

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 24, 1980  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was given by Vicar David Olson, First English Lutheran Church.

CHICANOS IN HIGHER EDUCATION

Mayor McClellan read the following resolution to be spread upon the Minutes:

WHEREAS, the purpose of the Texas Association of Chicanos in Higher Education is to provide a forum for the discussion of issues related to Chicanos in Higher Education; and

WHEREAS, the 6th Annual Association of Chicanos in Higher Education Conference will provide the opportunity to discuss education-related issues confronting Chicanos at present and in the future; and

WHEREAS, individuals from throughout the state will come together to share and exchange ideas in the Austin Community concerning the enhancement of educational opportunities for Chicanos; and

WHEREAS, the learning experiences provided by this state-wide conference will enhance the development of action strategies in the area of education for Chicanos in the 80's; and

WHEREAS, the 6th Annual Texas Association of Chicanos in Higher Education Conference will be held on July 24, 25 and 26, 1980, and will significantly influence educators in Texas and in the general community of Austin;

AND, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That week of July 21-25, 1980, be designated "Chicano Higher Education Week" and that every citizen recognize the important work of this association and its individual members.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Great Seal of the City of Austin, Texas to be affixed on this 24th day of July, 1980 A.D.

Anthony Chapa, Treasurer, Texas Association of Chicanos in Higher Education, thanked the Mayor for the Resolution, which was signed by all Councilmembers. Neftali Garcia, president elect, also thanked the Mayor. They both invited the members of the Council to attend a reception in the Driskill Hotel Friday morning.

#### PET DAY

Dr. Dan Robicheaux, Captain, Aqua Festival Pet Parade, was in the Council Chamber to receive a proclamation designating August 1, 1980 as Pet Day. Mayor McClellan read the proclamation. Dr. Robicheaux expressed his appreciation and thanks.

#### MINUTES HELD UNTIL NEXT MEETING

Because members of the Council had not read the Minutes for Special Meetings of July 14, 1980 and July 17, 1980 and Regular Meeting of July 17, 1980, they will be held until next week for approval.

#### AGENDA ITEM PULLED

Councilmember Trevino moved that the Council pull from the agenda consideration of setting a public hearing on a proposed Urban Development Action Grant Program. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

### STECK VALLEY GREENBELT

Councilmember Trevino moved that the Council adopt a resolution authorizing acquisition of certain land for Steck Valley Greenbelt, CAPITAL IMPROVEMENTS NO. 81/86-03: 27.87 acres and 10.1 acres out of the James Mitchell Survey No. 17. (Westover Hills, Inc. and Lewis-Bechtol Company.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

### EASEMENT RELEASE

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

A 5' Public Utility Easement located in Airport and Manor Road Subdivision Section II locally known as 2101 Airport Boulevard. (Requested by Mr. William J. Doran, owner)

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

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

### FIELD NOTE CORRECTION

Councilmember Trevino moved that the Council adopt a resolution approving correction of field notes for an easement release of a five feet (5.00') Electric Easement located on Lot 2, Luedecke-Edwards Subdivision, 8131 North Lamar Boulevard. (Approved on February 7, 1980) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## CHANGE ORDER

Councilmember Trevino moved that the Council adopt a resolution approving a Change Order in the amount of \$6,497.00 to J.C. Evans Construction Company, Inc., for Phase 3A, Brackenridge Hospital, CAPITAL IMPROVEMENTS PROJECT No. 84/71-41. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## CETA

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a Comprehensive Employment and Training Plan (CETP) to the Department of Labor for FY' 81 and soliciting funding for employment and training programs funded under the Comprehensive Employment and Training Act (CETA) in the following amounts:

Title II-B	\$2,342,000
Title II-D	2,362,000
Title IV	973,000
Title VII	153,000
	<u>\$5,830,000</u>

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

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

CONTRACTS APPROVED

Councilmember Trevino moved that the Council adopt a resolution approving the following contract:

C-E AMERICAN POLE STRUCTURES  
COMBUSTION ENGINEERING, INC.  
8700 Fairbanks-North Houston Rd.  
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Galvanized Steel Transmission Line  
and Substation Structures, Electric  
Utility Department  
Estimated total - \$3,892,118.00  
C.I.P. No. 77/13-04

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

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

JOB READINESS TRAINING

Councilmember Trevino moved that the Council adopt a resolution authorizing the Capital Area Manpower Consortium to contract with Southwest Texas State University in the amount of \$27,000 for the period July 28, 1980 to September 30, 1980 to provide job readiness training to approximately 150 CETA Title II-D and VI PSE participants. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

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Councilmember Trevino moved that the Council adopt a resolution authorizing the Capital Area Manpower Consortium to contract with Austin Transit System in the amount of \$5,190 for the period July 28, 1980 to September 30, 1980, to provide daily transportation to Southwest Texas State University for the provision of job readiness training. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### ZONING HEARING RESET

Councilmember Trevino moved that the Council reset zoning hearing on the following zoning case, scheduled for July 31, 1980 for 7:30 p.m., August 21, 1980.

BOB HOWERTON AND JOE	111-145 Sheraton Ave	From Interim "A" Residence
GILBRETH	4610-4706 Suburban	1st Height and Area
By Doug Lewis	Drive	To "B" Residence District
C14-80-128		1st Height and Area
		NOT RECOMMENDED

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

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

#### OPERATING BUDGET AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$56,282.00 FROM THE UNITED STATES DEPARTMENT OF LABOR FOR THE PURPOSE OF FUNDING AND CONDUCTING CERTAIN COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ADMINISTRATIVE COSTS AND PROGRAM TO TITLE II-B OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-80 BY APPROPRIATING \$125,000.00 FROM INCREASED HOSPITAL REVENUE FOR THE PURPOSE OF PHASING IN 223.65 ADDITIONAL STAFF POSITIONS AT THE BRACKENRIDGE HOSPITAL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY TRANSFERRING \$5,000.00 FROM THE GENERAL FUND BALANCE TO THE BUDGET OF THE SPECIAL SERVICES/SPECIAL PROJECTS ACCOUNT FOR THE PURPOSE OF CONTRACTING WITH THE BALLET FOLKLORICO AZLTAN DE TEJAS IN FUNDING TOWARD A TRIP TO LONDON AND SCOTLAND TO PERFORM IN THE 1980 INTERNATIONAL FESTIVAL OF YOUTH ORCHESTRAS AND PERFORMING ARTS; AUTHORIZING THE ENTERING INTO OF SUCH CONTRACT FOR THAT PURPOSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

FIELD NOT CORRECTION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 790809-T WHICH VACATED AND PERPETUALLY CLOSED A PORTION OF MANUFACTURING BOULEVARD, BY CORRECTING THE PROPERTY DESCRIPTION THEREIN; RETAINING EASEMENTS IN THE CITY FOR ELECTRIC AND PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

CAPITAL IMPROVEMENT PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUSTS RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Avenue C, CIP 75/62-01)

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 Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

SPEED ZONES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING A CERTAIN ADDITION TO SUBSECTION (a) THEREOF, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMIT UPON THAT CERTAIN STREET WITHIN THE CORPORATE 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); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Cooke, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Section 21-42

Addition Sub-Section (a) - 35 mph

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Rundberg Lane	Lamar Boulevard	I.H. 35 (WSR N)

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

AN APPROXIMATE 13,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE CORNER OF WONSLEY DRIVE AND I.H. 35, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Chase National Bank, C14-80-099)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan brought up the following ordinance for its third reading:

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

THE WEST 43 FEET OF LOT 3, AND THE EAST 30.5 FEET OF LOT 4, BLOCK E, JAMES E. BOULDIN ADDITION, LOCALLY KNOWN AS 605-607 WEST MARY STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mr. and Mrs. John Pratt, C14-80-048)

The ordinance was read the third time, and Councilmember Mullen moved that the ordinance be finally passed. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan

Noes: Councilmembers Goodman, Snell, Trevino

The Mayor announced that the ordinance had been finally passed.

## CITY MANAGER REPORT

Mr. Albert DeLaRosa, Assistant City Attorney, presented the City Manager Report on Feasibility Study of: Creating separate Zoning and Planning Commissions; Requiring a quorum vote for action by any sovereign board or commission; and limiting the number of consecutive terms for members of any board or commission. He said, "Under State Law the City Planning Commission is charged with the responsibility of acting upon subdivision and platting matters, if a City Planning Commission exists. Naturally, of course, the City of Austin has a Planning Commission and has full responsibility to approve subdivision and work with the subdivision platting process. State Law provides the City Council shall appoint a Zoning Commission in order to avail itself of police powers for zoning matters. And the City Council must appoint this commission and it may appoint the Planning Commission to be the Zoning Commission but this is at the Council's option. From our review of the law as well it is quite clear that the City Council has clear authority to appoint a separate Planning Commission and a separate Zoning Commission. This is in spite of the fact that under the City Charter Article X, Section 2 provides that the Planning Commission has the authority to hear both zoning and subdivision matters. State Law provides it is the City Council that has the authority to appoint a Zoning Commission. That is a prerogative of the Council and cannot be usurped by the Charter since the Charter provision could be inconsistent with the State Law and the State Law has the precedence. Therefore the Council had the option to direct the staff to begin to work to prepare the ordinance as it would create a separate planning and zoning commission.

"On the next two items, it would take an amendment to the ordinance the Council adopted relating to the boards and commissions and this would require a quorum vote for action by any sovereign vote. Again it was within the prerogative of the Council and they may instruct staff to prepare the ordinance that would require all action by sovereign boards to be accomplished by at least a quorum vote.

"On the next item, the Council again has the prerogative to limit the number of consecutive terms for members of all boards and commissions. And that would be an amendment to the resolution that the Council has adopted on appointments to boards and commissions."

Councilmember Mullen stated he had put these items on and appreciates the staff research. He said Council can decide what it wants to do within the next few weeks.

Mayor McClellan said she would be interested at some point in having Mr. Lillie talk with Council about hearing examiners.

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CITY OF AUSTIN, TEXAS

Councilmember Trevino said he would like to hear what the Planning Commission has to say collectively about a separate planning and zoning commission. Mayor McClellan asked the City Manager to report on this.

There was discussion between members of the Council concerning the planning and zoning commission conception. Mr. Davidson said that some City Councils in the nation do not have time to decide zoning and this aspect will be studied also. Councilmember Cooke thought it sounded like an excellent idea. Citizens then would appeal only those which could not be resolved.

AGENDA ITEM WITHDRAWN

City Manager Davidson withdrew his report on Davenport Municipal Utility District - Line Sizes. He said more time was needed for research.

ANNEXATION PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 9:45 a.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following: 24.31+ acres of land (2.61 acres requested by owner and known as Sunridge South Section 2. City has added 21.96+ acres, which includes Sunridge South). C7a-80-008.

Mr. Lillie informed Council that since Sunridge is not within the corporate limits, the Planning Commission recommended it be annexed.

No one appeared to be heard.

Motion

Councilmember Mullen moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the following:

24.31+ acres of land (2.61 acres requested by owner and known as Sunridge South Section 2. City has added 21.96+ acres, which includes Sunridge South). C7a-80-008.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Abstain: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

### SALE OF BEER AND WINE APPROVED

Councilmember Mullen moved that the Council approve the request of Mr. Les Proctor, representing Sigmores Number 229, Inc. for approval to sell beer and wine within 300 feet of St. John's Presbyterian Church, 4430 Manchaca Road. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman, Snell, Trevino

### BANNER APPROVED

Councilmember Cooke moved that the Council approve the request of Mrs. M.L. Wadley, for permission to place a banner at 1704 East 12th Street from July 25, 1980 to November 4, 1980. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman, Trevino

Mrs. Wadley asked her if the fee can be waived. Mayor McClellan informed her that all who place banners must pay the fee.

### USE OF WADING AND SWIMMING POOLS

Mrs. Dorothy Richter, 3901 Avenue G, appeared before Council to discuss the use of public (city owned and operated) swimming and wading pools by private day care centers. She cited instances where there is an abusive use of the pools. At Shipes wading pool, three day care centers arrive at once with a total of 75 children to use the pool. At swimming pools, day care centers may arrive with 40 children to swim. The accompanying adults sit away from the pool and read and put the burden on the lifeguard. Ms. Richter recommended Council direct PARD to study the policy involving day care centers and the neighborhood. She felt the day care centers should pay for use of the pools since they use them to supplement their programs.

Mayor McClellan asked for a complete report from Mr. Ehrler, Director of Parks and Recreation, on the pool situation. She felt a task force should be appointed and wants a briefing on private swim lessons in public pools. She felt strongly the neighborhood pools should be free for the children.

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## CITIZEN DID NOT APPEAR

Mr. R.L. Flynn, who had requested to appear under Citizen's Communications, was not in the Council Chamber.

## FIRST ANNUAL BEAN BASH AND CHILE COOK-OFF

Councilmember Himmelblau moved that the Council approve the request of Colleen McHale, Manager of Bean's Restaurant and Bar, for permission to use Auditorium Shores until 12:00 p.m. and the sale of beer, Saturday, September 13, 1980, for the First Annual Bean Bash and Chili Cook-Off in conjunction with KOKE. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman, Trevino

## LAWSUIT APPROVED

Councilmember Himmelblau moved that the Council adopt a resolution authorizing joining Valero Energy Corporation in a lawsuit against the United States Department of Energy. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino, Goodman

Mr. DeLaRosa, prior to the above vote on the resolution, reported to Council as follows: "The City of Austin has been asked by Valero Energy Corporation to join with it and the City Public Service Board of San Antonio and also the City of Corpus Christi in a lawsuit against the U.S. Department of Energy challenging a recent ruling made by that department concerning decalculation of liquid propane, which is a by-product from natural gas which Valero Energy Corporation supplies to the City of Austin for the production of natural gas. The ruling that was made by the U.S. Department of Energy is basically to the effect that Valero sell the liquid propane by calculation of 1,000 cubic feet and Valero contends the measurement should be by B.T.U. (British Thermal Units). The difference is significant because of the fact that under the 1,000 cubic feet calculation, propane would sell for 26¢ a gallon. Using the B.T.U. calculation, propane would sell for 38¢ a gallon. Austin, as a customer of Valero, under the Lovaca settlement, is to receive a portion of the sale price that Valero receives for the propane. It is calculated that Austin would lose roughly \$175,000 in a six month period of time. Therefore, Valero has asked us to join with it and other customers of Valero in this lawsuit to challenge this ruling. And we recommend it."

## RETIREMENT BOARDS AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: AN ORDINANCE ESTABLISHING A SEPARATE RETIREMENT AND PENSIONING SYSTEM FOR COMMISSIONED POLICE OFFICERS OF THE CITY OF AUSTIN, PURSUANT TO THE AUTHORITY GRANTED THE CITY COUNCIL OF AUSTIN BY THE 66TH TEXAS LEGISLATURE, IN THAT CERTAIN ACT ENTITLED "AN ACT RELATING TO ALLOWING CERTAIN CITIES TO ESTABLISH A SEPARATE RETIREMENT SYSTEM FOR POLICE DEPARTMENT EMPLOYEES," TEX. LAWS 1979, CH. 253, SEC. 1 AT 537; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 1980; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE," AND AS AMENDED FROM TIME TO TIME THEREAFTER, BY CHANGING THOSE PARTS OF AFORESAID ORDINANCE TO EFFECTUATE THE FOLLOWING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Prior to the vote Councilmember Cooke said, "I realize we are talking about the Director of Finance or his or her designee to execute necessary transactions of the Retirement Board. The letter from Peat, Marwick and Mitchell spoke to a lot of the potential investment transactions might be done by the City Treasurer. My question is would they like to be the designee if it isn't going to be Mr. Nitcholas?" Mr. Nitcholas said this depends on the re-organization program they are under going right now and they want some flexibility as to whether to appoint the treasurer or a retirement administrator. We feel like at this point the treasurer will have a considerable job because we are trying to build a number of control provisions. Basically, in the investment area in the retirement system, it will be the handling of the paper work and seeing that is properly done, rather than the investments themselves because we have employed Duff and Phelps to make the decisions.

## PHARMACY CONTRACT

Motion

Councilmember Goodman moved that the Council adopt a resolution approving a pharmacy contract for the Medical Assistance Program and the City Health Department as recommended by the Medical Assistance Board and the Pharmacy Advisory Board effective October 1, 1980 as follows:

Recommendation of the Medical Assistance Advisory Board. After numerous meetings with the various interest groups represented, Alternative I-B "Pharmacy Board Proposal to increase the fee and reimburse drug costs monetarily" is recommended. The projected cost is \$524,490. Recommendation was made by the Board subject to the stipulations listed in Section III. With these many stipulations and controls implemented, it was a general consensus of all parties involved, that costs could be kept to a minimum. At the same time, health department clients could receive maximum services available by using a wide variety of pharmacies throughout the city. The Pharmacy Advisory was recommended as part of the program to provide greater communication to and from the pharmacy providers.

The Pharmacy Advisory Board's recommendation is also Alternative I-B.

