

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 6, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by Reverend Wayne G. Smith, Minister of Faith United Methodist Church.

NATIONAL ACTION FOR FOSTER CHILDREN MONTH

Mayor McClellan read and presented a proclamation to Foster Child Cris Botello and Foster Parent Mrs. Anne White, which designated April, 1978 as National Action for Foster Children Month. Both Cris Botello and Mrs. White expressed their appreciation for the proclamation.

YOUTH ACTIVITY MONTH

Youth Activity Month, observed in April, and "Keep America Beautiful Day" which will be April 22, 1978, are noted in a Resolution passed and signed by members of the City Council. Mayor McClellan read the Resolution, which was accepted with appreciation and thanks by Mrs. Cecil Cabaniss, Cathy Lanterman and Marla Hankins, representing the Girl Scouts; and Mark Bonner representing the Boy Scouts.

## MEDICAL LABORATORY WEEK

MS. SUSAN MILLER accepted, with her appreciation on behalf of all members of the medical laboratory science field, a proclamation read by Councilmember Himmelblau, designating April 9-15 as Medical Laboratory Week.

## PRIVATE PROPERTY WEEK

April 16-22 has been proclaimed Private Property Week in a proclamation read by Mayor McClellan and presented to ODUS S. CRUMLEY, representing the Austin Board of Realtors.

## MEDIC ALERT WEEK

Councilmember Mullen read a proclamation designating the week of April 9-15, 1978, as Medic Alert Week in Austin. Accepting the proclamation with his thanks and appreciation for the non-profit organization, was Jack E. Evans.

## KUT OMNIBUS WEEK

Mayor McClellan presented MR. BILL GLORDA, representing KUT-FM, with a proclamation designating the week of April 16-23, 1978, as KUT Omnibus Week.

## BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the Board and Commission appointments that will be made on April 13, 1978. They are the following:

Building Code Board of Appeals  
Manpower Advisory Planning Council  
Citizens' Board of Natural Resources and Environmental Quality  
Status of Women  
Urban Renewal Board of Directors  
Hospital Board  
Board of Equalization  
Vending Commission  
Human Relations Commission

She said some of these have 1, 2, or 3 vacancies.

## APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve the Minutes, as corrected for March 30, 1978. Corrections on Page 32 were as follows: Change 1976 to 1978 and note that Councilmember Cooke was out of the room during the 4-0 vote. Councilmember Snell abstained, Councilmembers Cooke and Goodman were out of the room. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Abstain: Councilmember Snell

## CLASSES RECOGNIZED

The fourth and fifth grade classes from Ridgetop School were recognized by Mayor McClellan for their presence in the Council Chamber. Class teachers are MS. FLORENE BARR and MR. SAMUEL CRAYTON. Councilmember Snell noted he had spoken to these classes on Black History.

## APPOINTMENT OF REPRESENTATIVE TO VALERO COMPANY

Mayor Pro Tem Trevino moved that the Council designate former Councilmember Lowell Lebermann as Austin's representative to serve on the Board of Directors of the new company that will be formed if the LoVaca settlement is implemented. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Mr. Lebermann appeared before Council, thanked them for his appointment as representative in the Valero Company which will be formed if the LoVaca settlement is implemented, and said he will serve Austin to the best of his ability.

## RELEASE OF EASEMENTS

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

A five (5.00) foot Public Utility Easement at the rear of Lots 1, 2, 3, 4, 5 and 6, Block "G," Mockingbird Hill Section One, located at Grady Drive and North Lamar Boulevard. (Requested by Alton Watson representing the owner, Import Car Repair.)

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

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

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

A seven and one-half (7.5) foot Public Utility Easement on the east line of Lot 1 and a seven and one-half (7.50) Public Utility Easement on the west line of Lot 2, Block B, Willow Springs Section 1, located at 501-525 Woodward Street. (Requested by Carl E. Newsome, P. E., owner)

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

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

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

A five (5.00) foot Public Utility Easement on the south and west property lines of Lot 1, Woodward Industrial District, located in the 200 block of West Ben White Boulevard. (Requested by Mr. Richard Dorrell and Mr. Robert Norris, representing Ronald Tynes, owner.)

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

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

#### SOUTHWESTERN BELL'S RATE INCREASE

Councilmember Cooke moved that the Council adopt a resolution to authorize the City's participation, along with other cities, in the Texas Public Utility Commission on March 9, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### BOOKMOBILE SERVICE

Councilmember Cooke moved that the Council adopt a resolution to authorize approval of a contract between Travis County and the City of Austin for bookmobile service in the amount of \$33,292.00, effective dates from January 3, 1978 through December 31, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### DORIS MILLER AUDITORIUM AND METZ RECREATION CENTER

Councilmember Cooke moved that the Council adopt a resolution to select the firm of Holt-Fatter-Scott for architectural services for the construction of Doris Miller restroom alterations and Metz Recreation Center Addition, CAPITAL IMPROVEMENTS PROGRAM No. 78/86-21. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### ELECTRIC TRANSMISSION LINE LICENSE

Councilmember Cooke moved that the Council adopt a resolution to authorize entrance into an Electric Transmission Line License with the Missouri-Pacific Company. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### CONTRACTS APPROVED

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

J. T. WAGGONER CONSTRUCTION  
COMPANY  
1825 Oak Hill Lane  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Neans Drive 8"  
Wastewater Mains - \$94,209.00  
CIP No. 73/50-02

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

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

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

ROBERT HURST COMPANY, INC.  
1506 Karen  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Davis Lane 24"  
water transmission main, Phase 1 -  
\$62,876.00. CIP No. 75/40-14

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

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

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

JOE McDANIEL  
15203 Highway 71 West  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Davis Lane Reservoir  
Yard Piping - \$62,680.00  
CIP No. 73/40-30

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

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

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

C. L. SYSTEMS, INC.  
81 Norwood Avenue  
Newtonville, Massachusetts

- Computer Code Labels, Austin Public  
Libraries.  
Twenty-one month Supply Agreement -  
\$18,000.00

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

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

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

McKESSON CHEMICAL COMPANY  
4351 Director Drive  
San Antonio, Texas

- Sulfuric Acid, Power Production  
Division.  
Twelve month Supply Agreement  
Item No. 1 - \$58.97/ton, est. 175  
tons. Estimated total - \$10,319.75

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

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

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

CONTROL DATA CORPORATION  
7719 Wood Hollow Drive  
Austin, Texas

- Stock Paper, General Services  
Division.  
Item 1 - \$5,519.50

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

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

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

LAYNE TEXAS COMPANY  
Box 9469  
Houston, Texas

- Acidizing for four water wells  
at Municipal Auditorium -  
\$9,200.00

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

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

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

HURRICANE STEEL INDUSTRIES  
P. O. Box 19128  
Houston, Texas

- Galvanized Traffic Sign Posts,  
Urban Transportation Department.  
Twelve month Supply Agreement  
Item 1a - est. 1500 ea. @ \$5.94  
Item 2a - est. 3500 ea. @ \$4.95  
Total - \$26,285.00

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

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

#### PARKING METER ZONES

Councilmember Cooke moved that the Council adopt a resolution to authorize the following parking meter zones:

#### DELETE:

| <u>METER ZONE</u> | <u>STREET</u> | <u>LOCATION</u> | <u>SIDE OF STREET</u> |
|-------------------|---------------|-----------------|-----------------------|
| 30/60/90/120      | Lavaca        | 500-900 block   | East and West         |
| 30/60/90/120      | West 9th      | 300-400 block   | North and South       |

#### REESTABLISH:

|              |          |               |                 |
|--------------|----------|---------------|-----------------|
| 30/60/90/120 | Lavaca   | 500-800 block | East and West   |
| 30/60/90/120 | Lavaca   | 900 block     | East            |
| 30/60/90/120 | West 9th | 400 block     | North and South |
| 30/60/90/120 | West 9th | 300 block     | South           |

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

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

## PUBLIC HEARING SET - PARK LAND

Councilmember Cooke moved that the Council set a public hearing on the alternative use of park land, South 1st Street and Riverside Drive, for May 18, 1978, at 7:00 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## NUMBER OF POLICE SERGEANTS DECREASED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, AS AMENDED BY ORDINANCES NOS. 771215-A AND 780119-F, TO DECREASE THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE CIVIL SERVICE CLASSIFICATION OF POLICE SERGEANT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Councilmember Mullen, 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.

Councilmember Mullen commended this action. He said there are always so many additions to the budget and he is pleased to see some deletions appearing.

## INDUSTRIAL WASTE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTE INTO THE SANITARY SEWERAGE SYSTEM OF THE CITY OF AUSTIN BY REPEALING SECTION 612 UNIFORM PLUMBING CODE (AMENDMENTS) OF CHARTER 42 OF THE AUSTIN CITY CODE OF 1967 PROVIDING A NEW SECTION 612a THEREFOR; DEFINING TERMS; PROHIBITING DISCHARGES OF CERTAIN SUBSTANCES INTO SANITARY SEWERS; PROHIBITING DISCHARGE OF DRAINAGE WATER INTO CATCH BASINS AND HOLD-HAUL TANKS; PROVIDING SPECIAL REQUIREMENTS FOR CAR WASH FACILITIES, SERVICE STATIONS AND SIMILAR INSTALLATIONS, MACHINE SHOPS, GARAGES, SPECIAL MANUFACTURING FACILITIES, AND STEAM CLEANING AND CHEMICAL CLEANING FACILITIES; PROCEDURES RELATING TO INDUSTRIAL WASTE; PROVIDING LIMITATIONS ON DISCLOSURE OF CONFIDENTIAL DATA; PROVIDING REMEDIES FOR A VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING REMEDIES AND PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.



Councilmember Cooke 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 Mullen, 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.

#### ZONING ORDINANCE CHANGES

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:

A 2.493-ACRE TRACT OF LAND, LOCALLY KNOWN AS 7901-7907 SOUTH FIRST STREET, AND ALSO BOUNDED BY DITTMAR ROAD (ALSO KNOWN AS WEST BOGGY CREEK ROAD) AND BOGGY CREEK, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Bill Milburn, Inc., C14-74-028)

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

AN 11-ACRE TRACT OF LAND, LOCALLY KNOWN AS 11508-11632 U. S. HIGHWAY 183 AND 11363-11505 JOLLYVILLE ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT AND "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. (Truman H. Montandon, C14-77-149)

Councilmember Cooke moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Councilmember Mullen, 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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
TRACT 1: LOTS 6-11, BLOCK 2, OUTLOTS 72 AND 73, DIVISION E, BRIDGEVIEW SUBDIVISION, AND AN APPROXIMATE 21,739-SQUARE-FOOT TRACT OF LAND; AND,  
TRACT 2: LOTS 16-23, BLOCK 3, OUTLOTS 72 AND 73, BRIDGEVIEW ADDITION; AND  
TRACT 3: A 5,542.4-SQUARE-FOOT TRACT OF LAND; AND,  
TRACT 4: A 5,542.4-SQUARE-FOOT TRACT OF LAND; AND,  
LOCALLY KNOWN AS 44-48, 43-1/2 - 51, 55-1/2 AND 59 RAINEY STREET, AND ALSO BOUNDED BY BIERCE STREET; FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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. (Mildred W. Miller, C14-77-120)

Councilmember Cooke moved that the Council waive the requirement for three readings, and finally pass the ordinance. 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

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:  
A 1.25-ACRE TRACT OF LAND, LOCALLY KNOWN AS 12938-12952 U.S. HIGHWAY 183 AND FATHOM CIRCLE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Joe Gilbreth & Co., C14-77-171)

Councilmember Cooke moved that the Council waive the requirement for three readings, and finally pass the ordinance. 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

The Mayor announced that the ordinance had been finally passed.

## ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 9:45 a.m. Pursuant to published notice thereof, the following zonings were publicly heard:

|   |  |  |
|---|--|--|
| FOREST M. CRUSE,<br>SR.<br>By Dale O. Johnson<br>C14-78-025 | 2612-2614 South 1st<br>Street<br>600 Cumberland Road | From "A" Residence<br>1st Height and Area<br>To "C" Commercial<br>1st Height and Area<br>NOT Recommended by the<br>Planning Commission<br>RECOMMENDED "O" Office,<br>1st Height and Area |
|---|--|--|

Mr. Lillie, Director of Planning, reviewed the application by use of slides. MR. DALE JOHNSON, representing the owner, said the property in question is under contract for sale pending the granting of the zoning. MR. MENESES, who plans to purchase the property, said he needed to have "GR" General Retail, or "C" Commercial zoning in order to have a place for his business office, a pick-up truck, and an air compressor. Mayor Pro Tem Trevino asked Mr. Meneses if he would accept "GR" General Retail with a restrictive covenant to operate his engineering business. Mr. Meneses said he would.

Mayor Pro Tem Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, with a Special Permit; or grant "O" Office, 1st Height and Area District if Special Permit is not approved; with a friendly amendment by Councilmember Goodman, accepted by Mayor Pro Tem Trevino to include a 6-foot privacy fence on the north and west side with either "GR" General Retail or "O" Office zoning. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, with a Special Permit; or if Special Permit is not approved, grant "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Withdrawn

|                                |                       |   |
|--------------------------------|-----------------------|---|
| RUDOLPH WILLIAMS<br>C14-78-030 | 1906 East 18th Street | From "A" Residence<br>1st Height and Area<br>To "B" Residence<br>1st Height and Area<br>NOT Recommended by the<br>Planning Commission |
|--------------------------------|-----------------------|---|

Mr. Lillie reviewed the application by use of slides. Mr. Williams appeared and said he thought he had "B" Residence zoning, but when he went to get a building permit to move a building on the property, he found he did not. He wanted to make the building into a four-plex and said he has arranged to have traffic inverted from the alley. MS. MYRTLE HUNT appeared and is against the re-zoning. She said that 18th Street is narrow and they do not need the traffic from a four-plex. MS. WILLIE RISCHER, 1903 East 18th Street, appeared before Council to urge them to keep the zoning as it is. MS. EDITH NELSON, 1701 Poquito Street, appeared before Council asking them to uphold the recommendation of the Planning Commission.

#### Motion

Councilmember Snell moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion was seconded by Councilmember Goodman.

Mr. Williams re-appeared before Council and said he wanted the people of the neighborhood to know that he intended to move the building on to the lot and that he would make it into a duplex, since it is allowed under "A" Residence zoning. He also requested Council to let him withdraw his request for "B" Residence zoning.

#### Substitute Motion

Councilmember Mullen moved that the Council allow the applicant to WITHDRAW his request for "B" zoning. 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

#### MAYFAIR DAY

Councilmember Mullen moved that the Council approve the request of MR. TOM W. JOHNSON, Secretary of Adult Services Council, for a no-cost transit fare for persons 65 and older on Mayfair Day, Saturday, April 29, 1978. The motion, seconded by Councilmember Cooke, 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

Councilmember Mullen moved that the Council adopt a resolution to authorize a special "no cost" transit fare for citizens 65 years of age or over on Saturday, April 29, 1978, in conjunction with the Annual Mayfair Day. The motion, seconded by Councilmember Cooke, 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

## PERSONAL EXPERIENCE RELATED

MS. KAY KAISER appeared before Council to relate a personal experience.

## FOOD AND BEER SALE REQUEST

Mayor Pro Tem Trevino moved that the Council approve the request of MR. JACK EVINS, Hyde Park Neighborhood Association, for permission to sell food and beer at Shipe Park, 45th and Avenue G, from 9:00 a.m. to 4:00 p.m., Saturday, April 22, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Cooke, Himmelblau

## TOWING AND WRECKER BUSINESS

Mayor McClellan opened the public hearing scheduled for 10:00 a.m. on an ordinance amending Article VI of Chapter 34 of the Code of the City of Austin which regulates Towing and Wrecker Business.

MR. JONATHON DAVIS, Assistant City Attorney, appeared before Council to tell them a little regarding the history of the Wrecker Ordinance. He said it was initially enacted in 1975 and has been amended once, in 1976. About a year ago, he said, former Councilmember Lebermann got Mr. Shortes of the Student Attorney's office and Mr. Davis together to look at proposed amendments to the ordinance. Mr. Shortes, Mr. Davis and members of the Police Department worked up an ordinance which the Council received. Recently, he said, Councilmember Goodman asked them to bring the ordinance before the City Council with amendments. Mr. Davis said that he told him they had had neither wrecker industry nor citizen input on the ordinance. About a month ago, Mr. Davis said he began meeting again with Mr. Shortes, and Mr. Carl Pettus and Mr. Joe Miglaccio of the Independent Garagemen's Association. In theory, he said he and Mr. Shortes agreed with many of the objections the industry had and thinks they held firm on some of the proposals of the industry. As a result, Mr. Davis said, yesterday he received the recommendation of the Independent Garagemen's Association in the form of a packet of information which he believed Council also received. Mr. Davis said he is not here today to recommend passage of either ordinance, but is here to hear from citizens who may have a problem that has not been addressed or that may have a problem they have addressed. Councilmember Goodman stated he concurs with Mr. Davis' assessment. He recommended Council proceed with the public hearing and have a final vote some time in the future when Council has had a chance to study both ordinances and details have been worked out.

MR. PHILLIP PATMAN, legal counsel for the Independent Garagemen's Association, Automotive Service Association, which is a statewide trade association of 2,500 members, said the Austin Chapter has 250 members. He referred to the draft of the ordinance which had been placed before them yesterday. He

asked their indulgence in getting it before them so late, but he said, it is a complex problem as well as a complex piece of proposed legislation. He said that the proposal presented to Council on legal size paper yesterday is by no means the proposal of the I.G.A. He said their's would have been substantially different in some respects. Mr. Patman said he wanted to correct any impression that the draft is an industry draft. He said it is a compromise that they have worked out with Mr. Shortes and, speaking for the industry, although they are not wholly satisfied with the contents he believes it represents a reasonable compromise between the interests of the consumers and the requirements of industry. Mr. Patman then pointed out two specifics:

1. An economic fact is that a well-equipped new vehicle for safe wrecker service costs about \$15,000.00. Unless operators who are competent and responsible business people are permitted to earn a return on the size of investment, then there will not be competent and responsible wrecker service.
2. An addition proposed in the legal sized draft (Council received yesterday) for the establishment of a new City board or commission would be called the Wreckers Standard Commission. It would act in an appellate capacity to review decisions in respect to the suspension or revocation of permits for wrecker service operations. Administrative decisions would first be made by the Chief of Police or his designee. Consumers would be represented on the proposed commission. Public hearings would be held before a decision of revocation or suspension is reached.

MR. JOE MIGLACCIO, President, Austin Chapter I.G.A., appeared before Council to state that he has spent a lot of time in the drafting of the ordinance. He said it is necessary to control the wrecker business because some of the operators are not reliable and resort to chicanery. He thinks that the City should have the power and right to be able to revoke a license, but there should be safeguards in the ordinance. He felt it was very serious to the operator to have his license revoked and he did not think this should rest with the Chief of Police, City Manager or City Council. He urges the setting up of a Wreckers Standard Commission to keep a control on the wrecker industry, with right of appeal to the City Council.

MR. RON SHORTES, Director, University State Attorney's Office, appeared to say his office represents both the wrecker industry's clients and victims. He said he concurs with the need for a Commission and feels that with a good ordinance there would be very few violations. Under the current ordinance a wrecker company who is in violation, just had to change their name, file a permit at the Court house and be back in business the next day. He said that the revisions in the ordinance are needed for the few people in the business who do not conduct their affairs properly.

MR. CHUCK MUNSON appeared before Council to relate an unpleasant experience his wife recently had. She parked her car near Ginnie's Copying Service for ten minutes. When she came out, she discovered her car had been towed away, with no information given to the police concerning its whereabouts. When they finally found the car, it cost \$20 to retrieve it. He said he objected to the whole practice and attitude of the wrecking company, and the fact that their car was in the hands of someone else for a time who could do anything they wanted to, to the car.

MR. JOHN MOEN, who is in the Constable's office, said he believes a surety bond should be required of members of the wrecker industry.

JESSE REVELL, who owns an auto body shop 1.8 miles out of the City limits, opposed the fact that the ordinance says you have to operate within the City of Austin. He said the new ordinance, as proposed, will jeopardize his business. He said he does not use his tow trucks to impound cars, but is interested in the repair work.

Mr. Davis said that the stipulation of a business being within City limits was put in because some permit holders, under the present ordinance, tow cars way out of the City limits. He said the Police Department asked them to limit the ordinance to include only the City limits. He said he has heard a suggestion to allow 500 feet outside of the City limits, but that so far the ordinance restrictions are not locked in and they could consider the Extra-territorial Jurisdiction as the limitation.

At this point, Mr. Patman, Mr. Revell, and Mr. Miglaccio came back to the podium to reply to some of the points made by other speakers.

Mr. Carl Pettus appeared to state that he feels the new draft of the amended ordinance is a very good one.

Councilmember Cooke moved that the Council close the public hearing and leave the date open for bringing the amended ordinance which regulates the towing and wrecker business, back to the Council. 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

#### WILLIE NELSON DAYS

Mayor McClellan read a proclamation, which was accepted by MS. REVA BYRD on behalf of the Women's Symphony League. It designated the weekend of April 8 and 9, 1978 as Willie Nelson Days. Ms. Byrd thanked the Mayor for the proclamation.

#### PUBLIC HEARING - VACATING PROPERTY

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. on vacating of property and passage of ordinance. Mr. John German, Director of Public Works, said, "This is a public hearing to consider vacating a portion of the right-of-way of South 1st Street, located south of Oltorf. A small piece, about 2.7 feet into the right-of-way, and 28 feet long. This area was originally dedicated by Mrs. Rountree for additional widening on South 1st Street. However, an error was made in the survey and her house is actually now encroaching into this right-of-way." Councilmember Goodman asked if everything is in order. Mr. German said it is, that it was reviewed by the Planning Commission and they recommended approval.

Motion

Mayor McClellan introduced the following ordinance:

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

Councilmember Goodman moved that the Council waive the requirement for three readings, and finally pass the ordinance, vacating a strip (2.7 feet wide by 28.2 feet long) of South First Street right-of-way, adjacent to Lot 2, Milda Rountree's Addition, locally known as 2301 South First Street. 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

The Mayor announced that the ordinance had been finally passed.

MS. DOROTHY OWENS, attorney, said that this vacation was subject to the house not being removed. She said that the night before a gentleman ran into the house with his car and as a result the house has been torn down, but she does not want that considered as the same as the house being removed. Ms. Owens said the house will be put back together. Mr. Harris, City Attorney, answered her that would not be considered a voluntary tearing down. Ms. Owens said she realized that and wanted the facts on record.

MS. MARGARET LUERRA, who lives across the street from the vacation, appeared and asked for an explanation of same. Mr. German reviewed the application for her by use of slides. He explained that the right-of-way of South First Street has been widened as a result of the dedication.

#### BRACKENRIDGE HOSPITAL

The Council had before it a resolution to consider policy decisions concerning Brackenridge Hospital and the Health Systems Study.

Mayor McClellan opened the discussion by stating:

"This is one of the major issues that this Council has been dealing with, a very important issue to all of this community. Council, we have before us in our agenda backup material...by the way we have had extensive study on this... a number of options before us, three well-attended public hearings. We have before us from the staff at least five policy decisions that we should address... in order that they are listed. First of all, the responsibility for the management of Brackenridge Hospital should be determined. Secondly, the appropriate role of the Hospital Advisory Board should be established. Third, the responsibility for development and management of medical assistance program for the indigent with the suggestion that this should be centralized under one agency, the Austin-Travis County Health Department, and this decision is being recommended under any of the alternatives that are now being, or have been



studied for management of the hospital. Fourth, the 1977 CSA Gross Income Scale to be adopted as a basis for determining the eligibility for the medical assistance program, and the fifth point there that is made in the memorandum is the City staff be authorized to renegotiate portions of the existing CTMF... Central Texas Medical Foundation contract. I said I think we have had extensive input on this particular issue, and Council is ready for action."

Councilmember Himmelblau told Council that she has a motion which takes in the majority of the points mentioned in Mr. Davidson's memorandum. It is as follows:

Motion

Councilmember Himmelblau moved that the Council adopt a resolution that Brackenridge Hospital remain under the management of the City of Austin; that the budget for the Medical Assistance Program be placed with the Austin-Travis County Health Department, and that the City Manager prepare options for administrative and policy procedures for determining eligibility requirements and present these options to the Council for approval; and that the 1977 CSA gross income scale be adopted as a basis for determining eligibility for the medical assistance program.

Councilmember Mullen said he wanted to make a request "that we divide the question." The Mayor agreed and asked Councilmember Himmelblau if she is agreeable to dividing the question. Councilmember Himmelblau answered, "Yes."

The major issue, said the Mayor, is the responsibility for the management of Brackenridge. The motion and second before Council now is, "That Brackenridge Hospital remain under management of the City of Austin." Councilmember Mullen stated he wanted to hear some points justifying that position.

Following is a transcript of the statements made by Councilmembers:

HIMMELBLAU: Well, I think that those have been made loud and clear throughout the past week. Some of my colleagues may want to comment on it. I have been fairly vocal.

MAYOR: I have commented repeatedly repeatedly, publicly stating my reasons numerous times and I am sure those are on record in Grace's minutes and on the tapes, dating back to when this Council first received first phase of the completion of the Peat, Marwick, Mitchell study, at which time I asked for the alternative if the City continued operation, what could we do to make it more efficient and also facts and figures so that we can compare continued City operation with what Peat, Marwick, Mitchell was proposing, following on up into the fall, when I asked..when we received completed Peat, Marwick, Mitchell health study, I asked again for the alternative..two things..I asked for information about hospital authority and also the alternative of if the City continues operation, what do we need to do to make that the most efficient, best facility possible still delivering that good quality health care that is being delivered at Brackenridge Hospital. We received that alternative. We received pretty soon after that information on hospital authority. We received from the City Manager in answer to my request on what if the City continues City operation of Brackenridge Hospital, what steps should be taken. We received that in December. We have since had several public hearings and have spent extensive months and hours on this very important issue.

I might address this a little bit..the hospital authority since that was something that I pursued a great deal while also looking at continuing City operation of Brackenridge, but I do not believe that there are significant advantages in having a Hospital Authority. I think there is more advantage to continuing City operation of Brackenridge.

Without enumerating all the things that have been said in the past, I might hit a few of the points. One, with the Hospital Authority, it would still be a matter of people who are not accountable to the tax payers, spending tax payer dollars, the bottom line subsidation by the City, with no control over the charges. Again, the City is paying the charges for care..versus where we are actually paying the cost for care. The daily operations of the Hospital Authority will still be political. The Board members would be appointed by the Council. Anyone who wanted to complain to the Council, I am sure would still continue to do so, since City money would be spent. A hospital authority... many people have said, whether publicly or privately, that they object to a fact that a hospital board has to conduct all its meetings in open meeting... a hospital authority would be subject to the same open meetings law as the hospital board currently is. Actually, I think there are times when you are dealing with medical care for the indigent that it is well and good that that business is conducted in the open. But you would certainly continue receiving full press coverage with the hospital authority just as you do with City operation of Brackenridge Hospital. The authority could issue revenue bonds, but couldn't tax...back to the bottom line subsidation by the Council. The City could not transfer its general obligation bond indebtedness to the authority, would still be responsible for capital improvements.

Let me speak briefly to why continue City operation of Brackenridge Hospital, and I have been very consistent on this, actually, dating clear back to the time when...it seems eons ago..it was actually not much more than a year ago when I was on the campaign trail, and I was not willing to commit to the City writing off responsibility of Brackenridge Hospital. I have said repeatedly that I think the real responsibility of this Council, and it is a responsibility of municipal government to deliver quality health care to all the citizens of this community. We have also talked to the fact that we need to adopt a comprehensive health care delivery package. Brackenridge Hospital is one part of that comprehensive health care delivery package. Certainly our responsibility is to the citizens in this community. We cannot continue to cover the costs for those outside of this community, and with the help of Councilwoman Himmelblau and a lot of efforts there, you now have the other counties, certainly Travis County too, picking up their share of the cost.

Many of our past difficulties on City operation of Brackenridge Hospital have centered around a continuing construction program, and major inadequate facilities. The construction program is almost completed, and the hospital will now have adequate facilities. Parking has previously been a source of complaints and conflict. We now have adequate parking. We can fit into a comprehensive health assistance program for the indigent to be administered by the Health Department. Neighborhood clinics will be another very key part of the program. We can work through a strengthened hospital advisory board to minimize past decision-making problems. I think whether in fact..I think it can be done without Charter changes. I think that we can most certainly strengthen the hospital advisory board, and not be involved in day-to-day decisions at Brackenridge Hospital..this Council as such not be involved. I think we can de-politicize the hospital and yet continue City operation.

What you get down to really is that we have had a great deal of attention on the part of medical staff, the staff at Brack, hospital board, the Council, CTMF, all the entities that cooperate to make for a successful operation there. I think that it makes sense to retain public control of this very unique hospital, which combines both care for the indigent and private care, and which spends public dollars for health care for our citizens who cannot afford that health care. And I think that it can be cost effective, and I will point to recent experience there. I think certainly the administrators there have an impact on that, but also the attention that has been given by all these entities, and with some decisions that have already been made, and I think that this Council is willing to make business-like policy decisions that are needed, and that this Council is willing to make the tough decisions necessary, and I happen to think that we have a very fine thing going at Brackenridge Hospital, and with the addition of some of the decisions and policies, some of them that we are getting ready to address this morning, and it will continue as a very outstanding facility for delivering health care in this community under City control.

MULLEN: Okay, could I speak now for 10 minutes?

MAYOR: Well, you asked for my reasons why...

MULLEN: I would like..I would like to have the same amount of time if I could, because sometimes you get into..sometimes we get into a debate and I don't get to finish, and I would like to kind of answer you now that I have kept quiet and have the same type of forum if I could.

First of all, you spoke of being consistent on the issue and having made up your mind..or maybe not made up your mind, but you were basically on this idea even when you were running. I see no use in having open forums and studies and etc., if you have made up your mind ahead of time. I have not made up my mind, did not make up my mind until two weeks ago. I think Brackenridge Hospital..you should have gone..had an extensive study, extensive study, if Brackenridge Hospital is doing very well. Mr. Spurck and Mr. Trimble are doing excellent over there. You said this Council is going to have the ability to make those hard decisions when it comes time to, and that's great..I hope we can. But how about the next Council, how about 5 years from now when Trimble and Spurck aren't here. And I usually question whether or not we are going to be able to make those hard decisions like..advice that has been given by every competent and experienced person..the \$200,000 we paid for on studies..the hundreds of citizens that have put their input into studying this thing..many, many more hours than Mrs. Himmelblau or you or I or anybody has spent on this thing..they all came up with get it away from the politicians. And I think most of us feel like there is a problem there, that it should be gotten away, and maybe it is a question of time, I don't know, but I am saying the time is now. Let's do it now. The advice of our own hospital advisory board 7-0, when it was a decision of leave it like it is or move it to a hospital authority, was to move it, 7-0, all over this country, communities are recognizing the need to get hospitals away from politicians, because decisions are made for votes too often, and not for the right reasons.

I think there has been a misunderstanding, you know, some of the employees..by some of the employees what would happen. Under hospital authority by contract they would not lose any benefits, those would be transferred. Retirement

benefits would be transferred. They would be protected. There is not any problem there with the employees losing anything, as far as their present benefits. The indigent and the near poor would be protected the same way, by contract. It just really concerns me that we have gotten down to where this is a political question instead of one based on what all the things that we have paid for, all the studies that we have paid for indicate we should do. And now, as politicians it is beautiful to see that we don't take that advice. And that is a good indication of why it should be moved, because when good advice comes down, and it gets down to the bottom line and it is hard decision time, we back off, and that's why I am for a hospital authority to go along with all the good advice we have had.

MAYOR: May I just say one thing, Mr. Mullen, I don't think this ought to boil down to a personal debate between you and me..

MULLEN: I agree.

MAYOR: You don't intend it and I don't either, but there was one thing you said that I want the record to reflect correctly. You were implying that I had my mind closed before we started it. That is not what I said. What I said was at the time of campaigning, I was not ready to write off the hospital. Let me be very specific. The League of Women Voters put out a questionnaire, do you favor continued City operation of Brackenridge Hospital. I was the only one in my particular race that put on that one question, "I don't know." Because I did not know at that time. Everyone else said, no, you know they were ready to write it off. I said I was not ready to write it off at that time. I most certainly have listened with a very open mind, and that's why..you know, after receiving the Peat, Marwick, Mitchell study, I was asking for other alternatives for us to look at. I didn't think all the questions were answered. I think this Council has gleaned a number of ideas from that Peat, Marwick, Mitchell Health Study, some of which we are about to address today, so I don't think, you know, that the whole report was not worth anything or that the citizens' input was not worth anything. I don't think we would have the hospital in the shape it is in today, without that type of attention being paid to it. You know, Peat, Marwick, Mitchell..you know, we put \$200,000 into it..they didn't recommend the hospital authority.

MULLEN: But they did recommend moving it..

MAYOR: You know, I think that we gleaned..

MULLEN: ..as an option, and I hope that you don't try and say that they did not recommend, that they in any way indicated that we should leave it like it is, in no way..

MAYOR: I don't think any of us up here are accepting en toto what has been recommended.

MULLEN: Okay, I appreciate your letting me speak, and that's all I have to say about it. Thank you.

COOKE: I guess you are going to give me a chance to speak?

MAYOR: Sure.

MAYOR: Anyone else that wishes to speak.

MULLEN: Also Mr. Snell had a good question, as how do we do it. You have got to vote for something, but how do we do it?

MAYOR: Well, that's..strengthening the hospital board, I think, will be a different part of the motion, but we had a couple of suggestions made in the report at our last public hearing on making all recommendations go to the hospital board..put it on a separate agenda, then the hospital board would be.. all their recommendations would be considered with a consent motion. In effect you will wind up doing what we did with the emergency room procedure..you in effect vest them with that authority whether you do legally or in fact. In practice you invest them with that authority. That was one suggestion. There are other suggestions to direct the City Manager to work with the..

MULLEN: Well, the thing I question on that is we are giving them the authority without the responsibility, and..

MAYOR: We have the responsibility.

MULLEN: You are right, and you are saying give them automatic authority and automatically consent motion, but we are still assuming the responsibility.

MAYOR: You can always vote no..

MULLEN: Then you are not changing anything.

MAYOR: Well, you talk about are you..are you in practice going to give them more authority. I for one think that we can strengthen the hospital board and.. as I said, I was cut off in the middle of the other part of it which was that.. the other suggestion was directing the City Manager to work with the hospital advisory board and the administrator and come back to us with some recommendations on expediting the decision-making and simplifying the red tape or any layers of the administration that people have to go through. And I think that probably under our direction, they could come back to us with a number of specific suggestions on how we can invest more authority with the Board. Obviously, the buck stops here. The responsibility stops here with this Council if we vote to continue City operation of Brackenridge Hospital. But there are ways that we can in fact let that board operate with more authority.

MULLEN: I would like to hear it.

GOODMAN: I would like to hear the details for the hospital authority. This is a conceptual plan that we are approving today, and the details in an incredibly complex topic like this just could not be before us today until we decide to make a commitment, Ron. It would be a foolish waste of thousands of dollars to prepare those specific details and then have them rejected for example. We must make a commitment first before we spend that money.

MULLEN: I would like to hear the motion again, maybe on that portion, because..

COOKE: I guess the concerns that I have, and first I would like to address some of the things that the Mayor has spoken to, and then make some other comments. One of the things specifically that..and I am not just directing it at the Mayor. I think all of us have spent a great deal of time looking at the various alternatives. There were a number of comments as to why a hospital authority might not work, or wouldn't be any more advantageous than continuing City operation. It is still my contention that Hospital authorities and hospital districts in our state and across the U.S. do work, and regarding de-politicizing the hospital authority that we would appoint those members every two years. I believe that what a number of hospital authorities have done across this country is they run them on a staggered term concept, something we have even talked about with regards to having more consistency in our governmental process.

Some things that were mentioned, though, is that our construction program is complete, yet at the same time there are recommendations being made that we want to pursue continuation of our construction program to bring some of the other services in the hospital, and thus close down the old building. So I wonder if the hospital construction program would be complete..in fact I have serious reservations as to whether because of the fact that over the last 10 to 12 years, the construction program which has passed before several Councils and has created inconsistency in delays and timing, that we should continue to promote a construction program even with the advantages I have heard at this point.

Another point is that..and certainly if any citizen in Austin wants to go and look at the new facility that is about to open, they will be not only impressed, they will be amazed at what we are going to have, and the Mayor addressed adequate facilities and certainly they are going to be adequate..probably the most adequate facilities in the entire Southwest. But I wonder, even though we are talking about like a new building, to try to promote doctors and physicians to come back to Brackenridge..does that mean if that doesn't happen, we are going to have adequate facilities? You know, that is a question that I have in regard to whether we do have or will have adequate facilities, because there is no assurance right now that that facility is going to be constructed. I wonder, because it was mentioned by the Mayor, that we will strengthen the hospital board. How are we going to strengthen them..exactly what? Maybe I will hear that from different comments that will be made today. But I still wonder how we are going to do it.

The comment was made that this can be better. It can be and it might be, but I think that we deserve to talk more in terms of "it will be," and I am not so sure that it will be. As far as the long term business effect, I have concerns..I have more concerns with regard to the attitude of the medical society because we are hinging a lot right now on whether the doctors will come back to Brackenridge, even with the new facility, and with the understanding and the attitude that I hear, if they don't come back and they don't participate in a new building, where will we be with regard to bringing up that percentage with regard to private paying patients, so that we can more adequately run our hospital..not in the black but at least less in the red than it is. I certainly wanted to see our City move out of the day to day management and put it in the form of an independent board, and although some have said we don't want to create a new taxing authority in Austin, Texas, I would still lean toward that concept over leaving it in somewhat of a vague standard with regard to the increasing cost at Brackenridge.

And I don't think that I along with any of the Council members, want to see a situation that does not insure good quality health care for indigents and near poor and the citizens of Austin, and I think that that could have been addressed in a formal contract, which several have been drafted and have been floated either by our legal staff or by private groups. I too question what Mr. Mullen has said, as what will the..when the pressure is off, and it is not necessarily going to be off today, but when it is subdued, and it has been on for the last two years, what will happen. I do feel, yeh, we are a million dollars under budget right now, but what happens when the summer months are upon us, and anybody that observes hospitals knows that the winter months are where you have a much more effective system because you have more people that are sick, and you can fill your hospital and you can show a better situation.. when we add about 40 new employees to meet the new staffing for the emergency room. And what if the doctors don't come back? How are these types of things going to effect us being one million dollars under budget, and remember it is not a million dollars in the black..it is a million dollars under budget, reducing the amount we are in the red.

I guess in good conscience with these types of questions and concerns that I have about what has been said so far today, I couldn't in the best interest of the citizens of Austin vote for us to stay in the hospital business.

MAYOR: Thank you, Lee. Anyone else that wishes to speak?

GOODMAN: I would like to say a few words, Mayor, only because it is such an important topic, and the first point that I would like to make is that we are not now shutting the door on any of those other options for the future, and I think that must be very clearly understood. We are making a commitment at this time to..to continue to encourage the improvements that have been made at Brackenridge Hospital. We have a responsibility..our first responsibility to the people that that hospital serves, over 350,000 in our City, and to do that as cost effectively as possible. This compromise plan that is before us today does not contain all of the elements that I would like to see in it, and I don't think I have all of the answers either, but I do think that what we need at this time is some harmony..no demogogary and no divisiveness, but to determine what is best at this particular time and to continue to examine those longrange options. There are some considerations for example, that I have concerning the hospital authority that even with staggered terms would still make it a political body..to give it bonding authority could end up costing the citizens of Austin millions of dollars and that is our over all responsibility to them.

So before I would vote on a hospital authority, I would like to see a detailed plan as to how much it actually would cost the citizens of Austin. And I see no detailed plan on that..before us today. I am enthusiastic that we can bridge any gap that has resulted in our relationship with the physician community, and I would hope that others would join us in that respect, to provide the environment for Brackenridge to continue to be a good facility. I endorse the motion.

MULLEN: I certainly appreciate Mr. Goodman's comments on keeping it open about the future, because I do know that there has been discussion on the possibility of doing this in the future politically..as we approach this thing it was stated that it would not take it out of the political process. That's guaranteed, it would not totally take it out of the political process. This is a compromise. This is in response to the indigent and near poor to try to make sure that they have input. That was desirable I thought by all the members of the City Council.

It is just that it takes it a step further away from day to day operation by the folks that have to be elected directly. They are worried about votes, instead of worried about the total operation being efficient, cost effective, and still delivering the health care system properly in Austin.

There is a fear which I think is unfounded many times. It is a fear of the unknown. I can understand it, but if we compare it to the..what's happened in all of this country, it is working, by taking it out of the hands of the politicians. And I, too, agree with you, Richard, that there is no formal hospital authority document in front of us. What I would hope today is that we would instruct the staff to come back with such a document.

GOODMAN: That will remain as an option even though we implement this concept here today. That will remain as an option for us to continue working..work on the details, so that we can see, what it will actually cost the people of Austin.

#### Motion

Councilmember Mullen moved that the Council instruct the City Manager to come back with some options on a hospital authority, a document showing how we can do it. The motion was seconded by Councilmember Cooke.

Mayor McClellan said there was already a motion on the floor, and since Councilmember Mullen had asked to separate out the different elements of that motion, she thought they should vote on the first motion before having a second one, but that Councilmember Mullen's motion can be addressed separately.

SNELL: I think we all should have an opportunity to express ourselves. I don't have much to say, but I just want to put emphasis on one thing, and there is a change, and the change is, I think the main change that I am looking forward to, is giving the advisory board of the hospital more authority. How we do it, doesn't matter. We need to give the advisory board more authority and for the City Council and the advisory board to work closer together. I think this would be the secret to carrying out what we are trying to do today. In the past we very seldom contacted the advisory board unless we were in trouble or something. I think in order to carry out our objectives we must work closely with the advisory board.

MULLEN: You know every two years this seems to be a political issue. The employees at Brackenridge Hospital get kicked around every two years.

SNELL: I don't know.

MULLEN: It seems to me like insulating them a little bit, would be helpful rather than harmful.

SNELL: This is one thing that I certainly appreciate getting a lot of input.. a great deal of input from the citizens, even though we did have a report given to us as to what they thought was best for us to do. I think that..my decision is, and made solely upon some of the reports we were given, but mainly upon the advice that came from the citizens that we are serving, be it professional or non-professional..I think that we receive quite a bit of input from the citizens and I think that this is one time that we.. I feel as though we were right in listening to what they had to say.



MAYOR: The motion simply was speaking to continuing City operation of Brackenridge Hospital. You wanted to divide the motion. We have divided a number of issues. The only motion that is on the table right now is to continue City operation of Brackenridge Hospital. I assume that following that action, we will have some direction given to the City Manager on a number of these issues.

MULLEN: Could I..okay.

MAYOR: Councilmembers, anyone else wish to speak?

Roll Call (First part of motion)

Roll call on Councilmember Himmelblau's motion, first portion, that the Council adopt a resolution on continuing City operation of Brackenridge Hospital, showed the following vote: (motion)

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

Noes: Councilmembers Cooke, Mullen

Councilmember Cooke made the following statement at the time of roll call: "Again, I feel this is a long term poor decision for the citizens of Austin, and I vote no."

Councilmember Goodman made the following statement: "The long term situation can still be completely wide open. I vote yes."

Councilmember Cooke made this additional comment: "That's true, Richard, it is still wide open, but we have expressed an intent of direction, and I find it hard that we will reverse that intent while we are all on the Council; even if we had several proposals. We have spent \$200,000 for one proposal and we rejected that." Councilmember Goodman answered, "I didn't vote for that." Councilmember Cooke replied, "I realize you didn't. I am just saying that you know this is an important policy decision. I feel like it would be hard to turn it."

Roll Call (Second part of motion)

Roll call on Councilmember Himmelblau's motion, seconded by Councilmember Goodman, second portion of motion, to adopt a resolution that the budget for the Medical Assistance Program be placed with the Austin-Travis County Health Department, and that the City Manager prepare options for the administrative and policy procedures for determining eligibility requirements and present these options to the Council for approval; and that the 1977 CSA Gross Income Scale be adopted as the basis for determining eligibility for the Medical Assistance Program, showed the following vote:

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

Noes: Councilmember Cooke

Councilmember Himmelblau asked Council if they wanted a motion at this time to restructure the Hospital Board. She said she would rather wait to vote on some of the other suggestions. Mayor McClellan agreed that motion should be deferred.

Motion

At this point Councilmember Mullen referred back to his motion (on previous pages) saying that he does not want the feeling of agreement to escape Council. He said, "I would like to make a motion that the Council adopt a resolution to instruct the City staff to come back with some details on how a hospital authority could be implemented." Councilmember Cooke asked if this is in relation to what the hospital board recommended to us this week. Councilmember Mullen said it was, and Councilmember Cooke again seconded the motion. Councilmember Himmelblau asked, "You want to include a hospital district in this also?" Mr. Mullen replied, "Not at this time." Councilmember Himmelblau stated, "I thought that is what you were so anxious for." "I am," replied Councilmember Mullen.

Mr. Davidson, City Manager, asked if he could pose a question. The Mayor said, "Yes." Mr. Davidson said, "Based on the motions that have already been approved by the City Council, we are going to have a tremendous workload to get all of these new things off and running. I would like to know some indications of the time table on this latest request." Councilmember Cooke replied, "That's a good question, Mr. Manager, because I think the Board and I did have an opportunity to hear their motion and their comment last Friday night, and they felt there was an important urgency, but they were hoping for a delay of the decision until that was ready, and that didn't happen, and so I don't know if there is any urgency of that report back in 60 days, like their motion read. So, you know, I will yield to the person that made the motion...."

Friendly Amendment

(On Councilmember Mullen's motion, Councilmember Cooke's second, to adopt a resolution to bring back a report with details on how a hospital authority could be implemented.)

Councilmember Goodman offered a friendly amendment that the time table for the report be left to the Manager's discretion so that it will not interfere with the other operational changes that will be made at Brackenridge.

Councilmember Mullen said he felt it would be more fair to give him some kind of a time table. Mr. Davidson said he would like to have 3 to 5 months.

Amendment to the Motion

Councilmember Mullen made an amendment to the motion to include that the report will be brought back in 3 to 5 months.

Roll Call on Motion with Amendment

Roll call on Councilmember Mullen's motion with amendment showed the following vote:

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

(The rest of the discussion on this subject went according to the following transcript.)

MAYOR: Okay, perhaps what we could ask to be brought to us very quickly Mr. City Manager, and I don't know if we need this in the form of a motion, or just direction. We have had presented to us a couple of suggestions on how we could strengthen the hospital board. I would say that any further details along those lines and also particularly referencing the part about the City Manager visiting with the administrator and how red tape could be eliminated and improve the decision making process, if we could have brought to us..again, I don't know what is a realistic time frame for you on that.

DAVIDSON: I am not sure I know either. One additional thing that I must do beginning immediately is determine who the administrator of Brackenridge Hospital will be. So as soon as that has been determined, I will immediately start to work on each of these separate questions, and we will bring back some recommendations to the City Council. Could I say one more thing?

MAYOR: Yes, do we need a motion on that about strengthening the hospital board, or simply direction?

SNELL: I would just like to say Mayor that whatever recommendations the City Manager comes up with, I would like to get those at least a week before we have to make a decision so we can figure this...

DAVIDSON: Yes, sir.

GOODMAN: Hear, hear.

MAYOR: It is only the Council that puts things on the table late nowadays. Ever since we made that request earlier. Okay.

DAVIDSON: I simply wanted to say that as we have gone through this process.. by "we" I am talking about people directly in my office, in particular Deputy Manager Homer Reed, and Assistant Manager Andrea Beatty, Acting Health Director Susan Edwards, Acting Administrator Bob Spurck and his staff and so forth. Actually, it is impossible to enumerate the number of hours that have been spent in trying to help the City Council tabulate enough adequate information on which to base a decision. All these people have done an outstanding job in my opinion, and I simply wanted to first of all express my thanks publicly for all that they have done in the evenings and the weekends that have been worked in order to lead to this decision.

Secondly, I think something should be said concerning the patience of all the employees that work at Brackenridge Hospital, to the medical staff that practice there, while all of this has been going on, and I think that the fact that the City Council has a decision will help all of us work together to insure that we can maintain this institution as one of outstanding medical care for many years to come. I am convinced that because of the so-called \$200,000 study, the health study teams that work so diligently on their recommendations, that that exercise even though that proposal was not adopted, that exercise did not go in vain. I think the City Council, the administrative staff and everyone concerned learned more about that institution than has ever been learned in recent years, and I feel that all of this can be utilized to insure that we can head toward the kind of excellence that I know this Council wants, so we are going to pursue all of the increments of this decision just as soon as possible.

And I finally, would thank the Council for your understanding, for the consideration that you have shown the staff as you have arrived at a decision and I appreciate that.

MAYOR: Thank you. Okay. I just want to echo and add our thanks to everyone who has been involved on all sides of this issue. I concur with the City Manager that it has been a healthy process, whether we have satisfied some or dissatisfied others, it has been a very healthy process I think for the continued successful operation of not only Brackenridge, but of delivery of comprehensive health care in this community. And we appreciate you all being here today.

#### REIMBURSING GREEN TRAILS ESTATES JOINT VENTURE

Council had before it a resolution to consider authorization of payment to Green Trails Estates Joint Venture as reimbursement for the cost of installing a 48-inch water main in advance of paving in Green Trails Estates Subdivision. (West Austin Transmission Main - \$52,387.94) C.I.P. No. 73/40-04.

Councilmember Goodman asked why this reimbursement is different from others the City has done. Mr. Curtis Johnson, Director of Water and Wastewater, said that the two pipes were included in the study and that there was agreement with everyone concerned. He said that this reimbursement is a little different but it is in accordance with policy.

Councilmember Goodman moved that the Council adopt a resolution authorizing payment to Green Trails Estates Joint Venture as reimbursement for the cost of installing a 48-inch water main in advance of paving in Green Trails Estates Subdivision. (West Austin Transmission Main - \$52,387.94) CAPITAL IMPROVEMENTS PROGRAM No. 73/40-04. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

#### CONTRACT FOR TRAFFIC CONTROLLERS

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

SIGNAL ENGINEERING COMPANY  
2032 Dunlavy  
Houston, Texas

- Traffic Controllers, Urban  
Transportation Department.  
Item 2 - 15 ea. @ \$1,730.00  
Item 3 - 25 ea. @ \$1,495.00  
Total \$63,325.00

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

## STAGGERED PAYDAY PROGRAMS

Council had before it for consideration the endorsement of direct deposit and staggered payday programs for major employers in the central business district. Mayor Pro Tem Trevino said he has no objection to this because it has been introduced in order to alleviate the problems which exist downtown. He asked the City Attorney if it would be in order for the City to require that downtown drive-in banks hire off-duty City police to be paid by the banks in order to control the traffic flow. Mr. Harris said he could not answer that today but would get back very quickly with the answer. Mr. Davidson, City Manager, said that this is being worked on by the Urban Transportation Commission and Urban Transportation Department. He said they have met with representatives of the local banks who have this problem and realize it. They are willing to cooperate with the City. They are having a monitoring period now to come up with ideas to alleviate the congestion. Councilmember Goodman said he would like to see more teller windows open..often there are only two open and a line of 15 or more cars. Mayor Pro Tem Trevino said that one bank sometimes has a line two blocks long and it blocks off three or four lanes of an entire street. Mr. Davidson said he did not think there would be a problem as to whether or not the City can require traffic control for drive-in banks, because one option the City has, if the banks do not cooperate, is to put a City employee out there and disallow any double parking.

Mayor Pro Tem Trevino moved that the Council adopt a resolution to endorse direct deposit and staggered payday programs for major employers in the central business district, and to urge the State Legislature to pass a bill authorizing implementation of an optional direct deposit program for State employees. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## TREE ORDINANCE

Council had before it for consideration the Tree Ordinance. Councilmember Himmelblau commented that she thinks the Tree Ordinance before Council now is a vast improvement over the one she saw five years ago, but she still has some problems with it and would suggest that it be sent back to the joint committee to see about deleting all but the hardwood trees. She also thinks that there should be some recourse other than the Board of Adjustment to handle this. Also, at this time, Councilmember Himmelblau said she is not amenable to amending the budget, but consider hiring additional staff in connection with the next fiscal year's budget. Councilmember Snell asked her why she is interested in someone other than the Board of Adjustment. She said because there is no appeal to the City Council from the Board of Adjustment... not that she wants to listen to appeals on trees, but she does not think this should go to the courts. Mayor Pro Tem Trevino asked her if she wanted the matter reconsidered and see if at the same time the City Manager can take care of the cost. She said, "Yes."

Mayor McClellan commented on the appeals process. She said she does not know if there has been any discussion with the Planning Commission but maybe there should be.

Motion

Councilmember Himmelblau moved that the Council send the Tree Ordinance back to committee. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

EMPLOYEE AWARDS FOR OUTSTANDING PERFORMANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967; PROVIDING THAT CITY EMPLOYEES MAY ACCEPT AWARDS FOR OUTSTANDING PERFORMANCE THROUGH PROGRAMS APPROVED BY THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; 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, declare an emergency and finally pass the ordinance. 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

The Mayor announced that the ordinance had been finally passed.

There had been an inquiry from Colin Carl of the Ethics Committee as to whether these awards should be approved by the Committee, but the Council does not think it necessary.

ADJOURNMENT

Council adjourned its meeting at 12:25 p.m.

APPROVED

*Carole Keeton McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk