

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 15, 1978
6:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

INVOCATION

Texas House of Representatives Chaplain R.B. Hall gave the Invocation.

GUESTS INTRODUCED

Mr. and Mrs. Carlton Cooke, parents of Councilmember Cooke, were introduced to the Council Chamber audience, as well as his niece, Carmen Spieth, by the Mayor. Mr. and Mrs. Cooke and Carmen live in Dublin, Georgia.

NEW CONSUL GENERAL FOR MEXICAN CONSULATE INTRODUCED
AND
OUTGOING CONSUL GENERAL GIVEN SERVICE AWARD

Councilmember Trevino introduced the incoming Consul General, Senor Manuel Elizaldi Guerra to Councilmembers and Council Chamber audience. He also introduced Senor Jose Najera-Gonzalez, who is the outgoing Consul General in Austin.

A Distinguished Service Award, citing Senor Najera-Gonzalez for his service to the City of Austin, was presented to him by the Mayor. Senor Najera-Gonzalez thanked the Mayor and Council for the award and expressed his pleasure at having served as his country's representative in Austin.

Mayor McClellan read a resolution, signed by all Councilmembers, welcoming Senor Manuel Elizaldi Guerra as he begins his term as Consul General in Austin, and pledging to work with him in every effort to continue the long

established good will that exists between our two great countries. Senor Guerra thanked the Mayor and Council and said he is very pleased with what he has seen of Austin and is looking forward to serving in this city.

AUSTIN TEXANS DAY

Mr. Bill Martin and Mr. Roger Gill accepted, with their thanks, a proclamation read by Mayor McClellan, designating June 17, 1978 as Austin Texans Day. Mr. Martin presented the Mayor and Council with season tickets to the football games, as well as buttons to wear.

EXECUTIVE SESSION

Mayor McClellan announced that the Councilmembers had met in Executive Session and have completed a satisfactory progress report on the City Manager's evaluation. She said, "We addressed and discussed certain areas of concern and are pleased with the progress that has been made."

The Mayor also announced that next Thursday Council will be making Board and Commission appointments which were announced for today's decision. They are: Airport Zoning Board, 1; On-Going Of Goals Assembly Committee, 2; Parks and Recreation Board, 1; Manpower Advisory Planning Council, 1; Building Standards Commission, 5; Dental Health Advisory Committee, 13. In addition to that Council will be making, on an emergency basis, five appointments to the Electric Utility Commission. This will be so that there will not be any lapse of time, one is a vacancy and four are terms that have already expired. She said there has been a resignation on the Board of Equalization, so one appointment will be made to it on an emergency basis.

MINUTES APPROVED

Councilmember Goodman moved that the Council approve the minutes for June 8, 1978 & Special Emergency Meeting of June 9, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

NO FEES FOR IMPROVEMENT PROJECTS

Councilmember Goodman moved that the Council adopt a resolution to amend the resolution governing the licensing of encroachments on public property to provide that there shall be no fees for improvement projects which are deemed by the City Council to be a benefit to the city. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

PAYMENT AUTHORIZED

Councilmember Goodman moved that the Council adopt a resolution to authorize payment to the following:

NPC REALTY COMPANY

- The cost difference of 12"/8" line installed to serve Quail Run Pud, Section 1 - \$4,870.42

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

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

Noes: None

EANES ISD WASTEWATER CONTRACT REVISED

Councilmember Goodman moved that the Council adopt a resolution to revise the operating contract for the wastewater treatment plant for the Eanes Independent School District. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Councilmember Himmelblau said she was glad to see this revision as the city has been losing money.

CAPCO GRANT APPLICATION

Councilmember Goodman moved that the Council adopt a resolution to authorize submission of a grant application to CAPCO for the third year renewal of the Social Services Coordinator for the Austin/Travis County Senior Luncheon Project from August 1, 1978 to July 31, 1979. (Total grant \$16,858; City Cost \$1,616.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

CONTRACT APPROVED

Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

HERSEY PRODUCTS, INC.
8383 Stemmons Freeway
Dallas, Texas

- Fire Service Type Cold-Water Meter, Water & Wastewater Department. Item 1 - 1 ea. - \$7,490.00

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

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

WEATHERIZATION PROJECT

Councilmember Goodman moved that the Council adopt a resolution to accept a grant from CSA in the amount of \$43,142 for continuance of Weatherization Project, effective June 1, 1978 to May 31, 1979 (Total local match required \$10,786; city share, \$8,844; Travis County share \$1,942.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

HOSPITAL ADVISORY BOARD ORDINANCE REVISED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 2 OF THE 1967 CODE OF THE CITY OF AUSTIN BY PROVIDING TERMS FOR THE INITIAL MEMBERS OF THE RECONSTITUTED HOSPITAL BOARD AND PROVIDING FOR THE TERMINATION OF TERMS OF HOSPITAL BOARD MEMBERS SERVING AS OF JUNE 15, 1978; SUSPENDING THE RULE REQUIRING THAT ORDINANCES SHALL BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, and finally passed an ordinance amending the Hospital Board Ordinance to provide for terms of the initial members of the new Board by terminating all terms of the previous Board. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.
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:

TRACT 1: A 1.676-ACRE TRACT OF LAND; SAVE AND EXCEPT THE EASTERNMOST 25 FEET WHICH IS TO BE REZONED FROM INTERIM "AA" RESIDENCE. INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 1.680-ACRE TRACT OF LAND; SAVE AND EXCEPT THE EASTERNMOST 25 FEET

WHICH IS TO BE REZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 3: LOT 30, OAK PLANTATION SUBDIVISION; SAVE AND EXCEPT THE EASTERNMOST 25 FEET WHICH IS TO BE REZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 8101-8307 BRODIE LANE, AND ALSO BOUNDED BY PLANTATION ROAD, DUNLEIGH DRIVE, AND THOMAS KINCHEON STREET; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, 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, (BARROW CORPORATION-C14-78-044)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS 1 THROUGH 14, A RESUBDIVISION OF LOT 28, PARKER HEIGHTS SEC. 44, LOCALLY KNOWN AS 2311-2413 BURLESON ROAD, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, 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. (PARKER HEIGHTS, INC., C14-78-067)

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

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

The Mayor announced that the ordinance had been finally passed.

CONTRACT FOR NEW ACCOUNTING SYSTEM

Council had before it for consideration authorization of a contract with Arthur Anderson for modification and installation of the city's new accounting system - Phase II. (Cost of contract, \$438,150.)

Mr. Monty Nitcholas, Finance Director, told Council that this amount is for Phase II and III of the implementation of the accounting system. He said that Phase II is the design and implementation and development of the accounting system itself. Phase I has been completed and Council has received a report. Mr. Nitcholas reviewed those accomplishments which were a review of the requirements and processing of the requirements with evaluation of software. Phase II

will include the installation of the base computer system, setting up the cost center and revenue center accounting, automate the accounts payable, put the on-line terminal one time data entry, and develop the varied levels of the reporting that is needed, plus provide a detailed work order system. This phase will also provide the initial documentation and training of the employees and the interfacing of the basic system with some of the existing systems that have been developed over the past two to three years. These include the payroll system and the labor distribution system, and several others.

Phase III of the program, according to Mr. Nicholas, would be the basic design of the property records system, or the fixed asset accounting system. That, he said, is a contractual cost of \$75,600.00 of this total request. This includes some of the basic areas included in Phase I, except that they pertain to fixed assets or property accounting records. This will have to be done after the general accounting system is complete, as it will flow from there to property records.

Councilmember Himmelblau asked if this would give them the ability for cost accounting for utilities in the next phase. Mr. Nicholas answered that Phase II would not give them the type of cost accounting that she is talking about. That, he said, would have to come with the last phase. He thinks that should be designed when they are installing the general accounting system. It will provide a more efficient type of accounting with cost center accounting in the different operating areas of the city. Mr. Nicholas pointed out that the proposed contract of \$438,150.00, added to the contract just finished with Arthur Anderson & Company for \$74,000.00, would bring the total contractual cost for all the phases up to the actual implementation of the property records system, to \$512,387.00. As stated in the report to Council and also the Arthur Anderson Report, they are recommending the package system of Information Associates Incorporated be installed and enhanced and developed by the Arthur Anderson Company. He said this should be done in a firm contract. Mr. Nicholas pointed out that two software packages were considered to be put into the system. One was the I.A.I. package and the other was American Management Systems who furnished a reduced initial cost estimate. But in developing the operating costs over the next seven years, which is considered the basic life of any computerized system without any major revision, the I.A.I. system appears to be the best one, and in the long run the lowest cost.

Councilmember Cooke said American Management Systems had contacted him and he wanted clarification. "We were talking about \$9,500.00 a year would be the warranty cost that A.M.S. would provide. In discussion I had with one of their vice-presidents in Virginia, he said that cost would take care of every operating cost their particular system would include and what I am trying to understand is that I got the impression there would be additional operating costs above the \$9500.00 warranty. I thought there were going to be operating costs from the AMS system in addition to the \$9500. He says there wouldn't."

Mr. Nicholas replied, "The operating costs that AMS addressed, are, I think, in-house costs, and also development costs that would have to be done by us and Arthur Anderson in addition to the system. When we talked about the other costs, we were talking about in-house costs for CPU time, testing, etc. I don't think we were confusing that issue." Councilmember Cooke said it was his misunderstanding.

Councilmember Mullen stated: "One of the things that I want to get on the record, after our long discussion, is that you will not be back for more funds for this phase, that it is a firm bid and there will be no additional costs to

the city whatsoever." "That's true. The only time we will be back is to complete the property records system and install it and that will be, at the earliest, the summer of 1979," answered Mr. Nicholas.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to authorize a contract with Arthur Anderson for modification and installation of the city's new accounting system - Phase II and III. (Cost of contract \$438,150.00). The motion, seconded by Councilmember Trevino carried by the following vote:

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

City Manager Davidson stated, "Mayor, I would like to thank the Council for this consideration and point out for the benefit of some of the audience that this particular program and our being able to move forward toward completion, is one of the most far reaching decisions that any City Council has made in many, many years for Austin. It's impossible to achieve some of the goals and objectives that have been adopted until we can finish this accounting system. All of us on the staff are grateful that you will allow us to proceed at this time." Mayor McClellan commented that this will be a meaningful cost accounting system which will help the city in many, many ways.

JUNETEENTH CELEBRATION DAY

Councilmember Snell read a resolution designating June 17, 1978, as Juneteenth Celebration Day in Austin. Mr. Vernon Johnson accepted the resolution with his thanks and invited all Austin to take part in the celebration.

ARTS COMMISSION REPORT

Mr. Bronson Dorsey, Vice Chairperson of the Arts Commission, appeared before Council to represent the recommendation of the Arts Commission to amend Article II, Section 47-15 Composition; appointment of members of the Arts Commission. Mayor McClellan asked if there were any questions on the recommendation they have made for composition of the Arts Commission: 2 representatives from drama, 2 visual arts, 2 dance, 1 choral music, 1 instrumental music, 1 representative from museums, 1 from literature, and 1 from literature and folk art, with the recommendation that there always be one Black and one Chicano on the commission and there be no ex-officio members.

Motion

Councilmember Himmelblau moved that the Council approve changes in the Arts Commission. The motion was seconded by Councilmember Cooke.

Councilmember Snell said he was not ready to act on this and wanted it postponed two weeks. He said he has problems with a commission naming the persons they would like to serve on a particular commission...he said they have never allowed this before. Councilmember Cooke said his second was to the part

dealing with the composition by the different categories. Mr. Snell said he also could not see why it says one Black, one Brown. Mr. Dorsey said this is not the intent, but the intent is that there at least be representation, with no minority having his hands tied to represent a particular discipline.

Substitute Motion

Councilmember Snell moved that the Council postpone the vote on the Arts Commission amendment change regarding composition until June 29, 1978. The substitute motion, seconded by Councilmember Goodman, carried by the following vote:

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

TEXAS MOBILIZATION FOR SURVIVAL

Mr. T. Paul Robbins appeared before Council, representing the Texas Mobilization for Survival, to discuss concern for conservation. He proposed that the money spent on nuclear projects should instead be spent to better insulate Austin's houses against the elements. He also had four recommendations: (1) Argonne grant, applied for by City, if awarded, should not be in the hands of the Electric Department, (2) Sell Austin's share of the Southwest Texas Project, (3) Conservation with insulation should be implemented right away, and (4) Explore the possibility of other types of energy.

PARADE PERMIT AND STREET CLOSING

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Mr. Tony Paschall for Austin Human Rights Coalition, from 12:00 noon, to 1:00 P.M., Saturday, June 24, 1978, beginning north from 1st Street, up Congress to Capitol, west on 11th to Guadalupe, south on Guadalupe to 10th and Woolridge Park. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Austin Human Rights Coalition also requested the temporary closing of the 400 block of West 23rd Street from 7:00 P.M. to 2:00 A.M., Saturday June 24, 1978. The request had been made by Mr. Gregory Calvert who said they did not propose to have any amplification past the times designated in the noise ordinance. He said he had spoken with Chief of Police Dyson who had pointed out the noise ordinance provision that bars amplification within 300 feet of churches. Mr. Calvert said this ordinance had not been enforced before and he met with the Congregational Church Board to discuss it. They have backed his request for a temporary street closing. Mayor McClellan pointed out that the concern regarding noise during street closings has just been recently brought to her attention by letters and verbal communication. Ms. Betty Phillips, representing the Save the University Neighborhood, appeared before Council to state that the Human Rights Coalition members have been caught "in-between" because there has already been a

request for a study made regarding noise and street closings in the University neighborhood. City Manager Davidson in reply to Mr. Calvert's questioning as to why they are being "picked on" when these street closings have been going on, stated that the ordinance does not prohibit noise, but it prohibits amplification and has to be enforced, unless the ordinance is amended.

Motion

Councilmember Cooke moved that the Council adopt a resolution to temporarily close West 23rd Street (400 block) from 7:00 P.M. to 2:00 A.M., Saturday June 24, 1978, as requested by Mr. Gregory A. Calvert, representing the Austin Human Rights Coalition; there is to be no amplification after 8:00 P.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ZONING CASE WITHDRAWN

Councilmember Cooke moved that the Council approve the request of Mr. Tom Curtis, Attorney for Lawrence A. Schrader, Jr., that zoning case No. C14-78 101 be withdrawn. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

ZILKER PARK RAILROAD

Mr. Lannis A. Kircus, attorney for owners of the Zilker Park Railroad, requested Council to consider a fare increase for the railroad from \$0.25 to \$0.35 per ride. Council decided, by unanimous consent, to refer this to the City Manager for further study. Councilmember Goodman commented that he would like to see a study made of the possibility of expanding the length of the railroad track.

SOUTH 1ST STREET TRAFFIC SAFETY IMPROVEMENT

Ms. Margaret Gomez, South Austin Citizen's Advisory Board member, appeared before Council to request consideration of traffic safety improvement to South 1st Street. She turned the podium over to Ms. Scorro Leos, Chairperson of the South Austin Advisory Board, who in turn introduced Mr. Joe Diaz who presented a brief history of their request, as follows:

1975 - The Citizen's of South Austin voiced their need for a protected left hand signal for the intersection of South 1st and Oltorf at the Housing and Community Development Needs Assessment meetings in South Austin.

1976 - After HCD funding was not approved (Spring), the South Austin Citizen's Advisory Board started to work for 1976-1981 CIP funds. In August 1976, the Board presented a video taped presentation to the City Council at a Council CIP

work session. One of the projects that was requested in the video tape was for a protected left turn situation to be placed at South 1st and Oltorf. It was the Board's understanding that the City Council urged Mr. Ternus and his department at the work session, to proceed to find other funding for this project. Mr. Ternus advised the Council and our Board that the City had applied for State funds and hope to hear something definite in 1977. The Board felt satisfied that something was going to be done.

1977 - In the January of 1977, the Board was advised by Urban Transportation that the City had made an application to the State and that all that could be done is to wait.

Also in January, the South Austin residents spoke out via the HCD Needs Assessment meetings again for the need of improvement at South 1st and Oltorf Streets.

In the Spring, HCD funding was denied.

In the Fall and Winter of 1977, the City of Austin proposed various plans to re-route traffic, because of the Congress Avenue Bridge closing. The Board wrongfully assumed that all of South 1st St. would be considered for immediate improvements.

1978 - In January, the Urban Transportation Department advised the Board that the State approved the South 1st and Oltorf Street project. We were advised that the State ranked this project 155th in statewide priority. We understood that there was a good chance that funding would be approved. This was good news to the Board since the Board took a chance and did not urge CIP funding for this project because of the pending State funding.

In January 1978, the Citizens of South Austin again voiced their need for a protected left turn at the South 1st and Oltorf Street intersection, at the 4th year HCD Needs Assessment meetings.

Again this year HCD funds were denied even though the closing of the Bridge grew near. During the Spring of 1978 many other traffic improvements were being made Downtown because of the closing of the Congress Avenue Bridge. Yet none were planned for South 1st and Oltorf.

Presently - We have been advised by State Representative Gonzalo Barriento's office that the City of Austin grant application had been determined to be ineligible for the State funds because the State monies were for rural roads. The State office of Traffic Safety advised Mr. Barriento's office that apparently City staff did not read the regulations and the application completely.

Now with the Bridge closing only one and a half months away, there are no chances of alternate funding for the South 1st and Oltorf Street project.

Mr. Diaz concluded by saying they are now leaving this up to the Council, because they have called a special meeting of the South Austin Citizen's Advisory Board for next week and hope to take the results back to them. Ms. Leos, discussed the conditions which will exist when the Congress Avenue Bridge is closed and urged the Council's support of their request for the installation of a protected left turn signal at the corner of Oltorf and South 1st. She said 40,000 cars will be traveling South 1st when the Congress Avenue Bridge is closed.

