

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 23, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was given by Reverend Raymond Kiser, Memorial Methodist Church.

PROCLAMATION FOR JACK ROBINSON

A proclamation read by Mayor McClellan recognized Jack W. Robinson for his many contributions, as Director of Parks and Recreation, to the parks and recreational programs for the citizens of Austin. It was signed by all Councilmembers. Mr. Robinson, who is leaving Austin to become Director of Parks and Recreation for Dallas, accepted the proclamation with his thanks and appreciation.

MINUTES APPROVED

Councilmember Goodman moved that the Council approve the Minutes for Special Meetings of February 1, 1978; February 8, 1978; February 15, 1978; February 16, 1978, and with one addition to the Regular Meeting of February 16, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

## BOARD AND COMMISSION APPOINTMENTS

Councilmember Goodman moved that the Council appoint Mr. Gregory T. Monroe to the Solicitation Board, for a term expiring July 1, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Councilmember Cooke moved that the Council appoint Mr. Jack W. Hoffman to the Ethics Review Commission, for a term expiring July 1, 1978. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution to ratify a resolution of July 22, 1972, authorizing acquisition by eminent domain proceedings of property owned by the City National Bank, accepting the value determined by Special Commissioners at \$202,250.00 and authorizing dismissal of appeal. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## BOAT PERMITS

Councilmember Mullen moved that the Council approve the request of MR. PETER W. M. JOHN on behalf of the University of Nebraska to use a small boat powered by a small outboard engine on Town Lake, March 18 through March 25, 1978, to direct and supervise the University of Nebraska rowing team. (Recommended by the Navigation Board) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Mullen moved that the Council approve the request of MR. PETER W. M. JOHN on behalf of Wichita University to use a ten foot inflatable boat powered by a 25 horsepower outboard engine on Town Lake, March 12 through March 19, 1978, to direct and supervise the Wichita State University rowing team. (Recommended by the Navigation Board.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Mullen moved that the Council approve the request of the GLASTRON BOAT COMPANY to use Town Lake for boat demonstrations to regional dealers, July 19 through July 23, 1978. (Recommended by the Navigation Board) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### RELEASE OF EASEMENTS

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

A ten (10.00) foot Public Utility Easement in Lot 1, Sam Allred Addition, locally known as 2035 West Ben White Boulevard.  
(Requested by Thomas J. Ellis, Planning Director, Genge/Murray-McCormick, as agent for Safeway Stores, Inc.)

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

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

Councilmember Mullen moved that the Council adopt a resolution to authorize release of the following easement:

A ten (10.00) foot Waterline Easement located in Lot 5, Block B, Aqua Monte Section Two Subdivision, which is in Travis County, Texas, and the Extraterritorial jurisdiction of the City.  
(Requested by Bryan L. Beuret, owner)

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

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

Councilmember Mullen moved that the Council adopt a resolution to authorize release of the following easement:

A seven and one-half (7.50) foot Public Utility Easement in Lot 6, Block D - Amended Plat Great Hills IV, recorded in Plat Book 75, Page 41 of the Travis County, Texas Plat Records, and locally known as 8407 Appalachian Drive. (Requested by Mr. Columbus Hartwell, owner)

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

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

#### CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Hot Mix Asphaltic Concrete & Asphalt Stabilized Base, Street & Bridge Division.  
12 Months Supply Agreement including extension up to three months.

CAPITOL AGGREGATES  
Bolm Road  
Austin, Texas

- Items 1, 2, and 4, (hailed by City)  
To be used at U.S. 183 and Harold Court, South 1st and Center Streets, and River Street - \$190,050.00

AUSTIN ROAD COMPANY  
428 East Anderson Lane  
Austin, Texas

- Items 1-4 (hailed by City)  
To be used at Kramer Lane and FM 1325 locations.  
Item 5 (same material as Item 4 but delivered by Supplier)  
To be used at U.S. 183 and Harold Court, South 1st and Center Streets, and River Street locations - \$125,040.00

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

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

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

TEXAS CRUSHED STONE COMPANY  
I. H. 35  
Georgetown, Texas

- Limestone, Crushed, Type F, Street and Bridge.  
12 Months Supply Agreement with option for extension of up to twelve months.  
Item 1 - \$5,514.00

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Radio Communication Equipment, Various City Departments.
RCA CORPORATION 8700 Stemmons Freeway Dallas, Texas	- Items 1-3, 6.1 - 8.6, 10, & 11 - \$56,553.00
GENERAL ELECTRIC COMPANY 5555 North Lamar Austin, Texas	- Items 4, 5 and 9 - \$33,532.04

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Lawn Mowers, Trimmers & Edgers, Various City Departments
EARL'S AIR COOLED ENGINE 6218 North Lamar Austin, Texas	- Items 1, 2 and 5 - \$14,779.00
BUTTERY HARDWARE COMPANY 105 West Main Street Llano, Texas	- Items 3 and 4 - \$2,740.80
WATSON DISTRIBUTING COMPANY 9111 Broadway San Antonio, Texas	- Item 6 - \$209.60

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

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

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

THOMPSON-HAYWARD CHEMICAL COMPANY 222 Seguin Street San Antonio, Texas	- Fluosilicic Acid, Water & Wastewater Treatment Division. 12 Months Supply Agreement with option for up to 12 months extension. Item 1 - \$19,145.50
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

BINGHAM-WILLAMETTE COMPANY 4615 Southwest Freeway Houston, Texas	- Repair of Barrel for Bingham- Willamette Boiler Feed Pump for Seaholm Plant, Electric Department. Item 1 - \$15,321.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

SOUTHWAY ELECTRIC UTILITY SERVICE Longhorn Park Plaza Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - AUSTIN STATE SCHOOL 1667 KVA Substation Transformers, Electric Department. Item 1 - 4 ea. @ \$9,735.00 Total - \$38,940.00 C.I.P. No. 75/20-01
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

WESTINGHOUSE ELECTRIC SUPPLY  
COMPANY9230 Research  
Austin, Texas- CAPITAL IMPROVEMENTS PROGRAM -  
NEW COMMERCIAL CUSTOMERSPad Mounted Transformers,  
Electric Department.

Item 1 - 4 ea. @ \$2,349.00

Item 2 - 4 ea. @ \$3,179.00

Item 3 - 8 ea. @ \$3,889.00

Item 4 - 2 ea. @ \$6,805.00

Total \$66,834.00

C.I.P. No. 75/30-01

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

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

Noes: None

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

BYRON-JACKSON PUMP DIVISION  
4220 South Padre Island Drive  
Corpus Christi, Texas- Repair of Two Byron-Jackson  
Hydropress Pumps for use  
with Boiler Feed Pump No. 61  
Seaholm Power Plant, Electric  
Department.

Items 1 and 2 - \$40,053.00

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

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

Noes: None

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

MCKESSON CHEMICAL COMPANY  
4351 Director Drive  
San Antonio, Texas- Soda Ash, Parks and Recreation  
Department.

Item 1, 55 tons - \$6,666.00

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

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

Noes: None

## FEDERAL SURPLUS PROPERTY UTILIZATION PROGRAM

Councilmember Mullen moved that the Council adopt a resolution to enter an application for eligibility with the Texas Surplus Property Agency to participate in the Federal Surplus Property Utilization Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## ANGLE PARKING

Councilmember Mullen moved that the Council adopt a resolution to approve angle parking requiring the use of public property between the curb line and the property line on Brodie Street at Ricky Guerrero Park. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CONSTRUCTION CHANGE ORDER  
EVERGREEN CEMETERY

Councilmember Mullen moved that the Council adopt a resolution to approve a construction change order in the amount of \$5,785.70 to D. L. CURBOW CONSTRUCTION COMPANY, INC. for Evergreen Cemetery Access Road Improvements. CAPITAL IMPROVEMENTS PROGRAM NO. 74/95-03. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CHANGE ORDER  
CENTRAL LIBRARY - HANDRAILS

