

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 6, 1972

10:00 A.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Pro-tem Love presiding as Mayor Butler was out of the City.

Roll call:

Present: Councilmen Dryden, Nichols, Friedman, Handcox, Mayor Pro-tem Love

Absent: Councilman Lebermann and Mayor Butler

The Invocation was delivered by REVEREND CARL L. W. ISRAEL, Grace Methodist Church.

APPROVAL OF MINUTES

Councilman Handcox moved the Council approve the Minutes of the Regular Meetings of December 21 and December 28, 1971. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Friedman, Handcox

Noes: None

Absent: Councilman Lebermann, Mayor Butler

ZONING HEARINGS

The Mayor announced that it was 10:00 A.M., and the Council would hear the zoning cases scheduled for public hearing at this time. The Director of Planning, Mr. Dick Lillie, reviewed each case, locating them in the area, describing the uses of surrounding properties, and adequacy of streets.

H. E. B. GROCERY CO. 4816-5000 Turner Dr.  
By John Selman 6834-6924 Ed Bluestein  
C14-71-250 Boulevard

From Interim "A" Residence,  
First Height and Area  
To "GR" General Retail,  
First Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Dryden moved the change be granted to "GR" General Retail, First Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro-tem Love, Councilmen Friedman, Handcox, Dryden  
Noes: None  
Absent: Councilman Lebermann, Mayor Butler  
Present, but not voting: Councilman Nichols

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

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FRANK SIFUENTEZ  
C14-71-253

903 Montopolis Dr.

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission

Councilman Nichols moved the change be granted to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro-tem Love  
Noes: None  
Absent: Councilman Lebermann, Mayor Butler

The Mayor Pro-tem announced that the change had been granted to "B" Residence, and the City Attorney was instructed to draw the necessary ordinance to cover.

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W. H. COLLINS &  
JIMMY D. PACE  
C14-71-255

2200 San Antonio St.

From "B" Residence,  
Second Height and Area  
To "O" Office,  
Second Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Nichols moved the change be granted to "O" Office, Second Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro-tem Love, Councilman Friedman  
Noes: None  
Absent: Mayor Butler, Councilman Lebermann





will be submitted to the Commission. The best zoning for this older area should be studied and determined. The staff recommended against the zoning, as it is spreading to the interior of the neighborhood. Mr. Selman pointed out the zoning is already in effect surrounding this tract.

Mr. Lillie stated there were 30 lots along Guadalupe of which only seven are zoned "B" Residence, from 51st to Koenig Lane.

Councilman Nichols moved the change be granted to "B" Residence as recommended by the Planning Commission subject to 5' r-o-w on Guadalupe & 5' r-o-w on Franklin. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro-tem Love, Councilmen Lebermann, Handcox, Dryden,  
Nichols  
Noes: Councilman Friedman  
Absent: Mayor Butler

The Mayor Pro-tem announced that the change had been granted to "B" Residence as recommended by the Planning Commission subject to 5' r-o-w on Guadalupe & 5' r-o-w on Franklin, and the City Attorney was instructed to draw the necessary ordinance to cover.

THE QUINCY LEE  
COMPANY  
By Richard Baker  
C14-71-293

6201-6415 Springdale  
Road

From Interim "A" Residence,  
First Height and Area  
To "B" Residence,  
First Height and Area  
RECOMMENDED by the Planning  
Commission subject to a  
50' building setback from  
the east boundary line,  
unless the easement for  
Little Walnut Creek exceeds  
50', a west building set-  
back line based on align-  
ment of the Crosstown  
Expressway (Springdale  
Road)

Mr. Dick Baker stated there was an understanding with the Director of Planning that they could come up with a setback on the alignment of the future cross-town expressway, and they could go ahead and file a covenant and proceed with construction, agreeing to a 50' setback irrespective of the drainage area on Walnut Creek, pending completion of topographic surveys.

Councilman Nichols moved the change be granted to "B" Residence, First Height and Area as recommended by the Planning Commission subject to a 50' building setback from the east boundary line, unless the easement for Little Walnut Creek exceeds 50', a west building setback line based on alignment of the Crosstown Expressway (Springdale Road). The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols,  
 Mayor Pro-tem Love  
 Noes: None  
 Absent: Mayor Butler

The Mayor Pro-tem announced that the change had been granted to "B", First Height and Area subject to a 50' building setback from the east boundary line, unless the easement for Little Walnut Creek exceeds 50', a west building setback line based on alignment of the Crosstown Expressway (Springdale Road), and the City Attorney was instructed to draw the necessary ordinance to cover.

HARRY PETERSON  
 By Phil Mockford  
 C14-71-285

8729-8923 Burnet Road  
 9004-9049 U. S. Hwy. 183

From Interim "A" Residence,  
 First Height and Area  
 To "DL" Light Industrial,  
 Third Height and Area  
 NOT recommended by the  
 Planning Commission  
 RECOMMENDED "DL" Light  
 Industrial, Second Height  
 and Area subject to a  
 building setback line on  
 Research Blvd. (Hwy 183)  
 and Burnet Road based upon  
 the future alignment of  
 these two major arterial  
 streets.

Mr. Lillie, Director of Planning, reported plans were being made by the Highway Department for a grade separation at this intersection. A tentative right-of-way alignment would have to be obtained from the Highway Department. The City Manager, Mr. Andrews, stated the City could help work this out with Mr. Mockford. Mr. Mockford stated the applicant was will to accept the "DL" Light Industrial, Second Height and Area.

Councilman Nichols moved the change be granted to "DL" Light Industrial, Second Height and Area, as recommended by the Planning Commission subject to a building setback line on Research Blvd. (Hwy 183) and Burnet Road based upon the future alignment of these two major arterial streets and Mr. Mockford's contacting the Highway Department, and that he could bring it back for formal action. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro-tem Love, Councilman Lebermann  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Friedman

The Mayor Pro-tem announced that the motion had been granted, and City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Procedures - Establishing Time Limits

The City Manager discussed the procedure as a policy to determine how long a petitioner for change in zoning would have to comply with the regulations stipulated by change of zoning. Generally it was discussed for about six months; but at the end of six months if the conditions were not in compliance, the petitioner would be asked to give his intent, and how much time he would need. The Council then would decide as to any additional time. Councilman Nichols stated as long as the applicant is notified and can return to the Council for action, that is fair and proper.

Councilman Nichols moved the Council vote to establish this policy as discussed. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Friedman, Handcox  
 Noes: None  
 Absent: Mayor Butler, Councilman Lebermann

This policy is to apply to the old cases as well as the new -- the applicant to be notified and he returns to the Council as to what he can do.

THOMAS B. GUNTER  
 C14-71-281

2001-2005 Anderson Lane  
 7814-7824 Hardy Drive

From "A" Residence  
 To "O" Office  
 RECOMMENDED by the  
 Planning Commission  
 subject to 5' r-o-w on  
 Anderson, 5' r-o-w on  
 Hardy and a 6' privacy  
 fence on the south  
 boundary.

Mr. Gunter was agreeable to the 5' rights-of-way on Anderson Lane and Hardy Drive, in addition to a six foot privacy fence on the south boundary; however, the 5' would put the base of the house within a foot of the street. The City Attorney explained that Mr. Gunter could sign an agreement concerning the fence, and a restrictive covenant that he would maintain the fence, and file these prior to the time the Council would act on the ordinance.

Councilman Nichols moved the change be granted to "O" Office as recommended by the Planning Commission subject to 5' r-o-w on Anderson, 5' r-o-w on Hardy and a 6' privacy fence on the south boundary. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox  
 Noes: None  
 Absent: Mayor Butler

The Mayor Pro-tem announced that the change had been granted to "B" Office as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Denied

JOE M. MILICIA  
By Estella White  
C14-71-287

2208 E. 13th St.  
1300-1304 Chestnut St.

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to an occupancy  
restriction to 4 persons  
only; a restrictive  
covenant for the proposed  
use, with the property to  
revert to "A" if this use  
is discontinued, and sub-  
ject to 10' r-o-w on  
Chestnut, 5' r-o-w on  
13th Street.

Mrs. Cecil B. Moore and other expressed opposition to this zoning, as they did not want any more convalescent homes in the area. She read her letter of protest. After discussing the proposed use, and the long-time residential area, Councilman Nichols moved the change to "B" Residence be denied. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Handcox, Dryden  
Noes: Councilman Friedman  
Absent: Mayor Butler

The Mayor Pro-tem announced that the zoning had been denied.

Zoning Postponed

DAVID B. BARROW, SR.  
By Jeryl D. Hart  
C14-71-238

Tract 1  
7835-7919 Mesa Dr.

Tract 2  
7921-8009 Mesa Dr.

Tract 3  
7834-7938 Mesa Dr.

From Interim "A" Residence,  
First Height and Area  
Tract 1: To "BB" Residence,  
RECOMMENDED by the Planning  
Commission restricted to  
12 units per acre  
Tract 2: To "B" Residence,  
First Height and Area  
RECOMMENDED by the  
Planning Commission  
Tract 3: To "B" Residence,  
First Height and Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Residence,  
First Height and Area  
restricted to 12 units  
per acre



Tract 4  
 4101-4131 Spicewood  
 Springs Road  
 7940-8044 Mesa Dr.

Tract 5  
 8011-8045 Mesa Dr.  
 4021-4059 Spicewood  
 Springs Road

Tract 4: To "GR" General  
 Retail, First Height and  
 Area

NOT Recommended by the  
 Planning Commission  
 RECOMMENDED "LR" Local  
 Retail, First Height and  
 Area with 64' buffer of  
 "B" Residence, First  
 Height and Area on the  
 west of Tract 4.

Tract 5: To "GR" General  
 Retail, First Height and  
 Area

NOT Recommended  
 RECOMMENDED "LR" Local  
 Retail, First Height and  
 Area with 64' buffer of  
 "B" Residence, First Height  
 and Area on the east of  
 Tract 5 excluding the fire  
 station tract.

This recommendation is  
 subject to a privacy fence  
 between the "BB" Residence  
 & "A" Residence zoning.

Mr. Irwin Salmanson, representing Northwest Austin Civic Association, appeared in opposition to this zoning on Spicewood Springs Road and Mesa Drive, and asked for a hearing before the full Council, thus a postponement for two weeks. Mr. David Barrow stated this application had been postponed two different times at the request of these people, to give them an opportunity to adjust the matter in an acceptable manner. Councilman Dryden pointed out this was the first time this case had come before the Council.

Councilman Friedman moved the Council postpone this zoning application until 11:00 A.M. January 20th. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Friedman,  
 Handcox, Dryden  
 Noes: None  
 Absent: Mayor Butler, Councilman Lebermann

CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN ENGINEERING  
 COMPANY  
 (Austin, Texas)

- For Wilson Street Easement Storm Sewer from Alpine Road southerly to approximately 325 feet south of Pickle Road, Contract No. 71-Db-132 - \$14,802.80. Partici-

participation Agreement: City's cost - \$9,184.39, Property Owners' cost - \$5,618.41. (20 working days for completion; Engineer's estimate - \$14,795.56; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro-tem Love, Councilman Lebermann  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Friedman

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

DEXTER L. SIMONS CO.  
 (Austin, Texas)

- For Fort Branch Boulevard storm sewer, from Culvert 190' south of Meander Drive, North 300', then west 155' in Lott Avenue Easement No. 2, Contract No. 71-Db-128 - \$7,620.00. Participation Agreement: City's cost - \$6,690.60, Property Owners' cost - \$929.40. (20 working days for completion; Engineer's estimate - \$9,300.00; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Handcox  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Friedman

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

H & H CONCRETE CONSTRUCTION COMPANY  
 (Austin, Texas)

- For installation of approximately 1189 linear feet of 48" prestressed concrete cylinder water pipe, and 334 linear feet of 20" concrete cylinder water main and appurtenances in Old U. S. Highway 183 and Loop 360 Intersection - \$222,731.00. (120 working days for completion; City's estimate - \$312,967.00; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden  
 Noes: None  
 Absent: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN ENGINEERING  
COMPANY  
(Austin, Texas)

- For relocation and installation of approximately 2,805 linear feet of 8-inch water mains and 3,060 linear feet of 6-inch water mains and appurtenances at Loop 360 West at the intersection of Creekbluff Drive and Spicewood Springs Road - \$56,468.40. (90 working days for completion; City's estimate \$73,115.50; Capital Improvement Program)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro-tem Lowe, Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols  
 Noes: None  
 Absent: Mayor Butler

Councilman Handcox moved the Council adopt a resolution awarding the following contract:

BESCO, INC.  
(Austin, Texas)

- For 16 each 1350 KVAR and 23 each 900 KVAR, 7.2 Cluster Mounted Capacitor Bank, with 150 KVAR Capacitors (Items 3 & 4) - \$64,153.00.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols, Mayor Pro-tem Love  
 Noes: None  
 Absent: Mayor Butler

Councilman Nichols moved the Council adopt a resolution awarding the following contracts:

- (1) WALKER TIRE CO.  
(Austin, Texas)
- (2) AUSTIN GOODYEAR CO.  
(Austin, Texas)
- (3) B. F. GOODRICH CO.  
(Austin, Texas)

- For Twelve (12) months Supply Agreement on Tires and Tubes:
- Various tire and tube sizes as indicated on bid tabulation - \$114,062.50;
- Various tire and tube sizes as indicated on bid tabulation - \$33,228.02;
- Various tire and tube sizes as indicated on bid tabulation - \$968.16.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Dryden, Nichols, Mayor Pro-tem Love,  
 Councilman Lebermann  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Handcox

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

<p>I B M        (IBM and Dictaphone        both met specifications.        However, IBM is low        qualified bidder)</p>	<p>- Police Automated Report Transcribing        System: Error-Correcting and Recording        Typewriters - \$31,500.00:        Recording and Transcribing System -        \$9,940.00.</p>
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The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilmen  
 Lebermann, Friedman  
 Noes: None  
 Absent: Mayor Butler

PAYMENT - AUSTIN TRANSIT

Councilman Nichols moved the Council adopt a resolution authorizing pay-  
 ment to Austin Transit Corporation for transit service during the month of  
 November in the amount of \$12,092.72. The motion, seconded by Councilman Dryden,  
 carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
 Friedman, Handcox, Dryden  
 Noes: None  
 Absent: Mayor Butler

EMINENT DOMAIN PROCEEDINGS

Councilman Nichols moved the Council adopt a resolution authorizing  
 eminent domain proceedings for right-of-way for MoPac Boulevard on 2100 Winstead  
 Lane. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox,  
 Dryden, Nichols  
 Noes: None  
 Absent: Mayor Butler

Councilman Nichols moved the Council adopt a resolution authorizing  
 eminent domain proceedings for right-of-way for MoPac Boulevard on 2102 Winstead  
 Lane. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols  
Noes: None  
Absent: Mayor Butler

Councilman Nichols moved the Council adopt a resolution authorizing eminent domain proceedings for right-of-way for MoPac Boulevard on 4906 Westfield Drive. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes; Mayor Pro-tem Love, Councilmen Lebermann, Friedman, Handcox,  
Dryden, Nichols  
Noes: None  
Absent: Mayor Butler

#### ANNEXATION HEARING

It being 2:00 P.M., Mayor Pro-tem Love opened the hearing scheduled for this time on annexations. No one appeared to participate in the hearing. Councilman Nichols moved to close the hearing and direct the administration to institute annexation proceedings to annex the following:

13.61 acres of land out of the Theodore Bissel League - THE VILLAGE, SECTION FOUR, and a portion of First Resubdivision of Lots 11-14 of Block A, THE VILLAGE, SECTION TWO.

6.11 acres of land out of the John Applegait Survey - WINDSOR HILLS, SECTION FIVE.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro-tem Love, Councilmen Lebermann,  
Handcox, Dryden  
Noes: None  
Absent: Mayor Butler  
Not in Council Room when Roll was called: Councilman Friedman

#### CITY CODE AMENDED - CHAPTER 11

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 11 OF THE AUSTIN CITY CODE OF 1967 BY ADDING THERETO, ARTICLE III, ENTITLED, "OFFSET TO DEBTS AGAINST CITY"; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Mayor Pro-tem Love  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Nichols

The Mayor Pro-tem announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor Pro-tem Love 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:  
 LOTS 14 AND 15, BLOCK 2, HYDE PARK ANNEX, LOCALLY KNOWN AS 4501-4503 AVENUE F; 200-202 EAST 45TH STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (H. E. Henson--C14-71-125)

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Mayor Pro-tem Love, Councilman Lebermann  
 Noes: None  
 Not in Council Room when Roll was called: Councilman Nichols

The Mayor Pro-tem announced that the ordinance had been finally passed.

#### CASWELL TENNIS CENTER

Councilman Lebermann said this was an opportune time, as he had discussed earlier that he wanted to make a recommendation, and he then moved that the Manager's Office and the appropriate department heads be requested to make a thorough, going study of this independent contractor situation, most particularly in the area of recreational concerns -- golf pros, tennis pros, and the like -- and come back to the Council with recommendations. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Dryden, Nichols, Mayor Pro-tem Love  
 Noes: None  
 Absent: Mayor Butler  
 Not in Council Room when Roll was called: Councilman Friedman

Councilman Lebermann was of the opinion this was a cloudy area, and one that needs firming up.

## NOMINATING COMMITTEE FOR CITY RETIREMENT BOARD

Councilman Nichols stated the City Council is to select a certain number of employees to be on the Nominating Committee to nominate City employees to be elected by employees for places on the Retirement Board.

After an Executive Session, Mayor Pro-tem Love announced the Nominating Committee for City Retirement Board as follows:

Lt. Alvin DeVane, Police Department (Chairman)  
Phil Morgette, Director of Personnel  
Jim Lumpkin, Brackenridge Hospital - Assistant Laundry Manager  
Milton Gooden, Parks and Recreation Department - Park Grounds District Foreman  
Jan Kubicek, Assistant City Attorney (Transferred to Model Cities)

## MASTER PLAN HEARING

At 2:00 P.M., Mayor Pro-tem Love opened the hearing on changing the Austin Development Master Plan on approximately five acres, located in northwest Austin, along South Meadows Drive and Prairie Trail at Newmont Road from Low Density Residential to Commercial Services and Semi-Industrial Development. Mr. Dick Lillie, Director of Planning, presented the request describing the area, and the existing uses, and reporting that utilities are on the property. No one made an appearance to discuss this change in the Master Plan. After discussion, Councilman Nichols moved the Council adopt a resolution to change the Austin Development Master Plan on approximately five acres of land located in northwest Austin, along South Meadows Drive and Prairie Trail at Newmont Road from Low Density Residential to Commercial and Semi-Industrial on Lots 14, 15, and 16 of North Meadows Addition, properties belonging to Lee Holder and K. R. Henderson. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro-tem Love, Councilman Lebermann  
Noes: None  
Absent: Mayor Butler  
Present, but not voting: Councilman Handcox  
Not in Council Room when Roll was called: Councilman Friedman

## COST : REVENUE ANALYSIS FOR COUNCIL CONSIDERATION

Mr. Andrews, City Manager, following through with the Council request that each activity of the City be given a cost analysis inspection, presented a report on the Building Inspection Department. At this time, he asked the Council for a general statement of policy, rather than making changes until a thorough detailed analysis is presented to the Council. Discussion was held on the possibilities through the Pricing Board.

In discussing the premissable increases, he stated the Building Inspection Department would like to raise these fees or bring the ordinance back to Council for increasing fees to be considered at a later date. As to Brackenridge Hospital, he would ask for authority to raise the charges 6% and come back and later, after clearing through Federal regulations and Federal officers, to raise the additional needed.

Building Inspection

Mr. Dick Jordan reviewed the analysis of the Building Inspection Department, and discussion by the Council was held.

Discussions were held on the possibilities through the Pricing Board. Also after Mr. Dick Jordan, Building Official, reviewed the analysis of the Building Inspection Department, discussion was held on the present status of Austin fees compared to those in other cities, showing Austin low in some instances and leading in others. The City Manager explained the electrical permits would not need adjusting as they are over covering the costs; but on the other hand, to bring plumbing permit fees to their proper levels, it would take a 20% increase. He stated an ordinance would be brought back to the Council in detail of exact fees, for the Council's final determination.

Mayor Pro-tem Love noted a broad latitude in these fees. Mr. Jordan explained, as an example, charges on appeals to the Board of Adjustment are \$5.00, while advertising these cases in the paper costs \$79.00. Their suggestion was increasing the fee from \$5.00 to \$25.00. Mayor Pro-tem Love agreed that goods and services should stand on their own, and not depend on another source to cover a deficiency. Mr. Jordan was asked to come back with a more clear picture of what the cost factor is in regards to the various areas so that the Council could review them again. The City Manager stated this would be in a fee schedule in such form that the Council could take whatever action it desired. It seemed to be the Council's desire to move in the direction of "costing out" the actual costs. Councilman Lebermann agreed.

Brackenridge Hospital

Councilman Lebermann wanted the hospital raises handled in the same way as other services fee raises, and he wanted all the supportive material before the Council with a prepared ordinance, so the Council could see the cost accounting figures on the hospital on a departmental basis, room basis, and the like. He observed patients from a similar hospital are picking up the deficit, along with the City and County. The City Manager stated in Austin, it was not the purpose for a paying patient to pay any more than his cost, nor any part of the welfare cost. Councilman Lebermann referred to the Hospital Budget, as to recent raises, amounting to \$900,000 in budgeted cost; but off-setting that, the revenues were estimated at \$900,000. The salaries have been given, but the revenue has not been changed.

The City Attorney, Mr. Don Butler, gave a report on the price increase, stating the 6% would be permissible, but anything over that would require an exception from the State Advisory Board, along with a justification. He stated the Council could go immediately to the 6% by a simple notification, but still subject to a cut back. There are specific rules on going above the 6%.

Councilman Lebermann, noting the recommended nursery fee - pediatric fee was from \$22.00 to \$32.00 a day, asked if that were in line as such a fee would place Brackenridge Hospital substantially above other hospitals in the region. He inquired about a categorical break-down between healthy babies and those requiring special equipment and care.



Mr. Bill Brown, Hospital Administrator, said at the end of September, 1971, the nursery had accumulated 9,748 days, with a pay per patient day of \$22.02. The audit indicated the cost per nursery day was \$27.36, or a loss of \$5.34 per day.

A review of the nursery was discussed as to intensive care, noting there were not many babies needing such care; and those that may, would be treated in an isolette. His recommendation was a fee of \$32.00 per day, on a calculation of cost of \$28.97. He discussed Brackenridge in its roll in the growing inflationary tendency of the country, without having had an increase since February 1970. He discussed its position in open heart surgery and kidney transplants, and as a community hospital, a City-owned facility. He emphasized that charges be made on the costs. Because of the responsibility of this hospital, he indicated that the 13.3% requested is valid, as hospital costs have increased throughout the United States.

The City Manager stated Mr. Brown had properly pro-rated cost and increases based on actual cost. If they had to pro-rate each of these back to a 6% as against 13%, it would mean that the item under discussion in the nursery, instead of going to \$32.00 would go to about \$26.75. It would still be under known cost.

Mr. Brown outlined briefly the steps that had to be taken through the various governmental entities, stating it would be necessary from here on to depend on Mr. Butler's efforts for clearance, but they have been told that Austin would be given prompt attention at the request of the City of Austin, and he emphasized the feasibility to adjust costs and to keep the charges in basis as possible, and he was able to justify their position.

Mayor Pro-tem Love noted the private patient was billed 13% less than actual cost. The U. S. Cost of Living Council indicates that 6% increases in hospital charges are permissible, and that is what the Council had been advised it could do now. They may be rolled back, but now the 6% can stand. He further noted there is a recommendation from the City Manager and perhaps the City Attorney for the Council to authorize a 13.3% increase now, from a Council standpoint to break even.

The City Manager recommended that the Council approve the factors that it takes 13% to break even, to authorize them to proceed at once with the 6%, and to make application for the difference. He referred to Councilman Lebermann's valid point that the Hospital would not break even if the whole 13% were available, as the City would still have the indigents and uncollectibles, but it would bring the private patients' charges to a break-even point. With the 13%, the Budget would come out as indicated, in that there would be received \$4,000,000 less than was paid out. If only 6% were approved, that would be another \$400,000 loss.

Mr. Brown added the generation of the 13.3% would be about \$1,452,000 but being realistic in the current collection picture in the sick-poor of the community, this amount would generate down to about \$941,000.

Councilman Dryden realizing since the salary increase, that rates in general would have to be increased, pointed out many patients are paying \$45.00 for a room; and when the baby is born, they pay \$77.00. This makes a difference to a lot of people. He too pointed out there was a difference in care of premature babies and those of normal weight, and the cost would be different. Mr. Brown stated this accounting was a matter of specialized accounting "Shared Hospital Accounting System Program".

Councilman Dryden was interested in this specific cost, as well as the advance in cost of a \$45.00 a day room to \$77.00 a day, as applied to low income patients. He noted the \$30.00 increase for the operating room going over 13%. Mr. Brown explained the operating room suite, as of September, 1972, had an expenditure of \$931,804 against an income of \$691,000, a deficit of \$240,000. Lengthy discussion ensued on the Operation Room fees. These costs included the staff patients. He did not believe that the 3rd party intermediaries should not be paying the audited direct costs of services rendered on their patients.

Councilman Dryden discussed charges under Anesthesia as covering only the materials. It was stated this cost included all costs to the Hospital of anesthesia--less the physician anesthesiologist -- material and nurse anesthesiologist. He pointed out the cost per procedure audited out as \$23,59, against an expense of \$19.87, with a surplus of \$3.72. Anticipating difference in anesthesia in 1972, they had forecast a change in the Departments, and set the procedural costs to support the change.

Councilman Nichols inquired about the laboratory test fees during the past two years, as to how the fees could be so maladjusted in a two year period. The City Manager reported the raises were not based on cost analysis at that time.

Mayor Pro-tem Love stated it appeared that the concensus of the Council was there was a need for an increase, but there was a question of the particular application and categories with regard to certain increases. Mayor Pro-tem Love asked the City Manager if he were authorized to apply the 13% increase, which could be considered across the board, and to proceed, then in the particular areas brought up today, if these could be brought back and reapplied if necessary. The City Manager replied there were no serious problems up through 6% and if the Council could authorize them to bring in a schedule of fees for the 6% with authority to then work out the details costing up to 13%, this would give time and put them in a better posture while waiting.

Mayor Pro-tem Love saw nothing wrong with immediately asking for a 6% increase, but noted the Council, by Charter, approves the fees. Councilman Nichols stated before he approved any 6%, he wanted to know just what they will be. The City Manager asked if the Council wanted them to bring in a schedule of fees with an overall increase of six percent.

Councilman Nichols stated that was the only way they could go -- the 6%. Councilman Lebermann noted a 6% across the board could mean 2% in some departments and 50% in other. Noting this will take time as it all has to be reviewed by so many people outside of this municipality, he asked that in the interim that the City Manager bring in more data, to let the Council know what is happening on a departmental basis and how Mr. Brown intends the money to be used in each department, whether it is actually covering costs or whether it is an upgrade figure, etc. He stated he was willing to go on the 6%, but before they moved on to the 13%, he would like to have this other material.

The City Manager stated that was their suggestion; that they come up with as close as they could with the information that they have, with a 6% schedule that would represent a 6% increase in overall revenue. He would like to bring this back quickly.

Motion

Realizing this is going to take time, as it has to be reviewed by so many extra-governmental people -- outside this municipality; Councilman Lebermann moved that in the interim, the City Manager bring in more data, to keep the Council aware of exactly what is happening on a departmental basis, and exactly how the Manager of the Hospital, Mr. Brown, intends the money to be used in each department whether it is actually covering the costs or whether it is an upgrade figure, etc. He was willing to go on the 6%, but before they moved on to the 13%, he wanted this material. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handoox, Dryden, Nichols, Mayor Pro-tem Love,  
Councilmen Lebermann, Friedman  
Noes: None  
Absent: Mayor Butler

## CATEGORIES 2 &amp; 3 - FLOOD MANAGEMENT PROGRAM

Mayor Pro-tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967 IN THE FOLLOWING PARTICULARS:

(1) AMENDING SECTION 29-3 TO PROVIDE FOR APPROVAL BY THE DIRECTOR OF PUBLIC WORKS OF PLANS AND SPECIFICATIONS OF ALTERATIONS, IMPROVEMENTS OR CHANGES ON ANY CREEK, BRANCH, DRAINWAY OR WATERCOURSE WITHIN THE CITY AND TO PROVIDE THAT PLANS AND SPECIFICATIONS FOR WORK LOOKING TOWARD THE ENCLOSING OF CERTAIN OPEN CREEKS; BRANCHES, DRAINWAYS OR WATERCOURSES, OR THE OPENING OF CERTAIN ENCLOSED CREEKS, BRANCHES, DRAINWAYS OR WATERCOURSES, BE APPROVED BY THE PLANNING COMMISSION AS WELL AS THE DIRECTOR OF PUBLIC WORKS; AND,

(2) BY ADDING A NEW SECTION 29-3A PROVIDING FOR ALL PLANS AND SPECIFICATIONS CALLED FOR IN SECTION 29-3 TO BE ACCOMPANIED BY A CERTIFICATE OF A TEXAS PROFESSIONAL ENGINEER AND PROVIDING AN EXCEPTION FOR MINOR ALTERATIONS, IMPROVEMENTS OR CHANGES; AND,

(3) BY ADDING A NEW SECTION 29-3B PROVIDING FOR AN APPEAL TO THE PLANNING COMMISSION FROM DECISIONS OF THE DIRECTOR OF PUBLIC WORKS; AND,

(4) BY ADDING A NEW SECTION 29-3C PROVIDING FOR AN APPEAL TO THE CITY COUNCIL FROM DECISIONS OF THE PLANNING COMMISSION;

SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro-tem Love announced this program is basically supported and endorsed by Councilman Lebermann and others.

The City Manager, Mr. Andrews, stated the Council had asked that this be brought in for additional studies that they might want to add. The Director of Planning stated Item 2, the alteration ordinance is in form at the present time. This is simply to strengthen the existing Code practices that the City has been undertaking for many years. Councilman Nichols emphasized his desire to have an opportunity to look at these maintenance practices.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

- Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro-tem Love, Councilmen Lebermann, Friedman
- Noes: None
- Absent: Mayor Butler

The Mayor Pro-tem announced that the ordinance had been finally passed.

ADJOURNMENT

The Council adjourned at 3:15.

APPROVED: \_\_\_\_\_  
Mayor Pro-tem

ATTEST: \_\_\_\_\_  
City Clerk