

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 2, 1977
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

The Invocation was delivered by Reverend Richard E. McCabe of St.
Theresa's Catholic Church.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the meeting for May 26, 1977. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino

Noes: None

PARK LAND DONATED

Mayor McClellan read a resolution signed by the Mayor and members of the Council stating the City's appreciation to Walter R. Carrington for his donation of 12.59 acres of land for the Battle ~~Budd~~ Springs Park and Greenbelt to be used for parks and recreation purposes by the citizens of Austin. Mr. Carrington thanked the Council for the resolution.

PAINTING PRESENTED TO THE MAYOR

MS. SHERLYN HOWZE, Superintendent of Art for the Austin Independent School District, presented a painting to Mayor McClellan from the School District that had been painted by Randy Phinney, a June 1977 graduate of Travis High School. Mayor McClellan thanked Ms. Howze and Randy Phinney for his well-executed work. The Mayor also recognized Ms. Virginia Grembles, Randy's art instructor at Travis High School, and his parents and relatives who were in the audience. She said the painting will be hung in her office at the Municipal Building.

EXECUTIVE SESSION

Mayor McClellan announced the Council would convene in Executive Session at 12:15 p.m. today. She said they would not be making appointments to any boards or commissions.

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Elaine Flynn for Muscular Dystrophy Association from 9:00 a.m. until 1:00 p.m., Friday, June 3, 1977, beginning skating from Capitol Building (50 to 200 children) to Lavaca, Lavaca to Martin Luther King Boulevard to Guadalupe, Guadalupe to Koenig Lane to Rockwood Lane, Rockwood to Primrose to McCann (Playland Skating Center.) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

POLICY CHANGE PROPOSED FOR SELECTION OF BOARD & COMMISSION MEMBERS

Ms. Marilyn Simpson, Treasurer of the Austin Neighborhood Council, appeared before Council to "discuss a situation which has caused much controversy in the city." She was referring to the selection process for members of boards and commissions. She said that during the recent City Council campaign she obtained names and addresses of members of 30 boards and commissions and plotted the addresses on a City map to show areas of the City which have the largest concentration of appointees. She compared the results with the 1976 census information, comparing the percentage of the population living in these areas with the percentage of board and commission appointees living within these areas. Results of her studies showed that the areas of highest concentration of appointees (northwest, west and near east Austin) have 28.5% of the population and 53% of the members of the boards and commissions. According to her statistics, 71% of the population of Austin is represented by 41% of the members of boards and commissions. Ms. Simpson inferred that 7% of the members live outside the Austin City limits. During the campaign she said she spoke to

several of the candidates who indicated they were in favor of equitable representation by Austin citizens. She quoted the statements of present Council members Lee Cooke, Jimmy Snell, John Trevino and Mayor McClellan.

Ms. Simpson stated she had been waiting since election day for a procedure to be set up to correct what she found to be an unequal situation. From the appointments that have been made so far by the present Council, she said, "It is obvious from these appointments that no change has been made and this Council is generally conducting its search for appointees in the same areas of the City where a disproportionate number of appointees now reside. For example, no member of the last Planning Commission or this one reside in north or northeast Austin, yet this area has 25.5% of Austin's population."

Ms. Simpson proposed the following set of procedures, which she felt would help eliminate some of the real problems associated with appointment selections:

1. The City Council should set up a specific Thursday for announcing board appointments. It really does not matter which Thursday is chosen, but it should be the same Thursday each month. This way everyone will know, in advance, when to expect appointments.
2. The City should announce up-coming vacancies which occur on boards due to the expiration of terms or resignation at least 2 months before the date this appointment is to be announced. This information is really not predictable by the public because the ordinances setting up many boards and commissions call for expiration dates based upon the appointment date. When appointments are not made on time (and in the past they have not), then there is no way short of using a computer to keep up with many expiration dates. With so many board and commission appointments being made all the time, the average citizen has no hope of keeping informed. A study should be made which would bring these widely scattered expiration dates into line with the real intent of the ordinances which created the commissions. The City Clerk's office has done a tremendous job of keeping track of these dates but this job must be a nightmare.

The newspapers I have contacted have expressed interest in the possibility of running the appointment vacancy notices on a regular schedule. The City Clerk should also have this information available in her office.

The situation we have now is not good. A very few individuals in this City even know when positions are available much less when the appointments are to be made. By announcing this information well in advance of appointments, the Council will give all citizens in the City the opportunity to apply.

3. The application process as it exists now is also unacceptable. The fact is that there is no real system for applying. Some individuals submit applications to the City Clerk, some apply either in writing or verbally to Councilmembers, and some find out that they have been appointed as a total surprise. The recent appointments are a good example. None of the new appointees had submitted applications to the City Clerk's office when I requested this information last Tuesday.

This cannot continue. The solution to this would be to require that an application and a resume or biographical data sheet be submitted to the City Clerk prior to appointment. The City Clerk should check these applications and resumes into her office giving the date it was submitted. She should then make copies of these documents for the individual Council members. The original should be kept in her office available for all to see (including members of the press.)

4. The Austin City Charter allows the City Council to appoint to the Planning Commission up to 5 individuals who have direct interests in the land development industry. This is a voting majority!! There is no similar provision made for neighborhood advocates or any other group. This is not fair.

The City Charter should be changed to allow no less than equal representation from land developers and neighborhood advocates on the Planning Commission. Considering the fact that the Planning Commission's decisions directly effect the neighborhoods, I feel that this is the only fair solution. Other boards such as the Arts Commission, Electrical Board, Historic Landmark Commission, Plumbing Board of Appeals, and others specify the sectors of the community from which all or some of their members are to be taken. This practice should be applied to the Planning Commission, too.

5. There is no way that the average citizen can force the City Council to appoint members of Boards and Commissions on the basis of representation for all interests in the City (including neighborhoods.) In the past board members were appointed with the desire to "stack" certain boards and commissions with individuals who agree philosophically with certain Council members. I only hope that this process has not begun with this Council.

Ms. Simpson also recommended that decisions on appointments be discussed in the open instead of behind closed doors. She went on to say Austin is very lucky to have qualified individuals all over the City, and feels that some of them must become discouraged by the feeling that is prevalent in the City that only certain individuals from "favored" areas will be appointed. The policies suggested here, she said, will be a step in the right direction. "As Mayor McClellan said while running for her office, 'There are ways of avoiding (quotas) while insuring broad representation.'Have the citizens of Austin been sold a bunch of campaign rhetoric or can they look forward to a revamping of the appointment process?"

Mayor McClellan asked Ms. Simpson for a copy of her suggestions and commented that she had some good points. The Mayor went on to say that they have tried to announce vacancies on boards and commissions and that the Council wants to work on a sunset ordinance on boards and commissions to clear up overlapping duties of these bodies. "We will probably need a work/study session on boards and commissions," the Mayor concluded. Councilmember Mullen pointed out that equalization had been of concern to them when appointing members to the Planning Commission recently.

HISTORIC ZONING - FAILED

RESIDENCE OF B. J. SMITH
Forest Pearson
and John Harrison
owners
CL4-h76-023

700 West 6th Street
Applicant was present.

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie, Director of Planning, told the Council that he had received a valid petition from the owner requesting this property not be zoned Historic; therefore, it would take six votes to change the zoning to Historic for the property. Discussion on the zoning had begun at the May 26, 1977, meeting and was postponed until today.

PHILIP CREER, Landmark Commission, stated he had investigated the rumor of last week that someone wanted to buy the property and that the offer is valid. He said the building was not for sale but the owner and interested buyer had met. The Landmark Commission, he announced, unanimously recommended Historic zoning for this application.

MR. FOREST PEARSON appeared before the Council and thanked them for the postponement of the discussion. He referred to the valid petition he had submitted to the Planning Commission with the signatures of "knowledgeable people" who were property owners in the adjoining area. He reiterated his statements of last week, saying the property had been purchased for an office site and was being held in reserve for the day when his firm would need it. Mr. Pearson told the Council that Historic zoning on the structure would create an economic hardship because the space occupied by the building would be needed as part of an office building. He went on to say that he regretted having to do this, but the rumor that someone wanted to purchase the property was not so, he had not met with anyone to discuss the sale, and the property was not for sale. The only discussion he had during the week concerning the sale of the property was with an acquaintance who had called him and said he understood Mr. Pearson was interested in disposing of or demolishing the property and if so he wanted to talk to him about it, but had no authority to do anything and was in no position to make an offer to Mr. Pearson....mainly he was interested in information. He asked the Council to support the Planning Commission and his request. Councilmember Himmelblau asked if there would be any objection to their designating "H" Historic on the building only. Mr. Pearson replied they wanted to keep their options open, and may want to incorporate the building in their plans.

Motion

Councilmember Goodman moved that the Council designate the building and 5 feet in the rear as "C-2-H" Commercial-Historic zoning. Councilmember Trevino seconded the motion.

Councilmember Goodman asked Mr. Lillie if the rear was the only place where some room was needed. Mr. Lillie replied affirmatively. Councilmember Goodman then said it was his understanding if there was an economic hardship in the future, the zoning would be rolled back.

Friendly Amendment

Councilmember Himmelblau offered a friendly amendment that people who own property zoned "H" Historic, have some tax relief. Councilmember Goodman accepted the friendly amendment as a statement encouraging tax relief.

Mr. Jerry Harris, City Attorney, said the Council could not designate tax relief at this time. Councilmember Himmelblau stated she just wanted this to reflect in the Minutes.

Mr. Pearson told the Council that Councilmember Goodman's proposal in his motion would preclude their being able to include the building in a proposed business development. The Mayor asked Mr. Pearson if the 5 feet was the problem. He replied that they felt any encroachment on their rights produces a severe economic burden to them. He said he would also be unable to negotiate in the event someone wanted to buy the property if it was zoned "H" Historic.

Roll Call on Motion

Roll call showed the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Trevino, Mayor
McClellan, Mayor Pro Tem Snell
Noes: Councilmembers Cooke, Mullen

The Mayor announced that the motion to designate the building and 5 feet in the rear as "C-2-H" Commercial-Historic had failed, because of the fact that with a valid petition, passage of the motion required 6 votes.

PUBLIC HEARING - LAND ANNEXATION

The Mayor opened the public hearing at 10:30 a.m. to consider annexation of and directing the administration to institute annexation proceeding for the following:

108.08 acres of land out of the John Applegait Survey and the John C. Brooke Survey in Travis County, Texas, known as Quail Hollow. (Requested by Mr. Thomas B. Watts for NPC Realty Company)

Mr. Lillie reviewed the site by use of slides and introduced Mr. Bill Williams of Nash Phillips-Copus who was there to answer any questions.

Councilmember Himmelblau moved that the Council close the public hearing and vote to proceed with the annexation of 108.08 acres of land out of the John Applegait Survey and the John C. Brooke Survey in Travis County, Texas, known as Quail Hollow. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

RELEASE OF EASEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following Easement:

The south 2.50 feet of a 7.5 feet Public Utilities Easement out of and a part of Lot 25-A, Imperial Valley, Section One, Amended. (Requested by David Keyland, Fort Worth Mortgage Corporation, representing Frank Maldonado, owner.)

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

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

STRUCTURES TO BE DEMOLISHED AND MOVED

Councilmember Cooke moved that the Council adopt a resolution authorizing the following structures to be demolished and moved:

1. To be demolished: (Negative bid accepted)

2511 South 1st Street	Philip Hogan	\$429.00
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2. To be moved (Positive bid accepted)

2700 French Place	Eddie Washington	\$500.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

After the vote was taken, Mayor Pro Tem Snell asked about the moving of the structure. Mr. Davidson, City Manager, said that in connection with the 26th Street project, it was necessary to move a structure. A slide was shown and Mr. Lonnie Davis stated the upper portion of the structure was to be relocated and turned into a duplex. There are no plans for the lower part of the structure. Mayor Pro Tem Snell asked if the people in the area where it is being moved to have been notified. Mr. Davis said they will be before it is moved. Mayor Pro Tem Snell asked if they were going to vote on the move. Mr. Davidson answered the applicants must obtain a permit in order to move the structure, as a separate action, and they will have to comply with the City's regulation about moving a structure into a neighborhood before they can do that. That is not before the Council today, he said.

BUDGET AMENDMENT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize a budget amendment to Urban Mass Transportation Administration grant project TX-05-0012 in the amount of \$95,844.00. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

LICENSE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to enter into a License Agreement with the Missouri-Pacific Railroad for the purpose of improving the west drainage channel between Williamson Creek and Stassney Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

CONTRACTS AWARDED

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

J. T. WAGGONER CONSTRUCTION CO.
P. O. Box 17036
Austin, Texas 78760

- Construction of Economic Development
Administration Local Public Works
Sidewalk Program Phase III.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

DIS-TRAN PRODUCTS, INC.
609 South Washington
Alexandria, Louisiana

- CAPITAL IMPROVEMENTS PROGRAM, Marshall
Ford Substation; Decker Switchyard and
Hamilton Substation - Galvanized
Structural Steel, Electric Department.
Items 1 thru 12 - \$12,417.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

DAVE SMITH COMPANY
713 N. E. 3rd Street
Ft. Lauderdale, Florida

- Galvanized Steel Sign Posts, Urban
Transportation Department.
Item 1 (alternate bid) - \$5,290.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

STRAIT MUSIC COMPANY
908 North Lamar
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, Zilker
Park Hillside Stage - Sound System
Improvements, Parks and Recreation
Department.
Item 1 - \$8,000.00
Item 2 - \$1,500.00
Total \$9,500.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

Mayor McClellan said they had received a memo concerning this item. No further discussion ensues.

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

FRED STROUD COMPANY
3900 Sierra Drive
Austin, Texas

- Water Pump, Fire fighting, Trailer
Mounted, Vehicle and Equipment Services
Department.
Item 1 - 1 ea. - \$7,800.00

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

ROBERT HURST CONSTRUCTION COMPANY 9741 Highway 290 East Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Ken Avenue - 8" Wastewater main to provide service to newly annexed area - \$11,546.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

ROBERT HURST CONSTRUCTION COMPANY 9741 Highway 290 East Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Pony Chase, Shetland Chase, Branding Chase - 8" Wastewater Main to provide service to annexed area - \$76,857.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

STEPHENS INDUSTRIES, INC. 9801 Industrial Boulevard Lenexa, Kansas	- Automatic Letter Opening Machine, Utility Customer Service Division. Item 1 - \$10,374.15
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

DRESSER INDUSTRIES, INC. 601 Jefferson Houston, Texas	- Air Blower, Water and Wastewater Treatment Item 1 - \$21,652.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

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

SUPERIOR SOUTHWEST, LTD.
3909 Overton
Dallas, Texas

- Emergency Medical Vehicle, Modular Van,
Vehicle and Equipment Services
Department.
Item 1 - 1 ea. - \$23,382.78

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

Mr. Davidson said Councilmember Trevino had asked how many of the EMS drivers had taken a defensive driving course. He stated 67% have had the basic course, and 3 drivers, who had been sent to San Antonio for a special training course, would provide that training to the other drivers.

CHANGE ORDER

Councilmember Goodman moved that the Council adopt a resolution for approval of Change Order No. 4 to Brown and Root, Inc., General Contractor for Decker Unit #2 in the amount of \$211,113.00 (Capital Improvements Program). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,
Mayor McClellan, Mayor Pro Tem Snell
Noes: None

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 42-inch water main beneath said Railroad's right-of-way at 1,497 feet north of Mile Post #187 in the City of Austin, Travis County, Texas. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell, Councilmember Cooke
Noes: None

GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of a grant application to the Texas Department of Community Affairs for an Intergovernmental Personnel Act grant for a "Comprehensive Employee Relations Training Program." The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman
Noes: None

Councilmember Cooke said that 350 personnel are going to be trained during the course of this program. He asked Jimmie Flakes, Director of Personnel, what area of the City they planned to concentrate on, and who will get the training first. Mr. Flakes announced they did not have a plan, but he speculated they probably would go to the areas where the employee activity is the greatest and then scale their activities down to the departments that don't have significant employee activity.

LEASE AGREEMENT FOR THE LAW DEPARTMENT

The Council had before it for consideration a Lease Agreement providing for office space in the Stewart Title Building for the Law Department.

Motion - Died for Lack of a Second

Councilmember Himmelblau moved that they enter into a Lease Agreement with the Stewart Title Building for the lease. The motion died for lack of a second.

Motion

Councilmember Trevino made a motion that this item be postponed until June 9, 1977. The motion was seconded by Councilmember Mullen.

Councilmember Mullen stated he wanted to instruct the staff to come back with a clear explanation of the cost factor to make sure the Council has a clear understanding between the two buildings. Councilmember Cooke, said there should be a clearer understanding between the Consumer Price Index and cost of operation and maintenance of the Stewart Title Building to give a clearer delineation of how one is better than the other.

Roll Call on Motion

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Himmelblau, Mullen
Noes: None
Abstain: Councilmember Goodman

COUNCIL MEETING RESCHEDULED

Councilmember Trevino moved that the Council reschedule the Council meeting of June 23, 1977, to begin at 7:00 p.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Trevino
Noes: None

ACTION RESCINDED ON CLOSING STREET

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RESCINDING ACTION TAKEN BY THE AUSTIN CITY COUNCIL ON APRIL 28, 1977, PERTAINING TO THE VACATION AND CLOSING OF A CERTAIN PORTION OF BLUE BIRD LANE IN THE CITY OF AUSTIN, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the ordinance had been finally passed.

SELECTED SPEED ZONE MODIFICATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SUBSECTIONS (d), (e) AND (j) THEREOF, AND BY ADDING A NEW SUBSECTION (f) THERETO, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (School speed zones; park speed zone)

Councilmember Mullen 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 Cooke, Goodman, Himmelblau, Mullen,
Trevino, Mayor McClellan, Mayor Pro Tem Snell
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE AMENDMENT

Mayor McClellan introduced the following ordinance:

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

TRACT 1: LOT 3, AND THE WEST 45 FEET OF LOT 2, SAVE AND EXCEPT A 2,250 SQUARE FOOT TRACT OF LAND HEREINBELOW DESCRIBED, MURCHISON VALLEY ESTATES, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,

TRACT 2: A 2,250 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 7801 MARTIN LUTHER KING, JR. BOULEVARD, AND ALSO BEING BOUNDED BY NIXON LANE, 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. (C. L. Hagood, C14-77-013)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING ON PROPOSED SUB-METERING ORDINANCE

Mayor McClellan opened the public hearing on the proposed Sub-Metering Ordinance scheduled for 11:00 a.m. Mr. Dan Davidson, City Manager, introduced Dr. Archie Straiton, Vice-Chairperson of the Energy Conservation Commission, to speak regarding the proposed ordinance. Dr. Straiton told the Council and members of audience that he was here to propose the sub-metering ordinance applicable to apartments recommended by the Energy Conservation Commission. He stated that up to 30% more electricity is used when a tenant does not pay his own bills. Under the sub-metering ordinance, the owner or manager of the apartment will receive the bill for the complex and divide the bill among the tenants. There are a number of ways this can be done, he said, and is not recommending any particular system, but he does endorse sub-meters for the individual units, with the bill divided among the tenants.

Mayor McClellan, referring to a letter received just prior to the Council meeting, written by Jody Lehman, asked whether mobile home parks or apartments with individual city meters can sub-meter. Dr. Straiton answered that in a brief meeting concerning Ms. Lehman's letter containing revisions and additions to the proposed ordinance before the Council meeting, it was concurred that no unit that was currently individually metered should be converted to master meter and then sub-metered. Ms. Lehman is in the Attorney General's Consumer Protection Division.

Clay Strange, Assistant City Attorney, said that this factor is covered under the ordinance under Section 37-61 (c) (1) "The use of electric service supplied by the City may be sub-metered separately for each dwelling unit, of an apartment complex, of an apartment hotel, apartment house or mobile home park...." Mr. Strange commented he felt the amendment suggested to be unnecessary.

Councilmember Goodman asked Mr. Jerry Harris, City Attorney, if he had the opportunity to look at Ms. Lehman's proposals. Mr. Harris said he had not, because her letter had just now been circulated. He suggested they take some time to look over her letter and come back later. Mayor McClellan suggested they take up other Agenda items for 15 minutes in order to give the City Attorney a chance to look at it.

After discussion of another item, the Council recessed at 11:15 a.m. for a 15 minute break before resuming discussion on the sub-metering ordinance.

Mr. Harris pointed out that suggested amendments 1, 2, and 5 are already in the ordinance. The main concern seems to be that you could sub-meter mobile homes in mobile home parks. Councilmember Goodman asked how disputes would be handled between tenant and landlord. Mr. Strange answered his question by stating that one of the things the Commission attempted to do was make sure disputes would be handled between tenant and landlord and keep the City of Austin Electric Department out of any disputes. Councilmember Mullen wanted a provision in the ordinance whereby the manager of an apartment complex should provide a clear, concise written explanation to each tenant, upon request, telling how the electric bill is figured.

Discussion ensued with remarks by Mr. Harris, Councilmember Himmelblau, Mr. Strange, Councilmember Goodman, Mr. Pieter Sybesma, Mr. Mark Levbarg, and Councilmember Mullen concerning the pro's, con's, if's and wherefore's of methods of billing and handling complaints.

After discussion, the following amendments were agreed upon:

1. Page 2 (c) (1) "The use of electric service supplied by the City may be sub-metered separately for each dwelling unit, of an apartment complex, or an apartment hotel, apartment house or mobile home park, which are master-metered on the date of passage of this ordinance, provided however, that no dwelling unit for which a building permit was issued after December 31, 1976, shall be sub-metered."
2. Page 2, (c) (3) b. iv "Upon request of the tenant, providing to the tenant a clear and concise written explanation of how the electric bills are computed."
3. Page 3, d. The words "at his own expense" were added after "copy" in the first line of d.
4. Page 3 (1) The word "apartment" was changed to "dwelling".

In reply to Councilmember Goodman, the City Attorney stated the revisions could be made now and proceed, or they could be brought back later.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY THE ADDITION OF SECTION 61 TO CHAPTER 37; DEFINING WORDS AND TERMS; PROVIDING FOR ELECTRICAL SUBMETERING; PROVIDING PROCEDURES TO BE FOLLOWED FOR THE IMPLEMENTATION OF SUBMETERING OF RESIDENTIAL DWELLING UNITS; PROVIDING A PENALTY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Mullen moved that the Council close the public hearing, 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: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDMENTS TO FINANCIAL DISCLOSURE ORDINANCE

Councilmember Himmelblau moved that the Council set a public hearing for June 16, 1977, at 7:30 p.m. to consider amendments to the Financial Disclosure Ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman

Noes: None

CITY COUNCIL GROUP INSURANCE PROGRAM

Councilmember Goodman moved that the Council instruct the City Manager to take administrative action for the sole purpose of making Council members eligible for City of Austin group insurance program, with participation by Council members to be purely optional, and dependent coverage will be paid for by Council members. After discussion, the motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro
Tem Snell, Councilmember Goodman

Noes: Councilmembers Cooke, Himmelblau

EMERGENCY ITEM ON BOARDS AND COMMISSIONS

An emergency item to consider policy change limiting all Council appointments of Board and Commission members to two years, and consideration of amending Section 2-5 of the Austin City Code to change terms of office for the Hospital Board to two years was pulled from the agenda.

ENERGY EFFICIENCY RATIO ORDINANCE

Mr. Mac Holder, Chairperson, Energy Conservation Commission, appeared to discuss the EER Ordinance that is to be implemented July 1, 1977. The Electrical Code Sub-committee of the Energy Conservation Commission met jointly with the Heating, Refrigeration and Air-Conditioning Appeals Board to hear additional testimony on Energy Efficiency Ratio criteria for central air-conditioning systems recently adopted by the City Council. Testimony indicated that few

pieces of air-conditioning equipment (roof-top package units and heat pumps) would be available at 7.5 EER above 65,000 BTU's. Based on a vote of the board and commission, a majority of the members voted to recommend to the City Council that roof top package units and heat pumps above 65,001 BTU's remain at the current EER of 7.0 until January 1, 1978, when the EER will increase to 7.5 EER.

Councilmember Goodman moved that the Council instruct the City Attorney to come back with an ordinance to allow delay of the EER Ordinance until January 1, 1978. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers
Goodman, Himmelblau, Mullen, Trevino
Noes: Councilmember Cooke

EXECUTIVE SESSION

The Council recessed its meeting at 12:27 p.m. to resume at 2:00 p.m. Mayor McClellan announced that the Council would meet in an Executive Session during the lunch hour.

Mayor McClellan stated that the Council had met in Executive Session during the lunch hour and discussed the LoVaca situation. The Mayor said that basically she saw two alternatives:

1. Going with some type of settlement and/or
2. Taking the case to the Railroad Commission in July.

She said the Council is working closely with LCRA to make its decision and will vote on the alternative(s) June 23, 1977. Also discussed at the Executive Session were four appointments.

Austin Transportation Commission

Councilmember Himmelblau moved that the Council appoint Councilmembers Cooke, Goodman and Mullen to the Austin Transportation Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None

Texas Municipal League

Councilmember Trevino moved that the Council appoint Mayor McClellan to the Texas Municipal League. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,
Trevino, Mayor McClellan, Mayor Pro Tem Snell
Noes: None

PUBLIC HEARING ON THE PROPOSED FAIR HOUSING ORDINANCE

Mayor McClellan opened the public hearing scheduled for 2:00 p.m. for the second and third readings of the proposed Fair Housing Ordinance. The Mayor asked Ms. Janna Zumbrun, Chairperson of the Housing Sub-Committee of the Human Relations Commission, to elaborate on some recent amendments that were made to the ordinance.

Ms. Zumbrun stated that the Human Relations Commission, at its regular monthly meeting and at a special called meeting, had devised amendments to the ordinance in an effort to make it more acceptable. The amendments are as follows:

1. To recommend that all references to "parenthood" be deleted from the ordinance.
2. To recommend the inclusion of the word "creed" in the ordinance. She stated that creed includes the broad cross-section of people that the term "religion" does not necessarily address.
3. To recommend that exemption Section 7, subsection (a) be deleted from the ordinance.
4. To recommend inclusion of a statement clarifying that a complainant had the right to come to either the Human Relations Commission or the Federal government to file a complaint.
5. To recommend inclusion of a statement to the enforcement section which would read, "A person commits an offense if after he or she and the director or conciliator execute a conciliation agreement, he or she intentionally, knowingly or recklessly violates the conciliation agreement."

Ms. Zumbrun pointed out that some recommendations have been received from the Austin Apartment Association. These recommendations are as follows:

1. In Section 3, Subsection (a), the inclusion of the statement, "If any person is physically capable of accomplishing ingress and egress to a particular apartment unit as it currently exists, it shall be unlawful to make unavailable or deny residency to that person if other bona fide criteria are met."
2. In Section 3, Subsection (c), the inclusion of the statement, "Advertising statements of a positive nature that espouse certain amenities which do not relate to prohibitions listed above, will not be considered in violation of this Ordinance."

Ms. Zumbrun indicated that the Apartment Association had expressed concern over the Penalties section (Section 11) of the ordinance but that the Human Relations Commission had recommended that its language be left the same in that the language was standard anti-discrimination language and would not be interpreted to mean that a person found guilty of a violation could be assessed a \$200 per day fine retroactive back to the day the offense was first committed.

MR. DAVID CATE, a member of Young Americans for Freedom, spoke before the Council. Mr. Cate read a quote made by Mr. Mike Grossberg, past Chairman of the Travis County Libertarian Party. He stated that freedom of association was guaranteed in the First Amendment and that this necessarily included not associating with whomever one pleased. He also pointed out that it would be unprofitable for a landlord to be a racist because he would make less money.

FATHER JOE ZNOTAS, Chairperson of the Human Relations Commission, spoke before the Council. Father Znotas urged the Council to pass the ordinance on second reading that day. Councilmember Mullen asked Father Znotas what he meant by "many people" in referring to housing discrimination complaints. Father Znotas replied that he saw this kind of discrimination taking place every day. Councilmember Mullen questioned why the Federal Housing and Urban Development Department was not handling the complaints if there were so many of them. Father Znotas stated that this was due to a lack of staffing and the time factor involved with filing a complaint. He assumed that the same conditions existed within the Equal Employment Opportunity Commission (EEOC). Councilmember Mullen again asked Father Znotas how many persons were effected by housing discrimination. Father Znotas replied that he dealt with discrimination every day and that he did not have time to write it all down. Councilmember Mullen felt that if the City was going to allocate \$16,000 a year for implementation of the Fair Housing Ordinance, it should know how many persons the ordinance was going to effect. Councilmember Mullen stated that the City only had so much money to spend on services it rendered, and he wanted to be sure that it was going to the right place. Mayor McClellan pointed out that what was needed was documentation of the complaints received by the Human Relations Commission which could show the scope of the types of discrimination that existed. Councilmember Mullen indicated that according to the statistics he has received, discrimination complaints were not being referred to the Federal government for action. He questioned the need for an ordinance that duplicated the already existing Federal Fair Housing Act. Ms. Zumbrun stated that the statistics being referred to were taken from complaints that have been brought to the Human Relations Commission over the past eight years. She stated that over the past three years, persons calling in to the office or coming in with a complaint have been referred to the Federal Department of Housing and Urban Development because the Commission has had no success in voluntary conciliations without the power of law behind it. She indicated that there were no statistics on the numbers of persons who have been referred to HUD or on the results of complaints taken by the agency. She pointed out that the complaints that have been taken by the Human Relations Commission are an under-estimation of the amount of discrimination that is occurring because people know there is no remedy on a local level. She stated that the complaints that have been taken are from persons who hope that a voluntary conciliation can be reached.

Councilmember Mullen again stated that he could not go along with an ordinance that would cost the City \$16,000 a year without knowing exactly what the statistical need for the ordinance is. Ms. Zumbrun again stated that the available statistics did not truly represent the magnitude of the problem. Councilmember Trevino felt that even one person being discriminated against was too many. He pointed out that a price tag could not be placed upon the dignity of people. Councilmember Trevino stated that a broader picture of the amount of existing discrimination could be obtained by going to community leaders, lawyer referral and the Legal Aid Society. He indicated that the reluctance to bring a complaint to the Federal government was due to the backlog of

complaints that they already had. Councilmember Goodman stated that there were probably untold cases of discrimination that are never even reported. Councilmember Trevino felt that if there was a local mechanism for dealing with housing discrimination, there would be an increase in the amount of reported complaints.

MR. BILL STEWART, Director of the Human Relations Department, addressed the absence of statistical data to support the number of cases in housing discrimination. He stated that this was incalculable just as in most areas of human rights work. Mr. Stewart posed the question of why would there be any complaints when there is no mechanism to address the complaints? Councilmember Mullen stated that there would be complaints on a Federal level if it was a problem. Mr. Stewart indicated that on a Federal level, there have been about 60 cases reported in the Austin area within the last six years. He said that this was not representative of the number of complaints or the number of incidents of discrimination and that it would be totally impossible to arrive at a figure until there is an accurate means of measuring the number of incidents. Councilmember Mullen pointed out that the HUD figures show 38 complaints processed since 1970 and that he wanted to be sure they were not going to duplicate something which the Federal government has already enacted. Mr. Stewart pointed out that the ordinance would be a start toward documenting the number of cases of discrimination.

Father Znotas pointed out that the Federal government wanted these types of programs on a local level because they did not have the staff and budget themselves to deal with the problem. Father Znotas also pointed out that the program would go unfunded for the first year. Councilmember Cooke asked Mr. Homer Reed, Deputy City Manager, if it was correct that the fiscal impact statement of the ordinance was for a five-year period. Mr. Reed stated that the \$90,000 projection was for a five-year period.

Councilmember Himmelblau asked Father Znotas why the term "occupation" which referred to students was not replaced with the term "students." Father Znotas stated that he had used students as an example because many persons won't rent to students because they are not working. Ms. Zumbrun indicated that they wanted to encompass a variety of individuals engaged in various occupations, other than just students.

MR. DOUG BATTS, President of the Austin Mortgage Bankers Association, spoke before the Council. Mr. Batts felt that the definitions for the terms family, occupation and handicapped were incorrect. He referred to Section 4 of the ordinance which states that a loan cannot be denied a person even though the occupation definition sanctions unemployment. He indicated that mortgage bankers determine eligibility for loans on the basis of employment time and grade. He felt that the occupations definition within the ordinance prohibited this because it sanctions persons who are not employed. Mr. Batts felt that the ordinance was duplicating already existing legislation. He stated that his organization was opposed to the passage of the ordinance because of the lack of insight and planning in the design of the ordinance. Councilmember Himmelblau asked Mr. Batts if he would be opposed to an ordinance which tracked the Federal Fair Housing Act only on a local level. Mr. Batts said that this would be quite acceptable because they have had to deal with that already.

MR. TOM JOHNSON, 1033 East 43rd Street, questioned the title of the ordinance because he felt it was unfair. He felt that the ordinance went against the concept of free enterprise. He stated the ordinance would deny the right of aging people to live by themselves. Mayor McClellan indicated that the effect of the ordinance on the aged was of concern to her.

MS. MARY TISINGER, Director of the Adult Services Council, spoke before the Council. She stated that they circulated a questionnaire among the elderly, asking for their opinions of the Fair Housing Ordinance. She indicated that 56% of the elderly who replied to the questionnaire said that they would prefer housing limited or restricted to those of their own age. The other 44% wanted housing that was at least limited to mature adults. She said that the elderly wanted to live out their retirement years in peace.

MR. TOM CURTIS, representing the Austin Association of Builders, spoke before the Council. He felt that the ordinance was unnecessary because of the different Federal regulations that were already in existence. Mr. Curtis suggested also that the Council take the projected cost for the ordinance into account. He stated that the definition for physically handicapped would also encompass alcoholics and drug addicts. He felt that the term physically handicapped should be redefined. He pointed out that a landlord could not deny renting to someone on the basis of occupation even if that person was involved in some unscrupulous activity. Mr. Curtis felt that the ordinance would take away personal judgement in some areas where it shouldn't be. He recommended that if the ordinance is passed, it should be limited to paralleling the Federal Fair Housing Act.

MS. SHARON MITCHELL told the Council that there is discrimination against handicapped individuals. She pointed out that certain mobility impaired groups can rent without difficulties. She felt that the ordinance should specify not only the physically handicapped but any handicapped group. Councilmember Goodman asked Ms. Mitchell if she had recently encountered any instances of discrimination against the handicapped. She said not since she was fourteen years old. She made mention of instances where limited handicapped persons have been discriminated against. She felt that even if there was no opening at the time a handicapped person tried to rent housing, that person should at least be placed upon a list as a future, prospective renter.

MR. JUAN COTERA, representing the Mexican-American Business and Professional Women's Association, The Mexican-American Chamber of Commerce and the Association of Mexican-American Architects, spoke before the Council. Mr. Cotera stated that there was a wealth of documentation on housing discrimination. He said that the fact that there was not much documentation from HUD did not mean that there was no discrimination. He said that 99% of the persons presented with such a situation cannot be bothered to do anything about it. Mr. Cotera pointed out that not having a Fair Housing Ordinance would go against the free enterprise system because it would deny the right of consumerism to individuals. He did not see where the \$16,000 annual cost of implementing the ordinance would be a problem. He indicated that the only problem with tracking the Federal Fair Housing Act was that it might not be inclusive of everything Austin needed and that it would be much easier to change an ordinance than a Federal law. He stated that he was sorry to see the family clause deleted from the ordinance.

MR. MOE TERRELL, President of the Austin Board of Realtors, spoke before the Council. Mr. Terrell stated that his organization was opposed to the ordinance. He did not see a lot of good coming out of the ordinance and felt that a lot of adverse results were imminent. He felt that progress was being made toward the problem of discrimination and that it should just be left alone. He stated that his organization supported the Federal Fair Housing Act but did not support a local ordinance that would go beyond that, or even tracks it. He felt that enforcement of the ordinance would be too costly. He felt that the problem should be eliminated through information and education.

MS. NANCY BENE of the League of Women Voters, stated that their concerns with the ordinance had been addressed and that they were in full support of the ordinance.

MS. RUTH EPSTEIN, representing the Travis County Democratic Women, spoke before the Council. She stated that she had not seen the proposed amendments in time to discuss them with her organization but felt that they would be in support of the ordinance as amended. She felt that the most important amendment was the deletion of the exemptions for renters of small units.

MR. TED HENDRICKS, Vice-President of the Austin Apartment Association, spoke before the Council. Mr. Hendricks did not see a demonstrated need for the ordinance. He felt that the Federal and State guidelines were adequate. He stated that his organization has always supported ethical applications of the rental of housing. Mr. Hendricks questioned why unrelated individuals living together were considered a family. He felt that this was not the usual definition of a family. He indicated that regular families are, by legality, more responsible. He said that the only protection a landlord has is the ability to charge a larger deposit to each individual renting from him. Mr. Hendricks felt that the inability to restrict housing to certain age groups was impractical. He said that people like to live with other persons within their own age group. He stated that to restrict an apartment owner from determining what a person's occupation is and the constancy of his income stream prevented him from running a good business. He felt that the ability to pay on the establishment of good credit was one of the hallmarks of good citizenship and should not be lightly regarded or disregarded. Mayor McClellan questioned the phrase in the ordinance which reads, "inclusion of occupation in this ordinance shall in no way hinder the usual manner in which a person applies for rental purchasing or financing of housing with necessary requirements for such." Mr. Hendricks indicated that just because a person has the initial deposit and rent for an apartment does not mean they can meet the requirements for renting for a period of time. He said there were certain illegal occupations that they would like to not rent to. The ordinance would not permit them to make that decision.

MR. RUSS WARD, Executive Officer of the Austin Apartment Association, spoke before the Council. In reference to the "parenthood" clause of the ordinance, Mr. Ward indicated that units were available for persons with children who wished to rent an apartment. He suggested that the \$90,000 five-year projected budget for the ordinance be allocated to the Austin Tenant's Council, Legal Aid Society and other groups that are already involved in the area of housing discrimination. Mr. Ward felt that an apartment owner should be able to make decisions as to whom he rented to based on economic reasons. He urged the Council to defeat the ordinance as written. He indicated that the Austin

Apartment Association would support the passage of a local ordinance that would track the national guidelines. Mr. Ward stated that the Association had changed its position from one of partial support for the ordinance to total opposition of its passage.

Mr. John Hennenberger, a student, stated that the Council needed to consider two things before making a decision. First, the extent to which segregation is a problem and, secondly, the advantages of local control over the already existing Federal control. He stated that there needed to be more publicity for the ordinance and an ordinance that would be effective in dealing with the problems of segregation in the City. He urged the Council to pass the ordinance with the amendments that were made.

MR. JUAN COTERA stated that in regards to the occupation section of the ordinance, he did not expect that someone engaged in an illegal occupation would come in to file a complaint. He felt that the main problem with tracking any Federal legislation would be that HUD would not recommend it.

Councilmember Mullen asked Ms. Zumbrun if persons would be allowed to live any way they wanted to in an apartment without any guidelines from the manager. Ms. Zumbrun stated that the ordinance specifies that it shall in no way effect the usual manner in which owners, landlords or real estate persons determine the appropriate number of people to reside in the dwelling. Councilmember Mullen asked if Section 9, Subsection (d) pertaining to the ability of the Human Relations Commission to make procedural changes, was normal procedure. Ms. Zumbrun stated that this was normal and that the clause referred to the procedures of the Commission such as the changing of the forms upon which a complaint is written.

MR. WOODROW SLEDGE, in reference to the sexual orientation segment of the ordinance, stated that society cannot be indifferent to this and that such deviance should not be allowed to reside alongside families. Mr. Sledge was in support of the fact that a person could not be denied housing on the basis of age. He felt that young persons and the elderly living in the same areas should come about by mutual cooperation and not be something that is forced by law.

Ms. Zumbrun stated that a landlord could not deny residence to someone on the basis of their being a rock musician or motorcycle racer but could evict the same for creating undue noise. She stated that the ordinance does allow a landlord or property owner to inquire as to a person's job status. The ordinance states that a person should not be discriminated against because of the type of job that he or she has but if they are unstable financially; this would be an entirely different matter. She indicated that unemployed students were sheltered by the ordinance because many of them still had a means of income even though they were not working. She said that the annual \$16,000 cost for the ordinance was a low, reasonable figure but that they would try and seek alternative sources of funding.

Mayor McClellan felt that since the new amendments to the ordinance were not drafted until May 31, 1977, by the Human Relations Commission, time was still needed to make the public aware of the changes. Mayor McClellan suggested postponing action until a later date.

Motion

Councilmember Goodman moved that the Council postpone action on the Fair Housing Ordinance until a later date and have a work session with the Human Relations Commission in the interim. The motion was seconded by Councilmember Mullen.

Friendly Amendment

Councilmember Trevino offered a friendly amendment to set the next public hearing on the Ordinance for July 21, 1977, at 7:00 p.m. Councilmember Goodman accepted the friendly amendment.

Roll Call

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor
McClellan, Mayor Pro Tem Snell
Noes: Councilmember Cooke

ADJOURNMENT

The Council meeting adjourned at 4:24 p.m.

APPROVED


Mayor

ATTEST:


City Clerk