

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 21, 1976  
7:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Pro Tem Snell presiding.

Roll Call:

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

Absent: Mayor Friedman, Councilmember Lebermann

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes for October 14, 1976, as amended regarding the contract with Westinghouse. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Abstain: Councilmember Himmelblau

Absent: Mayor Friedman, Councilmember Lebermann

APPEARANCE TO DISCUSS CERTAIN CHANGES INVOLVING THE  
SOCIAL SERVICE CONTRACT AGENCIES

MR. LARRY GUILLOT, appeared before the Council to discuss changes in the "Program Standards" issued by the Human Resources Department to the 25 Social Service Contract Agencies. Also appearing with Mr. Guillot was Nadea Gizelbach, also representing the Austin Area Human Services Association.

Mr. Guillot referred to a memorandum that was submitted to the Councilmembers relating to the human service programs and the way the present agreement is written. He stated that the Austin Area Human Services Association is an organization of more than twenty community social service agencies whose purpose is to improve the quality, quantity, and coordination of human services in Austin and Travis County. He felt that the various human service programs which are in operation need to be accountable to the public.

In referring to the agreement between the City and the social service agencies, Mr. Guillot requested that the Council consider certain modifications to the "General Conditions" for social service agencies, which the Council approved on October 7, 1976, as follows:

1. That the following statement be substituted in lieu of Items #3 and #4:

"Each agency shall make an effort to obtain additional funding from applicable governmental and non-governmental sources; the City of Austin agrees to support and work cooperatively with the various agencies in this process; and each agency shall adequately document its efforts in this endeavor."

2. That Item #6 be amended by inserting the word "paid" immediately before the word "staff" and that the phrase "or volunteer workers" be deleted from the item.

3. That Item #8 be amended by adding the following statement:

"...sixty days after written notification has been sent to the agency specifying the nature of the non-compliance and that the withholding of City funding is under consideration."

4. That a three-member ad hoc subcommittee of the Council be appointed to work with the Human Resources Department and the Austin Area Human Services Association to revise certain elements in the Human Resource Department's "Program Standards" and "Contract" for the social service agencies.

5. That these funds previously authorized to the 25 agencies be advanced to these agencies on an interim basis while the "Contract" and "Program Standards" are in the process of revision.

Mr. Guillot stated that by reading Item #4 in the present contract, one gets the understanding that the Council is changing a policy about the importance of human services in Austin and the role the Council is taking in funding these agencies. It appears as it is written now under the "General Conditions", that after three years the agencies will not receive any more City funds. Councilmember Trevino stated human services are important to this Council, but it was a matter of priority of which agency received the funds. Councilmember Trevino stated that the way this particular section is written would lead one to believe that after three years there would be no funding. However, the intent of the Council is to encourage these agencies that provide human services to seek elsewhere for additional funding. Although he had some questions about the recommendations of Mr. Guillot, Councilmember Trevino felt that it involved terminology and could be worked out.

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Mr. Guillot stated that he would be glad to work with the Human Resources Department in getting their assistance on seeking other funding, but hoped that the Council would not totally cut City funding for the agencies.

Mayor Pro Tem Snell felt that the Council would not turn away from any social program and was looking forward to working on the Social Master Plan. He hoped that this plan would answer some of the recommendations that have been discussed.

Councilmember Linn commented that the Council wants the agencies to show some independence and seek some other sources of funding because it makes it difficult for the City departments to always be looking for funding for the various agencies when they could be doing this themselves. Mr. Guillot agreed that the responsibility for seeking funds falls upon each agency and not upon the City. Councilmember Himmelblau stated that the Council is also asking for greater financial accountability from some of the agencies where the City has not been able to figure out how their budgets read. This does not mean that services will be discontinued, but it does mean that the next Council will have a "handle" on some of the funding.

Councilmember Trevino stated that he would instruct the staff to meet with the Austin Area Human Services Association to discuss the recommendations. Councilmember Linn stated that she was very satisfied with Item #3 under the "General Conditions". Councilmember Trevino then read Items #3 and #4 and explained that there are some agencies that really don't make an effort to seek other sources of funding. Ms. Giselbach stated that the agencies are more than willing to seek other ways of support.

MR. ANDY RAMIREZ, Director of Human Resources Department, stated that Items #3 and #4 are strong statements, but in order to be effective they need to be written this way. He noted that he would be very agreeable to meet with the association to discuss the recommendations but still felt that the staff recommendation from his department must be strong. Councilmember Linn stated that she would like to see Item #3 kept so that evidence would have to be shown. Mr. Guillot noted he would meet with Mr. Ramirez on this matter.

Councilmember Linn moved that the Council instruct the Human Resources Department to work with the Austin Area Human Services Association to create some agreeable contract specifications. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

#### APPEARANCE TO DISCUSS BUILDING STANDARDS COMMISSION

MS. NELLA CUNNINGHAM appeared before the Council to discuss failure of the Building Standards Commission to abide by its own decisions. She asked the Council to consider the need for a clear understanding of certain Building Standards Commission procedures, and Building Inspection Department procedures

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with relation to the Council. Ms. Cunningham felt a need exists for the appointment of an Ad Hoc member to the Building Standards Commission from the Planning Commission and Planning Department. She stated that she is aware of properties that past Commissions have voted to send to the Council but files are still in the department and are not on the backlog list of the City Legal Department.

In reading her minority report, Ms. Cunningham referred to six standard row houses located on an alley or land that turns off of East 12th Street, and the Building Standards Commission has acted on these three times previously this year. They have been given permits to be repaired and remodeling has been going on since 1965.

The first time that Ms. Cunningham became acquainted with this matter was on April 14 when four of these houses were brought before the Commission for action. The department's property files show that three years ago permits to repair and bring to minimum standards had been issued by the Building Inspection Department. After a trip to the property, it was obvious that no repair or remodeling had been done on these units. The former Housing Inspector indicated that the houses should be demolished. At the April 14 meeting, Ms. Cunningham stated that she favored referring the property to the Council immediately; however, the other members of the Commission voted to grant the owner of such property 30 days from April 14 to demolish the structure and clean the premises.

On July 14 the Commission voted to send the cases to the Council with a recommendation that they be sent to the Legal Department since nothing had been done toward demolition. This never reached the Council and was brought back to the Building Inspection Department on August 25 and presented to the Building Standards Commission as a restoration. Ms. Cunningham then presented slides to the Council showing the structures being discussed.

In describing the houses, Ms. Cunningham stated that they are very small and she was not sure if they contained bathroom facilities. Councilmember Hofmann stated that she had been out to the houses and agreed that they are small. In response to Councilmember Himmelblau's question as to when the houses were built, Ms. Cunningham commented that they were dragged in and not built. She felt they were probably buildings used in World War II.

In referring to the Subdivision Ordinance, City Attorney JERRY HARRIS noted that he believed the City had a Subdivision Ordinance in the early 1940's and would have to look back to possibly 1941 to determine what the Ordinance actually said. Councilmember Himmelblau felt it is in violation of anything she had read or seen.

Councilmember Linn requested answers as to why, if in April the Commission voted to have them torn down and again in July the Commission voted to have them torn down, why they never came to the Council.

Ms. Cunningham also noted other cases of where the Commission has acted and they have not forwarded these cases to the Council for action, and also cases that the Council has acted on but are waiting in the Legal Department for processing.

In view of the fact that the Building Standards Commission's decisions regarding these houses, Ms. Cunningham asked the Council their feelings on this matter and felt that the procedures should be looked at and that someone from the Planning Department attend the Building Standards Commission meetings.

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Mayor Pro Tem Snell thanked Ms. Cunningham for her report and the work she had done preparing it. He noted how difficult it is to find someone who would volunteer their time and effort to provide this information. Mayor Pro Tem Snell stated that the staff would be requested to furnish the Council information regarding this matter. He noted that there is an Ad Hoc Committee being established, which should be finalized next week. He hoped to see an end to this type of problem very soon and again was very glad to see somebody really take a hand and try to do something about it.

MRS. SALLY SHEPMAN, Chairperson of the Building Standards Commission, stated that she had contacted the Austin Housing Authority and the State Department of Public Welfare regarding the problem of lack of housing for people with very little money. She was informed that Austin faces a very critical issue in that there is a shortage of housing in the lower cost range. After reviewing the role of the Building Standards Commission, Mrs. Shipman stated that the property in question was brought before the Commission in April, 1976, and July, 1976, at which time the Building Standards Commission recommended that the units be sent directly to the Council. Meanwhile, the said property had been purchased by Mr. and Mrs. John Gould. Consequently the entire property parcel was placed by the Building Inspection Department on the Building Standards Commission Agenda in August. At this meeting, Mrs. Shipman stated that the new owner presented a restoration proposal and the Commission recommended that he be issued a permit to repair one unit. The remaining units were tabled until October, so that the Commission could ascertain the new owners' intent. At the October 13 hearing, the owner requested he be granted two additional permits to repair and the Commission voted to grant these permits.

In response to Councilmember Linn's question as to why the Council never received their decisions for demolition, Mrs. Shipman stated that their recommendation was transmitted to the Building Inspection Department at which time a notice is sent to the property owner that they have 30 days to repair or demolish. If the owner does not come in and take out a permit to demolish, then it is forwarded to the Council. She noted that she was unaware that the Council never received word regarding these properties.

City Manager Davidson stated that he had talked with Mr. Lonnie Davis, Director of Building Inspection, about this matter and apparently the previous department head had held this file without authorization and there is no answer as to what really happened. This certainly would not be allowed to happen under the new procedure. Mr. Davidson also noted how pleased he was with the Mayor Pro Tem's proposal to create an Ad Hoc Committee to study this matter of minimum housing standards for Austin. He felt that the Building Standards Commission had done a good job within their means of trying to carry out their understanding of the City Council's policy intent and their understanding of the Ordinance.

The Commission has indicated that they would like very much to have the standards that they use reviewed. Mr. Davidson felt the real answer is the creation of the Ad Hoc Committee with people from the Planning Commission, the Planning Department, the Housing Authority, Urban Renewal Commission and the City Legal Department. Mayor Pro Tem Snell stated that the purpose of the Ad Hoc Committee will be to gather information which they will be working on in the next three months or so. In the meantime, Mayor Pro Tem Snell stated that he would not like to see the same condition or the same steps taken as has been taken in the past about these houses, or about anything that has passed on by the Building Standards Commission; if it is supposed to come to the Council, then we should get it.

Councilmember Linn felt that this situation is a priority that should be considered by the Legal Department as soon as possible. Councilmember Himmelblau also wanted the Subdivision Ordinance investigated, in particular the minimum size building lot. Councilmember Linn also wanted the question of the number of people being able to live in a certain space and the requirement for a shower or bathtub. She felt that this should be required of the house that is being renovated.

Mr. Davis pointed out that all of these structures are large enough to accommodate only 2 people, and the Ordinance does require either a bathtub or shower facilities; and this will be installed. Councilmember Himmelblau also felt there should be some type of time element involved so that the restoration does not continue for two or three years. Mr. Davis noted that a proposal had been made to the Building Standards Commission that will put a limitation on securing the first permit, and then will put a ~~maximum~~ time to complete the repairs on the permit.

MR. JOHN GOULD, owner of the structures, stated that when he purchased this property, his reason for doing so was to make a decent place for elderly people to live. Mr. Gould then presented slides showing the structures and the work he had done to renovate them. He stated that he intended to complete this renovation in one year and had employed a licensed electrical contractor and licensed plumber to do some of the work. In response to City Manager Davidson's question, Mr. Gould noted that when the Building Standards Commission came to look at the property, certain improvements had not been done but the bathtub was installed.

In response to Councilmember Linn's question, Mr. Gould stated that he learned about the property from a Red Carpet Real Estate Agent and would be glad to provide her with the name of that person. Before the contract was signed with Red Carpet Realtors, the agent and Mr. Gould went to the Building Inspection Department and inquired about a permit to repair the structures and were informed that this would be no problem. He stated that he was well aware that the property had been condemned before he purchased it.

Mayor Pro Tem Snell stated the staff would bring back a report on the questions that had been raised by the Council regarding this matter. (Transcript on file in the City Clerk's office)

#### PARADE PERMIT

Councilmember Linn moved that the Council approve a request for a Parade Permit from Mr. Jack G. Fritts, Corps of Cadets - Texas A & M University, on November 25, 1976, from 2:00 p.m. to 3:00 p.m., beginning on 3rd Street, from Congress Avenue east to San Jacinto, north on Congress Avenue to Capitol grounds. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

MINUTES PERTAINING TO PASSAGE AND ADOPTION  
OF ORDINANCE CALLING ELECTION FOR SUBMIS-  
SION OF PROPOSITIONS REGARDING ISSUANCE OF  
REVENUE BONDS OF CITY OF AUSTIN, TEXAS

THE STATE OF TEXAS           X  
                                  X  
COUNTY OF TRAVIS           X  
                                  X  
CITY OF AUSTIN             X

ON THIS, the 21st day of October, 1976, the City Council of the City of Austin, Texas, convened in regular session at the Council Chambers, Municipal Annex, the meeting being open to the public and notice of said meeting having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

JIMMY SNELL		MAYOR PRO TEM
MARGRET HOFMANN	)	
DR. EMMA LOU LINN	)	COUNCIL MEMBERS
JOHN TREVINO	)	
BETTY HIMMELBLAU	)	

and with the following absent: MAYOR JEFFREY M. FRIEDMAN, COUNCILMEMBER  
LOWELL H. LEBERMANN, constituting a quorum; at which time the following among other business was transacted, to wit:

The Mayor Pro Tem submitted and introduced an ordinance calling an election for the authorization of revenue bonds of the City of Austin for the City Council's consideration, the caption of said ordinance being as follows:

ORDINANCE NO. 761021-A

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN SAID CITY FOR THE AUTHORIZATION OF REVENUE BONDS, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY. (November 20, 1976)

The ordinance was read and Councilmember Linn moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, and that such ordinance be finally passed and adopted at this meeting, and that for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Councilmember Hofmann and carried by the following vote:

AYES: Mayor Pro Tem Snell, and Councilmembers Hofmann, Linn, Trevino, Himmelblau

NOES: None

ABSENT: Mayor Friedman, Councilmember Lebermann

The ordinance was read the second time and Councilmember Linn moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Councilmember Hofmann and carried by the following vote:

AYES: Mayor Pro Tem Snell, and Councilmembers Hofmann, Linn, Trevino, Himmelblau

NOES: None

ABSENT: Mayor Friedman, Councilmember Lebermann

The ordinance was read the third time and Councilmember Linn moved that the ordinance be finally passed as an emergency measure. The motion was seconded by Councilmember Hofmann and carried by the following vote:

AYES: Mayor Pro Tem Snell, and Councilmembers Hofmann, Linn, Trevino, Himmelblau

NOES: None

ABSENT: Mayor Friedman, Councilmember Lebermann

The Mayor Pro Tem then announced that the ordinance had been finally passed and adopted.

#### APPEARANCE TO DISCUSS FRANCHISE FOR BUS STOP ADVERTISING

MR. PETER A. CAVELLO appeared before the Council to discuss a possible Franchise for Bus Stop Advertising. He stated that his proposal involved using private capital to provide the bus stop benches for the City. They will be the same type and quality that is being planned to be used now. Mr. Cavello noted he would be responsible for the installation and expenses of the benches; in return he wanted the right to advertise on the benches. He also proposed that on the money received from the benches, that a certain percentage would be paid back to the City. He felt that his proposal would save the City money; provide a source of income for the City with this franchise fee; and would generate funds for the City to spend elsewhere. Mr. Cavello then proceeded to show and explain to the Council how he planned to operate this advertising. He felt that the present plan that the City has regarding the benches will cost the City money. Councilmember Linn pointed out that the total cost to the City for the benches and installation would be \$2,780.00.

Mr. Cavello also noted the maintenance fee per month on the benches and the possibility of damage to the benches and possible replacement. Mr. Cavello's proposal would have the answers to these problems because he would be covering all of the costs.

Councilmember Hofmann felt that nothing could be approved on this until Mr. Cavello could provide more definite figures as to what the City would be making on this. She also felt that the entire advertising picture should be looked at regarding the buses and not just this one aspect.

MS. JUDITH ABBOTT, attorney for Mr. Cavello, pointed out that a definite figure could not be provided until more information has been obtained as to the number of benches that will be involved, what percentage the City asks for, etc.

City Manager Davidson asked Mr. Cavello if the Council decided to adopt a policy to allow advertising within the public right-of-way, would he submit bids along with other interested firms for the privilege of having this business. Mr. Cavello stated he would be glad to submit bids. Mr. Davidson then asked him if he would bid for the privilege of placing advertising on the City-owned benches should the Council go ahead and award the contract. Mr. Cavello stated he would do this also.

Councilmember Trevino pointed out that the Sign Ordinance would have to be amended, if the Council decided to grant the franchise, to provide for advertising on the public right-of-way.

In response to Councilmember Linn's question as to the time element involved, Mr. Cavello stated that he would be willing to follow the current plan as to the date for having the benches ready, just as it is outlined in the proposed contract from Belson Manufacturing Company. City Manager Davidson stated that the City prepared and advertised a legal advertisement for the bids, under certain conditions. One of those is not to violate the City ordinance, and he could not ask the Council to award a contract to place advertising on the public streets in violation of the ordinance.

City Manager Davidson pointed out that if this type of advertising is authorized, the City would be contacted by national, state and local firms for the privilege of submitting a proposal as Mr. Cavello is proposing. Councilmember Linn stated she liked Mr. Cavello's idea. City Manager Davidson pointed out also that if the City accepted the grant to help purchase these benches that there is the possibility that advertising will not be allowed on them. He stated that if the Council desires to adopt a policy to authorize advertising on the public streets, he felt they should also authorize the receipt of proposals to advertise in and on the outside of the City buses. Councilmember Trevino noted that federal money is received for the buses and advertising is allowed, why not the same for the benches. Mr. Davidson noted he could not answer that.

Mr. Davidson commented that there are a lot of people in Austin that have been waiting for these and suggested that since the federal grant is ready to go on the first 200 benches and there is not a contract similar to the one referred to by Mr. Cavello, that the Council proceed and award this first contract; that the staff be directed to bring back a proposed policy that would allow the City to get bids along the line that Mr. Cavello spoke about and use it to provide the second 100 benches if the Council desires to adopt such a policy.

Motion

Councilmember Hofmann moved that the Council instruct the staff to bring back to the Council a proposed policy regarding the bids as outlined by Mr. Cavello. The motion was seconded by Councilmember Trevino.

Councilmember Trevino stated that he admired Mr. Cavello's idea but there are questions about the federal funding. The staff will check with the federal government to see about the funding and the advertising; if this is an idea that is approved by the government, then the City should start the procedures on amending the Sign Ordinance.

Ms. Abbott pointed out that these first benches would be placed where they are most needed which would be on the heavily traveled thoroughfares. This is the ideal area for advertising on the benches.

Roll Call

Roll call on Councilmember Hofmann's motion, Councilmember Trevino's second, showed the motion carried by the following vote:

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

Noes: None

Absent: Mayor Friedman and Councilmember Lebermann

Councilmember Linn noted that she really liked Mr. Cavello's idea and was looking forward to his bid, if this is possible. She explained the reason for proceeding with the purchase of the Bus Stop Benches is because the people have been waiting so long, and they need to be installed as soon as possible.

Councilmember Trevino noted that maybe Mr. Cavello might have some other areas in mind that he would like to advertise and use the same idea.

CONTRACT AWARDED

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

BELSON MANUFACTURING COMPANY	- 200 Bus Stop Benches, Urban
111 North River Drive	Transportation Department
North Aurora, Illinois	ITEM 1 - \$19,600.00

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

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

Noes: None

Absent: Mayor Friedman, Councilmember Lebermann

## PUBLIC HEARING ON DOG ORDINANCE

Mayor Pro Tem Snell opened the public hearing scheduled for 7:30 p.m. to consider a proposed amendment to Article 2, Chapter 5 of the Austin City Code, commonly known as "Leash Law" or "Dog Ordinance."

Councilmember Hofmann made the following statement: "In response to complaints received almost daily by most of us since taking office, and since I consider it my responsibility, as we all do, to respond to citizens' concerns, no matter how controversial or emotional the issues may be, I asked representatives from the City Manager's office, the Health Department, the Humane Society, the Police Department and the Legal Department to examine the current leash law, the corresponding ones from other cities, and to draft the best possible ordinance suitable for our community. The Environmental Health Volunteers and the Veterinarians' Association have also participated in this effort. I found it interesting that the National League of Cities learned from a survey of over 1,000 mayors and Council members that the No. 1 citizen complaint, out of a list of 14, concerned dog and pet control problems. I am now going to ask our City Attorney, Jerry Harris, to explain to us the proposed new ordinance."

The City Attorney presented the following summary:

1. Proposed ordinance - Dog must be under direct physical control of owner or handler by leash, cord, chain or other direct physical control or if not under such control, the dog must be physically restrained from leaving the premises of the owner.

Current ordinance - Dog must be under direct supervision of owner or handler by leash, cord, chain or by mere voice control or if not under such control, the dog must be physically restrained from leaving the premises of the owner.

Under the new proposed ordinance, mere voice supervision would no longer be allowed.

2. Both the proposed ordinance and the current ordinance authorize City animal control employees who observe a dog running at large to impound the dog, and for that purpose to pursue such animal onto the dog owner's property. Neither the proposed nor the current ordinance permit entry into a person's house without the permission of an adult occupant of the residence.
3. Proposed ordinance - Authorizes City animal control employees to issue citations to dog owners for violations of the ordinance. The citations would give the owner 10 days to appear in Municipal Court to dispose of the charge or charges.

Current ordinance - Does not authorize citation procedure. Charges must be filed in Municipal Court. The Court sends a letter to the owner advising of the charges and further advising that the owner must appear in Municipal Court within 10 days to dispose of the charges. That procedure will still be available under the proposed ordinance, and the citation option will reduce the time required to dispose of a case.

4. Proposed ordinance - Requires that cats and dogs over four months old have a yearly rabies vaccination.

Current ordinance - Requires that only dogs have rabies vaccinations.

5. Proposed ordinance - Requires that cats and dogs be registered.

Current ordinance - Requires that only dogs be registered.

6. Proposed ordinance - Provides for a single tag to show both registration and vaccination.

Current ordinance - Provides for a separate tag showing registration and a separate tag showing vaccination.

Under the proposed ordinance a person may obtain a vaccination-registration tag from the Health Department by presenting a veterinarian's certificate of vaccination to the City Health Department or a person may obtain the tag directly from a veterinarian who has been issued tags by the City. In the latter case the veterinarian will be required to collect the City registration fee and remit it to the City.

7. Proposed ordinance - Calls for an annual registration fee of \$1.00 for each neutered or spayed dog or cat. For non-neutered and non-spayed dogs or cats the registration fee will be \$4.00.

Current ordinance - Provides for a license fee of \$1.50 for each dog.

The proposed ordinance permits the City Health Officer to arrange for City-sponsored registration clinics. Persons registering neutered or spayed animals at such clinics will not have to pay a registration fee. Persons registering non-neutered or non-spayed animals will pay a reduced registration fee of \$3.00.

8. Proposed ordinance - Provides that the City Health Officer may, after a hearing, revoke a dog's registration if he determines:

- a. The dog has been impounded more than three times in a twelve-month period; or,
- b. The dog's owner has been convicted more than three times for violations involving the dog; or,
- c. He determines that the dog has bitten a person on three separate occasions.

The proposed ordinance further provides that it will be unlawful to keep a dog in the City if the dog's registration has been revoked and provides that the minimum fine for keeping such a dog within the City will be \$100.00

The earlier proposed revision requiring the owner to humanely destroy the dog was deleted.

9. Proposed ordinance - Impoundment fees:

- a. \$10.00 for first impoundment, plus \$2.50 daily fee
- b. \$20.00 for second impoundment, plus \$2.50 daily fee
- c. \$30.00 for third impoundment, plus \$2.50 daily fee

Current ordinance - Impoundment fee of \$10.00, plus \$1.25 daily fee

10. Proposed ordinance - Provides that after a dog has been impounded three days, the dog may be given up for adoption or disposed of.

Current ordinance - Provides that after a dog has been impounded ten days, the dog may be given up for adoption or disposed of.

11. Proposed ordinance - contains a new section which regulates dogs used to protect commercial property. The section requires that individuals in the guard dog business obtain a permit from the City Health Officer. The City Health Officer will be responsible for insuring that the safety and sanitation requirements concerning guard dogs are met.

12. Proposed ordinance - Penalty for violating the ordinance will be from \$10.00 to \$200.00 except that the fine for harboring a dog that has had its registration revoked will be from \$100.00 to \$200.00.

Current ordinance - Penalty for violating the ordinance is from \$1.00 to \$200.00.

In response to Councilmember Linn's question, Councilmember Hofmann stated that the ordinance did not provide that cats be leashed.

JIM BOARDMAN, 4507 Erin Lane, spoke in opposition to the proposed ordinance. JACK HEFFINGTON, 4500 Raleigh Circle, stated that he owned a dog and a cat, but that it was time for dogs to be in the yard and people on the street. He supported the proposed ordinance.

RON GRESSEL, 5304 Meadow Creek Circle, a dog owner, stated that he kept his dog under control and that any real dog lover would do the same thing. Large dogs run loose in his neighborhood and he was concerned that his semi-invalid wife would be bitten by one of them. He felt that the three bites per dog provision should be limited to one bite, but otherwise supported the proposed ordinance. JAMES OLSEN, 10604 Denell Circle, spoke in favor of the ordinance. He felt that there should be some other way of disposing of a dog other than taking it out of the City and dumping it on others or allowing it to starve. He also felt that passage of the proposed ordinance would improve the over all relations among people of the City. HILDA MEISSNER, 1407 Fairwood Road, spoke in favor of the ordinance.

SHANNON BALLARD, 1721-B Enfield Road, spoke in opposition to the ordinance. He felt that the existing ordinance should be enforced better. He supported the section requiring registration.

SUSAN FORD, 1206 Bickler, felt that the three-day requirement before adoption or disposal of the dog should be increased to five days. In response to Ms. Ford's question, Councilmember Hofmann stated that she would be willing to consider not requiring that dogs be leashed in parks. Cats were included in the rabies vaccination program due to recent rabies cases Westlake Hills.

CHARLES BERGSTROM, 7000 Rufus Drive, member of the Austin Cycling Committee, stated that the present dog ordinance was ineffectual and hard to administer. He supported the proposed ordinance.

BRUCE MORRISON, 2707 Geraghty, reviewed the problems he encountered recently when his two-year-old son was bitten by a large dog and had to be admitted to Brackenridge Hospital for surgery. He felt that the present ordinance did not provide adequate administrative procedures for handling such a situation. He supported the proposed ordinance.

W. T. TUCKER, 2405 Greenlee Drive, stated that dogs and cities do not mix well at all. He had a dog because of burglary and prowler problems. He felt that dogs were necessary and useful members of the family in many cases. He stated that dogs needed a considerable amount of exercise, but not running loose in the neighborhood. He asked that a convenient area of the City be set aside where dogs could be taken for exercise and that the dogs not be leashed.

RICHARD WACKERBARTH, 1200-A Woodfield, stated that he was not a dog lover and appreciated efforts to control dogs that were nuisances, but did see the need for some form of appropriate exercise for animals that were well behaved. He agreed with the need for rabies shots and appreciated efforts to try to restrict the pet population of the City. He had two neutered cats, but felt that certain provisions of the proposed ordinance were nothing more than a nuisance. He suggested that there be a one-time fee of, say, \$20.00 for registration of non-spayed or non-neutered dogs and cats. There would be no registration fee for spayed or neutered animals.

LESLIE F. DOSS, 1212 Norwood Road, a postman, stated that there had been a 40% increase in dog bites in Austin over last year and that there were still over two months left in the year. He supported the proposed ordinance, but wanted to delete the three bites provision and change it to one bite.

STACY SUITS, 1400 East 51st Street, Apartment #216, agreed with the proposed ordinance except for the voice control deletion. He felt that there should be a provision whereby the Health Department could require people to get rid of flea infestation in their yards. He also felt that the Pound should be kept open later so that people could pick up their dogs.

MARTHA ROOS, 2309 Dancy, asked Councilmember Hofmann to clarify the matter of cat registration and vaccination. Councilmember Hofmann stated that cats must be registered and vaccinated, but cats did not have to wear tags. Ms. Roos then asked how individuals who did their own vaccinating would get a registration. Mr. Larry Sullivan, City Health Department, stated that a good show of evidence that the cat had been vaccinated would probably lead to proper registration. Councilmember Hofmann stated that the matter would be looked into.

JOAN WALTON, 1405 Alta Vista, requested that there not be leash laws in the parks and that cheaper spaying be made available.

EUGENE BLUM, 8202 Valleydale Cove, objected to having to keep his dog in the back yard because the dog played with area children and was in a relatively protected area. The dog was not allowed out alone unless it was under verbal supervision of an older child in the neighborhood. The front yard could not be fenced to the street and under the proposed ordinance a good playing area would be eliminated for his family. Councilmember Hofmann stated that she had had many calls on the use of the front yard and was looking into the matter. Mr. Blum felt that his dog was well trained and that the answer was a better complaint system. He recommended a 24-hour system whereby a stray would be picked up. Regarding the money received for registration, Mr. Blum felt that it should be spelled out in the ordinance as to which groups would get the use of the money.

KAREN WILLIS, 408 West Johanna, stated that she had ridden a motorcycle in Austin for three years and had had close calls from dogs who ran in front of her while she was riding. She supported the proposed ordinance.

WESLEY POWER, 914 West James, asked for modification of the leash portion of the ordinance. He was concerned over the possibility of unequal enforcement of the ordinance.

D. M. CRIST, 2306 Alta Vista, stated that the City needed dog control. He made the following recommendations:

1. Modify the direct physical control section of the ordinance. Any dog that had been to obedience school could be controlled without physical restraint.
2. Felt that the section regarding visitors with dogs was an imposition on the visitors.
3. After the dog is picked up, the owner should receive proper notification. He asked that after the words "Within 72 hours after any dog has been impounded," that "And after the owner is advised," be added to the ordinance.
4. If necessary, increase fees so that enough animal control personnel would be on the streets to pick up all strays.

NORBERT GLOSSACK, 1111-A Northcape Drive, had two dogs. He felt that stray dogs should be taken away and put away. Mr. Glossack stated that his dogs hated kids because the neighborhood kids teased the dogs. Parents should teach their children not to tease dogs.

JAMES ROCK, 4006 Speedway, felt that cats were being discriminated against on the registration fee because cats did not cause problems that dogs did. He asked that cats be scratched from the ordinance.

MRS. S. WARKINS, 708 West 22nd Street, a cat owner, objected to the proposed annual registration fee for cats. She did not want the money used for any other purpose other than a spaying or neutering clinic.

MAX L. NOE, Director, Customer Services, U. S. Postal Services, stated that dogs were the number one problem for postal carriers. He stated that as of this morning there were cautionary notices to his carriers on known vicious dogs at 457 addresses. He supported an enforceable control which would permit and protect postal carriers.

WALLY LOVEJOY, 606 Elmwood Place, spoke against elimination of voice control of dogs. He was concerned about selective enforcement if the proposed ordinance were enacted. He felt that the notification process at the Humane Society should be improved.

CHARLES DIEDY relinquished his time to Mr. Doss, who had spoken previously. Mr. Doss, a postman, stated that dogs disliked not only postmen, but anyone in uniform. He thought that keys jingling on his belt might distract a dog. Floaters, who were substitutes for regular carriers on their days off, seemed to have more trouble with dogs than the regular carriers because they did not know where to look for the dogs and the dogs did not recognize them.

JAMES F. DIXON, JR., an attorney for Robert Newmiller, felt that the present law, if enforced, was adequate. He felt that the ordinance should also cover other pets, including his pet snake.

ROBERT NEWMILLER, 2607 West 49-1/2 Street, stated that he had raised Afghans for years and had never had one of them bite someone seriously. He thought the proposed ordinance was both negative against dogs and positive for dogs. In particular, he supported the sections covering guard dogs and stray dogs.

NORMAN L. FRENCH, 5201 Pine Place, related an incident which occurred this morning with two Doberman Pinschers and a problem in getting Animal Control to pick up the two dogs. He felt that there was no management of the Animal Control program.

M. J. CLARK, 2630 Oak Crest Avenue, spoke in favor of the proposed ordinance.

L. G. SCHROEDER, 706 Texas Avenue, stated that he was a senior citizen and enjoyed walking. He was constantly harassed by dogs when he went for a walk in his neighborhood. He also related an incident regarding a visitor from Notre Dame University who had a large dog which had attacked and badly injured his small dog. He felt that out of town visitors should be made aware of the City's ordinance pertaining to animals.

PHIL HUDDLESTON, 1203 Colorado Apartments, felt that dogs should be kept out of the playground areas of Zilker and Pease Parks.

ARTHUR L. MOSELY, 1402 Marston Circle, a poodle owner, supported the ordinance but requested that a better system of picking up dogs be implemented.

CECELIA and CHUCK SCHULZE, 503 West 55th Street, asked how "private property" was defined in both the current and proposed ordinances. They were concerned about having an Animal Control warden come onto their property (front yard) to take their dog. City Attorney Harris stated that the way the ordinance was written, it contemplated that if the dog catcher saw a dog in violation of the ordinance off the property not on a leash or not tagged properly, then the

dog catcher could pursue the dog up to the door of the house. He could not enter the house without permission. Mr. Schulze stated that no legislation would be effective without an efficient system of enforcement. He felt that the present system was arbitrary and that it was not enforced. He thought the new section on registration was good.

WILLIAM F. KEMP, 2909 Greenlee, felt that the citation procedure should be simplified so that it would be easier to file on dog owners whose dogs violated the ordinance. He asked that the present ordinance be enforced now. He felt that the dog owners who had spoken tonight probably were the conscientious owners and not the owners of big, vicious dogs.

MATT COLDWELL, 1201 South Third Street, felt that the basic problem was lack of enforcement of the current dog ordinance. He felt that any dog that posed a menace to property or a person should be contained and that the owner should be held responsible. He did not believe that leashing of a dog should be mandatory, but that there should be some kind of enforcement. He stated that a report should be made on animal control. He then asked the City Attorney what was the definition of "voice control." City Attorney Harris stated that there was some vagueness in the definition, but as City Attorney and a former judge, there were some judgment calls involved as to whether a dog was under voice control. Each complaint was handled on a case by case basis. Mr. Coldwell stated that it would be much more appropriate to put into the current ordinance an amendment to the voice control section to read "accompaniment of handler." He felt that "voice control" caused too many loopholes and too much vagueness.

ROBERT GOODRICH, 1813 Dywer, stated that he would like to see the Animal Control office open 24 hours a day. He then asked Councilmember Hofmann about the provision which exempted cats from wearing tags. Councilmember Hofmann stated that the ordinance came to her with the recommendations of the Veterinarian Association and others. She did not exclude cats from wearing tags just because she was a cat owner. Mr. Goodrich stated that he wanted to see cats wearing rabies tags in case he was bitten by one. He thought there was a difference between a dog's being under voice control and lack of voice control.

VICKI GOODRICH, 1813 Dywer Street, stated that she respected the good intentions of the Council in wanting to make owners responsible for their dogs. However, she felt that portions of the proposed ordinance were overkill. If the current ordinance was enforced properly, many of the problems would be reduced substantially. She was especially concerned about the elimination of voice control of dogs. She favored having cats wear rabies tags because it was harder to identify a cat which had bitten someone if the cat did not have tags.

RICHARD M. ROBERTS, 503 East 43rd Street, a dog owner, was concerned that his dog might be picked up while he was working because his dog was not confined during the day.

HELEN MACBETH, 1717 Palma Plaza, strongly favored the proposed ordinance. She felt that people were more important than dogs. She thanked the Animal Control people for good response. Ms. MacBeth stated that a section should be added to the proposed ordinance that a vicious dog should be killed.

HELEN BURKHART, 1904-D Rio Grande, favored the proposed ordinance strongly. She walked or rode a bicycle frequently and was constantly harassed by dogs in the University area.

CHRISTINA AVALOS, 908 West 12th Street, a senior citizen, stated that she raised Chow show dogs. One was too old to breed. She could not understand why it was necessary to neuter the dog and give her shots when the dog never left the yard. She also stated that her dogs' necks were too large for the tags and that no veterinarian in town would inoculate them.

IRENE SMITH, 908 West 12th Street, asked if the provision requiring disposal or removal from the City of any dog whose registration had been revoked still remained in the proposed ordinance. City Attorney Harris stated that the last proposal said that only if the dog's registration had been revoked would it be against the law for the dog's owner to keep the dog within the City. Ms. Smith supported the three times proposal before revocation, but did not support the one time proposal because there could always be strange circumstances involved. She objected to the three days provision in the proposed ordinance regarding adoption or disposal of a dog and stated that there should be at least five days.

HELENA HARDCASTLE, 923 Littlefield Building, commended the portion of the proposed ordinance regulating guard dogs. She felt that the ordinance was well-intended, but did not solve the problem, which was one of enforcement. She also felt that there should be better control of other animals. She felt that if pets were fenced properly, then there should be no need for vaccinating them. Fees collected from pet owners should be divided between the free clinics and the Humane Society. She preferred a 7-day impoundment period over 3 or 5 days.

GARRY J. CAPPLEMAN, 1916 Payne Avenue, a dog and cat owner, objected to the removal of the voice control provision in the proposed ordinance. He stated that not all dog owners are irresponsible and the problem was one of enforcement and lack of definition of what "voice control" meant.

MRS. R. E. LAMBERT, 4727 Burnet Road, thought the new ordinance was better than the current one, but wished it was stronger. Both the dog and the owner should go through obedience school. Fleas could be gotten rid of through advice of a veterinarian.

WALTER TIMBERLAKE, 2006 Bouldin, stated that the present ordinance should be enforced. He felt that clinics for dogs and cats should be set up in the neighborhoods where free shots could be obtained if the pet owner paid for the medicine. He suggested that the ordinance be placed on the upcoming bond election.

MARTIN MAYFIELD, 1904-D Rio Grande, commended Councilmember Hofmann for her proposed ordinance. He suggested that people raise milk goats in the City instead of dogs.

ANNA M. MITCHELL, 8215 Sam Rayburn, Apartment 101, stated that she was a dog owner and was taking her dog to obedience school. She was concerned over the removal of the voice control provision in the proposed ordinance because she was spending a great deal of time and money learning voice control.

Councilmember Hofmann stated that it was being considered not to have dogs on leashes during training.

DOROTHY RICHTER, 3901 Avenue G, stated that dog owners who let their dogs run loose in the park should have to clean up after them. She asked that it be stressed that dog catchers not mistreat dogs when they catch them. She felt that enforcement of a dog ordinance was important.

OLIVER CRANE, 4306 Avenue D, felt that too much was demanded of the dog catcher. He supported the proposed ordinance. He was concerned about older people who could not walk safely on the streets for the dogs.

MADELEINE PEARSALL, 709 West 6th Street, suggested that there be some kind of licensing for people who said they had their dogs under voice control.

NOEL LAWSON, stated that an Animal Control Commission should be created to see that the dog ordinance was enforced. He stated that breeder dogs bit people 9 times quicker than neutered dogs.

RAYMOND LOPEZ, felt that the Humane Society and Animal Control were getting the job done and should be complimented.

JOHN McLUNG, 1307 Marshall Lane, suggested that an Animal Complaint Center be set up to handle quickly animals which were causing trouble and to get them off the street. People whose animals caused no trouble should not be bothered.

City Manager Davidson pointed out that the City Council had heard a number of good suggestions about enforcement. He stated that in the past 30 days, the City-County Health Department received 1,524 complaints relating to animals. The Department investigated 53 reports of dog bites, and picked up two rabid animals (one bat at Austin State School, one cat in Westlake Hills). During the same 30 days, Animal Control wardens picked up 705 dogs and impounded two horses and one goat. The Sanitation Division had picked up about 450 dead animals, many of which were dogs. Approximately 32,000 animals were picked up annually. He felt that the statistics would help to emphasize the scope of the problem and the need for some better enforcement in certain areas. The City would be pleased to work on the problem.

Councilmember Hofmann thanked everyone for participating in the hearing. She had made notes and would schedule another meeting soon with the various departments which had worked on the ordinance to see what could and could not be incorporated into the ordinance and to proceed as quickly and realistically as possible.

Councilmember Hofmann moved that the Council close the public hearing. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

October 21, 1976

## SETTING PUBLIC HEARING TO AMEND THE AUSTIN DEVELOPMENT PLAN

Councilmember Linn moved that the Council adopt a resolution setting a public hearing on November 4, 1976 at 3:00 p.m. to amend the Austin Development Plan to allow Great Hills P.U.D. #2, File #C814-76-001. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

## SETTING PUBLIC HEARING ON ANNEXATION OF CERTAIN LAND

Councilmember Linn moved that the Council adopt a resolution setting a public hearing on November 4, 1976, at 2:30 p.m. to consider annexing the following:

40.52 acres of land, out of and a part of the William Cannon League in Travis County, Texas, Buckingham Estates Phase Two, Section One. Buckingham Estates, Phase Two, Section Two (unplatted land) and a portion of Cooper Lane. (Initiated by City of Austin and Edward R. Rathgeber, Jr. and Donald L. West, owners, Case C7a-76-014)

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

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

Councilmember Linn moved that the Council adopt a resolution setting a public hearing on November 4, 1976, at 2:30 p.m. to consider annexing the following:

216.35 acres of land out of and a part of the Henry P. Hill League, in Travis County, Texas, unplatted land. (Initiated by the City of Austin, Case C7a-76-013)

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

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

## RELEASE OF EASEMENTS

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

Public Utilities Easements: The south five (5.00) feet of Lot 1, Block 2, the east five (5.00) feet of said Lot 1, Block 2, and the north and the west five (5.00) feet of Lot 27, Block 2, in Lost Creek, Section Two, a subdivision in Travis County, Texas. (Requested by Mr. W. Harvey Smith, Registered Public Surveyor, agent for Mutual Savings Institution owner of said Lots 1 and 27, Block 2)

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

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

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

The north five (5.00) feet of the east 130.53 feet of Lot 18A, Resubdivision of Lots 17 & 18, Block "A" & Lots 1 & 2, Block "C", Northwood, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. L. M. Holder III, owner of said Lot 18A)

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

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

## LICENSE AGREEMENTS

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

Permitting encroachment by an overhead computer cable, crossing Guadalupe Street, 282 feet more or less south of Denson Drive. (Requested by Mr. Gordon R. Brown, Assistant Director for Planning and Programming for the Austin Independent School District)

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

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

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

Permitting encroachment of a roof-tie and building over an existing Drainage Easement in Lot 28, Beau site addition. (Requested by Mr. John D. Woodell, Attorney, representing Dr. and Mrs. Ben R. Eppright, owners of said Lot 28)

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

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

#### COST DIFFERENCE PAYMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing payment to the following:

RAYMOND E. MITCHELL, the cost difference of 12"/8" water mains installed in Forest North Estates Phase 4 - \$11,323.20.

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

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

In response to Councilmember Linn's question, Mr. Curtis Johnson, Director of Water and Wastewater, stated that this was located outside the City limits and is in an area that is subdividing. Cost oversize situations have also been included always in the past for areas outside of the City limits.

#### APPROACH MAIN CONTRACTS

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

E. R. RATHGEBER	- Construction of an 8-inch and a
West-Leach & Associates, Inc.	10-inch wastewater main to serve
	Buckingham Estates, Phase 2,
	Sections 1 and 2.
	Estimated cost \$6,515.00

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

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

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

WESTOVER HILLS, INC.

- Construction of a 12-inch water and a 12-inch wastewater approach main to serve The Courtyard P.U.D. Estimated cost - \$14,775.00

The motion, seconded by Councilmember Hofmann, failed to carry by the following vote:

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

Noes: Councilmember Linn

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

The Mayor Pro Tem announced that the motion had failed to carry.

In response to Councilmember Linn's question, Mr. Curtis Johnson noted that a portion of this project was located in the City limits. MR. MAURY HOOD pointed out that in order to receive the cost refund, this would have to become a part of the City limits within one year.

Councilmember Trevino moved and Councilmember Hofmann seconded to bring this Approach Main Contract back when a full Council is present on October 28, 1976.

#### UTILITY JOINT USE AGREEMENT FOR ELECTRIC FACILITIES

Councilmember Linn moved that the Council adopt a resolution for authorization to enter into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation for installation of Electric facilities near Middle Fiskville Road and Airport Boulevard and on Koenig Lane between Airport Boulevard and Southern Pacific Railroad Spur 69. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

#### CONTRACT FOR RELOCATION AND IMPROVEMENT OF ELECTRIC TRANSMISSION

Councilmember Linn moved that the Council adopt a resolution authorizing execution of a Contract for Relocation and Improvement of Electric Transmission Facilities at a cost to the owners (Ronald E. Tynes, Anderson B. Corothers, John H. Corothers; and Don M. Mullins Purchaser) of approximately \$9,600.00 with a deposit of \$63,180.00 for payment of additional cost of future improvements. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### RENEWAL OF EQUAL EMPLOYMENT OPPORTUNITY CONTRACT

Councilmember Linn moved that the Council adopt a resolution for authorization for renewal of Equal Employment Opportunity Contract #76023 dated March 1, 1976, in the amount of \$85,368, for contract period January 1, 1977 through December 31, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### GRANT APPLICATION FOR AUSTIN-TRAVIS COUNTY SENIOR LUNCHEON PROJECT

Councilmember Hofmann moved that the Council adopt a resolution for authorization to submit a fourth year grant application for the Austin-Travis County Senior Luncheon Project in the amount of \$175,988 from Title VII funds from the Governor's Committee on Aging. (Grant period: February 1, 1977 to January 31, 1978) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### ITEM CONCERNING SUBSTANDARD STRUCTURES

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

- |                          |   |
|--------------------------|---|
| 1. 1715 Nash Avenue      | Manson Watters Estate, owner            |
| 2. 1701 Clifford Street  | Thomas B. Christopher, owner            |
| 3. 1808 Clifford Street  | Joe C. Franzetti, owner                 |
| 4. 1101 South 6th Street | Morris K. Gully and E. D. Bohls, owners |

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

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

## CONSULTANT TO STUDY SOUTHERN UNION GAS RATE APPLICATION

Councilmember Linn moved that the Council adopt a resolution to select the firm of HESS AND LIM as consultant to study the Southern Union Gas Rate Application. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

In response to Councilmember Hofmann's question, City Attorney Jerry Harris stated that Southern Union pays for the consultant. Regarding the recommendations, he commented that the consultants were listed in the order of their preference.

## GRANT APPLICATION TO THE TEXAS CRIMINAL JUSTICE DIVISION

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the project entitled "Polygraph Unit for the Austin Police Department," in the amount of \$31,963.65, Criminal Justice Division support. (Program period: January 1, 1977 through September 30, 1977) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

## STREET NAME CHANGE

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

AN ORDINANCE CHANGING THE NAME OF JACARANDA DRIVE TO DOVE SPRINGS DRIVE;  
SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS;  
AND PROVIDING AN EFFECTIVE DATE.

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

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

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

## ZONING ORDINANCES

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: TRACT 1: A 73.80 ACRE TRACT OF LAND, FROM "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, THIRD HEIGHT AND AREA DISTRICT; AND, TRACT 2: A 254.91 ACRE TRACT OF LAND, FROM "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, THIRD HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 11400 F. M. ROAD 1325, 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. (International Business Machines Corporation, C14-76-008)

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

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Heßermann

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

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

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

(1) TRACT 1: THE MOST WESTERLY FIFTY FEET OF LOT 4A, RESUBDIVISION OF LOTS 4, 5, 6, AND PART OF 7, BLOCK 3, ELIZABETH M. PATTERSON ADDITION, FROM "A" RESIDENCE, FIFTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: LOT 3, RESUBDIVISION OF LOTS 4, 5, 6, AND PART OF 7, BLOCK 3, ELIZABETH M. PATTERSON ADDITION, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT;

SAID PROPERTY BEING LOCALLY KNOWN AS 1007-1009 WEST 32ND STREET; AND,

(2) A 0.797 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9237 JOLLYVILLE ROAD (OLD BURNET ROAD), FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Bernard J. Hillen, C14-76-054; F. A. Hildebrand, Jr., C14-76-075)

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

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

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

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

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

LOT 14, OUTLOT 20, DIVISION "D," HORST SUBDIVISION, LOCALLY KNOWN AS 1910 WHITIS AVENUE, AND ALSO BOUNDED BY WEST 20TH STREET, FROM "GR" GENERAL RETAIL, THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND 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. Kyong Hui Shuey, C14-76-076)

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

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

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

ZONING ORDINANCES - POSTPONED

The following zoning ordinances were postponed until October 28, 1976:

THE AUSTIN NATIONAL BANK, TRUSTEE C14-76-045	1907 Whitis Avenue	From "B" Residence 2nd Height and Area To "GR" General Retail 1st Height and Area
34TH & WEST INVEST- MENT GROUP, INC. C14-75-106 By J.Pat Weaver	3409 West Avenue also bounded by the end of West 35th Street	From "A" Residence To "O" Office

## RESCHEDULING A REGULAR COUNCIL MEETING

Mayor Pro Tem Snell brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING THAT THE REGULAR COUNCIL MEETING OF NOVEMBER 11TH, 1976, SHALL BE RESCHEDULED FOR NOVEMBER 9TH, 1976, AT 1:30 P.M.; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

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

## SETTING PUBLIC HEARING REGARDING USE OF SOLID WASTE IN COAL FIRED PLANTS

Councilmember Linn moved that the Council set a public hearing on December 2, 1976, at 2:30 p.m. to consider the use of solid waste in coal fired plants. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

RESCHEDULING PUBLIC HEARING ON LICENSING OF ROOFING AND SIDING  
CONTRACTOR ORDINANCE

Councilmember Trevino moved that the Council reschedule a public hearing on Licensing of Roofing and Siding Contractor Ordinance from October 28, 1976, at 2:30 p.m. to December 16, 1976, at 7:30 p.m. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman, Councilmembers Himmelblau, Lebermann

## EXPEDITION OF ZONING CASE PROCESS

MR. TOM KNICKERBOCKER, Planning Department, distributed to the Council a copy of the new proposed zoning process and explained how it would work. He requested that the Council change the regular zoning day from the first Thursday of the month back one week to the 4th Thursday of the previous month. He noted that this is being done at the request of the Planning Commission who is in the process of reorganizing itself to have a full Commission meeting twice a month.

Mr. Knickerbocker also noted that an internal change was also being requested in the method by which cases that come out of turn are handled. The current Council policy is that the City Manager sets all zoning hearings that occur on the first Thursday of each month, with no further action required by the Council. In any other matter that occurs out of place, the staff prepares certain material and comes to the Council with a resolution requesting that a public hearing be set; then a hearing is conducted three weeks later. In changing the process at this time, Mr. Knickerbocker suggested that the Council authorize the Planning Department to deviate from this procedure and change the policy whereby the City Clerk would be authorized to set all of the zoning hearings that fall outside of the fourth Thursday. He felt that this new procedure would aid in expediting certain zoning cases.

Councilmember Linn moved that the Council authorize adoption of the proposed Zoning Case Process as outlined. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on December 2, 1976:

FRANK T. SMITH C14-76-092	619 West 37th Street also bounded by King Street	From "A" Residence 1st Height and Area To "B" Residence 1st Height and Area
HERMAN DEGOLLADO, ET UX By William Kemp C14-76-094	6511 Santos Street also bounded by Vargas Road	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
BERT L. GRIGGS C14-76-095	6006 Cameron Road	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
CHESTER SCHULTZ, ET AL By E. C. Thomas C14-76-096	1605-1617 Dungan Lane	From "AA" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area
WALNUT HOLLOW BUSINESS PARK By William Montandon C14-76-097	F. M. Road 969 and Johnny Morris Road	From Interim "A" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area

CARL W. BURTON, ET UX By James Jensen C14-76-098	8515 Contour Drive also bounded by Ohlen Road	From "AA" Residence 1st Height and Area To "O" Office 1st Height and Area
HARRY JOSEPH By Jack Roche C14-76-099	605 West 30th Street	From "BB" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
JOE F. GRAY and F. H. BECKER, JR. C14-76-100	8538 Research Boulevard also bounded by Fairfield Drive	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
MRS. M. H. GOLDSMITH By Charles Webb C14-76-101	1318 West 5th Street also bounded by Pressler Street	From "C" Commercial 1st Height and Area To "C-2" Commercial 1st Height and Area
WILSON FOREMAN, ET UX C14-76-102	3406-3416 Duval Road	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
EUGENE WUKASCH AND EARL WUKASCH By David Faust C14-76-103	Rear of 5225 North Lamar Boulevard, also bounded by Huisache Street	From "O" Office and "B" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
THERON S. BRADFORD, TRUSTEE By Phil Mockford C14-76-085	U. S. Highway 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail and "A" Residence (Tract 1) "C" Commercial (Tract 2) 1st Height and Area (as amended)
CLARK L AND DORICE M. JEFFRIES C14-76-088	9508 Jollyville Road (Old Burnet Road) at Loop 360	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
HOWARD E. BRUNSON C814-76-009	1608 West 6th Street, also bounded by West Lynn Street	From "B" Residence 1st Height and Area To A 30-unit Planned Unit Development called "SPRINGHILL"

HARVEY LANE and  
JOHN VAN WINKLE  
C814-76-011

Westlake Drive

From Interim "AA" Residence  
1st Height and Area  
To a 51-unit Planned Unit  
Development called  
"LOS ALTOS CONDOMINIUMS"

The following historic applications will be heard by the Planning Commission November 9, 1976, and City Council on December 2, 1976:

ST. DAVID'S  
EPISCOPAL CHURCH  
Protestant Episcopal  
Diocese of Texas,  
owner  
C14h-74-017

300 East 7th Street

From "C" Commercial  
4th Height and Area  
To "C-H" Commercial-Historic  
4th Height and Area

FRANK BROWN BUILDING 410 Congress Avenue  
Ivan R. Williams, Jr.  
and Jack N. Price,  
owners  
C14h-76-016

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area

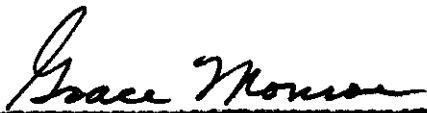
#### ADJOURNMENT

The Council adjourned at 12:45 a.m.

APPROVED

  
Mayor Pro Tem

ATTEST:



City Clerk