

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 7, 1976
10:00 A.M.

Council Chambers
301 West Second Street

Mayor Pro Tem Snell called the meeting to order noting that Mayor Friedman would be present momentarily.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND SYLVESTER CHASE, First United Methodist Church.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for September 30, 1976, and Special Meetings of September 24, 1976, and September 27, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

ALPHA DELTA KAPPA WEEK

Mayor Pro Tem Snell read and then presented a proclamation to Ms. Ann Swan, Ms. Mineola Grumbles, and Ms. Vivian Rochelle, proclaiming the week of October 10, 1976, as "Alpha Delta Kappa Week" in Austin and urged all citizens to join in recognizing the efforts of the sorority's members in promoting professionalism and professional recognition for teachers. One of the ladies thanked the Council for the proclamation and recognized the six Chapters in Austin and the 111 Chapters in Texas.

NAVY DAY

Mayor Friedman read and then presented a proclamation to Mr. James B. "Ted" Nuse and Mr. Jack Owen proclaiming Wednesday, October 13, 1976, as "Navy Day" in Austin and urged all citizens to join the Council in recognition of the valiant deeds of these many fellow citizens and offer them our praise, honor and afford them appropriate distinction. Mr. Owen thanked the Council on behalf of the all voluntary Navy and stressed the importance of a good defense for our country. Mr. Nuse thanked the Council for their outstanding job in recognizing "Navy Day."

LEGAL SECRETARIES' WEEK

Mayor Friedman read and then presented a proclamation to Ms. Linda Griffin, Ms. Mary Potvin, and Ms. Linda Adams, proclaiming the second week in October, 1976, as "Legal Secretaries' Week" and Wednesday, October 13, 1976, as "Day-in-Court For Legal Secretaries" in Austin, and urged all legal secretaries to avail themselves of this opportunity to learn more about their profession. Mayor Friedman pointed out the importance of having efficient and competent secretaries in the legal field. One of the ladies extended appreciation for the proclamation and stated that the highlight of their week would be their "Day in Court" activities.

FINAL AMOUNT OF WATER AND WASTEWATER BOND ELECTION

Mayor Friedman made the following statement for the record:

"In conjunction with the Manager's program and the staff's recommendation that has been debated at public hearings and work sessions for the last several months, based in part on recommendations from all members of the Council and proposals that each Councilmember has worked long and hard on, I submit that the Council approve a Water and Wastewater Bond Program that would total \$79,157,000 and this would include programs as listed with some changes that will be clarified in the Ordinances including making sure that we have enough money for house connections and extensions to the customers and etc. This total is a feasible and viable total and I think it is important that everybody understands that this money is needed and needed badly for these projects. I would also indicate that included in this is money to do work in the various community development areas without the use of Federal funds which are tenuous at the very best at this time."

Motion

Mayor Friedman moved that the Council instruct the City Attorney to come back with an ordinance relating and listing all the various projects that total \$79,157,000. 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

Mayor Pro Tem Snell stated that after attending all of the work sessions around the City, except for the first one, and receiving input from all of the communities, he felt that this amount is agreeable to him. He felt that the citizens would certainly like to see this recommendation of Mayor Friedman's go through and he supported it.

Councilmember Himmelblau read the following statement for the record:

"Having served on the Planning Commission, I am well aware of what this type of Bond Program means to both the economy of the City and to the quality of life for those who reside within its corporate limits. I favored the \$83,265,000 program that I proposed several days ago. There has been great concern and differences of opinions among members of the Council as to what dollar amount to put on the ballot.

"I believe that program that has been proposed to be a very viable one and one that will be meaningful to all the citizens of Austin no matter what section of the City they reside in--for this reason I will wholeheartedly support it. My vote is "yes."

Mayor Friedman made the following statement for the record:

"There should be no question or any doubt in anyone's mind the importance of passing this Bond Election in November. The debates as to pros and cons of where projects should go or whether or not the administration or the Council or anyone should have any future water and sewer lines in this community, is a pointless discussion. We need them; we need them now for the thousands and thousands of citizens who are currently living in Austin. That is what this program is designed to do. It is not an easy decision and it is not a very likeable decision to offer to spend taxpayers' and ratepayers money; but that is a job that we must all face up to because we also want to keep a very high quality of life. I think this bond proposal will do it; I think this is the important thing that all of us in the City of Austin can adhere to for the next few weeks and that is to promote the sale and the authorization by the voters of this bond proposal. I vote "yes."

He suggested that the administration work to help inform the public of what the issues are, what the expenditure limits are, and when that election date will be, which is November 20, 1976.

Councilmember Linn pointed out that this is strictly for work inside the City.

ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning cases were publicly heard:

The following zoning case was WITHDRAWN:

W-D ENTERPRISES	5308 Burnet Road	From "C" Commercial
COMPANY	2100 North Loop	6th Height and Area
By Eugene Palmer	Boulevard	To "C-2" Commercial
C14-76-077		6th Height and Area
		NOT Recommended

Mayor Friedman noted that he had received a letter from Mr. Eugene Palmer, representing the applicant, requesting that the case be withdrawn. MR. EUGENE PALMER appeared before the Council and urged them to grant his request for a withdrawal. Mayor Friedman informed Mr. Palmer that this would prevent him from reapplying for the zoning change for at least 12 months from this date. In response to Councilmember Linn's question, Mr. Dick Lillie, Director of Planning, stated that a withdrawal requires a one-year wait and a denial requires one year and six months.

Councilmember Trevino moved that the Council withdraw the aforementioned zoning case. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Councilmember Linn stated that she was in favor of denying this zoning change and would like to deny it today. Mayor Friedman pointed out that the 12-month delay is proper and informed everyone that nothing on this case could come up again without the same kind of notice that was given this time. All will be notified when this case comes before the Council again.

The following zoning case was POSTPONED:

MRS. PERRY L. JONES	2900 Rio Grande Street,	From "C" Commercial
By J. Winston	also bounded by West	2nd Height and Area
Chapman	29th Street and	To "C-2" Commercial
C14-76-079	Salado Street	2nd Height and Area
		NOT Recommended

Mayor Friedman stated that the applicant has asked for a postponement due to health problems and suggested that the case be discussed on November 4, 1976. Councilmember Himmelblau expressed concern that the establishment could operate illegally with the incorrect zoning for another month. Mr. Lillie commented that once an application has been filed and is in process, the Building Inspector allows them to operate until the issue has been resolved.

City Manager Davidson pointed out that the Building Inspection has already filed charges on the illegal use and charges are now pending in Municipal Court. An exact trial date has not been set, and the Court Clerk stated that the earliest docket setting would be the first week in November. Councilmember Himmelblau noted that the situation is still unresolved as far as the operation is concerned.

Mayor Friedman pointed out that if there is concern about their operating at all, they will need at least six votes from the Council to overturn the Planning Commission. Mr. Chapman reiterated his request for a postponement.

Motion

Councilmember Hofmann moved that the Council postpone consideration of the aforementioned zoning case until November 4, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Councilmember Himmelblau stated she didn't like to see illegal usage and incorrect zoning of property, and the longer it is carried out the more it compounds the problem.

The Council publicly heard, and granted the following zoning cases:

THE AUSTIN NATIONAL 1907 Whitis Avenue
BANK, TRUSTEE
By Paul Wendler
C14-76-045

From "B" Residence
2nd Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Mr. Lillie stated that this application had been before the Planning Commission last summer and was recommended to the Council. The Council heard the request and denied the zoning change. The application has been refiled and for the second time, the Planning Commission has recommended that the "GR" General Retail zoning be granted. Mr. Lillie noted that a petition has been received; however, it is not valid since it does not contain 20% of the owners of land within 200 feet. Mr. Lillie also noted that the Landmark Commission has recommended and considered Historic designation for the adjoining lot.

MR. J. CHRYS DOUGHERTY, one of the trustees, reviewed the area being discussed and stated that he was asking for a rollback from 2nd Height and Area to "GR" General Retail, 1st Height and Area. He felt that this request is consistent with adjoining land and consistent with the wishes of property owners in the area. He noted that the main objections were coming from people who are tenants in some of the houses. Mr. Dougherty showed an aerial photograph of the area and pointed out that this was not a unified neighborhood and would have no reason to be preserved or be considered a University neighborhood. Mr. Dougherty then read a letter from the Historic Landmark Commission that stated the Commission had reviewed the property at 1907 Whitis for Historic designation and also property at 1909 Whitis and decided that 1907 Whitis had little or no Historic significance. The structure at 1909 has Historical preservation, and the Landmark Commission felt that the structure at 1907 did not merit preservation and recommended that the owners be granted the proposed zoning change.

MR. DOUGLAS MIERL, representing Studtman Photo Service, stated that a random sample of traffic that comes into the store was made and it was learned that 95% of the people use some kind of vehicle which would require parking space. He felt that the expansion being planned will require additional parking for customers as well as for employees. In response to Councilmember Lebermann's question, Mr. Mierl noted that his business came from all over the City, not just from the immediate area.

KILIAN FEHR explained to the Council what the owners of the property had in mind for the development and beautification of the area. Mr. Fehr stated that he had attempted to make the parking situation in the area more easily obtainable. He noted that the trees would be preserved and the entire area would be cleaned up. He urged the Council to grant this zoning request.

In response to Mayor Friedman's question, Mr. Dougherty stated that he did not anticipate building anything on the land. In response to Councilmember Linn's question, Mr. Dougherty commented that the rollback in height zoning to 35 feet is really all that is needed, since what is needed is parking space.

STEVE ROSENALL, 209 West 20th Street, appeared in opposition to the zoning change and stated that there is a need for housing in the University of Texas area, but there was not a need for more parking. He also felt that there was more of a need for residences than for businesses; this zoning change will widen the hole in the core of the City. This will cause crime to increase and create social deterioration. In response to Councilmember Linn's question, Mr. Rosenall commented that he would suggest putting apartment complexes on the lot in question. In response to Councilmember Hofmann's question concerning parking of cars for an apartment complex, Mr. Rosenall stated that the majority of students didn't have cars but usually walked. He then quoted from the Austin Tomorrow Goals and stressed the importance of the residents having more voice in matters such as this. In response to Mayor Pro Tem Snell's question, Mr. Rosenall noted that there were approximately 70 people residing in the area. Mayor Pro Tem Snell stated that he had visited the area recently and found no one. In conclusion, Mr. Rosenall urged the Council to reject the request for "GR" General Retail zoning.

MR. JACK CONNELL, 1911 Whitis, stated that the total number of people in the neighborhood is approximately 143 in 13 buildings. He felt there had never been a parking problem in front of Studtman's and that the majority of the people using the store were only using the parking lot for short periods of time. Mr. Connell felt that there was already sufficient parking in the neighborhood and that more parking would only destroy the character of the area. In response to Councilmember Linn's question, Mr. Connell stated that he would like to see an apartment house on the proposed location.

ROBIN BIRDFEATHER commented that she felt this situation shows an improper balance between the absentee landlord and the rights of tenants. Ms. Birdfeather also quoted from the Austin Tomorrow Goals and noted that this neighborhood is a viable one but is deteriorating because of such zoning. She also agreed that there is ample parking and no need for additional facilities. Mayor Friedman pointed out that this area is not residentially zoned and the land needs to be put to some use. Ms. Birdfeather suggested that a park be placed on the land.

October 7, 1976

Councilmember Linn felt that there is a lack of acceptance of responsibility or the implied lack of acceptance of responsibility in maintenance of property. Not only is it the landowner's responsibility to beautify and maintain but it has to be a two-way street. Tenants and renters should also maintain and beautify the property.

GRACE BROUSSARD, 1909 Whitis, felt that what should be considered here is what is exactly happening with the piece by piece encroachment by commercial businesses. She pointed out that when this zoning was originally discussed, there was a residence on the lot and no reason why it had to be torn down. Ms. Broussard referred to a letter she had from an architect concerning the residences of 1909 and 1907 Whitis, which stated that both of the structures were structurally sound. The architect stated that parking lots would be hard to justify on Whitis. Ms. Broussard also quoted from a letter from Pat Kuney, City-County Lobby Committee at the University, which stated that it had long been a policy of the University Student Government Lobby Committee and the Save the University Neighborhood Organization to oppose any zoning change in the University community that would reduce housing facilities for University students. Ms. Kuney stated she was opposed to restaurants or additional parking lots. In conclusion, Ms. Broussard felt that there needs to be more coordination before certain things like this zoning request are followed through. In response to Mayor Friedman's question, Ms. Broussard felt that "B" Residence was the best zoning for the property. She did ask that the Council consider the change in vote of the Planning Commission.

Councilmember Hofmann asked about constructing the proposed parking lot, if the zoning change was granted, with permeable materials; Mr. Kilian Fehr commented that this would involve an economic problem but one that could be considered.

In response to Mayor Friedman's question, Mr. Dougherty stated he would have to build the parking lot in order to carry on in an integrated manner as planned.

Motion

Councilmember Lebermann moved that the Council grant the change to "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilmember Linn stated that she has the greatest respect for the Dougherty's and knew they had always had the best interest of Austin in mind; however, there is a neighborhood in this area and also "B" Residence zoning here and she felt that anywhere in this area where "B" Residence zoning is located, it should be maintained. She felt that in order to be consistent with what she believed, her vote would have to be "no."

Councilmember Lebermann left the Council Chamber at this time.

BERNARD J. HILLEN 1007-1009 West
By William Terry Bray 32nd Street
C14-76-054

From "A" Residence
1st and 5th Height and Area
To "C" Commercial and
"O" Office
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Councilmember Linn moved that the Council grant "C" Commercial and "O" Office, 1st Height and Area District, as recommended as amended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial and "O" Office, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover. The applicant was present.

E. J. HOOD and
P. M. BRYANT
C14-76-070

11689 U.S. Highway 183
also bounded by West
Cow Path

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (amended area) by
the Planning Commission

Mr. Lillie noted that in order to implement the driveway policy for subdivided tracts, it is necessary to establish a 5-foot strip of "A" Residence along the U. S. 183 frontage except for the 45-foot width of the driveway passage. This is acceptable to the applicant, who was present.

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area District (amended area) as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

F. A. HILDEBRAND, 9237 Jollyville Road
JR.
C14-76-075

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area (as amended), as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover. The applicant was present.

MRS. KYONG HUI 1910 Whitis Avenue,
SHUEY also bounded by West
By Kerry Yom 20th Street
C14-76-076

From "GR" General Retail
3rd Height and Area
To "C" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie reviewed the area and noted that the subject tract contains a large, old residential structure, and is located at the intersection of two commercial collector streets southwest of the University of Texas campus in central Austin. The existing structure is non-conforming regarding building setbacks from the street. Applicant proposes to add to the existing structure a wood deck for open-air dining up to the property line.

Existing "GR" General Retail zoning permits the restaurant. The requested "C" Commercial zoning will permit the building of structures up to the property line. The applicant requested a variance from the Board of Adjustment to permit the proposed additional construction, and it was denied. The staff recommends the requested "C" Commercial zoning, as it is consistent with existing zoning oriented to Whitis Avenue on the north and the south, and that which exists on two of the four corners of this intersection.

MR. KERRY S. YOM, representing the applicant, stated that the Board of Adjustment refused his request because it would increase the degree of non-conformity of the structure.

GRACE BROUSSARD appeared in opposition to the zoning request and felt a "lid" should be put on zoning in this area.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the change had been granted as "C" Commercial, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN JOSEPH
By Margie Josephh
C14-76-060

6701 Cameron Road, also
bounded by Athletic
Drive and U.S. Highway
290

From "A" Residence
1st Height and Area
To "GR" General Retail
6th Height and Area (Tract 1)
and "GR" General Retail
1st Height and Area (Tract 2)
RECOMMENDED by the Planning
Commission as amended, subject
to a restrictive covenant
prohibiting a restaurant on
Tract 2.

Mr. Lillie reviewed the area and stated that it adjoins Reagan High School and the Planning Commission felt that "GR" General Retail zoning at the intersection of the major arterial streets was appropriate and also recommended that in a restrictive covenant a restaurant not be permitted on Tract 2. The applicant does not agree with the restrictive covenant.

MR. JOHN JOSEPH, representing the applicant, stated that he agreed with the "GR" General Retail, 6th Height and Area District on Tract 1 and the "GR" General Retail, 1st Height and Area District on Tract 2; however, he was opposed to the restrictive covenant because there are already restaurants in the area as well as convenience stores. He stated that there are no plans for a restaurant on this particular tract of land, but he felt that this restrictive covenant would create a problem for the future on this land.

MRS. WINNIE LAMBERT, representing the Reagan High School PTA, appeared in opposition to placing a restaurant on this tract of land. She submitted a copy of the Minutes from the PTA meeting which included a motion and a second opposing this zoning request.

MR. WOODROW SLEDGE pointed out that much of the "GR" General Retail and "C" Commercial zoning around Reagan High School was placed there before 1972-73. Mr. Sledge noted that the "GR" General Retail use seems to create problems for the students from the school. He asked that included in the restrictions for the property on Tract 2 that the Council include prohibiting drive-in grocery use in the restrictive covenant. In conclusion, Mr. Sledge stated that there has been an improvement in the zoning climate and appreciated this effort.

JOAN BARTZ stated that she has had students in Reagan High School and recognized that "GR" General Retail zoning is logical at this location and agreed with Mr. Sledge on the restrictive covenant regarding the convenience store and anything else that serves food and drink.

Motion

Councilmember Linn moved that the Council grant "GR" General Retail, 6th Height and Area (Tract 1) and "GR" General Retail, 1st Height and Area District (Tract 2), as recommended by the Planning Commission, subject to a restrictive covenant prohibiting a restaurant on Tract 2, with the addition to the restrictive covenant of prohibition of a grocery service or drive-in grocery on Tract 2. The motion was seconded by Mayor Pro Tem Snell.

Mayor Friedman noted that Mr. Joseph had an option of withdrawing the zoning case or accepting the motion. Mr. Joseph pointed out that he did not wish to withdraw the case and pointed out that all of these tracts in the area are unrestricted. He felt that he was being singled out and also felt that this was spot zoning. Mayor Friedman stated that he did not think Mr. Joseph was being singled out.

Roll call on the motion showed the following vote:

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the change had been granted to "GR" General Retail, 6th Height and Area District on Tract 1, and "GR" General Retail, 1st Height and Area District on Tract 2, subject to a restrictive covenant prohibiting a restaurant, a grocery service, or a drive-in grocery on Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier to discuss various appointments to boards and commissions which were now before the Council for action.

Historic Landmark Commission

Councilmember Linn moved that the Council appoint the following to the Historic Landmark Commission:

Brother Phillip Odetta - to April 4, 1978

Robert J. Franzetti - to April 4, 1978

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

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

Noes: None

Parks and Recreation Board

Councilmember Himmelblau moved that the Council appoint TERRY BRAY to the Parks and Recreation Board for a term ending April 1, 1978. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Building Standards Commission

Mayor Pro Tem Snell moved that the Council appoint LEE KIRK to the Building Standards Commission for a term ending January 1, 1977. 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

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

APPEARANCE CONCERNING A CONDEMNED HOUSE

Ms. Teresa Merrill appeared before the Council to discuss a condemned house at 1101 South 6th Street. She stated that the house had been burned and had become infested with rats. Since the house was located immediately next door to her home, Ms. Merrill requested that the City do something about this problem as soon as possible.

Mayor Friedman noted that the Council had received information that indicated, in two weeks from October 21, 1976, this should be on the Council agenda for Council authorization on the formal condemnation. He stated that the Council would proceed in taking care of this matter as soon as possible. Councilmember Hofmann stated that she had visited the site, and agreed it is in a terrible situation.

Councilmember Linn expressed concern that the house was moved to this location in 1972 and it sat there for two years with nothing done on it. MR. LONNIE DAVIS, Director of Building Inspection, stated that the house was being worked on during that time and restoration was completed in October 21, 1974, with a Certificate of Occupancy being issued at that time.

Councilmember Linn pointed out that on December 3, the house burned and the Fire Department investigated the fire and learned that the house was a move-on house and was not occupied and not completed but was in a state of renovation, and transients were staying in it. She requested an investigation

be done to find out why, in the Fire Department's report, that this house was cited as being a hang-out for transients. Also, how this certificate could be issued if the house was in such a condition that it was just being lived in by transients. Mayor Pro Tem Snell presented some slides of the house being discussed. Councilmember Linn stated that the question she wanted answered is if this house warranted in October, 1974, a Certificate of Occupancy. She requested that records on this be given to her to find out what condition this house was in when that certificate was issued. City Manager Davidson noted that he would be happy to get a copy of the Fire report. Ms. Merrill noted that the owner of the property is Ken Gulley.

Councilmember Hofmann noted that the property across the street has very high weeds and requested that this be taken care of by the City.

APPEARANCE TO DISCUSS PROBLEMS ON DANCY STREET

Mr. Andy Snyder appeared before the Council to discuss problems on Dancy Street caused by the opening of the 26th Street underpass. He stated that the underpass was completed last summer and shortly thereafter, he complained to the Urban Transportation Department about the traffic problem on Dancy Street. Mr. Snyder suggested that barricades be erected so that Dancy Street could not be used for an on and off ramp. He noted that the City contacted the Highway Department about the traffic congestion on Dancy Street and the Highway Department informed the City that they did not think it should be done, but if the City wanted to do so, that would be left up to them. Mr. Snyder stated that the Urban Transportation Department is working on an idea of channelization, but he felt this does nothing to eliminate the traffic.

In response to Mayor Friedman's question as to whether or not Mr. Snyder had contacted the Urban Transportation Commission, Mr. Snyder stated he had not contacted them. Mayor Friedman stated that they would probably not come up with any different answer than some of the Council and he felt that the street should be barricaded until the project is totally completed. Councilmember Linn pointed out that the City does have a problem with the Highway Department in that they do not want to accept responsibility for what they cause in the cities.

City Manager Davidson commented that even though the Urban Transportation Department is considering channelization, Mr. Joe Ternus, Director of Urban Transportation, has stated that this will not solve this problem. Mr. Davidson commented that there are only two things that might help, which would be (1) go ahead and finish 26th Street as proposed, or (2) to barricade it. He felt that it would certainly be responsible if the Council requested that the street be barricaded.

Motion

Mayor Pro Tem Snell moved that the Council instruct the City Manager to proceed in taking the necessary steps for erecting the barricades. The motion was seconded by Councilmember Linn.

Mr. Snyder concluded by suggesting the following:

1. The residence on the southwest corner of the Dancy-26th Street intersection had its driveway opening moved from Dancy Street to 26th Street during construction. Therefore, an opening in the barricade at Dancy-26th Street should be provided to make access to the new driveway possible.
2. Signs should be erected at Manor Road and Dancy Street and 26th Street and Swisher Street giving directional information to drivers so as to reduce confusion once the barricades are put up.
3. Flashing lights on the barricades would better warn drivers of the existence of the barricades.

In response to Councilmember Hofmann's question as to the cost of barricading, Mayor Friedman noted it cost \$3,400.00.

BUSTER FARROW, 2706 Dancy Street, stated that he has lived on Dancy Street for 40 years and this is the best thing that has ever happened to the City of Austin for traffic going east and west. He felt the traffic is flowing fine.

Roll call on the motion showed the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn⁷

Noes: None

Absent: Councilmember Lebermann

PERMISSION TO WADE IN BARTON CREEK

Councilmember Linn moved that the Council grant permission to Dr. Bassett Maguire, Jr., Associate Professor of Zoology, for a Limnology and Oceanography class to wade in Barton Creek on Saturday, October 9, 1976, to study characteristics of the creek. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

Mayor Friedman noted that Dr. Maguire could not be present at the Council meeting today but did express concern about everyone having to wear a life jacket in the creek. Mr. Bill Hamilton, Parks and Recreation Department, noted that since the water is no more than ankle deep the life jackets would not be necessary.

PUBLIC HEARING ON AMENDMENT TO CITY CODE RELATING TO LANDMARK COMMISSION
AND CONSIDER PASSAGE OF ORDINANCE

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider an amendment to Chapter 45 of the Austin City Code relating to the Landmark Commission and consider passage of ordinance. MR. DICK LILLIE, Director of Planning, stated that the Zoning Ordinance provides for rules and regulations by which the Landmark Commission operates. Under one section which pertains to six members constituting a quorum there seems to be a problem here due to such a big turnover of members. After discussing this problem, the Commission has recommended the following amendment to the Ordinance:

1. That a quorum shall be a majority of currently appointed members.

Another matter which seems unclear to the Commission as well as several other boards and commissions is that members serve until they are reappointed or replaced by the Council. Often, when a member's term has expired, they will stop coming to meetings; therefore, the Landmark Commission has requested that the following language be inserted into the Ordinance:

2. Upon expiration of a member's term, said member shall continue to serve until reappointed or replaced by the City Council.

Mayor Friedman stated that the language regarding the replacement should probably apply to all boards, and he suggested that this be brought back as a special amendment.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-46(g) OF ARTICLE IV OF CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, 1967; MODIFYING THE DESIGNATION OF A QUORUM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

RELEASE OF EASEMENTS

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

Two Electric and Telephone Easements, one 10' in width and the other 5' in width located in and across a portion of a certain 96.41 acre tract of land out of the F. G. Secrest Survey and the James Rogers Survey, in the City of Austin. (Requested by Mr. E. J. Hood, owner of property on which easements are located)

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

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

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

The Drainage and Public Utilities Easement fifteen (15.00) feet in width and centered between the common lot line of Lot 27 and Lot 28, Block BI, Spicewood at Balcones Village Section Six, a subdivision in Travis County, Texas. (Requested by Mr. Byron E. Benoit, representing Bryant-Curington, Inc., Consulting Engineers, agent for J. J. McCullick, owner of Spicewood at Balcones Village Section Six)

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

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

LICENSE AGREEMENT

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

Permitting encroachment by a fire escape in the east right-of-way of Naches Street, adjoining Lot 1, Block 65, Original City of Austin, Texas. (Requested by Donna E. Burgess, owner of Lot 1, Block 65)

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

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

CONTRACT AWARDED

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

JOE BADGETT CONSTRUCTION
COMPANY, INC.
P. O. Box 9401
Austin, Texas

- Construction of Fire Station
No. 12 - \$219,711.00

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

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

Noes: None

Absent: Councilmember Lebermann

Mayor Friedman noted that this recognizes the current City of Austin Fire Prevention Plan.

CHANGE ORDER FOR DECKER #2

Councilmember Trevino moved that the Council adopt a resolution for approval of a Change Order to Westinghouse Electric Corporation in the amount of \$10,565.00 for Decker #2. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

UTILITY JOINT USE AGREEMENT ON LOOP 1 FROM LOOP 360

Councilmember Himmelblau moved that the Council adopt a resolution authorizing execution of a Utility Joint Use Agreement on Loop 1 from Loop 360 to Barton Skyway between the State Department of Highways and Public Transportation and the City of Austin. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

In response to Councilmember Linn's question, MR. R. L. HANCOCK, Director of Electric Utility Department, reviewed the area and noted that there have been some severe problems in this area and it is necessary that it be reinforced with a new station.

SEQUOIA PICTURES INTERNATIONAL, INC. REQUEST

Councilmember Linn moved that the Council grant the request from Sequoia Pictures International, Inc., to use gasoline powered motor boats on Town Lake and Lake Austin, and to deviate from the requirements of "no wake" buoys on Town Lake and Lake Austin. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

LETTER AGREEMENT WITH AMIGOS/INTERUNIVERSITY COUNCIL

Councilmember Linn moved that the Council adopt a resolution for approval of a Letter of Agreement between the City of Austin and the AMIGOS/Interuniversity Council of Ohio College Library Center (OCLC) cataloging and related bibliographic services from July 1, 1976, to June 30, 1977, at a cost of \$7,000.00. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AMENDING CITY OF AUSTIN PERSONNEL POLICIES

Councilmember Linn moved that the Council adopt a resolution amending the City of Austin Personnel Policies, Paragraph 6.4. (Holidays) as follows:

New Year's Day	January 1
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Friday after Thanksgiving	
Christmas Day	December 25

If the holiday falls on Saturday, it will be observed on the preceding Friday; if the holiday falls on Sunday, it will be observed on the following Monday.

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

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

Councilmember Linn noted that the Planning Department had submitted a petition requesting that the holidays not be changed. Mayor Friedman read the petition which stated that they requested Veteran's Day be maintained on October 25. Regarding the Council meeting on November 11, Mayor Friedman noted that there would be an ordinance brought back to either change the meeting date for that week or to cancel the meeting.

DISPOSITION OF PARCELS LOCATED IN GLEN OAKS PROJECT

Councilmember Himmelblau moved that the Council adopt a resolution for approval of the disposition of Parcels R-66-a and R-72 located in the Glen Oaks Project, Tex A-11-4. (Parcel R-66-a sold to Olenka Emery for \$2,800.00; Parcel R-72 sold to John L. Davis for \$2,000.00) The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

In response to Mayor Friedman's question as to notification, MR. BOB NOTON, Urban Renewal, stated that everyone concerned had been notified. Both of the properties are being purchased by abutting property owners.

SELECTION OF SOILS INVESTIGATION AND ENGINEERING TESTING SERVICES

Councilmember Himmelblau moved that the Council adopt a resolution selecting the firm of SHILSTONE ENGINEERING TESTING LABORATORY, for Soils Investigation and Engineering Testing Services in connection with the Waller Creek Development, Phase One. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

In response to Councilmember Hofmann's question concerning proceeding with the project, City Manager Davidson stated that his understanding was that the Council had adopted the Waller Creek Plan in principle subject to the Master Plan and all of its components; that he proceed on a step-by-step basis as funds become available under the CIP Program. The architects have been directed to proceed with the Phase I and because of design peculiarities in that section, they have asked for this testing to be done before any part of the design is completed. No contracts for construction of Waller Creek will be awarded until the plans are brought back for review by the Council.

AUTHORIZATION TO ENTER INTO CONTRACTS WITH AGENCIES AWARDED GRANTS BY COUNCIL

The Council had before it for consideration possible authorization to enter into contracts with each of the twenty-five agencies awarded grants by City Council on September 23, 1976.

Councilmember Himmelblau requested that under the proposed contract, item 5 under "General Conditions" have an additional sentence which would state the following:

"...that the City staff shall be instructed to require cost accounting principles."

Regarding the funding of Development Assistance for Rehabilitation (DAR), Youth Advocacy Program and United Cerebral Palsy, Councilmember Himmelblau noted that the funding from the City was contingent upon their receiving some grants. Mayor Friedman stated that they have six months in which to obtain Title XX funds before the City has to spend anything.

Councilmember Linn also referred to the Boys Club funding, and pointed out that the Boys Club had been funded but nothing had been funded for the Girls Club. She understood that a provision could be included that would instruct the Boys Club to provide some of their funds for Girls services in under-privileged areas; however, this was not included in the list presented to the Council. Councilmember Trevino stated that he did not accept her amendment on this matter when it was voted on by the Council on September 27, 1976.

WOODROW SLEDGE, representing the Executive Board of the United Action for the Elderly, supported the cost accounting addition to the contract.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to enter into contracts with each of the twenty-five agencies awarded grants by City Council on September 23, 1976, as follows, subject to the recommendations that have been made and with the additional sentence in item 5 under "General Conditions."

<u>CONTRACT AGENCY</u>	<u>TERM</u>	<u>AMOUNT</u>
Austin Association for Retarded Citizens (Citizen Advocacy)	10/1/76-9/30/77	4,646
Austin Child Guidance Center	10/1/76-9/30/77	50,424
Austin Community Nursery	11/1/76-10/31/77	27,959
Austin Rape Crisis Center	10/1/76-9/30/77	13,290
Austin Tenants Council	11/1/76-9/30/77	18,684
Austin-Travis County Alcohol Counseling Services	1/1/77-12/31/77	20,000
Austin-Travis County Mental Health-Mental Retardation	10/1/76-9/80/77	200,622
Big Brothers/Big Sisters	1/1/77-12/31/77	30,000
Boys Club of Austin & Travis County, Inc.	10/1/76-9/30/77	18,000

<u>CONTRACT AGENCY</u>	<u>TERM</u>	<u>AMOUNT</u>
Capital Area Rehabilitation Center	10/1/76-9/30/77	33,343
Caritas of Austin	10/1/76-9/30/77	48,000
Services for the Elderly	11/1/76-10/31/77	50,400
Community Education	11/1/76-10/31/77	132,165
Development Assistance for Rehabilitation (DAR)	11/1/76-4/30/77	43,400
Extend-A-Care, Inc.	10/1/76-9/30/77	6,805
Information and Crisis Center (Hotline)	10/1/76-9/30/77	6,750
Legal Aid & Defenders Society	10/1/76-9/30/77	35,770
Middle Earth Unlimited, Inc.	10/1/76-9/30/77	25,000
People's Community Clinic	10/1/76-9/30/77	23,139
United Action for the Elderly, Inc. (Meals on Wheels)	10/1/76-9/30/77	30,000
Youth Advocacy Program	10/1/76-9/30/77	15,631
United Cerebral Palsy	4/15/77-9/30/77	18,194
Youth Employment Service	10/1/76-9/30/77	32,000

GENERAL CONDITIONS

1. Each agency shall be required to specify contractual goals on a quarterly basis in regard to agency staff, governing board and advisory body, and will be reflective of community composition in terms of ethnicity and sex;
2. Each agency shall specify a contractual goal to develop funding strategy alternatives in pursuing City funding;
3. Each agency applying to the City for fiscal year 1978 funding for services shall show evidence of having applied for and been denied funds from sources other than the City or Travis County prior to the City's acceptance of its application;
4. Each agency applying for funding for Fiscal Year 1978 shall specify a plan achieving total financial support from funding sources other than the City or Travis County within three years of the beginning date of the fiscal year for which funding application is made;
5. Each agency shall develop and maintain adequate recording and reporting systems as determined by the City;
6. No agency's governing board shall have its membership appointed, or selected by the staff or volunteer workers of that agency;
7. The second Friday in May is established as the deadline for receiving agency applications for City funding; no application will be accepted after this date;
8. The City Manager may upon determination of an agency's non-compliance with the terms and conditions of its contract, withhold City funding for that agency.

SPECIAL CONDITIONS

1. Austin-Travis County Alcohol Counseling Service:

During the contract period, the contracting agency will establish a fee for service scale.

2. Austin-Travis County Mental Health-Mental Retardation Center:

- (a) The Center's pay increases shall not exceed 5%;
- (b) The City will negotiate with the contracting agency's board to discuss licensing of supervisory staff and pass through funding for Austin Rape Crisis Center, Womenspace and Information and Crisis Center (Hotline).

3. Austin Tenant's Council:

Should the contracting agency secure rent free space, the approved budget (\$18,684) shall be reduced to \$15,000.

4. Community Education:

- (a) That an administrative program development and review group, consisting of the Community Education District Coordinator and the directors of those City departments most directly concerned with Community Education programming, i.e. PARD, Human Resources, Library, and Health, be formed to provide for joint Austin Independent School District-City participation in the planning of, and programming for, the Community Education program; for joint development of the program's budgets and grant applications; for joint administrative consideration of matters affecting the success of the program, and joint development of recommendations to the AISD Board and the City Council when necessary;
- (b) That AISD and City staff shall develop mutually acceptable formulae for the allocation of costs to the program from other cost centers;
- (c) Applications for State and Federal funds which impact directly upon the Community Education Program shall also be approved by the City Council;
- (d) That receipt of additional funds, e.g. Federal or State, shall impact equally upon both AISD and City support of this program.

5. United Cerebral Palsy:

Title XX monies shall be sought by this project during this contract period. No City funding shall be used in support of the National United Cerebral Palsy organization.

6. Youth Employment Service:

The contracting agency will make more of an effort to seek job placements having longer term potentials.

This agency shall incorporate as a self-governing private non-profit organization.

7. Middle Earth Unlimited, Inc.:

Middle Earth's governing board shall not be selected by the staff or volunteer workers of that agency;

The above named agency will develop and maintain adequate recording and reporting systems as determined by the City.

8. Caritas:

Caritas shall incorporate as a self-governing private non-profit organization.

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

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

SETTING PUBLIC HEARING CONCERNING LAKEWOOD PLANNED UNIT DEVELOPMENT

Councilmember Linn moved that the Council set a public hearing on October 28, 1976, at 11:00 a.m. and to pass the ordinance on that date to allow Lakewood Planned Unit Development. (File #C814-74-013.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SETTING PUBLIC HEARING CONCERNING "TIMBERLINE TOWNHOUSES"

Mayor Friedman moved that the Council set a public hearing on October 28, 1976 at 11:00 a.m. to consider a revision to a previously approved Planned Unit Development called "Timberline Townhouses," reducing the number of units from 66 townhouse units to 36 townhouse units. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

SETTING PUBLIC HEARING ON REVISIONS TO COMMERCIAL REFUSE AND SANITARY
LANDFILL RATES

The Council had before it for consideration the setting of a public hearing on revisions to commercial refuse and sanitary landfill rates. City Manager Dan Davidson noted that this is something that has been discussed and proposed over a period of about 18 months.

Councilmember Linn referred to the maintenance of the dumpsters and stated that there is a problem with the restaurants that utilize them in that there is no provision made for disinfectant, fly control, or rat control. It seems liquids are dumped into the receptacles and flows out through a hole in the bottom of the dumpsters and down the alley. She felt that something should be done to include provisions for disinfectant and maintenance to keep the dumpsters clean and that liquids not be allowed to flow down the alley.

City Manager Davidson pointed out that what is being requested at this point, is a public hearing on the first phase of about a 3-phase matter. He stated that he intends to recommend to the Council that upgraded standards for all kinds of containers be adopted and also for the commercial firms that are handling those. The Council will also receive a proposed franchise agreement requirement whereby these people will have to be franchised to do business on City streets.

Councilmember Linn also stated that the lids are never closed on the containers either. MR. HARRY SAVIO, Budget Director, stated that one of the proposals does refer to this problem, and would add the additional language concerning the maintenance of the dumpsters.

Councilmember Linn moved that the Council set a public hearing on revisions to commercial refuse and sanitary landfill rates for October 14, 1976, at 2:00 p.m. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

AMENDING CITY CODE PERTAINING TO SCHOOL ZONES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS TO SUBSECTION (d) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Councilmember Lebermann

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

The Mayor announced that the ordinance had been finally passed.

Part 1 - Adding to Subsection (d) thereof:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Peppertree Parkway (Houston School)	143' north of Deadwood	120' south of Deadwood

ZONING ORDINANCE:

Mayor Friedman brought up the following ordinance for its first 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 LINE 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 first time, and Councilmember Himmelblau moved that it 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 Himmelblau, Hofmann

Noes: Councilmember Linn, Mayor Friedman

Absent: Councilmember Lebermann

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

STREET NAME CHANGE ON BURNET ROAD

The Mayor introduced the following ordinance:

AN ORDINANCE NAMING F.M. ROAD 1325, BURNET ROAD; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Regarding continuing the signs further out Burnet Road, City Manager Dan Davidson stated that he would have to contact the County Commissioners. Councilmember Himmelblau noted that she had received this request and would like it looked into.

ORDINANCE REQUIRING FISCAL NOTES ON PROPOSED ORDINANCES AND RESOLUTIONS

Mayor Friedman presented the following proposal for Council consideration:

"Many times City Councils and other local deliberative bodies act on ordinances and resolutions without first getting a firm estimate of the costs or new revenues that the legislation might be reasonably expected to accrue. I deplore this practice because it causes local government to jump blindly into new policies without specific knowledge of involved costs. We have the services of a very good professional staff. I propose to establish a policy that will allow us to use that staff to the benefit of the entire community.

My proposal today is in the interests of the City's fiscal well-being and the tax load on our taxpaying citizens. I propose an ordinance that will require a statement to accompany each ordinance or resolution that effects, now or in the future, the expenditure of local funds or requires the imposition or change of any local tax, fee, license charge or penalty.

This fiscal note I propose is to be prepared as part of a fiscal note system established by the Budget Director who will be capable of providing, when requested by the City Council, the fiscal implications and the total probable cost or the amount of any increased or decreased revenue, whichever is applicable, to the City of Austin each year for the first five years after its passage and an additional statement as to whether or not there will be a cost or an increased or decreased revenue thereafter.

As I envision it, the ordinance would have provisions similar to those listed below:

(a) The Budget Director shall establish a system of fiscal notes for ordinances or resolutions having impact on local government of the type or class that require, presently or in the future, the expenditure or diversion of local funds; or require any new local tax, fee, license charge, or penalty; or require an increase or decrease in any existing local tax, fee, license charge, or penalty.

(b) Such system shall be capable of providing, when requested by the City Council, the fiscal implications and the total probable cost or the amount of any increased or decreased revenue, as applicable, of the measure to the City of Austin each year for the first five years after its passage and a statement as to whether or not there will be a cost or increased or decreased revenue thereafter.

(c) Such system shall be capable of and responsible for verifying as accurate all information and data supplied by all departments of the City utilized by the Budget Director.

(d) At the request of the City Council, the Budget Director shall determine whether or not the fiscal implications of a bill or resolution described in (a) can be ascertained and whether a determination thereof can be reasonably made within a period of fifteen (15) days from the date of assignment to him. If such determination cannot be ascertained, or cannot reasonably be made within said fifteen (15) day period, then the Budget Director shall so state in the fiscal note, giving the reasons therefor, in which case the fiscal note shall be in full compliance with this resolution.

(e) If an ascertainment of the fiscal implications can be made, the Director shall return the fiscal note to the City Council requesting it within fifteen (15) days of the request.

(f) In preparing the fiscal note, the Budget Director shall utilize information or data supplied by any person, agency, organization, or governmental units the Director deems reliable, and shall state the source or sources of the information or data used and the extent to which the Director relied on the information or data in preparing the fiscal note.

(g) In the event an ordinance or resolution is amended by the Council so as to alter its implications, on the request of the City Council, the Budget Director shall prepare a revised fiscal note reflecting the data required by (b).

I request that the City Attorney draft this proposal as an ordinance so that we may formally consider it and its benefit to the people of Austin."

Mayor Friedman stated that he was requesting that the City Manager and City Attorney be authorized to come back with a properly drafted Ordinance.

Motion

Councilmember Linn moved that the Council authorize the City Manager and City Attorney to come back to the Council with an Ordinance requiring fiscal notes on proposed ordinances and resolutions. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

CONSIDERATION OF TRAFFIC SIGNAL ON ANDERSON LANE

Councilmember Himmelblau requested that this item be postponed and placed on the agenda for October 14, 1976.

PLEASANT VALLEY ROAD PROJECT

MR. BILL BULLOCH, Urban Transportation Department, presented to the Council a report on the Pleasant Valley Road project. He stated that for the past year and a half the Pleasant Valley Road project has been discussed at formal and informal meetings. This section of Pleasant Valley is the second phase of the implementation of the 1961 Austin Development Plan.

The project has been reviewed by the Urban Transportation Commission, the Traffic Safety Commission and the Austin Transportation Study. Due to the work of Mayor Pro Tem Snell and Councilmember Trevino, the residents have been able to become more informed on the scope of the project, its assets and impacts, and through the involvement at the neighborhood level a better understanding has been obtained. Based on citizens' comments, the Urban Transportation Commission and Traffic Safety Commission have recommended the project with 40 feet of paving on 60 feet of right-of-way, with the understanding that additional right-of-way may be needed in some areas for drainage purposes.

Mr. Bulloch noted that sidewalks along both sides of the projects would be installed. Upon completion of the construction, bike lanes, a traffic signal at Webberville Road, and a four-way stop at Lyons Road will be installed. Mr. Bulloch stated that it was his understanding that the residents in the Chestnut and Pleasant Valley Road area feel that this is a satisfactory design.

Because this is an urban system project, the action of the Council will be forwarded through the State Department of Highways and Public Transportation to the Federal Highway Administration for their review, prior to right-of-way acquisition and construction. Mr. Bulloch requested that the Council endorse the proposed design as recommended by the Commissions and discussed with the citizens.

Councilmember Trevino moved that the Council authorize the staff to proceed with the proper steps involved in the project. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

REPORT ON INDUSTRIAL WASTE ORDINANCE SAND AND GREASE TRAPS AT
CONVENIENCE STORES

DR. MAUREEN McREYNOLDS, Director of the Environmental Resource Management Department, presented a report to the Council concerning the Industrial Waste Ordinance. She stated that this report was in response to the Council request of a couple of months ago on the use of Sand and Grease Traps at convenience stores where self-service gas pumps are installed. The Sand and Grease Traps are required at gas stations and similar facilities by the City's Industrial Waste Ordinance. Environmental Resource Management has investigated this issue in consultation with several other City departments and as a result of this investigation, Dr. McReynolds recommended that the Industrial Waste Ordinance requirement of having the grease traps installed not be changed at this time; however, she felt that the administrative requirements do require some modification. In particular, the area presently drained to the grease trap is a 20-foot by 20-foot slab around the gas pumps, and she felt the area needed to be increased. Installations are presently being made in areas where there is no storm sewer or drainage course that the grease trap can discharge into. Dr. McReynolds noted that the Engineering Department had proposed specific departmental requirements, which are included in the report, for the installation of grease traps at gas stations and self-service facilities.

She also recommended in the report that the City work toward establishing more effective and less expensive facilities to remove contaminants from surface run-off. She felt that eventually, the City should consider sand and grease traps for all types of parking lot facilities. Councilmember Himmelblau pointed out that several years ago in certain areas of the City the Planning Commission required it and felt it warranted consideration now.

In referring to the filtering matter, Councilmember Himmelblau also felt that the diatomaceous earth would prove to be a better filtering system.

In response to Councilmember Hofmann's concern as to the maintenance of the traps, City Manager Davidson noted that for the majority, the businesses usually maintain them.

One gentleman from the audience requested that the Council conduct a public hearing to change the Industrial Waste Ordinance. Mayor Friedman pointed out that the Council could conduct a public hearing and amend the Ordinance to exempt convenience store gas pumps from having the sand and grease traps, or the Council can take no action and wait until the Ordinance has been revised by the Environmental Board and the department. He felt that it was not necessary to have a grease and sand trap at a convenience store gas station. Councilmember Himmelblau stated that she would like to see the Ordinance be kept in effect until a major revision is done.

Motion

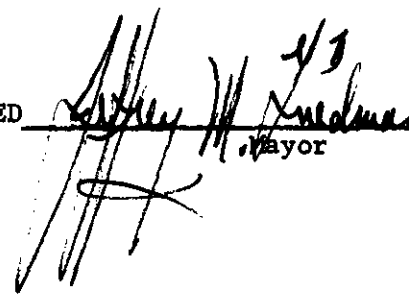
Mayor Pro Tem Snell moved that the Council instruct the Environmental Resource Management Department and the Environmental Board to proceed with revisions to the Industrial Waste Ordinance and present to the Council when completed. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Mayor Friedman stated that he did not think the sand and grease traps were needed on every parking lot and certainly not at locations where there were only one or two gas pumps.

ADJOURNMENT

The Council adjourned at 3:35 p.m.

APPROVED  Mayor

ATTEST:


City Clerk