Mr. Davidson, City Manager stated, "We'd like to come back to Council. They have raised several points that I think should be addressed. The last

sentence of your report (Mr. Diaz) indicates that we're one and a half months away from closing the bridge. Fortunately we have more time than that, so we'd like to come back to City Council next Thursday with a report on each of these items." Further discussion followed and item is to be brought back on the June 22, 1978 Agenda.

CLARKSVILLE CURBS

Reverend W.B. Southerland, Chairperson, Clarksville Advisory Board, appeared before Council to present views of the Clarksville Community concerning engineering plans for street and drainage improvements. He said they are opposed to 6" curbs because they would not look right in Clarksville and said there would be a severe parking problem and difficulty with traffic flow if there were 6" curbs. He said they want 3" lay-down curbs and suggested that rather than have the wide sidewalks planned, they should have three foot wide walks with a greenbelt between the walk and the curb. Councilmember Himmelblau asked who would maintain the greenbelt and said she feels it would turn into a mud ditch when people are allowed to use it for parking. After further discussion it was decided to give the matter further study and come back June 22, 1978, with staff recommendations. Mayor McClellan stated she wanted the safety features studied.

Councilmember Goodman moved that the Council postpone the engineering plans for street drainage and improvements until June 22, 1978, when City Manager and staff will come back with recommendations. The motion, seconded by Councilmember Snell, carried by the following vote:

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

"FOOTSTEPS"

Councilmember Trevino moved that the Council authorize staff to provide assistance to EFC in filming "Footsteps", at the request of Mr. Brent Ramsey, Educational Film Center. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

When Mr. Ramsey appeared before Council to make his request he said there was a slight change in his original request and asked to use the outside of the Sheriff's Department and represent it as the Austin Police Department. He then began to criticize the regulations surrounding the use of city facilities for films. Mr. Davidson reminded him that he was on the agenda for the purpose of asking assistance with the film.

SIGNAL LIGHT REQUESTED

Mr. Thomas Brown appeared before Council to request that a signal light be installed at the 1200 block on East 11th Street. He said it was a dark corner and difficult for people to cross the street after dark because they cannot be seen by motorists. Mayor McClellan asked Mr. Davidson to check with the Department of Urban Transportation to see what can be done. (This item was not on the agenda.)

PUBLIC HEARING - AMENDMENT TO CHAPTER 45

The Mayor opened the public hearing, scheduled for 7:00 P.M., to consider amendments of Chapter 45 (Zoning Ordinance) authorizing the Historic Landmark Commission to review applications for permits to build or demolish within the National Register Districts. Mr. Lillie, Director of Planning, appeared before Council to discuss the ordinance amendment. He said the city has four districts, Clarksville, East 6th Street, Congress, and the Bremond Block. He said the amendment has been recommended by the Planning Commission, and the Landmark Commission and was brought previously to Council about two months ago. At that time Council requested that notices be sent to all property owners within the four districts and within 300' of the four districts and referred it back to the Planning Commission for another hearing. He said about 700 notices were sent for the hearing and two speakers who were attorneys speaking for major banks in the downtown area. Both felt the ordinance was not necessary.

He then called Council's attention to the 3 amendments recommended by the Planning Commission which were in the proposed ordinance Council has received. (ON FILE IN CITY CLERK'S OFFICE.)

Mr. Carl Daywood appeared before Council with a letter representing 27 tracts on East 6th Street from I.H. 35 to Congress Avenue. He criticized the wording used in zoning notices sent to affected parties. The letter from the representatives of 27 tracts of land read as follows:

"We feel that this authority should not be granted to the Landmark Commission until a list of criteria and guidelines for approval or disapproval of permits has been submitted to the Council and landowners for public review and debate."

Mr. Daywood felt that the landowners do not know what is going on because they work and are busy and forgot about the hearings. He said the owners want Council to know that they do try to cooperate with the city, and are proud of the East 6th Street renovations. They are, however, afraid of the flaws in the ordinance as it is presently written. He said they want the vote delayed until the Historical Commission comes back with criteria and guidelines.

Mr. Phillip Creer, Chairman of the Landmark Commission, appeared before Council, and stated that the proposed ordinance has well spelled-out criteria. He said they have been working on this for two years and believes the public has been fully informed as to the criteria for the establishment for historic districts...that is, municipal districts.

Mayor Pro Tem Mullen referred to the minutes of the Planning Commission of May 9, 1978, which said: "Mr. Creer agreed that if there is to be a temporary ordinance, there should be a termination." He asked if this has been spoken to or if it needs to be part of a motion to be sure it is implemented and not forgotten. Mr. Creer said Mr. Lillie had referred to that and Mr. Lillie pointed out that it is in the Planning Commission motion.

Mayor Pro Tem Mullen went on to question, "I have a question on the portion about notifying adjacent property owners. 'If a structure is made an agenda item it should be scheduled for public hearing as soon as adjacent property owners are notified.' In my opinion this could be misused at some time. That sounds like if you don't notify them it could just sit there." Mr. Creer said that they are required to notify them within 10 days, by ordinance.

Mr. Harris, City Attorney, stated: "Regardless, under this ordinance you've got to act within 40 days, or the building official issues the permit regardless. That's even despite the fact that maybe you didn't notify anybody. After 40 days this person has the right to this permit." Mr. Creer said that is correct. Mr. Harris said, we may have to polish up this ordinance, but let me clarify one thing, that is, "That under this ordinance the Historic Landmark Commission has no ultimate way from preventing the building official from issuing a permit. It just makes a recommendation." Mr. Creer said this is correct.

Mr. Steven Gellman, landowner on East 6th of Gellman's Department Store, appeared to say there is a lot of confusion among the landowners as to what the proposal really is and urged Council to postpone action for 30 days.

Motion

Councilmember Cooke moved that the Council continue the public hearing on July 20, 1978, at 7:00 P.M. and wants assurance that the people of the East 6th Street National Register District will take mutual initiative in the study of proposed amendment to Zoning Ordinance 45. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Mayor McClellan asked what should be done about notices. Mr. Harris replied that unless Council specifically wants to re-send notices, all the people are on notice of the hearing tonight and will be on notice of the continued time. "So," he said, "you won't legally have to send any notices out."

Mr. Lillie said the only contacts they have had since the Planning Commission met has been from property owners within 300' of these districts, not the ones within. He said neither have they heard from the gentlemen who spoke this evening. He said in the original notice to the property owners they were told a copy of the ordinance is available in the Planning Department. Councilmember Goodman said, "I think your notification process was in order, Mr. Lillie, and I know that there wasn't sufficient detail, but that's what we have our staff reports for...to answer questions. I think it's a well thought out amendment and I hope the Council will act on it as soon as possible. I think it will benefit those people who are here this evening, in the long term, and it will certainly benefit the community. Any delay is unwelcome but I vote to extend it."

PUBLIC HEARING ON SPECIAL PERMIT APPLICATION

Mayor McClellan opened the public hearing scheduled for 7:30 P.M. on an appeal of the Planning Commission decision to deny a Special Permit application from Walter Vacker for a 6 unit townhome located at 3102-3106 Scenic Drive and 3202-3206 Pecos Drive. Mr. Lillie, Director of Planning, stated that Councilmembers had received a memo asking for deferral of the hearing. Mr. Walter Vacker appeared before Council and said he would appreciate a deferral because he has revised the plan and reduced the number of units to five.

Motion

Councilmember Goodman moved that the Council close the public hearing and refer the amended site plan back to the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mr. Frank Booth appeared before Council and intimated he was present for the hearing and was not pleased with the deferral.

RATES FOR EMERGENCY MEDICAL SERVICES
EMERGENCY MEDICAL STANDBY SERVICES WITHIN THE CITY OF AUSTIN
NON-EMERGENCY TRANSFER SERVICES

Council had before it for consideration an ordinance revising rates for Emergency Medical Services. It also had before it for consideration two City Manager Reports, (1) Emergency Medical Standby Services within the City of Austin, and (2) Non-Emergency Transfer Services within the City of Austin.

Mr. Bill Bulloch, Director, Emergency Medical Services Department, gave the following report to Council re-rates for emergency medical services:

Attached you will find a report in which adjustments to the existing EMS fee structure (Ordinance 761209-E) for services are proposed. Based on this information, I am requesting the following fee structure:

- | | |
|--|----------------------------------|
| 1. Non-Emergency Transfer | \$45 (one-way)
\$90 (Two-way) |
| 2. Emergency Call | |
| Base Rate | \$50 |
| Multiple Transport | \$25 per additional patient |
| Emergency Care at the Scene | \$25 |
| 3. Standby Service | \$30/hr. (existing) |
| 4. Oxygen | \$ 5 (existing) |
| 5. Out-of-City Services (emergency only) | |
| Same as above plus | \$.71/mile (existing) |

The only new fees proposed are multiple transport of patients and emergency care at the scene. Both of those fees will provide for an equitable approach to actually charge patients for the care they receive. Many times, the care rendered by the staff at the scene of an incident will defer an immediate trip to the hospital or doctor, and accompanying charge for emergency transport.

The rate adjustments for emergency and non-emergency services are in line with the increase in medical costs over the last eighteen months. Institution of these rate adjustments and new fees will generate approximately \$85,000 in additional revenue during the next fiscal year.

I am requesting that the Council give favorable consideration to the above proposals. The Emergency Medical Services Quality Assurance Team has recommended the above rates except the increase for non-emergency transfer service.

Councilmember Himmelblau asked, "What is our rate of collection?" Mr. Bulloch told her that we are collecting approximately 60% of the billings on both emergencies and non-emergencies. He said that is a 10% increase since last September. Councilmember Goodman asked if there would be an authorization slip for someone, treated at the scene, to sign. Mr. Bulloch said yes. He also said that a list covering items under Emergency Care at the Scene would be compiled, and he would supply Council with such list.

Mr. Bulloch then presented the Managers Report on Emergency Medical Standby Services Within the City of Austin. He said recently they were requested

to look into the type of service being provided by EMS and whether or not there were alternatives to providing that service. Staff discussed with the University of Texas, Laguna Gloria, the boat races, Austin Boat Club, and the Special Events Center, who are major users of the type of service they require and based on their requested need for advanced life support, staff recommends they continue to provide the standby service. The fee structure now in effect does cover the entire cost of provision of such service and the collection rate is 100%. Mr. Bulloch recommended that the city continue to provide standby services within the city. (Council determined that they did not need a motion to continue service as is.)

A report on Non-Emergency Transfer Services Within the City of Austin was then given by Mr. Bulloch. Approximately a year ago, he said, Urban Transportation Commission, EMS Quality Assurance Team, and the Council requested staff to look into some alternatives for the provision of non-emergency transfer service. At that time there was some question about local service being provided, cost, requirements, etc. Mr. Bulloch said that the report from the City Manager outlines three options reviewed by the staff which are, (1) Continuation of service by the City of Austin, (2) turning over to the private sector, (3) joint operation with the City of Austin and the private sector.

Mr. Bulloch said that in looking at what level of care is needed by reviewing the actual transfer calls for about a year, and looking at the cost to provide the service by the city which is approximately \$140,000 transfer per year from the General Fund to their operating budget, he recommended that this service be provided by the private sector; particularly, based on the level of care required, that can be provided adequately by the private sector. Councilmember Himmelblau asked how this would be handled. Mr. Bulloch said that if the policy is changed, they will first ask for an ordinance revision, and send out notification to all interested parties to review their qualifications, then recommend one provider for the City of Austin. He said that based on present volume the service would only effectively support one private ambulance company. He said the review would be brought back to Council for their decision as required by the Franchise Ordinance. Councilmember Himmelblau asked if the contract would be carefully spelled out that this would be for transfer purposes only and they would not "run hot" on our streets. Mr. Bulloch said yes, and if the policy is changed, they want to revise all ordinances relating to transfers and bring them back to Council for their consideration through a public hearing process, and then get into reviewing applications for the service.

Motion

Councilmember Himmelblau moved that the Council have staff bring back new ordinances to put into effect non-emergency transfer services within the City of Austin by the private sector. The motion was seconded by Councilmember Cooke.

Mayor Pro Tem Mullen asked Mr. Bulloch if he were involved with the report a year ago. Mr. Bulloch said he wasn't. Mr. Mullen said that a year ago there was a testimony from people on Mr. Bulloch's staff, which resulted in a 6-1 vote against putting this into the private sector, and that he (Mr. Mullen) was the only one for putting non-emergency transfer services into the private sector. "I guess," he said, "we've spent \$140,000 this year and found out your report, was completely erroneous...that the private sector can handle non-emergency transfer service. We discussed this in detail. We were told people's lives would be lost...do you remember that Council, that people might have heart attacks while

being transferred...I'm curious as to why these reports have changed so drastically within one year." Mr. Bulloch replied, "The information we have looked at, reviewing about 4,000 calls in the last 12 months, has given us this information. It was not available before. It took our staff about two months to compile the information. At the end of last summer, I don't think the actual percentage was known at the time. I don't think the intent was to be erroneous."

Mr. Davidson said, "Another point I would like to make...just because some of the staff, or maybe at one time all the staff felt that it would be advantageous operating the service, I don't think that's any reason not to change our minds and recommend something different whenever we believe private enterprise ought to provide the service." Mayor Pro Tem Mullen said, "I commend you for changing your mind and bringing it to Council. I have concern that the report changed so drastically over one year." Mr. Davidson said he thinks factors in the program really have changed. Councilmember Himmelblau pointed out, in response to Mayor Pro Tem Mullen's question about researching this point a year ago, that there has been a large changeover in the EMS Department in the past year. She said, "I think it is commendable that Mr. Bulloch has come up with this in the short time that he has headed this department. The past head of the department felt it was a service the city should keep and argued for it."

Ms. Andrea Beatty, Assistant City Manager, pointed out that there has been a change in the department leadership in the past year and they have a lot more statistical data on which to evaluate the decision than was available before. Also, Mr. Bulloch has worked closely with Quality Assurance Team members who are concerned about this service being provided by the private sector rather than the City of Austin.

Roll Call On Motion

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

Noes: Councilmember Goodman

At the time of Roll Call, Mayor Pro Tem Mullen commented "Mr. Bulloch, I want you to understand that I commend you for bringing this back. I was just concerned about the flip-flop over a short period of time." Councilmember Goodman said he voted No because he thinks last year's decision could have been corrected with efficient management and appropriate fees charged for that service and thinks it wise to leave the service in the City's hands in spite of the recommendations of the Quality Assurance Team and staff. He said it concerns him that private companies will not have the proper equipment in the few instances when the transfer will turn into an emergency.

Council then went back to the ordinance previously under discussion.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 761209-E BY ESTABLISHING INCREASES IN EMERGENCY MEDICAL SERVICE CHARGES; AND ESTABLISHING RATES FOR MULTIPLE TRANSPORT OF PATIENTS AND EMERGENCY CARE AT THE SCENE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Motion

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally passed an ordinance revising rates for Emergency Medical Services as proposed. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ANNUAL OPERATING BUDGET AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1977-78, BY APPROPRIATING FUNDS FROM THE BUDGETED ENDING BALANCE AND TRANSFERRING THESE FUNDS TO ACCOUNT NUMBER 34997001-200; 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 and finally passed an ordinance amending the 1977-78 Annual Operating Budget and appropriating \$308,150 for the modification and installation of the new accounting system, Phase II. The motion, seconded by Mayor McClellan, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

PRIVATE SECTOR COUNCIL FOR ANALYSIS OF CETA TITLE VII

Councilmember Cooke requested Council to consider that a Private Sector Council be established by the Manpower Training Division of the City of Austin to assist with analysis and funding of CETA Title I. He said that a similar policy proposal is coming out of the administration in Washington, D.C. for next year's budget, and thinks it will be good for Council to begin to analyze this. He proposed that Manpower Training develop a private sector Council that might also be submitted through MAPC for their consideration and deliberation and then brought to Council. Mr. Ramirez, Director of Human Resources, clarified the fact that what Mr. Cooke is referring to is Title VII, and that there is an effort to reduce the red tape in on the job training contracts with the private sector. He said he thinks the new program idea is very good and is something the city needs to get started on. Mr. Ramirez said it would be separate and apart from MAPC as it is being proposed now.

Motion

Councilmember Cooke moved that the Council approve that a Private Sector Council be established by the Manpower Training Division of the City of Austin to assist with analysis and funding of CETA Title VII. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TAX EXEMPT FOR FUNDS TRANSFERRED

Councilmembers Snell and Cooke requested that Council consider having the Law Department prepare a brief on allowing tax exempt status for funds transferred from utility payment to the general fund. Mayor McClellan asked Mr. Harris, City Attorney, if this has been looked into. Mr. Harris told Council that the Law Department will look into it and visit with Internal Revenue Service and see if there is any way the city would qualify under existing IRS statutes and regulations. He said perhaps this can be done with some sort of amendment.

SOLAR POWER FOR CITY FACILITIES

Councilmembers Goodman, Cooke and Snell requested that Council study possibilities for solar power being examined in the construction of all new city facilities. The City Manager and staff will study this proposal.

HOLIDAY GARBAGE COLLECTION SERVICE

Mr. Davidson, City Manager, presented to Council a report on Holiday garbage Collection Service. He said he was bringing this to their attention now, and that he would bring it back later as a budget consideration.

1978 STREET RESURFACING PROGRAM

Councilmember Snell had requested a report on the 1978 Street Resurfacing Program from the City Manager, which Mr. Davidson presented to Council.

ADJOURNMENT

Council adjourned its meeting at 8:50 P.M.

APPROVED Carole Weston McCall
Mayor

ATTEST:

Grace Monroe
City Clerk