item on the agenda for November 9, 1976, at which time the amendment will be discussed. The motion, seconded by Councilmember Linn, carried by the following vote:

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

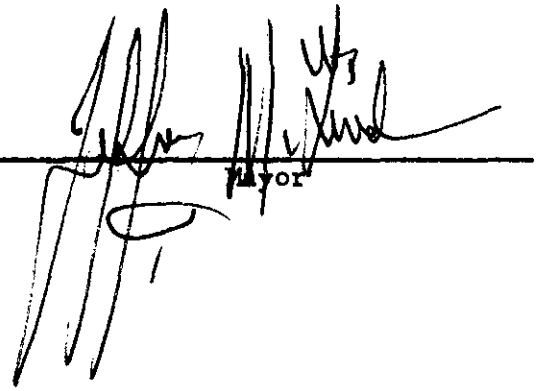
Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

ADJOURNMENT

The Council adjourned at 5:15 p.m.

APPROVED

A large, stylized handwritten signature, likely of Mayor Friedman, written over a horizontal line. The signature is in dark ink and appears to be a cursive or semi-cursive script.

ATTEST:


City Clerk

A handwritten signature, likely of Grace Monroe, written over a horizontal line. The signature is in dark ink and appears to be a cursive or semi-cursive script.