It was also a general consensus of the M.A.P. Advisory Board that the additional services made available to health department clients, (particularly the elderly nursing home clients) were well worth the projected \$55,000 difference between the Community Pharmacy Proposal, Alternative I-B and Alternative III, the in-house Proposal.

## (Alternative I-B, Pharmacy Advisory Board Proposal)

- B. Increase fee and reimburse drug costs monetarily at average wholesale price.
1. Subject to modifications and stipulations listed in Section III
  2. Projected total cost - \$524,490
  3. Cost breakdown
 

75,000 claims x \$2.75 (dispensing fee) -	\$206,250
75,000 claims x .25 (processing fee) -	18,750
Additional staff =	11,000
Average catalogue drug cost per prescription -	
\$5.37	
75,000 claims x \$5.37	= 402,750
	<u>\$638,750</u>
Delete non-prescription prescription* costs - 11,000 claims x \$8.37	= -92,070
	<u>\$546,680</u>

Add back projected Insulin and syringe costs	17,000
	<u>\$563,680</u>

Add back projected cost of purchasing non-prescription drugs for clinics	30,000
	<u>\$593,680</u>

Delete Family Planning costs**	-69,190
	<u>\$524,490</u>

### Stipulations for Pharmacy Advisory Board Proposal

1. The City contracts directly with local pharmacies for dispensing services.
2. The City contracts directly with a data processing company for data processing services, and management reports.
3. There will be a Pharmacists' Advisory Council composed of five members.
  - a. They will be elected by the other participating pharmacists to represent them and serve as liason between the health department and the participating pharmacists.
  - b. They will serve as liaison between the participating pharmacists and the Medical Advisory Program (M.A.P.) Advisory Board.
  - c. They will serve as a compliance committee responsible for review of persistent complaints concerning matters of professional ethics; to censor those parties named in the complaint if necessary; or make a recommendation for action by the health department.
  - d. They will review complaints of a potential legal nature and make recommendations for action by the health department.
  - e. They will be available for inservice or education programs at the request of the health department.
  - f. The Pharmacists' Advisory Board will serve from the beginning to the end of the contract (one year).
  - g. The Pharmacists' Advisory Council will elect a chairperson to preside at the meetings.
5. Drug costs will be reimbursed in cash at Average Wholesale Price (AWP), subject to maximum allowable costs (MAC).
6. The program will be administered by ATCHD utilizing its Pharmacy Services staff.
7. All prescriptions must be submitted for reimbursement with a Health Department Client Identification Number.
8. Only those prescription drugs listed in the current Texas Medicaid Drug list will be paid by the program (this is subject to the usual updates and deletions - and subject to updates, additions and deletions by the Austin-Travis County Health Department).

9. Maximum allowable cost for approved drugs will be implemented.
10. There will be a 34 day's supply limitation on non-maintenance prescriptions, 90 day's supply limitation on maintenance prescription, and birth control pill prescriptions will be filled as written.
11. No more than two refills should be filled on any clinic prescription written for less than a 34 day's supply.
12. Written prescriptions will be required by participating pharmacists prior to dispensing except nursing home prescriptions which will require delivery of confirming prescriptions within 72 hours to dispensing pharmacy.
13. The first three prescriptions will be billed to Medicaid when applicable.
14. No non-prescription drugs, except Insulin and certain disposable syringes will be dispensed by the private pharmacies.
15. No medical supplies will be dispensed by the private pharmacies.
16. All pharmacies will make their records concerning health department prescriptions available for audit.
17. Birth control pills will be provided by the health department to three or four pharmacies (as designated by the Pharmacists' Advisory Board subject to guidelines set by the health department).  
Only the dispensing cost will be charged to the health department.
18. Pharmacists will specify services provided (i.e., delivery, holidays, etc.) to be printed on the pharmacy list given to the clients.

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

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

Councilmember Himmelblau asked if Alternative 11 will be included.  
Dr. Randall assured her it will.

#### CLASS RECOGNIZED

Mayor McClellan recognized the presence in the Council Chamber of Mr. Jim Ferguson's summer class in government visiting from the Brown School.

AMENDMENT TO 1979-84 CIP

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1979-1984 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY TRANSFERRING \$228,000.00 FROM THE WALNUT CREEK ACQUISITION ACCOUNT TO THE NORTHWEST PARK-STECK VALLEY CAPITAL IMPROVEMENTS PROJECT FOR ACQUISITION OF STECK VALLEY GREENBELT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Cooke, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

HOSPITAL HELICOPTER SYSTEM

Councilmember Himmelblau introduced an item from Council to direct the City Manager to work with the Hospital Administration and other staff members for the purpose of examining the feasibility of a "Brackenridge Hospital Helicopter System". "This is to ask the City Manager to work with the hospital administration, the hospital board and also the EMS Quality Assurance Team in the EMS Department to look at the feasibility of developing a helicopter or med-evac system for Brackenridge Hospital similar to the one at Herman Hospital in Houston which has been extremely successful, and also work with the outlying counties to see if they would enter into an agreement with a pro rata share."

Motion

Councilmember Himmelblau moved that the Council direct the City Manager to work with the Hospital Administration and other staff members for the purpose of examining the feasibility of a "Brackenridge Hospital Helicopter System"; also work with the outlying counties to see if they will enter into an agreement to a pro rata share. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

## EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

## RECESS

Council recessed at 10:25 to enter into Executive Session and resumed its recessed meeting at 11:18 a.m.

## BOARD AND COMMISSION APPOINTMENTS

Councilmember Goodman moved that the Council approve the following board and commission appointments:

### Hospital Board

Dr. Nelda Garcia, Edward B. Adams, Mike Willatt, Janice C. Robinson, and Andra Cohn; terms to expire 7-1-82.

### Environmental Board

Nicholas Classen, Everett Fly, Neal Graham, Cecilia Cope, Ira Yates, Charles Sexton, Kent Butler, Dr. Robert Finley; to draw for terms.

### Plumbing Advisory Board

Donald Heubner, Frank Gerling, Alan Johnson, Richard Andrewartha; terms to expire 7-1-82.

### Historic Landmark Commission

James Christianson; term to expire 6-1-82.

### Vending Commission

Virginia Smith, Scott Lyford, Trudy Blackburn; terms to expire 6-1-82.

### Employee's Retirement System of Austin

Edwin H. Golden; term to expire 7-15-82.

Solicitation Board

Gregory Monroe, Mrs. Carl W. Balgemann; terms to expire 7-1-82.

Building Code Board of Appeals

Billy J. Wheless, Albert J. Rosentritt, Dick Jordan; term to expire 7-1-82.

Energy Conservation Commission

James C. Fidler, Dr. Joel Barlow, William M. Bowen III, Michael J. Metschen, Eugene Barnes III; terms to expire 7-1-82.

Ethics Review Commission

Jack Hoffman, Jack Anderson, and Clarence Niebuhr; terms to expire 7-1-82.

On-Going Goals Assembly Committee

Brenda Oliver, term to expire 6-1-81; Beth Sebesta, Robert Mather, Mike Holman, Pong Chaisuparasmikul; terms to expire 6-1-82.

Urban Transportation Commission

Georgia Thompson, Charles Hrnecir; terms to expire 1-1-82.

Electric Utility Commission

Dr. Neal Kocurek, Dr. Herbert Woodson, Dr. Larry Deuser, Shudde Fath; terms to expire 7-1-82.

Renewable Energy Resources Commission

Arthur Reece, Leon Barish, Charles Reeves, Susan Dirks-Mason; terms to expire 7-1-82.

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

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

Motion

Councilmember Mullen moved that the Council appoint John Jay Stokes to the Community Development Commission; term to expire 3-1-81. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

This is Councilmember Cooke's appointment.

Mayor McClellan announced the following appointments will be made at the July 31 meeting:

On-Going Goals Assembly Committee, 3  
Community Development Commission, 2  
Vending Commission, 1  
Environmental Board, 1  
Dental Health Advisory Committee, 3  
and  
EMS Assurance Team, 1

#### ROADWAY OVERLAY ORDINANCE

Mayor McClellan opened the public hearing, scheduled for 11:00 a.m. on the Roadway Overlay Ordinance (Chapters 41 and 45).

Mr. Lillie, Director of Planning, told Council there has been a study and recommendations on the zoning requests on a busy thoroughfare, as they requested. "After completion of the study and recommendation by the Planning Commission, Council did adopt 183 as a set of policy statements concerning land use and access to that traffic way. Staff proceeded to move to do the same type of study on 1325 and subsequently that study too was adopted by Council as a statement. In these two actions, Council has provided a strong statement about future land use, and preserving the traffic carrying capacity of Austin's roadway. Following these actions and rather than taking individual studies on individual roadways the staff proceeded to develop an overall statement or ordinance which would deal with all major arterials or all major roadways specifically freeways and expressways that are identified in the Austin Roadway Plan that the Council is currently considering. For the past nine months, with the assistance of the Building Inspection, Urban Transportation and Legal Departments, the Sign Committee and the Planning Commission, an ordinance has been developed which would amend the Zoning Ordinance dealing with the land use issues and the Subdivision Ordinance dealing with the subdivision of land on those major arterials that I have mentioned."

In directly referring to the proposed ordinances, Mr. Lillie stated: "Let me indicate in a super brief (of the Ordinances) that there are definitions of super arterials, there are provisions for landscaping, transitional zones between permissive zoning and "A" residential zoning and more restrictive. There are sign recommendations that not only follow the sign recommendations taken by Council on scenic roadways such as MoPac, 360, 2222 and 620, but also recommendations of the Sign Committee. There are provisions dealing with access to the roadway, on zoning roll-back and on minimum lot frontage. At your discretion I would be happy to go into more detail on those if you would like me to." ...Mr. Lillie then thanked the Mayor and Council for giving his staff the opportunity to work on the far reaching ordinance. He said if it is adopted by Council it will result in lesser strip zoning and better capacity to preserve the major roadways of the City of Austin as we move into the future. Mr. Lillie said there is a fiscal note with the ordinance which provided funds for the Urban Transportation Department, Planning Department, and Building Inspection Department to implement the ordinance if adopted by Council. The major cost will be in the Building Inspection Department to

provide staff for inspection work and follow-up on site plans that are approved by the Planning Commission. The Urban Transportation and Planning Department fiscal notes are basically in the receipt of the Special Permit and site plans and in the review of them to assure that they meet ordinance requirements to place them on the Planning Commission Agenda. The cost of the fiscal note in the first year is approximately \$60,000.00

Hugh Hornsby appeared before Council to endorse the ordinances.

Bruce Kilmer, former Sign Committee member, said that signs should not be above the level of the facade. He asked if the stipulation about flashing signs eliminates time-temperature signs.

Bob Miller, president, Duplex Sign Company, told him the time-temperature signs would require going for a variance. Mr. Kilmer asked him if there is a firm definition of the berm sign. Mr. Miller told him it is definitely spelled out.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 (SUBDIVISION ORDINANCE) OF THE CODE OF THE CITY OF AUSTIN, 1967, PROVIDING REQUIREMENTS FOR THE SUBDIVISION OF LAND LYING WITHIN ROADWAY OVERLAY ZONES ALONG CERTAIN HEREIN DESIGNATED PRINCIPAL ROADWAYS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING A NEW ARTICLE V (PRINCIPLE ROADWAYS); PROVIDING FOR THE CREATION OF ROADWAY OVERLAY ZONES ALONG CERTAIN HEREIN DESIGNATED PRINCIPAL ROADWAYS; PROVIDING BOUNDARIES FOR SAID ZONES NOT TO EXCEED TWO HUNDRED (200) FEET; SUBJECTING WHOLE TRACTS PARTIALLY WITHIN BOUNDARIES TO ZONING REQUIREMENTS; REQUIRING SITE PLANS; PROVIDING MINIMUM LANDSCAPE WIDTHS; PROVIDING OUTDOOR SIGN REQUIREMENTS; PROVIDING ACCESS STANDARDS; PROVIDING FOR ZONING ROLLBACK WITHIN SAID ZONES, PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### RECESS

Council recessed its Council Meeting at 11:35 a.m. and resumed its recessed meeting at 2:42 p.m.

#### PUBLIC HEARING ON REASSESSMENT

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. on reassessment of Parcel No. 9, Lot 1, Burton Terrace, Section 1-A, Amended, Riverside Drive. (H.E.B.) C.I.P. No. 73/62-03.

MR. JAMES RIGGS, Assistant City Attorney, discussed the appeal and stated H.E.B. would like the same benefit of exemption as given to Mr. Reeves who had sold the property to them.

DEAN KILGORE, speaking for H.E.B., stated to Council, "C.L. Reeves owned a tract of land at the intersection of Willow Creek Drive and Riverside. When the intersection was restructured as a part of the improvement to Riverside Drive Mr. Reeves donated a portion of his land for the reconstruction and re-design of the intersection and reportedly made a trade with the City that he would not be subject to any curbing or guttering assessments on the balance of his land in consideration for making that exchange. That argument apparently was the subject of a Council hearing earlier this year. After the assessments were made for the Riverside Drive re-work, Mr. Reeves filed an appeal to Council because he was assessed for the work done adjacent to his property.

After taking that appeal, he sold a portion of that land to H.E.B. When that sale was consummated the portion of the land sold to H.E.B. was encumbered by the assessment made by the city. Mr. Reeves informed us he had an appeal before the City Council regarding that matter and hoped to have it resolved in such fashion that the agreement he had with the city would be honored and that there would be no paving, guttering or curbing assessment made with respect to the property. Based on that representation we closed the sale, bought the land for H.E.B and waited for Mr. Reeves to resolve the matter with Council. The agreement with Mr. Reeves was made with respect to the land he owned at the time of the hearing." Mr. Kilgore concluded that H.E.B. would like their assessment decreased from \$2900.00 to \$285.94.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800117-A, FIXING ASSESSMENTS IN THE CITY'S RIVERSIDE DRIVE PAVING PROGRAM, C.I.P. NO. 73/62-03, BY REASSESSING UNIT NO. 77-66 (j) 1.B, PARCEL NO. 9 (H.E.B.), LOT 1, BURTON TERRACE, SEC. 1-A; CANCELLING CITY PAVING ASSESSMENT CERTIFICATE NO. 8002-6158-77-66 (j) 1.B AND DIRECTING ISSUANCE OF A NEW CITY PAVING ASSESSMENT CERTIFICATE IN THE PRINCIPLE SUM OF \$285.94; PROVIDING FOR OTHER MATTERS THEREIN; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when roll was called. Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

## PUBLIC HEARING ON STREET VACATION

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. vacating the following and passage of ordinance: A portion of right-of-way in the 100 block of Sabine Street adjoining Palm School. (Requested by William H. Bingham representing the Austin Independent School District.)

Mr. German, Director of Public Works, told Council the vacation is in order. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF SABINE STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OR AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote.

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino  
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

## PARKS AND RECREATION BOARD REPORT

MR. BARRETT GARRISON, member of the Parks and Recreation Board, appeared before Council to present the Parks and Recreation Board Report on the proposal for mandatory parkland dedication ordinance. "We have been studying this for three or four years. We wanted to ask you if we could be the focal point in establishing parkland under this direction and if the Council has interest in this area to pursue it further. Legally there are some questions and I would like to get a lot of input and study this thing because there is a lot of ground to make mistakes in this touchy area. I think we should get this parkland before it gets too expensive. We had the opportunity recently to get a percentage of land rather than the whole batch and didn't."

Councilmember Goodman said he thinks it is a great idea and it has long bothered him that we do not have parkland dedication provision similar to the one which is in effect in Corpus Christi. Mayor McClellan said she thinks the Legal Department should be included in the group to advise Council.

Mr. Albert DeLaRosa said the Legal Department is most interested and will study cases of other cities acquiring parkland and will obtain copies of briefs.

Councilmembers Goodman and Cooke said they endorse the Park Board continuing the study.

The Legal Department will study the issue and report back to Council in about one month.

#### EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e) and (f) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

#### RECESS

Council recessed its meeting for Executive Session at 2:55 p.m. and resumed its recessed meeting at 3:45 p.m.

#### PROPOSAL TO LEASE LOCKHART HOSPITAL

At the conclusion of the Executive Session, Mr. Davidson, City Manager, asked Mr. Spurck to address Council. Mr. Davidson said, "We have been discussing the possibility of expanding the operation of Brackenridge Hospital and I would like for Mr. Spurck, Director of Brackenridge Hospital, to make a brief presentation to the Council explaining what is in process between the City of Lockhart and Brackenridge Hospital."

Mr. Spurck said, "Last Friday we were contacted by the City of Lockhart through Hospital Affiliates International which is a national management firm in the health care industry. They at the present time have a management contract with Lockhart to manage their facility. It is a city hospital and at the present time their city fathers are not sure as to whether or not they want to continue the operation of that hospital. They do want to continue the ownership but not the operation. We met with them Friday preliminarily, went back Monday, looked at the hospital and its financial condition and its service area as well as the services they are capable of providing at this time. Tuesday night we made a presentation to their City Council. We at Brackenridge are very excited about the possibility of expanding our services to the community of Lockhart in what is called a multi-hospital system. This is the name of the game in health care now. Multi hospital systems provide

benefits not only to the hospital and its patients but also the community at large because of their economy of scale that a multi hospital system benefits from, i.e. all our purchasing contracts are based on volume. By adding the 6,500 patient days the Lockhart Hospital has at this time to our volumes, our unit cost goes down. Therefore our patients benefit and our community benefits as well as Lockhart. This ties in nicely with Ms. Himmelblau's request for us to review feasibility of helicopter service. There is Federal money available to create trauma centers. We function in this capacity by default now. We might as well define it and seek the Federal monies to secure the dollars to help us offset the cost of providing emergency services. The Lockhart Hospital more than breaks even. It has a 44 bed facility that's operating with 18 patients a day, bringing in about \$45,000.00 There are many things we could provide that facility...physician specialities they are not accustomed to; our medical education program. Brackenridge Hospital is a busy facility, therefore our equipment while it has not outlived its usefulness, it still cannot accommodate the volume at Brackenridge, therefore we could donate the equipment to Lockhart Hospital instead of selling it at salvage value and recover the total cost of the piece of equipment on our Medicare cost report."

Mr. Davidson said, "We are speaking about a dollar a year lease if in fact that's what comes about and it is all subject, of course, to coming back to this Council and the Hospital Advisory Board. We will bring back more information to the City Council."

Councilmember Goodman said, "I'd like to commend you for the initiative."

#### ACTION ON LOS ALTOS DEANNEXATION REQUEST

A hearing was scheduled for 3:00 for action on Los Altos Deannexation Request. Mr. Rob Lippman, representing the homeowners of Los Altos, said they are the only people on the west bank presently paying City of Austin taxes. He said they were not receiving adequate police and fire protection.

HARVEY LANE, developer of Los Altos complex, cited the historical aspect of the annexation.

LEE BAKER, resident of Los Altos, said they had not received city services which had been outlined to them. Dennis Kavanaugh, Bob Parker and Howard Hayden concurred.

Jackie Browning said she was robbed and called the police. They told her to call the county.

Councilmember Himmelblau said, "At the time Los Altos was being developed and the permit was applied for, the Council asked for a voluntary moratorium on development in the Lake Austin watershed until the study could be completed and the ordinance developed. Mr. Johnson, contrary to the Council's policy, extended sewer service to Los Altos and this enabled them to be built because I don't believe, right on the lake there, they could have had a building permit without sewer service. At that time Council did annex the area

because of the extension of the sewer. There's one complex in this area on city sewer that pays the city in lieu of taxes for the privilege of the sewer service."

Councilmember Mullen asked Mr. Lippman if the area is completely built out now. Mr. Lippman said yes. Councilmember Mullen asked if any city money was put into the subdivision. Mr. Lippman said there is none. Mr. Lane said the developer paid the entire cost of the water and sewer. He was the developer.

#### Motion

Councilmember Mullen made a motion to deannex Los Altos and charge them 1½ times on water and wastewater and direct the staff to bring back an ordinance. There was no second to the motion at this point.

Discussion followed by Councilmember Mullen, Councilmember Himmelblau and Mr. Lillie. Councilmember Mullen asked the logic for keeping Los Altos when the city incurred no costs.

Councilmember Himmelblau asked Mr. Lillie his reasons for leaving Los Altos in the corporate limits. Mr. Lillie said, in the memo to Council, he had stated: "On the basis the subdivision is receiving water and wastewater and electricity and on the basis it is receiving limited fire and police, and was receiving EMS service that it seemed it was receiving services by the city and should be considered to be left in the corporate limits. If there is an area there that has none of these, it seems more reasonable to consider the deannexation."

Councilmember Himmelblau said, "The EMS they would be receiving in the county because we have a contract with the county and they do have limited fire and police. I was a part of the Council that annexed them at the time I thought it was the correct thing to do, but I will second Mr. Mullen's motion because I don't think there is enough service to warrant it and I think with the water and wastewater the city will be compensated in those charges and I sort of feel that it might be unfair taxation."

#### Motion - FAILED

Councilmember Mullen moved that the Council deannex Los Altos and charge them 1½ times on water and wastewater and direct staff to bring back an ordinance. The motion, seconded by Councilmember Himmelblau, FAILED to carry by the following vote:

Ayes: Councilmembers Himmelblau, Mullen

Noes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman

### GENERAL REVENUE SHARING FUNDS

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m. on the use of General Revenue Sharing Funds in 1980-81. Ms. Lee Thomson, Budget Director, reported as follows:

This Thursday, the City Council will be conducting a hearing to solicit citizen comments on the proposed uses of General Revenue Sharing (G.R.S.) funds. This hearing is required by G.R.S. citizen participation procedures and must take place at least seven days prior to the delivery of the Proposed Operating Budget to the City Council.

Federal regulations also require a second public hearing to address the uses of G.R.S. funds within the framework of the City's overall operating budget. This hearing may be held either simultaneously with, or separate from the budget hearings. I recommend that this year, as in past years, the second G.R.S. hearing be held simultaneously with the regular budget hearing scheduled for September 10. In either case, legal notice must be published in local newspapers at least ten days prior to each hearing.

In addition, within thirty days of budget enactment, the City must prepare and provide for public inspection a summary of the budget showing the intended uses of G.R.S funds. A notice of the availability of the summary must be published.

Furthermore, any major budget amendment regarding the use of G.R.S funds requires at least the following:

- a) a public notice of the intention to change the budget;
- b) at least one public hearing on the proposed budget amendment; and
- c) that the details of the proposed amendments be available for public inspection.

A major amendment is defined as one where the sum of cumulative amendments for the fiscal year exceeds \$1,000 or 25% of the amount of G.R.S. funds allocated in the enacted budget, whichever is greater. These amendment requirements are minimum requirements that must be superceded by more stringent local requirements, when applicable.

By conducting these hearings and publishing proper legal notice, the City of Austin is in compliance with all Federal requirements for citizen participation. We will continue to follow Federal requirements and make available all relevant information to all interested parties.

No one appeared to be heard.

#### Motion

The Council, on Councilmember Cooke's motion, Councilmember Goodman's second, voted by unanimous acclamation to close the public hearing on the Use of General Revenue Sharing Funds in 1980-81.

## RECESS

Council recessed its meeting at 4:15 and resumed its recessed meeting at 7:10 p.m.

## 1980-85 CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan opened the public hearing, scheduled for 7:00 p.m. on the proposed 1980-85 Capital Improvements Program. She said this is the third hearing and the purpose is to listen to the citizen's ideas concerning the expenditure of the Capital Improvement funds.

Lee Thomson, Budget Director, reported "The Planning Commission and the City Manager have recommended the 1980-85 Capital Improvements Program and in making those recommendations they considered a number of criterion including compliance with the Austin Tomorrow Comprehensive Plan and established Council goals and policies; commitment to investment oriented projects to minimize future impact on the operating budget and the size of the program in relation to bonding authority and the city's capacity to finance future capital costs. The result of this review is a recommendation for a five year C.I.P. totalling \$591.3 million. The recommendations of the Planning Commission and the City Manager are virtually the same. The primary differences are in timing and scheduling of the projects. The City Manager recommends a one year bond program for general government, totalling \$16.9 million and a one-year utility bond program totalling \$35.2 million. The Planning Commission recommends a 3 year general government program and a three year utility program totalling \$284.8 million. Both the Planning Commission and the City Manager recommended that in some areas of the Capital Improvements Program medium and long range studies should be done and those areas included fire stations, libraries, the feasibility of having decentralized police centers that would also be tied in with other city facilities which would be de-centralized. They both recommended a master plan for the water and wastewater utility and a study of the environmental impact of development in the Williamson Creek area. Those are the highlights of the program.

Joe Barrantine, Waller Creek Neighborhood Association, appeared before Council, and said they are preparing a petition for Council. Two things on the petition are a request that the Waller Creek walk-way be brought in closer alignment with Waller Creek and second they propose Symphony Square as a standard of quality in the extension and quality of development of Lower Waller Creek. He then discussed some of the budgeting in the CIP that concerns the area.

Mr. Ehrler, Director of Parks and Recreation, commented that he did not think the cost of changing the path would be expensive. Mayor McClellan asked for a report on this.

Marsha Kurarra, Senior Vice-President, Northeast Walnut Creek Homeowners Assn., asked how much of the things planned for area bounded by Braker Lane, I-H 35, Dessau Road and Walnut Creek is already funded and how much is dependent on future bond elections. Mr. Frank Rodriguez, Research and Budget, said he would get a report and distribute to Council. Ms. Kurarra

wanted to know what services they would receive if they are annexed and if extra police will be put on the Police Force if they are annexed. Chief Dyson said the ratio of policemen is 1.6 to 1,000 population. Ms. Kurarra said if they are annexed she wants the city to be prepared to serve them. They prefer to not be annexed.

A woman from ACORN who did not identify herself, asked Council to be sympathetic to the needs and wants of lower income people by enumerating the various things she thought they should have.

Bob Bruckman thought there was too much in the CIP budget for parks. He said the quality of life in Austin needs to be improved, but the low and moderate income families are being overlooked. He opposed a civic center.

Mayor McClellan stated the budget is an attempt to balance for all of Austin. Councilmember Himmelblau pointed out the neighborhood parks have been in existence for years. Mayor McClellan asked Mr. Bruckman to put his concerns in writing.

Councilmember Snell inquired what the situation is regarding sidewalks on MLK. Mr. German told him he would receive a report on Friday. Councilmember Trevino asked about the Boggy Creek improvements. Mr. German told him there is \$1,000,000 in the budget for Boggy Creek and the final improvements are 2-3 years down the road. Councilmember Snell said special thanks should be sent to the Gary Job Corp for their work in the Boggy Creek area. There was more discussion by Council and Mr. Ehrler.

Katy Rietz, Natural Science Guild, thanked the Council for the Nature Center.

Charles Adams, 1183 Hargrove, told Council that three years ago they put down sidewalks. He asked for a retaining wall because his property is being washed away. He said the sidewalks are five feet below the property. Mr. German said he would check the situation. Mayor McClellan asked for a report.

Connie Moore appeared and asked for a whirlpool and sauna steam at Barton Springs. The estimated cost would be \$42,000. Council liked the idea.

Mike Deleon, East Town Lake Citizens, expressed some concern over items listed on page 792 of the CIP Budget.

Jean Mather, South City Citizens, said they are against the extension of St. Edwards Drive.

Ms. Alma said she had made a survey of parks during the lunch hour and finds they are not being used.

Mr. John Sanford, Hyde Park Neighborhood Association, said they are eager to see the improvements done at the Elisabet Ney Museum.

Diane Dubois, Save Barton Creek Association, discussed the Southwest Distribution Main. She said they are opposed to the project. They are still calling for a moratorium on the Edwards Aquifer Recharge Watershed.

Glenda Knippa, inquired about the fire station in the North Oaks area. Mayor McClellan told her there is very little bond money left. Councilmember Cooke said if their area is not in the city limits now there would be no bond money. Ms. Knippa said she had heard they will be annexed by end of the year. She spoke to the libraries and said the Walnut Creek Library is inaccessible. Mr. Holt agreed it was poorly engineered and they are working on it. Ms. Knippa then referred to page 13 and asked if this was tied in with solar. She felt this was a lot of money for storage technique. Mr. R.L. Hancock, Director of Electric Utility, told her that this is for a feasibility study for storage of energy and went into an in-depth discussion concerning the storage capability.

ADJOURNMENT

Council adjourned its recessed meeting at 8:40 p.m.

APPROVED

*Carole Keeton McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk