

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 16, 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, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Absent: None

INVOCATION

Dr. Browning Ware, Minister, First Baptist Church, gave the Invocation.

VIKETTES DAY

In a proclamation read by the Mayor, February 16, 1978, was proclaimed Vikettes Day in recognition of the Lanier High School Vikettes Drill Team who recently won first place in the National Drill Team Competition. Mrs. Gayla King, Director of the Drill Team, and Laurie Paschel, Deedee Cantu, Gayla Griggs, Dawn Dunnahoo, and Leslie Roberts, representing the 69 Vikettes, accepted the proclamation with their thanks.

SERTOMA'S FREEDOM WEEK

Mayor Pro Tem Trevino read a proclamation designating Wednesday, February 22, 1978, as Mrs. Eloise Cabaniss Day and the week of February 19-25, 1978, Sertoma's Freedom Week. Mrs. Cabaniss expressed her gratitude for the honor, and Mr. Gene Davis, representing the Sertoma Club also thanked the Council for the proclamation.

AUSTIN SALESMEN'S MONTH

A proclamation designating the month of February, 1978, as Austin Salesman's Month was read by Councilmember Mullen and received with their appreciation by Jim Barger, John Eastly, Charles Messer, and Ron Mueller.

ENGINEER'S WEEK

Mr. Bob Tieman, Mr. Curtis Johnson, and Mr. John German accepted, with their thanks, a proclamation read by Mayor McClellan designating February 19-25 as Engineer's Week.

THEATRES WEEK

Mayor McClellan read and presented to Miss Demp Toney, a proclamation naming the week of February 19-25 as Theatres Week.

MINUTES APPROVED

Councilmember Cook moved that the Council approve the Minutes of the Meeting for February 9, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

MUNICIPAL COURT JUDGES

Mayor Pro Tem Trevino moved that the Council appoint Albert Garcia as Presiding Judge, and Harriet Murphy, Steve Russell and Mark Schreiber as Judges of the Municipal Court for two year terms beginning in 30 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

RELEASE OF EASEMENT

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

A ten (10.00) foot Public Utility Easement centered on the lot line between Lots 12b and 13, Homestead Subdivision, Travis County, Texas, locally known as 5500 and 5408 Great Divide Trail. (Requested by Wm. Geo. Gurasich, owner).

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

ITEM PULLED
CHANGE ORDER - DECKER #2

A resolution to consider approval of a Change Order to Brown & Root, Inc. in the amount of \$789,536.90 for Decker Unit #2, Capital Improvements Program, was pulled from the agenda for two weeks. The motion was made by Councilmember Mullen and seconded by Mayor Pro Tem Trevino. The motion showed the following vote:

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

ONE-WAY STREETS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING THE DIRECTION IN WHICH TRAFFIC SHALL MOVE ON FIRST AND SECOND STREETS BETWEEN RED RIVER AND SAN ANTONIO STREETS, ON RED RIVER BETWEEN FIRST AND SECOND STREETS, AND ON SAN ANTONIO STREET BETWEEN FIRST AND SECOND STREETS, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR CONTRA-FLOW BUS LANES ON FIRST STREET BETWEEN BRAZOS AND RED RIVER STREETS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

CONTRACTS APPROVED

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Tennis Court Improvements -
Dottie Jordan Park & West Austin
Park, C.I.P. Nos. 75/86-37 and
76/86-43 - \$32,156.00

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

STIEFER PAINTING AND CONTRACTING,
INC.
903 Wagon Trail
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Gym Floor Replacement, South
Austin Recreation Center, C.I.P.
No. 77/86-18 - \$47,533.00

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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

SOUTHWEST GOLF & DEVELOPMENT
2257 E. Ben White Boulevard
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Lions Municipal Golf Course -
CIP. No. 75/86-12 - \$214,350.89

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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

AIR CONDITIONING, INC.
5005 E. Ben White Boulevard
Austin, Texas

- Construction contract for steam
conversion of selected heating
equipment at Brackenridge Hospital -
\$26,800.00

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

NEIGHBORHOOD ADVISORY COMMITTEE

Councilmember Mullen moved that the Council adopt a resolution to conduct neighborhood advisory committee elections on March 3 and 4, 1978. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CETA

Councilmember Mullen moved that the Council adopt a resolution to contract \$145,671 of the Comprehensive Employment and Training Act (CETA) Title III Youth Employment and Training Program (YETP) funds with the Williamson-Burnet County Opportunities, Inc. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to contract with the Austin Independent School District for the administration of the Comprehensive Employment and Training Act (CETA) Title III Youth Employment and Training Program (YETP) for the amount of \$442,827. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to contract \$20,000 of the Comprehensive Employment and Training Act (CETA) Title III Youth Employment and Training Program funds with Region III, Education Services Center for program development services. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to submit a CETA Title I Grant Modification to the Department of Labor for Incentive funds in the amount of \$261,546. (Period October 1, 1977 through September 30, 1978; 100% federally funded.) The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM
CONGRESS AVENUE BRIDGE

Councilmember Mullen moved that the Council adopt a resolution to authorize an agreement with Electrical Workers Local Union #520 for work required adjacent to the Congress Avenue Bridge. CAPITAL IMPROVEMENTS PROGRAM - RECONSTRUCTION OF CONGRESS AVENUE BRIDGE. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

PUBLIC HEARING SET
NORTHWEST FIRE STATION

Councilmember Mullen moved that the Council set a public hearing for March 9, 1978 at 11:00 a.m. on an appeal from Fire Chief Ed S. Kirkham of the decision of the Planning Commission denying a special permit on Case No. C-14p-77-050 (Northwest Fire Station). The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Later in the meeting Council reconsidered it's vote, and Councilmember Goodman moved that the Council set a public hearing for March 16, 1978, at 6:15 p.m. on the Northwest Fire Station. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

DIVISION OF MUNICIPAL COURT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DIVIDING THE MUNICIPAL COURT OF THE CITY OF AUSTIN INTO FOUR DIVISIONS; PROVIDING FOR THE EXERCISE OF CONCURRENT JURISDICTION BY THE DIVISIONS OF THE MUNICIPAL COURT; PROVIDING THAT THE DIVISIONS OF THE MUNICIPAL COURT MAY BE IN CONCURRENT OR CONTIGUOUS SESSION, DAY OR NIGHT; PROVIDING THAT ONE DIVISION OF THE MUNICIPAL COURT SHALL BE PRESIDED OVER BY A PRESIDING JUDGE AND THAT OTHER DIVISIONS SHALL BE PRESIDED OVER BY ASSOCIATE JUDGES; PROVIDING THAT THE JUDGES OF THE DIVISIONS OF THE MUNICIPAL COURT MAY TRANSFER CASES FROM ONE COURT TO ANOTHER AND THAT THE JUDGES MAY EXCHANGE BENCHES AND PRESIDE OVER ANY OF THE DIVISIONS OF THE MUNICIPAL COURT; PROVIDING FOR THE APPOINTMENT OF TEMPORARY OR RELIEF JUDGES; REPEALING ORDINANCE NO. 770303-F; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

SCHOOL SPEED ZONES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41, SUBSECTIONS (d) AND (g), AND SECTION 21-42, SUBSECTION (h) OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SUBSECTIONS, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS," (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Speed zones are as follows:

ADDITIONS:

Section 21-41

ONFROMTO

Subsection d - 20 mph when flashing

Blue Valley Drive	60 feet north of Main Street	150 feet northeast of Coldstream Drive
Montopolis Drive	South curb of Hogan Avenue	North curb of Marigold Terrace

Subsection g - 30 mph when flashing

South Congress Avenue	418.3 feet north of North Bluff Drive (Station 300+93.7)	376 feet south of North Bluff Drive (Station 308+90.7)
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Section 21-42

Subsection h - 35 mph when flashing

North Lamar Boulevard	250 feet south of Kramer Lane	21 feet north of Kramer Lane (north City limits, Station 293+02)
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DELETIONS:ONFROMTO

Section 21-41

Subsection d - 20 mph when flashing

Blue Valley Drive
(Williams School)60 feet north of Mairo
Street53 feet south of
Coldstream Drive

Montopolis Drive

Porter Street

Club Terrace

Subsection g - 30 mph when flashing

South Congress
Avenue (Pleasant
Hill School)408 feet north of
North Bluff Drive360 feet south of
North Bluff Drive

Section 21-42

Subsection h - 35 mph when flashing

South Congress
Avenue874 feet south of
Stassney Lane772 feet north of
Bluff Springs Road

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:

LOT A, G AND W ADDITION, LOCALLY KNOWN AS 2300 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, 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 DECLARING AN EMERGENCY. (Rosa Lie Gelarnter and Arthur Gelarnter, C14-73-253)

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

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

The Mayor announced that the ordinance had been finally passed.

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:

THE FRONT 200 FEET OF LOT B, RALPH SIMONSON ADDITION, LOCALLY KNOWN AS 11604 JOLLYVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C. R. Simonson, C14-77-162)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its final passage:

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:

LOT A, HAROLD ADDITION, LOCALLY KNOWN AS 4801 E. BEN WHITE BOULEVARD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Robinson Company, Austin, Inc., C14-77-028)

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

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

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING ON CITY CHARTER AMENDMENTS

Mayor McClellan opened the public hearing scheduled for 6:15 p.m. on City Charter Amendments. She stated that this is the second public hearing on this topic. Up to this point, in their discussion, Council has addressed single-member districts with the majority of the Council favoring putting an 8-1 proposition on the ballot. She said there have also been discussions to bring the Charter into compliance with State and Federal law. Discussion has also been conducted concerning the elimination of references to gender. She

said Councilmember Mullen has suggested including a \$100.00 filing fee and/or 200 names on a petition to be a candidate for City Council or Mayor. Councilmember Snell has also suggested this. Councilmember Cooke said he wanted to add for consideration in the discussion that the City Attorney be confirmed by the Council. Councilmember Goodman said the previous things discussed had been agreed upon by all Councilmembers to include on the ballot and wondered if Council approval of the City Attorney has received the approval of anyone other than Councilmember Cooke. Mayor McClellan asked if anyone else favored putting the City Attorney question on the ballot. Councilmember Goodman suggested that Council define exactly what will be put on the ballot for voter approval. He said one of the items he would like to see highlighted is Council authorization to hire a budget staff. There was discussion as to how many items to put under consideration, etc., and then Council decided to wait until after the public hearing to make any decisions.

CHRIS MARKS, who had signed up to speak to the issue, declined to do so.

HOWARD FERGUSON, speaking in his own behalf, tonight, brought out the point that district elections of Councilmembers would not necessarily bring in minorities as Councilmembers. District lines, he said, can be gerrymandered for political reasons. The Mayor told him that there would be no gerrymandering of district lines because they would have to be approved by the United States Attorney General.

ROYAL MASSET told the Council that he would favor an amendment to the Charter whereby the pay increases of the Council would be ratified by the voters. City Attorney Harris explained that Council pay is not presently in the Charter but it could be. Mr. Masset went on to state that Article IV of the present referendum of recall is horrible and that a clearly worded amendment should be used. He also stated he preferred a 10-1 district make-up of the City Council.

MARILYNN GISH, representing the Austin Neighborhood Council, stated four points they favor:

1. Council should remain at seven members, but are equally divided as to whether these should be single-member, at-large, or combination make-up.
2. No pay increase for Councilmembers.
3. Council terms should remain at two years in length, with possible staggering of election.
4. If the district plan is voted into action, the Austin Neighborhood Council wants to put their input into the plan.

Councilmember Cooke and the Mayor pointed out to Mrs. Gish that with a staggered term theory for Councilmembers someone would always be running for election and re-election and very little Council business would be conducted.

ANDY SIEGEL, representing the University of Texas students, stated that single-member districts would not guarantee minority election. He also said that voters should be able to see, on the ballot, just where the proposed district lines would be.

JOAN BARTZ appeared to state she agrees that district lines should be put on the ballot. She said it is the awful truth that the public does not trust politicians and they will think the district lines are being gerrymandered. She wondered why all alternatives cannot be listed on the ballot. City Attorney Harris stated that it would be difficult to work this out so it would be clear to the voters, but he thinks it can be done. Councilmember Trevino said he does not support her proposition because if there is a group of people who support a 6-1 plan, another in support of 7-1, and another group supporting 10-1...all of them are voting for district elections but the size of the Council is different. Ms. Bartz said she understood the problem. "Yes, it is our problem," continued Mayor Pro Tem Trevino, "we're the ones who have to deal with it. And then you have the combination plan and those that want an at-large system so you finally wind up diluting the vote between those that agree on single-member districts but don't agree on the size of it." Ms. Bartz said, "These questions have been raised to me personally and I did not know what your response was going to be and now it is on the record the reason you feel as you do. I personally will not vote for an 8-1 because I honestly do not believe that is going to be the best form of government for the City, not only now but in years to come." She commented she still favors the mixed plan, especially if the courts demand that Austin have a different plan. She went on to give her opinion of gender language in the Charter and said the idea was bordering on the ridiculous. She condones a filing fee for Charter and Mayor candidates but does not think Council should approve of the City Attorney. The City Manager should choose the City Attorney.

JIM ECKERD appeared before Council to say that redistricting lines could be done by University of Texas computers.

MS. SUSAN BERRY appeared to say she thinks students are being disenfranchised and don't know it.

Mayor Pro Tem Trevino moved that the Council close the public hearing and set the Special Called Council Meetings as follows to discuss City Charter amendments:

February 20, 1978	5:00 p.m.
February 21, 1978	5:00 p.m.
February 22, 1978	4:00 p.m.

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

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

BOY SCOUTS RECOGNIZED

Mayor McClellan recognized members of Boy Scout Troop 54 from Northwest Austin Covenant Presbyterian Church who are working on their Communications Merit Badge for the Eagle Scout award.

MR. LEO HERNANDEZ appeared before City Council to discuss Police Protection and Priorities. He felt he had been unduly persecuted in a recent firearms charge brought against him. Mr. Davidson, City Manager, asked Police Chief Dyson to quote the firearms law, and then told Council that he would get a full report from Chief Dyson concerning Mr. Hernandez's charges and present it to the Council. Mr. Davidson indicated that Mr. Hernandez was not stating all the facts pertaining to the charges against him.

Mayor Pro Tem Trevino moved that the Council approve the request for a Parade Permit from Mr. RATHBURN, for Capital Area National Foundation March of Dimes, from 9:00 a.m. to 3:00 p.m., Saturday, April 1, 1978, beginning from Capitol Building south on Congress Avenue to First Street. (Hike and Bike Trail [at First Street] west to Zilker Park). The motion, seconded by Councilmember Snell, carried by the following vote:

Councilmember Cooke moved that the Council approve the request for a Parade Permit from Ms. Carolyn Bobo Stokes for Austin American-Statesman-Austin Runners Club, from 10:00 a.m. to 12:00 p.m., Sunday, March 12, 1978, beginning on Congress Avenue to West 1st, west on West 1st to Seaholm Power Plant, following Town Lake Hike and Bike Trail to Zilker Park, including a portion of Barton Springs Road as it enters Zilker. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

BOAT RACES ON TOWN LAKE

The Council had before it the third reading of an ordinance amending Chapter 29 of the Austin City Code to repeal the existing prohibition against the operation of racing boats on Town Lake between Tom Miller Dam and the Dam at Pleasant Valley Road. Councilmember Goodman stated that they have not yet received the report asked for by three Councilmembers concerning the feasibility of having boat races on the west end of Town Lake.

Councilmember Trevino moved that the Council postpone the third reading of an ordinance amending Chapter 29 for one week so they can review the report being prepared. The motion was seconded by Councilmember Goodman.

In answer to Councilmember Cooke's query concerning the report, Mr. Davidson, City Manager, said it would be ready tomorrow (February 17) and that this proposed solution is more expensive and complicated than originally thought. The Council then discussed whether or not to go ahead and vote or wait for the report.

Substitute Motion

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

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967, SECTION 29-13, BY REPEALING THE PROHIBITION AGAINST THE OPERATION OF RACING BOATS ON TOWN LAKE BETWEEN TOM MILLER DAM AND THE DAM AT PLEASANT VALLEY ROAD; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

BOAT RACE DATES

Councilmember Mullen moved that the Council postpone until next week a decision on Ms. Laverne Stallings, President, Austin Boat Club, request for the following dates for 1978 boat races on Town Lake at Festival Beach:

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

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CITIZEN'S COMMUNICATION CANCELLED GAS TURN-OFF

MR. MICHAEL OLSUD, who had requested to appear before Council to discuss Southern Union Gas Company's policy for turning off customers' service, did not appear.

PUBLIC HEARING ON ZONING AMENDMENT

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an amendment to Chapter 45 of the Austin City Code, concerning a definition of a private or parochial school, site and operational standards for private or parochial schools, and the requirement of a special permit for private or parochial schools in all use districts. Mr. Dick Lillie, Director of the Planning Department, told the Council that last year an inquiry was made to the City Legal Department as to a provision concerning private and parochial schools. He stated that the Ordinance specifies that a school shall be accredited as an elementary or secondary school by the State, prior to the school opening. Mr. Lillie indicated that there was a problem in getting schools to conform with the City Ordinance and the State law both. The matter was brought before the Planning Commission which decided to deal with this problem and the issue of private and parochial schools as well. Mr. Lillie pointed out that the proposed Ordinance would remove private and parochial schools as a permitted use in all districts in the City and require that they fall under the provision of special permits. He then stated that the Ordinance would provide for the following:

1. A definition of a private and parochial school as being an institution of learning having a curriculum equivalent to public schools.
2. Having 12 or more children.
3. Does not include specialty schools such as dancing, music, beauty, mechanical trades, swimming or commercial schools.
4. Provides for the requirement for a special permit.
5. Provides for standards for the school to meet in area.
6. The type of street the school is located on.
7. That it provide academic subjects that are consistent with the State of Texas requirements for accredited public education.
8. Provides for off-street parking and signs.

Mr. Lillie indicated that the Ordinance would not effect existing schools and that they would, in effect, become non-conforming. These schools would be effected only by expansion in which case a special permit would be required and considered by the Planning Commission. In such a case, the new schools would fall subject to the requirements as outlined in the new Ordinance. Mr. Lillie told the Council that the proposed Ordinance was recommended by the Planning Commission.

MS. MARILYN SIMPSON, First Assistant Coordinator of the Austin Neighborhoods Council, told the Council that she was concerned about a part that was left out of Section 3-8(a) of the Ordinance, which reads as follows:

"Whether exempt from State standards shall meet all requirements in the applicable set of minimum standards promulgated by the Texas Department of Human Resources, under authority of the Child Care Licensing Act of 1975."

Ms. Simpson felt that the Council should be aware of the following facts concerning the lack of regulation over private or parochial schools:

1. The Austin Independent School District has no control and only gets involved when accepting or rejecting the credits of individual students.
2. The Texas Education Agency has no control or regulation since these schools are not accredited. The States Compulsory Attendance Law does not even apply. The exemption for private or parochial schools reads: "Any child in attendance in a private or parochial school which includes in its course of study a course in good citizenship."

She stated that since these schools are not accredited, there are no standards set for a course of study, no requirement that a school year be a certain number of days long or that the students actually attend a minimum number of days or even attend at all. In response to a question from Councilmember Snell, Ms. Simpson stated that she received her information from a Dr. Ben Branch of the Texas Education Agency. She also stated that there is no requirement that the staff be qualified. Ms. Simpson pointed out that the Texas Department of Human Resources may have some control over the situation, but that in one session of the State Legislature, Representative Kenneth Vaughn of Garland introduced two bills to exempt all private and/or parochial schools from regulation. She stated that one bill passed the House but not the Senate. Ms. Simpson pointed out that if the law passes during the next legislative session, there will be no regulation of schools whatsoever. Ms. Simpson pointed out that the new legislation could institute racial discrimination by negating currently existing anti-discrimination legislation. She stated that City regulation of schools would not constitute regulation against the freedom of religion. In closing, Ms. Simpson felt that more than a nearsighted solution to the problem was needed.

In response to a question from Mayor McClellan, Mr. Albert DeLa Rosa, Assistant City Attorney, told the Council that the preliminary draft of the Ordinance did contain a provision that schools which were exempt from accreditation standards would have to meet accreditation standards. He stated that the Texas Department of Human Resources had trouble with the provision because their staff could not undertake the task of going to schools and conducting inspections to make sure that accreditation standards were being met. Mr. DeLa Rosa indicated that the inspections would then fall back upon the City of Austin. However, he indicated that this could not be done without the help of the State which conducts inspections on a regular basis. Mayor McClellan asked Mr. Lonnie Davis, Director of the Building Inspection Department, how many schools were currently exempt from State law. Mr. Davis did not know because no check has been made on this information.

MR. DUNCAN OSBORN, representing St. Andrews Episcopal School, told the Council that they were in favor of the Ordinance and urged that it be passed.

MS. NELLA CUNNINGHAM told the Council that she wanted to see the same requirements for private and parochial schools that now exist for kindergarten and day schools, included in the Ordinance. She told the Council that she wanted to see in the Ordinance, a provision for facility and site approval by the State Department of Public Welfare. She stated that schools were currently making their own guidelines and that the State had little regulation over those standards. In response to a question from Mayor McClellan, Ms. Cunningham suggested that the State Department of Human Resources help in the preparation of applications for special permits. Councilmember Mullen commented that he had a hard time understanding why people would send their children to schools that did not meet certain health standards when these people were paying to send their children there. City Manager Dan Davidson recommended that Mr. Lillie and Mr. Davis prepare an outline on a cooperative venture with the State and asked that the Council not amend the Ordinance because this would be done within the Ordinance as it is currently proposed. Ms. Cunningham indicated that she would like to see the City Health Department and the Fire Department involved in the inspection process. Mr. Davidson indicated that he would look into this and would report back to the Council on how this could be achieved. Councilmember Cooke asked if the Manager's report could be made available to persons interested in the Ordinance. Mr. Davidson indicated that he would do this.

MS. KINDA SHAW asked if a school which was illegal under the old Ordinance would still be exempt under the new Ordinance. Mr. DeLa Rosa indicated that such schools would still have to meet specified standards or else seek a variance from the Board of Adjustment.

Mayor Pro Tem Trevino moved that the Council close the public hearing, and approve the Ordinance amending Chapter 45 of the Austin City Code concerning a definition of a private or parochial school, site and operational standards for private or parochial school, and the requirements of a special permit for private and parochial schools in all use districts, and instruct the City Attorney to draw the necessary ordinance to cover.

**PUBLIC HEARING ON AMENDMENT TO SECTION 28
OF THE AUSTIN CITY CODE (REFUSE AND GARBAGE)**

Mayor McClellan opened the public hearing scheduled for 7:45 p.m. on an amendment to Section 28 of the Austin City Code to eliminate the provision for a reduced solid waste collection fee, for the City service at certain multiple family dwelling facilities and to consider passage of the Ordinance. The Mayor noted that this item was previously postponed to allow for notification of concerned parties. (There were no speakers for this item.)

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 28 OF THE 1967 CODE OF THE CITY OF AUSTIN BY DELETING SECTION 28-15(d), THEREBY ELIMINATING THE PROVISION FOR A REDUCED SOLID WASTE COLLECTION FEE FOR CERTAIN APARTMENT COMPLEXES; 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 close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

PUBLIC HEARING ON THE CLOSING OF WEST 8TH STREET

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. on the closing of West 8th Street from Guadalupe Street to San Antonio Street, and passage of an Ordinance. The Mayor indicated that she had received a call from Mrs. Walker from the Austin Women's Club who asked that the hearing not be closed but continued for the following week. She felt that this was a reasonable request since the street could not be closed until October anyway.

Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that in 1975 they identified several traffic operational problems on 8th Street and Lavaca and Guadalupe Streets. He stated that they studied the feasibility of closing 8th Street between Guadalupe and San Antonio Streets and converting the available space to a mall. Studies indicated that by closing the street, the overall travel in the area, including all modes of transportation, could be improved. Mr. Ternus stated that the proposed improvements were the result of over a year's work with various Boards and Commissions and other groups, in developing the concept of a pedestrian mall in the area. He stated that all Boards and Commissions have endorsed the plan. Mr. Ternus recommended that the Council direct staff to bring back an Ordinance at the appropriate time, to close West 8th Street between San Antonio and Guadalupe Streets, and to authorize the design and construction of the facility recommended by the Planning Commission. Mayor McClellan indicated that the concept for the pedestrian mall had been approved at a prior Council meeting.

MR. PAUL BALLARD told the Council that, currently, west bound traffic posed a hazard to pedestrians who either live or are employed in the area. He felt that construction of the mall would help alleviate this hazard. Mr. Ballard stated that the mall would provide an attractive outdoor setting for patrons of the library. He stated that the mall would couple the new library with one of the residentially historic areas of Austin.

MS. SUE MCBEE felt that the mall would be a tremendous help to the area from a traffic standpoint. She stated that the proposed drive-in bank in the area would pose additional traffic problems.

MR. CHUCK CHRISTIANSON felt that if 8th Street is closed between San Antonio and Guadalupe Streets, then 8th should be made into a one-way street going west as far as Nueces Street. Mr. Christianson also felt that the closing of the street should be delayed until the proposed Capital National Bank facility is completed. Mayor McClellan asked Mr. Ternus if he was looking into the things proposed by Mr. Christianson. Mr. Ternus indicated that there were several options that should be considered, not just with traffic flow but the physical design of the street as well. He stated that the options were not necessary to take action on closure of the street itself.

MR. TOM CURTIS, representing the Capital National Bank, asked that the Council delay closing the street until the new bank facility is completed. He stated that the bank's main concern was a reduction of traffic ingress and egress potential if the street is closed. He stated that current projections did not accurately predict what the impact of a new bank in the area would be. Mr. Curtis stated that if the impact is different than what is predicted by Mr. Ternus, then it would be too late later on to go back and undo the situation. He stated that it would take a little less than a year to construct the new banking facility.

MR. ALEX McDOUGAL, representing the Lamar Savings Association, told the Council that their main concern was that something is not created that cannot be changed. He stated that they were not sure that the proposed mall was necessary or that it wasn't something that could be done at any time. Mr. McDougal also felt that construction of the mall would potentiate parking problems in the downtown area. Mr. McDougal then gave the Council the following recommendations:

1. To not do anything for the moment but observe what the impact of the new bank facility will be.
2. Or, block the street on a temporary basis to see what happens over a period of time to avoid getting into an irreversible situation.

MR. RAY SHARBUT, representing the Lamar Savings Association, stated that a move at this time would be rash and that the matter deserved more consideration.

Ms. McBee told the Council that she was currently worried about the hill on West 8th Street which she indicated was very dangerous. She stated that the drive-in bank that is proposed for the area will also increase the safety hazards along 8th Street. Councilmember Himmelblau asked Ms. McBee what she thought about traffic going through the Bremond block area. Ms. McBee stated that she was in favor of this idea.

MR. BILL MOORE, Chairperson of the Urban Transportation Commission, told the Council that the formal recommendation of the Commission is an endorsement of the general concept of the closure of West 8th Street between Guadalupe and San Antonio Streets, and the construction of the mall adjacent to the Library. He stated that since 8th Street ended at West Avenue anyway, the street could not really be considered a major traffic carrier and that it would probably be more advantageous to route traffic to 5th/6th Streets or 12th Street. Mr. Moore indicated that they wanted the opportunity to address the issue of what should the character of 8th Street be and also, what the timing for closure should be. Councilmember Himmelblau asked Mr. Moore if he felt it would be advisable to block off 8th Street to first see what the traffic flow will be. He felt that this would be an effective way to proceed. Mr. Moore stated that the Commission would be interested in looking at closure of the street on a temporary basis in order to evaluate what the traffic patterns in the area are.

Ms. Susan Berry asked about the possibility of having branch banks located in the suburbs of the City. Councilmember Mullen indicated that this would be bad for the inner city area.

In response to a question from Ms. McBee, Deputy City Manager Homer Reed indicated that the Main Library extension was built out to the property line rather than to the curb.

A MRS. SPEAK, a member of the Women's Club, indicated that Mrs. Walker of the Club wanted the matter postponed until their board could meet and discuss the changes in the plan.

Mayor Pro Tem Trevino moved that the Council continue the public hearing on March 9, 1978, at 2:00 p.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

URBAN RENEWAL AGENCY

The Council had before it a resolution to consider authorization of a contract with Urban Renewal Agency for purchase of a suitable building for multiple-handicapped persons. Council also had before it an ordinance to consider appropriating \$40,000 of Housing and Community Development Contingency funds for contract with Urban Renewal Agency for purchase of building for multiple-handicapped persons.

Councilmember Snell asked that Council consider these two items together. Mr. Andy Ramirez, Director, Department of Human Resources, told the Council that the City of Austin, Urban Renewal Agency, Local Housing Authority and the Texas Rehabilitation Commission have been working together. He said that in the material they have forwarded to Council they have negotiated that Urban Renewal will hold title to the property, but they want to change that to have the Local Housing Authority hold title to the property and the Urban Renewal Agency will provide the process of locating the property, acquiring it and having it rehabilitated in conjunction with the Texas Vocational Rehab. Mayor Pro Tem Trevino commented that the City will provide \$40,000 out of the Agency Contingency Fund. Mr. Ramirez said there is \$227,000 left in the Contingency Fund. He said that it is estimated it will take \$40,000 to acquire the property, and rehab will be done with state funds from the Texas Rehabilitation Commission. Title to the property will be maintained by the Local Housing Authority. Neither Urban Renewal nor the Local Housing Authority will provide money, but will provide staff time. Vocational Rehab, through clients living in the building, will provide an escrow account for the maintenance and upkeep of the property. Mr. Ramirez said the building will accommodate 3-8 people, depending on size of the structure. Mayor Pro Tem Trevino asked if they can stipulate that residents of the house be Austin citizens. Mr. Ramirez said this is possible. Councilmember Himmelblau asked if Austin would have anything to say once they turned the money over. Mr. Ramirez answered "that once the title of the property is turned over to the Local Housing Authority, after the initial clients are in there, I'm sure that you can, say, primarily in that particular piece of property. I have to look into that but you might be able to require that through the local housing assistance plan that is a function of the City Council."

Councilmember Snell commented that he thought limiting residency of the house to Austin residents should be encouraged, but hated to see that restriction since handicapped needed help. "But," he said, "if this would keep the Council from approving it, I would go along with it." Mr. Reed, Deputy City Manager, asked, "Mr. Ramirez, since we are using Community Development Funds for this wouldn't that require that we give preference to residents of the impact areas?" "Basically, if you are looking at a client," answered Mr. Ramirez, "you have certain eligibility criteria." Mr. Reed said, "But it wouldn't exclude somebody else, but it would give a preference to the impact areas in Austin." Mr. Ramirez said this is correct.

Councilmember Snell moved that the Council adopt a resolution to authorize a contract with Urban Renewal Agency for purchase of a suitable building for multiple-handicapped persons. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1977-78, BY APPROPRIATING 1977-78 COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS FOR THE HOUSING PROGRAM FOR THE HANDICAPPED AND TRANSFERRING THESE FUNDS TO THE 1977-78 OPERATING BUDGET; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, 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.

MEDICAL EDUCATION CONTRACT WITH CENTRAL TEXAS MEDICAL FOUNDATION

Council had before it for consideration the Medical Education Contract with the Central Texas Medical Foundation (CTMF). Councilmember Himmelblau called Council's attention to the contract and to her recommendation that the CTMF contract draft recommended by the Hospital Advisory Board be approved with the following changes:

Paragraph 2 - Delete the word "primarily" in the last line of the paragraph, delete the period at the end of the paragraph and add "to the maximum extent possible."

Paragraph 5 - Omit the sentence that reads as follows: "The size of the Foundation project at Brackenridge Hospital shall be limited to the equivalent of one director for each program. The number of residents and interns shall not exceed the number existing as of February 1978."

Explanation: Everyone seems to agree that the physician group in the hospital should also provide physicians for the neighborhood clinics. CTMF probably does not need 57 residents at this time. They will need them when they assume responsibility for the neighborhood clinics. For this reason, it does not seem reasonable to reduce the number now when it would have to be increased later after Council policy decisions have been reached on Brackenridge and the entire Health Study.

Paragraph 7 - Add a new sentence: "So long as Brackenridge Hospital is the principal site of the Foundation's Medical Education Program, the Foundation will not establish residency programs at any other hospital."

Paragraph 13 - This paragraph should be deleted.

Explanation: The President of CTMF recognizes the problems created for the City by their use of other laboratory facilities for private patients of their Family Practice Clinic. He has agreed to meet with the pathologist and radiologist at Brackenridge in order to work out a solution agreeable to both parties.

Paragraph 16 - Delete "Hospital Advisory Board" and substitute "the City Manager."

Explanation: This will mean that any changes in the CTMF program will be submitted through the Hospital Administrator and the City Manager to the City Council for action. If the advice of the Hospital Board is needed, either the Administrator, the City Manager or the City Council can refer the proposal to the Hospital Advisory Board for its consideration.

Paragraph 17 - Delete "and receivables."

The above recommendations were developed in a conference with Dr. Tracy Gordy, President, CTMF. If approved by the Council, he will recommend approval to the CTMF Board.

Council

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to approve, as amended, a Medical Education Contract with the Central Texas Medical Foundation. The motion was seconded by Councilmember Cooke.

Councilmember Goodman commented that the recommended changes sound like positive ones to him, but "the one question I have relates to the Hospital Board versus the City Manager or vice versa reviewing contract with the CTMF?"

Councilmember Himmelblau answered, "I worked with Dr. Gordy and Mr. Reed for several hours yesterday morning and it was sort of a swap session. This was one of the things he felt very strongly about just like I felt very strongly about Paragraph 7. So it was sort of a mutual agreement and a trade." Councilmember Goodman said the Hospital Board is like our middle person agency. The Mayor commented that "I think one way or another they are going to be involved as long as they are in existence...either we are going to refer it to them..." Councilmember Himmelblau agreed. She said, "we don't know what we're going to do with the hospital as yet so I felt it was a fairly safe assumption to go ahead and put this in." Councilmember Goodman asked if Council could still refer to the Hospital Board for approval and advise them at any time. The Mayor answered that whether it is in the contract or not that as a matter of practice "that is what we have done and that's what we will continue to do, just like we do on other items before we ever vote, we refer it to the proper board or commission."

Councilmember Goodman stated, "One thing that I wouldn't want to occur would be for the City Manager, for example, to negotiate a contract with CTMF and then the Hospital Board have the option of passing on it or rejecting it. I think they should be involved in that process somehow from the outset to... well, for one I think we would be missing some important expertise as they have been involved in it for several years. I think one of the other situations to take into account is that the Hospital Board has been performing very efficiently and very competently. I'll point to the last recommendation we received from them. That was for the emergency department operators, which we accepted their recommendation."

Mr. Reed, Deputy City Manager, said, "I certainly agree with Mr. Goodman. The City Manager would want to refer a number of these things to the Hospital Board and in fact would seek their help. They have been extremely helpful on the emergency contract and in contributing a lot of thought to this contract."

Councilmember Goodman said he wanted this in the record and Mayor McClellan said the motion would include, for the record, the intent to refer this to the Hospital Board before final decisions are made on the contract.

Roll Call on Motion

Councilmember Himmelblau moved that the Council adopt a resolution to approve, as amended, a Medical Education Contract with CTMF, and that before final decisions are made on the contract, they will be deferred to the Hospital Board. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

ANNEXATIONS

The Council had before it for consideration ordinances to annex the following:

1. 52.04 acres of land out of the James D. Goode Survey, Travis County, Texas. (Oak Forest Section 4, Oak Forest School Subdivision and unplatted land) Case C7a-77-011 (Requested by owner)
2. 15.97 acres of land out of the William Cannon League, Travis County, Texas. (Leon Griffin Resubdivision, and O. H. Pool Subdivision Section Two) Case C7a-77-010 (15.38 acres requested by owners, 0.59 acres initiated by City)

Councilmember Mullen inquired if there is anything in the fiscal note to indicate how much this annexation will result in tax income for Austin. Mr. Reed said it is extremely difficult to do a fiscal report on as small an annexation as these items are. He said it has not been the custom to do complete studies on them...but are referred to the department to see if there will be any difficulty in serving them. Councilmember Himmelblau stated, "as we spread out we incur expenses from the school crossing." She asked if this reflects in the budget. She said it is not a tremendous amount, but she is concerned about the nibbling away.

Mr. Lillie, Director of Planning, said he and Mr. Byron Butler, Budget Director, have signed a joint memorandum speaking to the point Councilmember Mullen has raised and it should be in the City Manager's office in the next day or two. "It is our intent," he said, "from this time forward to have that kind of information available for all annexations." Councilmember Mullen said he requested the last time there was an annexation that the next time an annexation comes up that information will be available. "This annexation that you have tonight," said Mr. Lillie, "was considered two weeks ago at the time you made that request that all future annexations have tax information...we'd be happy to try to provide it for these if you like, but we did, at your request, develop a memorandum for all future proposals." Councilmember Himmelblau asked, "When we annex into another school district, what services are we obligated to provide?" "Same as always, because school district boundaries do not change," answered Mr. Lillie. Councilmember Goodman commented that "we are passing in ordinance form what the hearing was held on...this is the same one." Mr. Reed told Mr. Mullen that "we would bring that information to you at the time of the public hearing in accordance with your directions and so for that reason we did not bring it on this. If you want it on this, we can go back and get it." Councilmember Mullen said, "I don't think most of the Council wants that and I won't hold it up." Councilmember Trevino said, "You asked for postponement and Council is willing to postpone another week."

Motion

Councilmember Trevino moved that the Council postpone a vote on the ordinances of annexation for one week in order to obtain tax information. 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

Later in the meeting, on the advice of City Attorney Harris, the Council voted to pass these ordinances of annexation through first reading only.

Motions

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

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.

The ordinance was read the first time, and Councilmember Goodman moved that it be passed to its second reading. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been passed through its first reading only. Tax information report will be provided in one week.

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

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.

The ordinance was read the first time, and Councilmember Goodman moved that it be passed to its second reading. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been passed through its first reading only. Tax information report will be provided in one week.

CENTRAL CITY TRAFFIC CIRCULATION

Councilmember Cooke said he is requesting the Urban Transportation Department, through the City Manager, to work up a master plan for traffic circulation for the central city. He said that various people and departments have indicated that if there is going to be changes, then circulation and parking must be addressed. He said that Mr. Ternus, Director of Urban Transportation, had told him they have the ability to look at a number of alternatives based on some of the things the Planning Department presented regarding changes in land use and areas where the land could be looked at for alternatives. In order to encourage money for development for investors of all sizes both locally and nationally, he thinks we should show them our intent with regard to traffic circulation and parking. Mr. Cooke said he is asking Council endorsement today to ask Urban Transportation to proceed with a Master Plan development.

Motion

Councilmember Cooke moved that the Council ask Urban Transportation to proceed with a report on traffic circulation and costs. The motion was seconded by Councilmember Goodman.

City Manager Davidson stated, "Mayor, I might point out that I know Mr. Cooke has had some discussions on this and we have some meetings over the next several days on various aspects of this overall program. I would simply ask for the opportunity to discuss with Mr. Cooke, with the Mayor and with the entire Council, over the next two or three weeks some possible latitude in connection with these deadlines. I'm not sure that we would be able to meet some of the deadlines, but in fairness to Mr. Cooke I'm not in a position tonight to say we absolutely could not. I may need to come back in the next two or three weeks and speak in more detail about the enthusiastic deadlines that Mr. Cooke is insisting on with regard to some of these individual projects."

Roll Call on Motion

Roll call on Councilmember Cooke's motion and Councilmember Goodman's second that Urban Transportation proceed with a report on traffic circulation and costs, with the understanding that Council will have some discussion on realistic time frames, showed the following vote:

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

GATEWAYS TO THE CENTRAL CITYMotion

Councilmember Cooke made a motion to work with the Parks and Recreation Department and Urban Transportation for some initial concepts and costs of the gateways to the central city in order to enhance the pedestrian and environmental amenities. The motion was seconded by Councilmember Goodman.

Councilmember Himmelblau asked if a fiscal note is needed for this. She was told yes. Mayor Pro Tem Trevino said, "We're talking about environmental amenity enhancement. We're talking about spending what could be a considerable amount of money and while I like to enhance the entrance to the City of Austin, I have a little more concern about improving the living conditions of some of our citizens." Councilmember Goodman said, "Why not let them assess this fiscally and then let them come back to us. What we're passing now is merely the initial concept."

City Manager Davidson said, "One of the concerns I was speaking to earlier deals with the overall commitment required by the City staff in order to comply with these requests. And what I am going to be doing is to develop some information for Mr. Cooke and the Mayor and the entire Council as to what our capabilities are on the overall program that we're looking at in connection with the proposed establishment of some kind of an economic development office ...the resources required by all of the City departments that are going to have to contribute to this effort. I know that everyone involved would rather see us succeed with the program, than necessarily to be able to do it quickly. It is to that end that I was speaking to later and possibly we could talk about this project at the same time. So maybe when I come back, Mr. Cooke, we could talk not only to the fiscal impact of each of these studies but an overall time table that you would like to see developed and we'll speak to how well we can meet those timetables and where we are deficient, and what maybe required in order to meet them."

Roll Call on Motion

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

CONSTRUCTION & REHABILITATION - CORE AREA

Councilmember Cooke told Council he wanted to ask the Building Inspection Department to give Council a monthly analysis of both public and private construction that's going on between boundaries to the west (Lamar), to the north (15th Street), to the east (Chicon), and to the south (Riverside), so there can be an analysis of what is actually happening in the central city. Mayor Pro Tem Trevino suggested that the report be a quarterly one from Lonnie Davis, Director of Building Inspection. Mr. Davis asked if the reports could be quarterly with the first report due March 31, 1978 and each report every third month thereafter.

Councilmember Cooke moved that the Council request a quarterly report of building permits for construction and rehabilitation in the core areas; first report due March 31, 1978 and every third month thereafter. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CUL-DE-SAC
LAGUNA GLORIA

Council had before it for consideration an item from Councilmember Himmelblau concerning a proposed cul-de-sac at Western terminus of Old Bull Creek Road to serve Laguna Gloria. Councilmember Himmelblau said that this is badly needed as a turn-around point for City buses.

Mayor Pro Tem Trevino moved that the Council vote to proceed with the proposed cul-de-sac at western terminus of Old Bull Creek Road to serve Laguna Gloria. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

City Manager Davidson told Council that the City will have to get some right-of-way from Laguna Gloria and Councilmember Mullen requested a fiscal note on the project. Councilmember Himmelblau asked if the cul-de-sac can be completed by Fiesta, May 20th of this year and Mr. Davidson answered that they will do their best.

911 REPORT

Councilmember Mullen moved that the Council approve the report on the emergency number 911 and direct the City Manager to proceed. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Mullen stated that the cooperation from the staff in gathering information for this report has been tremendous.

**CONSIDERATION OF ACTION ON BOARDS AND
COMMISSIONS UNDER THE COMMISSION REVIEW ORDINANCE**

Councilmember Cooke suggested that a memo asking Boards and Commissions to look at some additional goals in their work programs, be included in the motion. In regard to abolishment, Mayor McClellan stated that the City was required by law to retain the Joint Airport Zoning Board.

Motion

Councilmember Goodman moved that the Council adopt a resolution abolishing the following boards:

1. Airport Master Plan Study Citizen Advisory Committee
2. Joint Legislative Council Committee
3. Citizen Committee for a More Beautiful Town Lake
4. Municipal Traffic Safety Advisory Board

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

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

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 38-11.108 OF THE 1967 CODE OF THE CITY OF AUSTIN; ABOLISHING THE EXPLOSIVES APPEALS BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Navigation Board

In regard to abolition of the Navigation Board, Councilmember Goodman felt that the duties of the Board have not been adequately addressed. He stated that the Parks Board currently has enough to do.

Motions - Navigation Board

Mayor McClellan brought up the following ordinance for its first 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 first time, and Councilmember Cooke moved that the Council pass the ordinance to its second reading. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been ~~passed~~ through its first reading only.

Mayor McClellan brought up the following ordinance for its first 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 first time, and Councilmember Himmelblau moved that the Council pass the ordinance to its second reading. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been passed through its first reading only.

Motion - Failed

Councilmember Himmelblau moved that the Minutes reflect that 2 members of the Parks Board have expertise in matters pertaining to navigation. The motion, seconded by Councilmember Cooke, failed to carry by the following vote:

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

Motion

Councilmember Himmelblau moved that the Council reconsider the abolishment of the City of Austin Navigation Board. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Motion

Councilmember Himmelblau moved that the Council retain the City of Austin Navigation Board. The motion was seconded by Councilmember Goodman.

Councilmember Mullen felt that it was ridiculous to retain a Board that has recommended its own abolishment. Councilmember Himmelblau indicated that she was in favor of abolishing the Navigation Board but that there should first be representation on the Parks Board with expertise in the area of navigation. Councilmember Goodman felt that the Parks Board should not have jurisdiction over the functions of the Navigation Board at all.

Motion Withdrawn

Councilmember Himmelblau withdrew her motion to retain the City of Austin Navigation Board.

Motion

Councilmember Cooke moved that the Council increase the membership of the Parks Board by 2 members, and fill these vacancies with persons who have expertise in the area of navigation. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Motion - On Going Goals Committee

Councilmember Cooke moved that the Council adopt a resolution reducing the membership of the On Going Goals Committee to 10 members plus a Chairperson. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Motion - Energy Conservation Commission

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740117-A (ENERGY CONSERVATION COMMISSION); SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, reducing the membership of the Energy Conservation Commission to 11 members by attrition. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Motion - Construction Advisory Committee

Councilmember Cooke moved that the Council postpone for one week, action on expanding the membership and reversing the jurisdiction of the Construction Advisory Committee. 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

Arts Commission

The Council also postponed action on an Ordinance expanding the membership of the Arts Commission. No vote was taken.

Motion - Emergency Medical Services Quality Assurance Team

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART 4 OF ORDINANCE NO. 750116-D, BY INCREASING THE NUMBER OF MEMBERS ON THE EMERGENCY MEDICAL SERVICES QUALITY ASSURANCE TEAM; PRESCRIBING REQUIREMENTS FOR APPOINTMENT AND TERMS OF APPOINTMENT FOR MEMBERS OF THE EMERGENCY MEDICAL SERVICES QUALITY ASSURANCE TEAM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing that the Emergency Medical Services Quality Assurance Team shall be appointed by the City Council and amending the composition of the membership of the team. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Motion

Councilmember Goodman moved that the Council have Boards and Commissions look at the goals in their work programs. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

ADJOURNMENT

The Council then adjourned at 10:20 p.m.

APPROVED


Mayor

ATTEST:



City Clerk