Councilmember Mullen moved that the Council adopt a resolution to approve Change Order No. 9 to FAULKNER CONSTRUCTION COMPANY in the amount of \$6,395.00 for installation of handrails. CAPITAL IMPROVEMENT PROGRAM, CENTRAL LIBRARY NO. 73/85-07. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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



CHANGE ORDER  
TOUCHE ROSS AND COMPANY

Councilmember Mullen moved that the Council adopt a resolution to authorize a Change Order in the amount of \$69,489.00 to Touche Ross and Company for cost of service study on electric utility. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ITEM PULLED  
CONSTRUCTION ADVISORY COMMITTEE

Consideration of an Ordinance expanding the membership and revising the jurisdiction of the Construction Advisory Committee was postponed for two weeks.

FIREMEN'S PENSION AND RETIREMENT FUNDS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROPRIATING \$9,750.00 FROM THE GENERAL FUND TO THE FUND FOR CITY OF AUSTIN PAYMENTS TO THE FIREMEN'S PENSION AND RETIREMENT FUND; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

AMENDMENTS TO CITY CODE RE PRIVATE OR PAROCHIAL SCHOOLS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967; DELETING SECTION 45-16.1(e), 45-17(c) AND 45-20(a)(9) OF THE CODE; ADDING A DEFINITION OF A PRIVATE OR PAROCHIAL SCHOOL TO SECTION 45-1; ESTABLISHING NEW STANDARDS FOR PRIVATE OR PAROCHIAL SCHOOLS; REQUIRING A SPECIAL PERMIT FOR PRIVATE OR PAROCHIAL SCHOOLS IN ALL USE DISTRICTS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATIONS

Mayor McClellan brought up the following ordinance for its second and third readings:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 52.04 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES D. GOODE SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Oak Forest Section 4, Oak Forest School Subdivision and unplatted land - Case No. C7a-77-011)

The ordinance was read the second time, and Mayor Pro Tem Trevino moved the Council waive the requirement for the third reading, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its second and third readings:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 15.97 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Leon Griffin Resubdivision, and O. H. Pool Subdivision, Section Two - Case C7a-77-010)

The ordinance was read the second time, and Mayor Pro Tem Trevino moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen thanked the staff for the fiscal note concerning tax income to the City due to the above annexation, which he said is favorable.

PORTION OF ETJ RELEASED  
CITY OF PFLUGERVILLE

Council had before it for consideration the authorization to release a portion of City of Austin Extraterritorial Jurisdiction to the City of Pflugerville, Texas. Mr. Lillie, Director of Planning, told Council that in December the City had received a letter from Mayor Clarence Bohls, of the City of Pflugerville, requesting the release of a portion of our ETJ to their City. These are two areas immediately adjoining Pflugerville City limits; one on the east side and one on the north side. Austin has reviewed the request and the primary concern with the Pflugerville area, as far as Austin is concerned, is with the south and west side. For that reason, Mr. Lillie said, his department did recommend to the Planning Commission the release of the area requested by Mayor Bohls, to Pflugerville. The Commission has recommended the same.

Mayor Pro Tem Trevino asked, "For what purpose do we want to release this portion of the ETJ?" Mr. Lillie answered, "Pflugerville is barely within our extraterritorial jurisdiction. Most of our growth, we think, will be along the I. H. 35 corridor, and 1325 corridor and for that reason we are interested in the south and west side of the community of Pflugerville with respect to our own growth interest. Generally as we look at most communities' ETJ, the far side of their communities are generally of least interest to us and the tract on the east side will be the site of their sewer treatment plant facility. I think they are interested in getting those facilities not only within their ETJ but probably within their corporate limits and we did not see any problem with that request."

Mayor Clarence Bohls, in answer to Mayor McClellan's query, said the acquisition of the ETJ was also needed in order to put some quality in their subdivision improvements. He also reaffirmed that their sewer treatment plant is being built in Austin's ETJ and they do want to get it into their City limits. Mayor Bohls said they are also building an elementary school on this tract of land. He also mentioned that both sides, during a meeting with Mr. Golden of the Planning Department, had agreed that if a line went through someone's farm, the City would relinquish the whole farm to Pflugerville or if that farm wanted to go to Austin, then Pflugerville would relinquish it to Austin.

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing the release of a portion of City of Austin extraterritorial jurisdiction to the City of Pflugerville, Texas. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

## HEALTH CARE FOR INDIGENTS

The Council had before it for consideration the execution of a contract between the City of Austin and the County of Travis to provide hospital and physician services to all indigent persons who are residents of Travis County, outside of the officially designated City limits of Austin. Mayor McClellan said, "I have just one question. The 1973 Office of Economic Opportunity (OEO) guidelines are in effect unless by mutual agreement we go otherwise. Well, if we are getting ready to go by the 1976 CSA guidelines, why we have to have, you know, what I'm concerned about is that mutual agreement. I think if we go up on ours that this ought to automatically." Councilmember Mullen agreed. Councilmember Himmelblau asked her if she would like to see the contract read differently. The Mayor said she thought that whatever guidelines will be used by Austin should also be used by the County. City Attorney Harris said this can be done, but "there will probably be some reluctance on their part to give us carte blanche to set the standards. The only out is, I suppose, if we set a different standard and they don't go along with it or approve it, then perhaps we ought to give them notice of cancellation of this contract. That's the only possible out that's in the contract at this time." Mayor Pro Tem Trevino said he thought the County would agree with the City, but he thought they would want to maintain the right to make their own decision, just as we would. Councilmember Cooke asked if the County Commissioners, at this time, are aware that the City is about to proceed to 1976 CSA guidelines. Deputy City Manager Reed stated, "Yes, they are and that was discussed. The point they raised was the one the Mayor Pro Tem pointed out. They don't want the City Council to have the right to have that big an impact on their budget without their having the right to say something."

Motion

Councilmember Cooke made a motion that the Council authorize execution of a contract between the City of Austin and the County of Travis to provide hospital and physician services to all indigent persons who are residents of Travis County, outside of the officially designated City limits of Austin. The motion was seconded by Councilmember Himmelblau.

Councilmember Himmelblau said, "This has been about two years in the coming and I am just delighted to see it." Mayor McClellan commented that one condition will change very quickly and she doesn't want to see everyone hung up on something that is not going to move. Councilmember Cooke said, "Could we ask that a formal letter be submitted to them just to let them know we hope they will consider this and that we are considering it and we hope to have their cooperation at the time there is a change." Mr. Reed said he would be glad to communicate this to them.

Roll Call on Motion

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

Councilmember Goodman commented that "this is a momentous occurrence and if we can do this with other counties, we'll be making some real progress for a change." Councilmember Himmelblau said she concurs with Mr. Goodman and said, "We are making progress with some of the other counties."

## MHMR BOARD APPOINTMENT

Councilmember Cooke moved that the Council adopt a resolution to approve Travis County's nominee, JOHN MOORE, to the Austin-Travis County Mental Health-Mental Retardation Center Board of Trustees. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## APPROVAL OF EXTRA EXPENSES

The Council had before it for consideration approval of Austin Road Company's claim for extra expenses incurred in connection with East Riverside Improvements Project. Mr. Charles Graves, Director of Engineering, explained to Council that the extra expenses were incurred when there had to be a longer than anticipated delay in work due to a phone cable not anticipated which was in the way. The contractor could not work around it, so construction was delayed while it was re-routed. Councilmember Goodman wondered if this was the telephone company's error. Mr. Graves said that this had been an old, old telephone line and it is not always simple to anticipate what will be found when work is begun. He explained that maps used by the City are very complicated and not always easy to follow. He theorized that the delay, which is costing the City money, is equivalent to the amount of money it would have cost due to inflation if the City had waited the same amount of time for a bid after the work on the telephone line had been completed. Councilmember Goodman said he did not think this is a good argument. Mr. Davidson, City Manager, said the City is not arguing. He said the private utilities and the City work closely on projects, but it is not always possible to determine actual problems until they dig into the street. He said that due to cooperative efforts with utilities the procedures of pre-planning with the utility involved has much improved recently and that a method of hazard flags has been evolved to insure this does not happen in the future. Councilmember Mullen wanted to know who is at fault in this delay. Mr. Davidson answered that there is no answer...in his 5-1/2 years as Austin's City Manager, this is the first time this has happened. He told Council that if they try to "hang it on them" (the utilities) then private utilities will become overly cautious and it will take forever and ever to get anything accomplished on future projects. Councilmember Goodman wondered if it would be feasible to require core drillings to know where the utilities are located. Mr. Davidson answered that this would mean an escalation of costs and a considerable delay in projects. He said Council could do this but thought the addition of delay in time and added costs would be bad. Mr. Graves, in answer to questioning by Mr. Mullen said that this particular line was in a fragile area and no construction could be around it. He said that, in answer to Mr. Goodman's queries about boring, they did this on one project but it took too much time and cost too much money. Councilmember Goodman recommended that the City get together with Southern Union Gas Company and work out a better plan for coordination of project construction.

Motion

Councilmember Goodman moved that the Council adopt a resolution to approve Austin Road Company's claim for extra expenses incurred in connection with East Riverside Drive Improvements Project; and instruct the City Manager to come back to Council after a series of meetings with the engineers who represent the private utility companies to further review their procedures that are used in this regard.

Mr. Graves said he would be glad to prepare such a report...that they do meet with the private utility engineers monthly now. Mr. Davidson said this is a new procedure and they will be happy to further improve it if they can.

Roll Call on Motion

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

## ARTS COMMISSION

The Council had before it for consideration an ordinance expanding the membership of the Arts Commission. Mr. Al Golden, Arts Commission Chairman, told Council, "What we have found on the Commission, especially Mr. Dorsey, my Vice-Chairman, and I...I represent drama on the Commission and Mr. Dorsey represents the visual arts. We have found that the administrative burden of trying to run the Commission has impaired our ability to represent the disciplines that we were put on there to represent. And what we would like to do is ask that the Commission be expanded by two members so that the Vice-Chairman and Chairman can hold office without being responsible to any artistic discipline. That's the first thing. The second thing is that when the ordinance was first enacted, three organizations were given permanent voting seats on the Commission: Laguna Gloria Art Museum, Austin Symphony and Travis County Historical Survey Committee. It is the feeling of the Commission that in the long run these permanent seats represent vested interest that could prove to be a problem, especially since the Commission is getting more and more into funding recommendations and these groups are obviously ones consistently applying for service contracts with the City. With the consent of all three of these major groups, they have agreed that their permanent seats should be removed and that the Symphony, Laguna Gloria, and Travis County Historical Survey Committee, instead of being voting members, should be made ex-officio. "We would also request that Council add to it's ex-officio members, the Zachary Scott Theatre Center and the Heritage Society. Our view of the arts in Austin as set out in the preamble of the ordinance creating the Commission is that it include not only art, but cultural heritage as well. We feel that the Heritage Society would be a valuable addition to the Commission. We do not want to lose the three good commissioners who now occupy the seats...we propose that in their place that the seat presently occupied by Travis County Historical Survey Committee, represented by Dr. John Barclay, be changed to literature, since it is an art form unrepresented on the Commission. The seat occupied by Sandy Youman as the representative of Laguna Gloria, be changed to represent humanities and these disciplines are presently unrepresented on the Commission. They symphony seat be changed to an at-large seat with Joan Holtzman being retained

in that seat. And that is basically what we would like. We would like to increase the Commission by two and change the designation of three of the seats and add ex-officio members."

After discussion by the Council and Mr. Golden, it was decided that City Attorney Harris and Mr. Golden should confer and return next week with a draft of an ordinance.

#### SYMPHONY LEAGUE TO USE PARK

Mayor Pro Tem Trevino moved that the Council approve the request of MS. NANCY YOUNG and MS. REBA BYRD, representing the Women's Symphony League of Austin, for use of City Park facilities around Symphony Square on April 8 and 9, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### BOAT RACES ON TOWN LAKE

##### Motion

Councilmember Himmelblau moved that the Council approve the request of MS. LAVERNE STALLINGS, President, Austin Boat Club, Inc., to hold the 1978 boat races on Town Lake and Festival Beach on the following dates:

April 22 and 23, 1978  
June 10 and 11, 1978  
August 12 and 13, 1978

The motion was seconded by Councilmember Mullen.

Mayor McClellan asked Council if they wanted to discuss the races any further. She reminded them they had been provided with a report the previous Friday concerning the Lamar Beach Drag Boat Evaluation. She said that some of the Council members had a rather lengthy discussion concerning this the previous evening. Councilmember Himmelblau commented she had read the report and "it doesn't seem feasible to make the move." Mayor McClellan said, "I would have only one other request along with approving the dates for the boat races and, Mr. Davidson, you were with us last night too. There were a number of matters that I thought we could address, like preventing jogging in the area, the people not being able to get to their homes, those types of problems. I think that if we could get a complete report about what preparations are being made to address those concerns prior to that April boat race, I would appreciate it." Mr. Davidson said he would prepare such a report. Councilmember Mullen expressed his thanks to the staff for the report. He said it was a lot of information in a very short period of time.

Mayor Pro Tem Trevino said he knew there was nothing more that could be said to cause other members of the Council to change their vote, but "I would like for the Council, and more importantly the Boat Club, to consider one of main objections of the opponents of the boat races is the traffic congestion along Festival Beach and the neighborhood behind it. I would like the Boat Club to consider doing exactly what we talked about doing on the west part of the lake and that is to park as many vehicles as we can at the auditorium and then bussing them in. I think that would reduce traffic in those neighborhoods considerably. I think it would also show the people in those neighborhoods that at least some effort is being made by the proponents of boat races in order to help diffuse the situation. Furthermore I would also like to see us, if it is feasible, to have those boats moored or put in the water further west. Instead of having to bring in those boat trailers with those very expensive rigs into the neighborhood, perhaps we could accomodate them some place further west of the IH 35 bridge and then let them float down river to where they have to commence the races. I would hope also that we would provide sufficient traffic control to discourage any of those individuals that bring in any of those private vehicles into the neighborhood to discourage them from parking in people's driveways and yards. And as was pointed out the debris both on the lake and in the neighborhood is terrible. We hope the Boat Club people would make further effort to make certain that does not occur." Councilmember Mullen asked if there is an entrance into the neighborhood only from IH 35 for the boats if that would keep people out of the neighborhood.

Councilmember Himmelblau asked Mr. Davidson if Council could have a report back in a week or so from Mr. Ternus, Transportation Director, of a shuttle, similar to a football shuttle. Mr. Davidson said he would have the report. Councilmember Mullen said he thought it would be more like the Laguna Gloria shuttle where private industry is picking up the tab. He said he did not think the City should pay for a shuttle. Mayor Pro Tem Trevino said, whichever way, as long as the City does not have to absorb the cost. Mr. Davidson said he would like to request a minimum of two weeks on the shuttle report because there is not time enough to compile the information for submission tomorrow (Friday) for next week's agenda. Councilmember Himmelblau said that would be all right, but until she has seen the report she cannot include it in the motion. The Mayor said it could be included as a two-week stipulation. Mayor Pro Tem Trevino said he wanted the feasibility of a pit-stop further west included in the report, and Councilmember Mullen requested a report concerning no parking in the Festival Beach neighborhood. Councilmember Cooke said he thought these suggestions are admirable but, unfortunately, the whole issue is not over and Council has not resolved it.

A discussion ensued between Councilmember Mullen and Councilmember Goodman concerning whether or not either or both sides of the issue had given any concessions to the races.

#### Roll Call on Motion

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

At the time of roll call, the following statements were made:



Councilmember Cooke: "Again, unfortunately, this issue is not resolved. This Council has not resolved it, the staff hasn't resolved it and the citizens haven't resolved it."

Councilmember Snell: "I'd like to say even though it's not resolved, I think we need to call upon all the citizens of the City to work together now that this thing has passed and try to make the best of it. I certainly didn't want to see it again in the location that it's in and I feel as though I took a lot of heat to try and get it moved last year and I feel as though not enough was done this year, neither by the staff, nor the Chamber of Commerce, nor the Boat Club."

Mayor Pro Tem Trevino: "Mayor, the issue has been resolved for this year by this vote and we will all abide by the decision of the Council while we may not agree with it. However, what Councilman Cooke has said is very true. The issue is not resolved and let's face it, unless we sit down and begin to discuss this at a time when it's not an emotional issue, we are going to be faced with this again next year. And nobody wins, not the Boat Club, not Aqua Festival, not people from East or South Austin, and not the citizens from the City. Until we can resolve this in such a way that everyone is satisfied, I'm afraid we will wind up with a situation that we will never have boat races. And I don't think any one of us wants that to happen."

#### PARKER DID NOT APPEAR

MR. TERRY PARKER, member of Government Reduction League, who had requested to appear before Council to discuss deletion of various City Ordinances, did not appear.

#### ZONING HEARING POSTPONED

Mayor McClellan opened the zoning hearing scheduled for 10:00 a.m. on the following:

ALLEN RUNDELL	4100-4123 Spicewood	From Interim "AA" Residence
By Travis Phillips	Springs Road	1st Height and Area
C14-77-156	8001-8133 Kerith Dale	To "O" Office (Tract 1) and
	Drive	"BB" Residence (Tract 2)
	3901-3953 Steck Avenue	1st Height and Area
		NOT Recommended by the
		Planning Commission

MR. TRAVIS PHILLIPS, representing the owner, appeared and asked for an extension of 60 days on this hearing. He said progress is being made toward an agreement on land usage, but they are not ready today for a public hearing. A representative of the Balcones Civic Association, who did not identify himself, said that they are in agreement with the extension. Mayor McClellan said Council is tired of the scheduling of public hearings and then a delay. Councilmember Cooke recommended that Council extend the 60-day delay but that if both parties mutually agree, by April 13, 1978, that they will not go ahead with the hearing, then they will inform Council so that it will not be put on the agenda as a hearing.

Motion

Councilmember Cooke moved that the Council postpone the public hearing until April 27, 1978, with a go or no-go indicated to Council by April 13, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

TERMINATION OF NATURAL GAS AGREEMENT

Mayor Pro Tem Trevino thought an explanation of a resolution before Council to authorize the City Manager to terminate the Natural Gas Agreement between Austin, Lower Colorado River Authority (LCRA), City Public Service Board of San Antonio and Delhi Corporation should be given to Council. Mr. R. L. Hancock, Director of Electric Utility, appeared before Council to state that they are pleased to have been able to make this arrangement. "We're a little appalled at having to do it without Council approval prior to it but the oil and gas business is an extremely unusual business and it moves quickly and we just didn't have but about three days in order to do something with this contract. The background on the contract is that in 1973 Austin had no ability to burn oil. LoVaca was severely curtailing gas. We had no generation plant. We had no funding authorizing us to address the generation problems and Austin, LCRA and San Antonio were scurrying in the market place to find some kind or any kind of fuel for Austin systems. As a result, in order to keep from competing with each other, Austin, LCRA and San Antonio moved jointly in attempting to purchase supplemental gas contracts and we purchased a number, most of which were short term contracts...one of which was the contract with Delhi which provided for a permanent gas supply contract. The location of those inputs were in the Victoria, Fort Stockton and Abilene areas. All gas contracts have price predetermination in them. There are transportation charges associated with the point of input of that gas to Austin's point of receipt. There are cost of service charges associated with the package in the Abilene area that address collection cost and address treating cost prior to placing that gas in the transmission facilities. As a result of that this gas package is now some 40 cents to 50 cents per million BTU than the price of gas from LoVaca and the outlook is that that differential will remain and perhaps grow. In the meantime Austin developed a generation plan. We developed Decker 2, LoVaca's gas position has improved considerably and the outlook is that Austin will no longer have a need for this gas contract. It was absolutely invaluable in 1973 and 1974 in helping to address Austin's problem. But that is in better hands now and we are able to handle it a little bit better. We have been laying this gas off, and that is a trade term for simply allowing someone else to purchase that gas at your cost so that you do not experience those adverse economic impacts. We've been laying this gas off and on for a fairly long period of time."

"Mr. Murray, our consultant that Council has previously authorized has been responsible in this area and he has done an excellent job. Austin, San Antonio, and LCRA have previously indicated to him that if an opportunity arose in order to permanently release this gas, we wanted to take advantage of it because from here on out it appeared to be an economic liability to the system. Early last week an opportunity developed to include this relatively

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

#### DOWNTOWN HOUSING AREA

Councilmember Snell introduced an item to Council requesting the Austin Housing Authority to seek funds for public housing for the elderly in the downtown area, which was on the agenda at the request of Councilmembers Snell, Cooke and Mayor McClellan. Councilmember Snell said he is in full support of this idea and in his endeavor in trying to provide better housing for the senior citizens and the elderly, he thinks this is a very good program. Councilmember Snell feels this will fit right in with a program he attempted to do earlier, even though this has a reference to senior citizens and downtown, it is also a part of his program to save as many of the present buildings "that we can located in various parts of the City," and he said he has no intention of eliminating downtown. He thinks that is one of the more important segments of our City. The Mayor said she thinks everyone is interested in getting a 24-hour residential base in the central City...not only public housing, but also medium to high income persons. She said this is one facet of such development. Councilmember Cooke said that at this time there are more than 350 senior citizens waiting for housing and many of them have expressed interest in living closer to the center of the City so they can get around easier.

Councilmember Snell moved that the Council submit a request to the Austin Housing Authority to seek funds for public housing for the elderly in the downtown area. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

#### PROPERTY TAX RE-ASSESSMENT PROCEDURES

Mayor McClellan discussed the property tax re-assessment procedures and said she feels it is important for the public to be advised concerning such procedures. City Manager Davidson said that the City could assemble a public information packet and Mr. Klitgaard and others in the Tax Department could give short talks on the subject. Councilmember Mullen wondered if such information could be included in a utility bill enclosure, but Mr. Davidson said that the information is too complex for a 3 x 5 card. Mayor McClellan asked the City Manager to work up a format for information dispersion to the citizens. She suggested that perhaps there can be some type of a public meeting. Mr. Davidson said that he would work up such a format and bring it back to Council.

ITEMS PULLED

City Manager Davidson said that more time is needed before submission of the report scheduled on the agenda concerning the Office of Economic Development and said the item would be pulled for one week.

He also said that the Lamar Beach Drag Boat Race Evaluation on the agenda under City Manager reports had already been discussed during the boat race discussion.

NAVIGATION AND PARKS BOARD ORDINANCES

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

AN ORDINANCE REPEALING SECTIONS 29-28, 29-29, 29-30, AND ONE OF THE DEFINITIONS IN SECTION 29-1 OF CHAPTER 29 OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING FOR THE ABOLISHMENT OF THE NAVIGATION BOARD OF THE CITY OF AUSTIN; DELETING ALL REFERENCES TO THE NAVIGATION BOARD FROM CHAPTER 29; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Cooke moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: Mayor Pro Tem Trevino, Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 29 AND CHAPTER 24 OF THE 1967 CODE OF THE CITY OF AUSTIN; ASSIGNING THE DUTIES OF THE NAVIGATION BOARD TO THE PARKS AND RECREATION BOARD; ADDING A NEW DEFINITION TO CHAPTER 29; INCREASING THE SIZE OF THE PARKS AND RECREATION BOARD TO THIRTEEN (13); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Cooke moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: Mayor Pro Tem Trevino, Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

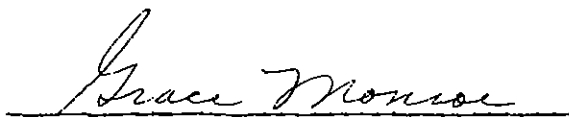
## ADJOURNMENT

The City Council adjourned its meeting at 11:00 a.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk