

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 9, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by Reverend Ray Schooler, University Baptist Church.

OFFICE EDUCATION ASSOCIATION WEEK

Office Education Week will be recognized February 12-18, 1978, according to a proclamation read by Mayor McClellan. MS. CARRIE BLACKWELL, a John H. Reagan High School student, representing the 400 members of the O.E.A. clubs in Austin, thanked the Mayor for her proclamation.

LULAC WEEK

Mayor Pro Tem Trevino read a proclamation designating February 12-19, 1978, as LULAC Week (League of United Latin American Citizens). MR. ERNEST PERALES accepted the proclamation in behalf of LULAC.

MINUTES APPROVED

Mayor Pro Tem Trevino moved that the Council approve the Minutes of February 2, 1978 and Special Meeting Minutes of January 30, 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

#### BOARDS AND COMMISSIONS

Mayor McClellan announced that Board and Commission appointments which will be made at next week's Council Meeting are the following:

Building Standards Commission  
Energy Conservation Commission  
Ethics Review Commission  
On-Going Goals Assembly Committee  
Navigation Board  
Explosive Appeals Board

She said two appointments will be made today to the Board of Adjustment.

#### Board of Adjustment

Councilmember Snell moved that the Council appoint Mr. James Daniel and Mr. Joseph Lavy to the Board of Adjustment, terms to expire January 1, 1980. 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

Later in the day the Council made the following appointments:

#### Airport Task Force Committee

Councilmember Goodman moved that the Council appoint the following people to the Airport Task Force Committee:

Frank D. Phillips, Jr.	Jay N. Miller
Tom Backus	Ray Smith
William L. Nolen, Jr.	Dr. Bud Dryden
Charles P. Zlatkovich	H. C. Carter
Peter Colman	Tom Searcy
Ralph E. Janes, Jr.	Dr. Milton Turner
Dick Hodgkins	Paul Tovar
June Barnes Gough	Stacy Suits

and a Special Technical Committee comprised of:

Mr. Henry Newman, FAA Regional Administrator  
Mr. C. M. Stubben, Commercial Airline Pilot  
Mrs. Browning and Ken Cox, Fixed Base Operators  
General Hughes, Bergstrom Air Force Base  
Sam Ashmore, Airlines Facilities Person

The motion, seconded by Mayor McClellan, carried by the following vote:

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

Economic Development Task Force

Councilmember Mullen moved that the Council appoint the following to the Economic Development Task Force:

Clifford Griffen	John Warfield
Elliott Naishtat	Larry Jackson
Rusty Talley	Greg Robinson
Rick Smith	Al Rodriguez
Walter Orr	Eleazar Lucio
Sam Dunham	Terry Sasser
Robert Barnstone	Chester Snyder
John Brazier	Harry Bengtson
Larry Youngblood	Jan Pickle

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

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

CASWELL HOUSE

Councilmember Goodman moved that the Council adopt a resolution to execute a restrictive covenant for the Caswell House. 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

SALE OF SURPLUS REAL PROPERTY

Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Jerry Bordelon and John Patton - \$40,101.69 for P-86A

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

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Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Jerry Bordelon and John Patton - \$41,101.99 for No. P-86B

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

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Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Jan Kubicek - \$43,183.00 for No. P-7

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

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Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Jan Kubicek - \$54,018.00 for No. P-9

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

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Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Moe Terrell - \$3,050.00 for No. S-120

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

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Councilmember Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Edsam M. Ingram - \$57,908.43 for No. P-84

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 Goodman moved that the Council adopt a resolution to approve bid for the sale of the following surplus real property:

Patricia L. Curtis - \$31,102.00 for No. P-17

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

#### CHANGE ORDER

Councilmember Goodman moved that the Council adopt a resolution to authorize the following Wastewater Approach Main:

HILLCO DEVELOPMENT COMPANY	- Construction of approximately 250 linear feet of 8-inch wastewater approach main to serve the Casa Loma Villa subdivision. (No cost to City)
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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

#### CONTRACTS APPROVED

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

Bid Award:	- X-Ray film, chemicals, examination and surgeon's gloves, Brackenridge Hospital.
GENERAL ELECTRIC COMPANY 4477 Alpha Road Dallas, Texas	- X-Ray Film & Chemicals - \$230,903.37

IPOO HOSPITAL SUPPLY  
7336 Ardmore Street  
Houston, Texas

- Gloves, Examination Unsterile -  
\$15,388.20

GENTEC HOSPITAL SUPPLY  
Box 4997  
Austin, Texas

- Gloves, Examination Sterile -  
\$6,720.00

GENERAL MEDIC  
1946 Shipman Drive  
San Antonio, Texas

- Gloves, Surgeon's - \$29,000.00

PARKE DAVIS  
P. O. Box 118  
Detroit, Michigan

- \$7,128.52

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

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

HART GRAPHIC & OFFICE CENTERS, INC.  
8000 Shoal Creek Boulevard  
Austin, Texas

- Printing of "Where To Call Guide,"  
Public Information Department  
Item 1 - \$12,502.80

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

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

#### RESTROOM CONSTRUCTION

Councilmember Goodman moved that the Council adopt a resolution to amend a current Architectural Agreement for providing additional Architectural services by the firm of Coffee and Crier, for the Capital Improvements Program, Bartholomew Park Restroom, St. Elmo Restroom, Zilker Gardens Restroom, Jimmy Clay Restroom and Morris Williams Restroom. CIP Numbers 75/86-47, 78/86-05, 78/86-31, 75/85-37 and 76/86-30. 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 TITLE VI PUBLIC SERVICE PROJECTS

Councilmember Goodman moved that the Council adopt a resolution to authorize negotiation of contracts with the following eight (8) CETA Title VI Public Service Projects (all from rural counties of the Capital Area Manpower Consortium):

City of Burnet - \$14,025  
City of Round Rock - \$10,816  
City of Blanco - \$7,210  
City of San Marcos - \$19,656  
Combined Community Action, Inc. of Smithville - \$32,403  
City of Bastrop - \$16,545  
Marshall, Inc. - \$6,664  
Williamson County Child Welfare Board - \$2,681

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

OFFICE OF ENERGY RESOURCES  
THERMAL AND LIGHTING STANDARDS

Councilmember Goodman moved that the Council adopt a resolution to submit an application to the Governor's Office of Energy Resources for \$5,000 to be used to establish thermal and lighting standards for buildings. 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

## TEMPORARY STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution to temporarily close San Gabriel from West 25th Street to 2406 San Gabriel from 9:00 a.m. to 7:00 p.m., March 4, 1978, as requested by Mr. Douglas W. Smith of Kappa Sigma Fraternity. 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

## TAXICAB FRANCHISE RENEWAL

Councilmember Goodman moved that the Council adopt a resolution to accept the annual Taxicab Report and authorize the renewal of the following franchises:

Airline Cab Company  
Harlem Cab Company  
Roy's Taxi Service  
Yellow/Checker Cab Company

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

## BOARD AND COMMISSION PROCEDURES

Councilmember Goodman moved that the Council adopt a resolution to amend the resolution that sets forth Council procedures for making Board and Commission appointments by providing that in an emergency situation the Council may waive the specified procedures. 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

## NEUROSURGEONS LIABILITY INSURANCE

Councilmember Goodman moved that the Council adopt a resolution to authorize execution of a contract with the Capital Neurosurgical Association, the Austin Neurosurgical Association, and Byron Neely, M.D., in the total amount of \$60,000, to help defray the cost of professional liability insurance related to the neurosurgeons volunteer services at Brackenridge Hospital for the period from January 1, 1978 through December 31, 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

## LEASE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to execute an amendment to the existing Lease Agreement between Travis Properties and the City of Austin, which was executed on March 12, 1976 and amended on January 18, 1977. 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 HEARINGS SET

Councilmember Goodman moved that the Council set the following public hearings:

1. March 2, 1978, 10:00 a.m. to change zoning of Patricia Howard Harris from Interim "AA" Residence, 1st Height and Area District, to "GR" General Retail, 1st Height and Area District, 7101-7121 Springdale Road and 7030-7124 Ed Bluestein Boulevard, Zoning Case No. C14-77-181.
2. March 2, 1978, 11:00 a.m. to consider an amendment to Chapter 45 of the Austin City Code regarding Church Accessory Signs.
3. March 2, 1978, 11:30 a.m. to consider amending Section 45-51 of the Zoning Ordinance to prohibit the issuance of building permits affecting the exterior of any structure located within the four (4) National Register Districts, and prohibit issuance of demolition or removal permits on such structures without approval of the Landmark Commission.
4. March 23, 1978, 10:15 a.m. to consider the Tree Ordinance.
5. March 23, 1978, 10:00 a.m. to consider granting an extension of an 8" wastewater main 25 feet into Garrison Park.

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

#### ANNEXATION HEARINGS SET

Councilmember Goodman moved that the Council adopt a resolution setting a public hearing for March 9, 1978 at 10:00 a.m. to consider annexation of the following:

356.09 acres of land out of the James Coleman Survey No. 17 and No. 25 (Great Hills VII, Great Hills VIII, AISD School Tract, a portion of Loop 360 and unplatted land, Case No. C7a-77-014)

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 Goodman moved that the Council adopt a resolution setting a public hearing for March 9, 1978 at 10:00 a.m. to consider annexation of the following:

79.36 acres of land out of the Patterson Moore Survey and the A. Eanes Survey. (Woodhaven Subdivision, Eanes Independent School District Tract, and unplatted land, Case No. C7a-77-013)

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

#### SETTING DATE FOR SALE OF BONDS

MINUTES PERTAINING TO PASSAGE AND ADOPTION  
OF ORDINANCE SETTING DATE OF SALE OF  
\$78,000,000 CITY OF AUSTIN, TEXAS, UTILITY  
SYSTEM REVENUE BONDS, SERIES 3" AND AUTHO-  
RIZING THE GIVING OF NOTICE OF PUBLIC SALE  
OF SAID BONDS.

THE STATE OF TEXAS  
COUNTIES OF TRAVIS  
AND WILLIAMSON  
CITY OF AUSTIN

Y  
Y  
Y  
Y  
Y  
Y

ON THIS, the 9th day of February, 1978, the City Council of the City of Austin, Texas, convened in regular session at the Council Chambers, Municipal Annex, the meeting being open to the public and notice of said meeting having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

CAROLE KEETON McCLELLAN

)

MAYOR

)

LEE COOKE

)

RICHARD GOODMAN

)

JOHN TREVINO

)

COUNCIL MEMBERS

RON MULLEN

)

BETTY HIMMELBLAU

)

JIMMY SNELL

)

and with the following absent: None, constituting a quorum; at which time the following among other business was transacted, to wit:

The Mayor presented for the City Council's consideration an ordinance authorizing the giving of notice of sale of bonds, the caption of said ordinance being as follows:

**"ORDINANCE NO. 780209-A**

**"AN ORDINANCE SETTING DATE OF SALE OF \$78,000,000 'CITY OF AUSTIN, TEXAS, UTILITY SYSTEM REVENUE BONDS, SERIES 3' AND AUTHORIZING THE GIVING OF NOTICE OF PUBLIC SALE OF SAID BONDS; ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE AND DECLARING AN EMERGENCY."**

The ordinance was read and Council Member Mullen moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, that such ordinance be finally passed and adopted at this meeting; and that, for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health, and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Council Member Cooke and carried by the following vote:

**AYES:** Mayor McClellan and Council Members Cooke, Goodman, Trevino, Mullen, Himmelblau and Snell

**NOES:** None

The ordinance was read the second time and Council Member Mullen moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Council Member Cooke and carried by the following vote:

**AYES:** Mayor McClellan and Council Members Cooke, Goodman, Trevino, Mullen, Himmelblau and Snell

**NOES:** None

The ordinance was read the third time and Council Member Mullen moved that the ordinance be finally passed as an emergency measure. The motion was seconded by Council Member Cooke and carried by the following vote:

**AYES:** Mayor McClellan and Council Members Cooke, Goodman, Trevino, Mullen, Himmelblau and Snell

**NOES:** None

The Mayor then announced that the ordinance had been finally passed and adopted.

**BOAT RACES ON TOWN LAKE**

Mayor McClellan brought up the following ordinance for its second 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 second time, and Councilmember Mullen moved that it be passed to its final reading. The motion, seconded by Councilmember Cooke, 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 passed through its second reading only.

#### WOODWARD STREET PAVING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WOODWARD STREET IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY AUSTIN ROAD COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Woodward Street, CIP No. 73/62-11)

Councilmember Mullen 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.

#### ZONING ORDINANCES

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:  
LOT 45, HARMON TERRACE SUBDIVISION, SECTION 2, LOCALLY KNOWN AS 905 EAST 49TH STREET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL 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. (M. E. Johnson, et ux, C14-77-173)

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

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:

- (1) THE EAST 270 FEET OF THE SOUTH 98 FEET OF LOT 12 LESS THE SOUTHEAST TRIANGLE, LEWIS HANCOCK TRIANGLE - LOTS 1, 2, AND 3 IN THE RESUBDIVISION OF LOTS 7, 8, 9, 10, 11, AND 12 IN THE LEWIS HANCOCK SUBDIVISION, LOCALLY KNOWN AS 4008 MEDICAL PARKWAY AND 4009-4013 LEWIS LANE, FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT AND "GR" GENERAL RETAIL DISTRICT; AND,
- (2) A 0.81-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13176-13192 U. S. HIGHWAY 183 AND 8500-8504 BALCONES CLUB DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (3) LOT NO. 4, OUTLOT 190 DIVISION E OF THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 612 DRISKILL STREET AND 613 EAST FIRST STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND,
- (4) LOT 1, HOLLIDAY ACRES, LOCALLY KNOWN AS 10931 U. S. HIGHWAY 183, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (5) A 56,962.9-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 11806-11914 BARRINGTON WAY, AND ALSO BOUNDED BY PARLIAMENT PLACE, FROM "AA" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT; AND,
- (6) A 2-ACRE TRACT OF LAND, LOCALLY KNOWN AS 609 THRASHER STREET, FROM "A" RESIDENCE DISTRICT TO "MH" MOBILE HOME DISTRICT; AND,
- (7) PORTION OF LOT 1, BLOCK B, ANDERSON LANE OFFICE PARK SUBDIVISION, LOCALLY KNOWN AS 3300 ANDERSON LANE, AND ALSO BOUNDED BY GREAT NORTHERN BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (8) LOT C, RESUBDIVISION OF LOTS 2 AND 3, BLOCK B, SUMMIT OAKS, LOCALLY KNOWN AS 11720 BELL AVENUE, FROM "A" RESIDENCE DISTRICT TO "AA" RESIDENCE DISTRICT; AND,
- (9) THE NORTH 120 FEET OF LOT # 15, HOUSING AUTHORITY SUBDIVISION, NORTHEAST CORNER OF EBERHART AND MERRIWOOD DRIVE, LOCALLY KNOWN AS THE REAR OF #14 EBERHART LANE, AND ALSO BOUNDED BY SHADOW BEND STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF 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. (Medical Parkway Association, C14-77-167; Fairway Estates, Inc., C14-77-172; Superior Dairies, Inc., C14-77-175; Bobby R. Holliday, C14-77-177; North Oaks Village Venture, C14-77-182; John J. Mitchell, C14-77-184; J.L.P. Development Corp, C14-77-187; Robert L. Williams, C14-77-188; Malcolm H. Flournoy, C14-77-189)

Councilmember Mullen 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, Councilmembers Cooke, Goodman  
Noes: None  
Abstain: Mayor McClellan

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:

A .33-ACRE TRACT OF LAND, LOCALLY KNOWN AS 5608 PARKCREST DRIVE, AND ALSO BOUNDED BY HIGHLAND CREST DRIVE, FROM "ER" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL 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. (George B. Shepherd, C14-77-176)

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

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

The Mayor announced that the ordinance had been finally passed as an emergency measure.

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:

A 10,152-SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2100-2124 SOUTH LAMAR BOULEVARD, 2119-2121 OXFORD AVENUE, AND 2110 KINNEY AVENUE, 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. (J. Alton Bauerle & Dennis O. Bauerle, C14-77-164)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. asThe 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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 1, BLOCK 1, SAVE AND EXCEPT THE NORTH AND SOUTH 20 FEET, MANCHACA ESTATES, LOCALLY KNOWN AS 6301 MANCHACA ROAD, 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. (Hurschel B. Morgan, et ux, C14-77-049)

Councilmember Mullen 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  
McClellan, Councilmember Goodman  
Noes: Councilmember Cooke  
Abstain: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

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

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 of Austin, Inc., C14-77-018)

The ordinance was read the second time, and Councilmember Mullen moved that it be passed to its final reading. 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 passed through its second reading only.

#### LIBRARY FINE SCHEDULE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 17-1.1(a) OF THE AUSTIN CITY CODE OF 1967 TO PROVIDE NEW FEES AND CHARGES FOR LIBRARY SERVICES; 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 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, authorizing the implementation of the new library fine schedule on or about March 1, 1978.

#### FIREMEN'S PENSION BOARD

MR. TOM PINCKNEY, Vice-Chairman, Firemen's Pension Board, gave a report on the City of Austin's contributions to the Firemen's Relief and Retirement Fund. Mr. Pinckney told Council he is before them today to gain approval of a contribution firefighters are supposed to receive in order to keep up with their social security. In 1973 they voted to keep up with the contributions. Mr. Pinckney stated the City Attorney's office is now requiring another vote. He said that what they are asking today is that retroactive to January 1, 1978, the City's contributions to the Firemen's Pension Fund will be increased from 11.85% to 12.05% to stay in accordance with what the other City employees pay into their pension fund and into Social Security.

Mr. Norman Barker, Finance Administrator, told Council that cost factors will be the same per capita as they are for all City employees. He said the request today is a matching of what Council has already granted City employees.

Councilmember Mullen moved that the Council authorize an increase to the City's contribution to the Firemen's Relief and Retirement Fund from 11.85% to 12.05% to match the Firemen's contribution; to be made retroactive to the first pay period in 1978. 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

In answer to a question by Councilmember Mullen regarding an appropriations order, City Attorney Harris said they will discuss this with the Finance Department, and if it is necessary, an appropriations order will be brought before Council next week.



## PADDLE WHEEL BOAT ON TOWN LAKE

Councilmember Himmelblau moved that the Council adopt a resolution to authorize Captain Charles J. Bagley and Mr. Christie Sarris to operate a paddle wheel boat on Town Lake for excursion purposes; City of Austin will receive 5% of the annual gross receipts with a \$600.00 minimum fee and with a review of the operation after one year. 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

Councilmember Himmelblau commented she wanted to make certain the Council is going to review the project from year to year. Mayor Pro Tem Trevino told the Council that Captain Bagley has agreed to provide free boat rides to 50-75 children each week.

CHANGE ORDER - POSTPONED  
ELECTRIC UTILITY STUDY

The Council had before it for consideration the approval of a Change Order in the amount of \$69,489 to Touche Ross & Company concerning cost of service and rate study for electric utility. Councilmember Cooke stated he did not have enough information to support what Touche Ross believes they should be equitably paid for, except for about \$1,800.00. After discussion by Mr. Monty Nitcholas, Director of Finance, who said this is the first time they have had such a study and were not aware of each problem that would arise, this item was postponed. City Manager Davidson and Councilmember Goodman also discussed information which had been given to the Electric Commission.

Councilmember Goodman moved that the Council postpone for one week consideration of a Change Order in the amount of \$69,489 to Touche Ross & Company concerning cost of service and rate study for electric utility. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

## LARGE OLD TREES IN AUSTIN

CRAIG COATES, third grade student, Highland Park Elementary School, appeared before the Council to discuss the large old trees in Austin. He said his class has been studying ecology and they have discovered a problem which they think can be corrected. When workers and builders are pouring concrete for sidewalks and buildings, they do not leave enough space around trees, therefore the roots are suffocating. Water, he said, cannot get to the roots, and the tree will die in two to three years. Mr. Coates suggested that if workers would leave a space half as large as the tree's crown around it, more air and water will be pulled to the tree, allowing it to live. Mr. Coates said his class would like to have an ordinance passed requiring builders to leave a

space around the tree, as described. He said the space could be covered with gravel and cars could park on it, but he added that there are other ways of doing this, too. Councilmember Goodman said this could be part of the Tree Ordinance. Mayor McClellan told Craig Coates that a Tree Ordinance will be considered by Council on March 23, 1978, but that right now the Citizens' Environmental Board is studying the ordinance. The Mayor directed City Manager Davidson to forward to the Environmental Board the presentation made by Craig Coates as well as the study his class has done, with the understanding they look at the recommendations in line with the forthcoming Tree Ordinance. She commented that the third grade class has done an excellent job in their research of trees.

Councilmember Goodman moved that the Council accept the suggestions of Craig Coates and his third grade class and forward them to the Environmental Board. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### STUDENT COUNCIL RECOGNIZED

Mayor McClellan recognized the Student Council from Allendale Christian School being present in the Council Chamber.

#### ITEM WITHDRAWN LAKE AUSTIN INTERIM ORDINANCE

MR. BRED COLEMAN, Austin Equity Investments Corporation, withdrew his request to appear before Council to request an amendment to the Lake Austin Interim Ordinance.

#### PARADE PERMIT

Mayor Pro Tem Trevino moved that the Council approve the request for a Parade Permit from MR. ALBERT C. LLOYD, JR., for Boy Scouts of America - Capitol Area Council, from 10:00 a.m. to 10:50 a.m., Saturday, February 11, 1978, beginning north on Congress Avenue from 2nd and Congress, dispersing on Capitol grounds. 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

## PUBLIC HEARING ON CITY CHARTER AMENDMENTS

Mayor McClellan opened the public hearing scheduled for 10:00 a.m. by stating that this was the first public hearing on City Charter amendments. She indicated that there would be a Charter election on April 1st and that an Ordinance would have to be drafted by March 1st. Mayor McClellan indicated that there would be another hearing on the Charter on February 16, 1978 at 6:15 p.m. She indicated that previous Council discussion has centered mostly around the single-member district issue, compliance of the Charter with State and Federal law, elimination of the reference to gender in the Charter and the requirement of a \$100 filing fee and/or 200 signatures in order to be a candidate for the Council.

MR. COLIN J. CARL, an attorney, told the Council that he felt representation should be as close to the people as possible. He stated that legislative representation such as the Council, should be based upon smaller districts to enable people to have closer contact with their elected representatives. Mr. Carl outlined a brief history of ward politics. He stated that he was in favor of an 8-1 system with two Councilmembers from each district. He suggested that the City could be divided into the same number of districts as Constable and Justice of the Peace Districts. Mayor McClellan asked Mr. Carl how he felt about a combination system. He stated that he would be in favor of a Mayor and Deputy Mayor at large with the rest of the Council representing districts. Mr. Carl felt, however, that a combination system would cause class antagonism amongst the Council because at-large members would be accusing district representatives of not having the interests of the entire City in mind. In response to a comment from Mayor Pro Tem Trevino, City Attorney Jerry Harris stated that if the courts find that an at-large system is unconstitutional, then the Federal courts are under a mandate to only authorize single-member districts. He stated that if it is a plan being implemented by a legislative body they have more leeway in approving something other than single-member districts. Mr. Carl indicated that districts drawn properly, might not stand up to an attack on the amount of minority representation present on the Council.

MR. HOWARD FERGUSON, representing the West Austin Neighborhood Group, told the Council that his organization had drafted an amendment to the Charter which addressed the financing of sidewalks. City Attorney indicated that a Charter amendment would not be necessary for the financing of sidewalks but that there were certain steps that could be taken to implement public improvement districts in the city. Mr. Ferguson indicated that they wanted a way to finance sidewalks without calling for a bond election or assessments against abutting property owners. He stated that he wanted some assurance that sidewalks could be financed without the City having to pay the whole tab. Mr. Harris told Mr. Ferguson that the matter could be discussed more fully in his office. Councilmember Himmelblau asked Mr. Ferguson if his proposal took into consideration other public facilities. Mr. Ferguson indicated that his original proposal did take into consideration various public works.

MRS. RUTH EPSTEIN, representing the Travis County Democratic Women's Committee, told the Council that her organization was in favor of an 8-1 district plan. Ms. Epstein told the Council that her second choice would be for a 6-1 district plan. Councilmember Cooke felt that a 6-1 proposal would have a better chance of passing. Mayor McClellan concurred with this. Ms. Epstein indicated

that her organization would not be in favor of a combination plan. She indicated that this would give inadequate representation to the poorer districts. Mayor Pro Tem Trevino also added that, under the combination plan, there could be as many as 3 persons running from the same district.

In regard to recall, Ms. Epstein felt that the required 10% of the voters for recall was rather low and indicated that they wanted to see it changed to 20% of the voters from the particular district. She indicated that the 10% figure would be adequate for the recall of an at-large member. Ms. Epstein indicated that her organization would also be in favor of staggered terms. Mr. Harris indicated, however, that the Constitution would not allow this under single-member districts.

Ms. Epstein indicated that they would be in support of a Charter change allowing Council to hire its own staff. She recommended that the Charter relax restrictions on the political activities of City employees. In answer to a question from Councilmember Snell, Ms. Epstein indicated that this would also include Board and Commission members unless there was some kind of conflict of interest. Ms. Epstein felt that, in addition to a filing fee, candidates for office should be required to submit a listing of supporters also. She also felt that candidate contributions should be limited to coming from within that district only. In response to a question from Councilmember Snell, Ms. Epstein indicated that her two main priorities for the Charter amendment ballot would be single-member districts and allowing Council to hire staff. She also recommended that Councilmembers be allowed to comment on the selection of department heads, but not to have veto power.

MS. NANCY BENE, representing the League of Women Voters, urged the Council to adopt the combination system. Ms. Bene indicated that they wanted to see a recall requirement of 20% of the voters from a particular district. She also stated that they would be in support of a 10% recall requirement for at-large representatives.

MS. JOAN BARTZ, former member of the Charter Revision Committee, told the Council that she was in favor of a combination system. She felt that district representation would create division on the Council. Ms. Bartz stated that it would become difficult to get anything done because of the inability to get the whole Council to agree on one issue. She stated that she was in favor of a 9 member Council with a varying number of Council members at large. Ms. Bartz indicated that she would be in favor of staggered terms. Mr. Harris reiterated that the Charter could only qualify over two year terms if all of the Council members were at large. Ms. Bartz stated that she was in favor of a candidate filing fee and/or a petition. She stated that she did not agree with the department head confirmation by Council recommendation. She stated that this would negate the power of the City Manager. Ms. Bartz indicated that the issue of sexist language in the Charter was not of importance. She also felt that City employees should be allowed to have political rights. Ms. Bartz felt that the Charter wording regarding the Planning Commission needed to be more explicit. She was also in agreement with the previous recommendations regarding recall requirements.

MR. ED WENDLER, SR., Chairperson of the Sub-committee on single-member districts, told the Council that he was in support of a 10-1 system but felt that it would be easier to pass an 8-1 system. He was in support of district representation because he felt that south Austin currently has no representation

at all on the Council. He stated that the question of single-member districts should be included on the ballot in any number. Mr. Wendler also felt that the budget should be analyzed by persons other than those that spend it.

MR. JIM ECKERD gave a brief outline of City Council history. He felt that the Council should be increased to 9 members. He stated that the cost for doing this would be less than \$50,000. Mr. Eckerd was also in favor of district representation. He also felt that the Council staff should be increased. He was in favor of a Charter amendment permitting the Council to hire its own staff. In regard to a question from Councilmember Cooke, Mr. Eckerd indicated that only 1 member should represent the airport district, whereas the rest of the Council would be concerned with the entire City.

MR. JIM HARRIS felt that South Austin should have 2 Council representatives. He also felt that the airport should be relocated.

Councilmember Cooke moved that the Council close the public hearing. 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, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Mayor McClellan reiterated that the Council would be holding another public hearing on the Charter next Thursday, February 16, 1978, at 6:15 p.m.

#### PAVING ASSESSMENTS ORDINANCE

Mayor McClellan opened the continued public hearing scheduled for 10:30 a.m. on the following item:

CAPITAL IMPROVEMENTS PROGRAM, BURLESON ROAD - Closing the hearing and levying the assessments for paving improvements at 3317 and 3401 Burleson Road (Interest Bearing). CIP No. 73/62-22

John German, Public Works Director, reviewed the subject properties by use of slides. The property located at 3317 Burleson Road was owned by Mr. and Mrs. Jack Messina and had approximately 133 feet of frontage on Burleson Road valued at \$11.25 per front foot for a total assessment of \$1,496.82. The independent appraiser had confirmed the enhancement value of \$20 per front foot, for a total enhancement of \$2,661.00. At a previous Council meeting, Mrs. Messina had requested that a reduced rate of assessment be set due to financial conditions. She had requested the 25% reduced rate for an assessment of \$1,122.62, which could have been paid between March 14, 1977, and June 30, 1977. Mr. German felt that the assessment was proper and recommended that the original assessment be upheld.

The other property, 3401 Burleson Road, was owned by Mrs. Noble S. Hine, had approximately 254 feet of frontage on Burleson Road valued at \$11.25 per front foot for a total assessment of \$2,859.41. The appraiser had confirmed the enhancement value of \$20 per front foot for a total enhancement of

\$5,083.40. The City had paid Mrs. Hine \$1,134.00 for right-of-way on Burleson Road. If the lot were considered as more of a rectangular rather than pie shape, there would be about 177 feet of frontage on Burleson Road, which would still be enhanced more than the assessment. Also, the one lot could be divided into three lots. Mr. German recommended that the original assessment be upheld.

Mrs. Jack Messina asked the Council to allow her to pay the assessment with the 25% discount because she had not been notified of the time extension to June 30, 1977. She also questioned the equitability of allowing the 25% discount with five years to pay at no interest for residents of the St. Johns and Clarksville areas.

Motion

Mayor Pro Tem Trevino moved that the Council close the public hearing, and uphold the recommended assessment on Mr. and Mrs. Jack Messina's property at 3317 Burleson Road, but allow the 25% discount. 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

Mrs. Noble Hines appeared before the Council to protest the assessment on her property. She asked the Council to allow her to pay for the assessment over a five-year period.

Motion

Councilmember Mullen moved that the Council close the public hearing and set the assessment on Mrs. Noble Hine's property at 3401 Burleson Road at \$1,991.25 with a five-year payment period at 7% interest. 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

Not in Council Chamber when roll was called: Councilmember Himmelblau  
Mayor McClellan introduced the following ordinance:

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE

REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Burleson Road)

Councilmember Mullen 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 Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen asked the City Manager to look into the matter of better communications when sending out assessment letters. He also requested the staff to see if there were any alternatives whereby poor people would get the 7% interest on assessments waived regardless of where they lived. Mr. German stated that all the things which Councilmember Mullen had identified were being examined. Ways to improve the letter in question had also been drafted.

#### SOLID WASTE COLLECTION FEE - POSTPONED

Councilmember Cooke moved that the Council postpone for one week the public hearing to consider 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. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

Mayor McClellan requested that the parties concerned be notified of the public hearing.

#### RECESS

The Council then recessed at 12:05 p.m.

#### MEDICAL EDUCATION CONTRACT WITH CTMF

MR. MIKE WILLATT, Chairman, Brackenridge Hospital Advisory Board, appeared before the Council to discuss the medical education contract with Central Texas Medical Foundation (CTMF). He said one of the reasons the hospital

has been doing so well recently, is because all the component parts have been put together...Council, Administrator, City Manager, medical staff, the board and CTMF have been working in harmony toward the same objectives. He said the hospital board is neither for nor against CTMF...they do not criticize, but are before Council, to relate their posture toward CTMF and raise certain questions. He said their thesis is predicated on the theory that if CTMF is not good for the City it will not see the light of day, and if it doesn't, then they will look at it. Mr. Willatt said what the board wants to do is recommend to Council on a long range commitment to the program, either yes or no. He said at this stage they have identified eight major concerns and discussed the following:

1. The CTMF contract provides that the CTMF staff will provide physician services to 2 groups of patients, which are:
  - a. The City of Austin staff patients
  - b. "No-preference" patients

The first class, the staff patients, are those medically indigent persons to whom the City of Austin chooses to provide free health care. The "no-preference" patients are those patients who are without a private physician in Austin who require medical care at Brackenridge Hospital, and are treated by choice of the Central Texas Medical Foundation.

The staff patients constitute 46% of the patients treated by CTMF. The other 54% are "no-preference" patients.

The City of Austin pays CTMF approximately \$580,000 per year for delivery of physician services to staff patients, and approximately \$510,000 for delivery of physician services to "no-preference" patients. The "no-preference" patients come from Austin and other parts of Central Texas (these figures are based on a percentage allocation formula).

2. The amount that the City of Austin pays to CTMF for treatment of "no-preference" patients is minor compared to the Hospital bill that goes along with them. The inpatient bad debt of Brackenridge Hospital is currently running approximately \$2.6 million per year and "no-preference" patients treated by CTMF account for 60% of this bad debt, i.e. \$1.6 million. In summary, under its existing contract, the City of Austin is delivering approximately \$2.1 million of health care per year to "no-preference" patients, and approximately \$5 million per year of health care to staff patients.

The problem of the City of Austin paying health care of persons who are too poor to pay their medical bills, but not poor enough to be staff patients, is a problem that is central to the future of Brackenridge Hospital. The Board is not able to give a solution to this problem at this time. However, the Board does wish the Council to understand that it is delivering health care to these people through the mechanism of the existing CTMF contract.



3. The CTMF Program has grown from 1972, when it was formed, with a house staff of 21, to today where it has a house staff of 52. This growth has coincided with the growth in the City of Austin's payment for the combination of staff patients and bad debt at Brackenridge from approximately \$3.5 million dollars to \$8 million today. This parallel growth is shown by the figures in Table I. The Board does not at this time express any opinion as to whether a cause and effect relationship exists between these growths, but does draw attention to their existence.
4. The interests of the CTMF may or may not coincide with those of Brackenridge Hospital and the City of Austin. The CTMF was organized in 1972 as an arm of the Travis County Medical Society to do more than operate the residency and intern program at Brackenridge Hospital. It was formed, and exists, to engage in several other endeavors thought to be beneficial by the Travis County Medical Society. Many members of the CTMF, including some officers, do not treat patients at Brackenridge Hospital. Nevertheless, the CTMF program has a significant impact on the hospital, and many members of the CTMF feel entitled to a strong voice in the operation and future progress of the hospital. The Hospital Board recognizes that divided loyalties may not be in the best interest of the hospital.
5. The Board recognizes that the medical education program at Brackenridge Hospital has several desirable features. Brackenridge is the only hospital having a residency program. The program attracts some private physicians and induces them to place private patients in Brackenridge. The program provides continuous physician care to private patients at Brackenridge, which often spares the admitting physician from visits to the hospital. Additionally, the education program keeps participating practitioners on their toes and up-to-date, and is rewarding and beneficial from that view.

Unfortunately, an example of divided loyalties is provided by the current discussion about starting an Internal Medicine and Pediatric Residency program at Seton Medical Center. This coincides in time with an attempt to introduce a 30-bed pediatric service at that hospital.

6. The benefits of the medical education program have to be offset against certain disadvantages.

There is evidence that the CTMF program is overstaffed at this time. The average number of CTMF patients hospitalized in Brackenridge is 100, and the average number of patients passing through the Brackenridge outpatient clinic is 115 per day. There are presently 52 Residents and Interns available for this load.

Aspects of the medical education program are thought to be desirable by most members of the Hospital Board, but the Board recognizes that it is not the only method of delivering physician services to the City of Austin's staff patients. Moreover, most Board members believe that if the CTMF program is allowed to grow, it could impact unfavorably on the Hospital's operating deficit.

7. The CTMF program is not the only means of operating a medical education program at the hospital. This can be done in several ways, all of which would be subject to in-house control. The desirability and cost-effectiveness of such an in-house control program needs further study.
8. The present contract does not call for the CTMF to provide physician services at the City's two outpatient clinics. Whether such provision would be of benefit to the City needs further consideration.

The Board is of the opinion that the foregoing questions must be answered before the City can or should make a long range commitment to the CTMF. The Board recognizes that any change in the CTMF program will necessarily take a long time, because the program has long range commitments to the incoming residents and interns. However, the Board urges that the study and the decision of whether or not to make the long range commitment be made quickly, so that the CTMF recruiting program can be conducted on a fair and permanent basis, and so that the City and the CTMF do not go through the annual process of deciding whether or not to renew the contract for one year at a time.

If the proposed contract is approved by the Council, the Board assumes that it will cover the remaining 7 months of the current year. The Board will continue its study of the CTMF program and of alternative ways for delivering physician care to inpatients, and will report its findings to the Council when its study is concluded.

DR. TRACY R. GORDY, President, Central Texas Medical Foundation, appeared before Council to comment on Mr. Willatt's remarks. He referred also to material he had sent to Councilmembers. He said the cost to the City for "no-preference" patients was \$48,445.00 last year. The way one arrives at this number is to subtract what is paid to CTMF, \$1,900,238.00 minus amount paid for card carriers and the difference will be \$48,445.00. Dr. Gordy said the no-preference patients will appear in Brackenridge whether a private doctor takes care of them, or CTMF cares for them. The same deficit will exist because the same services will be ordered by the private doctor and by the resident intern. The difference is that some of the money the patient pays comes back into the City coffers and helps to reduce the debt. If the patient pays a private physician, the City does not receive any of the money.

Dr. Gordy referred to the number of house staff and reminded Council it was discussed at length in the Council Chamber three years ago, and the number 57 was decided. He said they must go through a national matching program when they recruit their people. By attrition, he continued, they will lose a few over a three year period and will end up with about 52 which will have to be funded. If we don't match for 57, but on the attrition number of 52, the first thing which will happen is that they will not have the number they need. Without sufficient manpower, patients will not receive sufficient care, and ultimately costs will go up. Councilmember Himmelblau said she felt we are "heavy" in the residents program because one doctor had found time to moonlight at the People's Free Clinic. Dr. Gordy replied that they really cannot prevent someone from doing something in their free time if they want to put in extra

hours. He said the only thing that can be governed is the hours put in for CTMF. Councilmember Himmelblau stated, "I'm pretty agreeable to patch this one through the way it was last year, but I still have a couple of question I want answered. But if we are going to go on a long term, then I want more definitive answers as to where these residents are, what hours they are putting in, and what their patient load is per resident." After more discussion, Dr. Gordy stated that CTMF is trying to comply with regulations set out by Council three years ago, by providing quality service, in the most reasonable fashion possible. As the program has evolved, the length of stay has gone down dramatically, he pointed out. He said he would like to sit down with members of the hospital board or those who have the ability to tell CTMF what Austin needs.

Mayor McClellan asked Dr. Gordy, "How hard and fast you are about not wanting to go through that board, and do you really have a problem with some sort of philosophical statement putting private patients in Brackenridge Hospital." Dr. Gordy answered that regarding the first question, he is hard and fast and said that secondly, he does not have a hard time with the philosophical question. After further discussion which also included Mr. Spurck, Administrator, Brackenridge Hospital, and Councilmember Goodman, the following motion was made:

Councilmember Himmelblau moved that the Council delay a decision on the medical education contract with CTMF for one week. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

\*Councilmember Goodman made the following statement during roll call:

"Yes, and I've always been appreciative of CTMF's efforts in conjunction with us and I'm sure that we'll work out these obstacles, too."

\*Councilmember Himmelblau made the following statement during the roll call:

"Yes, and I too am appreciative and I appreciate Dr. Gordy's time in meeting with me a couple of weeks ago. I'll probably ask him to meet with me this coming week."

\*Mayor McClellan made the following statement during the roll call:

"Yes, and the reason I put this on today's agenda, I don't think we would have been to this point this week if we had to put it on the agenda, so I do think we need to act next week because they are in the process of recruiting with some uncertainty about the future."

**CONTRACT APPROVED  
WEED LOT PROGRAM**

The Council had before it for consideration the following contract:

CLARENCE CULLEN COMPANY  
Route L, Box 182  
Buda, Texas

- Property Clearance Program  
(Weed Lot Program)  
Twelve (12) Month Contract -  
\$30,162.00

Councilmember Goodman asked for a staff presentation on why the higher bid was being recommended over the lower bid. Mr. Al Baker, Acting Purchasing Agent of the Purchasing Department, told the Council that they felt the City did not receive the kind of performance needed from the current contractor. He stated that the second low bidder was being recommended because of his good work history with the City in the past. City Manager Dan Davidson added that prior to 1972, this particular kind of work was done by City forces on weekends. Since then, private enterprise has been able to do this work at a lower cost and as such, it has become an outstanding program. In response to a question from Councilmember Goodman, Mr. Baker indicated that the low bidder had been late on previous performances of work even with certain time extensions.

Ms. Sue Edwards, Acting Deputy Director of the Health Department, told the Council that the low bidder had a contract with the Health Department from October 1, 1975, to November 30, 1976. She stated that during this period of time, the City was required to cut 506 lots that citizens would not cut. There is a requirement that after a lot has been cut by the contractor, a sanitarian inspects the lot to see if the job has met the specifications of the contract. Ms. Edwards indicated that out of the 506 times that lots were cut, the City had to recall the contractor 276 times for unsatisfactory work in the cutting of the lot. She stated that the problem was discussed with the contractor on several different occasions. Ms. Edwards stated that finally, when there was no increase in the quality of performance, in the last quarter of the contract, they instituted a performance provision in the contract whereby the contractor would pay \$5.00 every time the City had to go back and re-inspect a lot. She stated that even after this was included in the contract, the contractor had to be recalled 69 times for unsatisfactory work. Ms. Edwards also stated that there was another provision in the contract which required that the lots be cut within 7 days. She stated that that provision has been changed to 14 days because they felt like this time period was not long enough. She stated, however, that in referring back through the records, there were 70 times during the contract year that the contractor took more than 14 days to cut lots. Ms. Edwards indicated that she had taken into consideration occasions when the City Health Department put a hold on a particular lot or when it was a rainy day when the lot could not be cut. She stated that the 70 times were over and above this allowance. Ms. Edwards stated that there were also 20 additional times when the contractor took more than a month to cut lots. She stated that, given the due process of the weed lot contract, it takes about 6 weeks to go through the whole process of having records searched as well as giving a citizen 10-day notice. Ms. Edwards indicated that the contractor was consulted in amending last month with representatives from the City Legal, Health and Purchasing Departments present at the meeting. He was asked several different questions and given an opportunity to provide assurance that this would not occur again.

After this meeting, they felt like that this assurance had still not been provided. Ms. Edwards indicated that with this kind of incident rate, they felt that it would be better to recommend the second lowest bid. She stated it cost an additional \$3,000 to have the sanitarians go back and reinspect the 270 times they did. She stated that the cost has gone up during the past two years and that it would cost the City \$4,000 to \$5,000 if the same thing occurred again.

Mayor Pro Tem Trevino pointed out that awarding the contract to the second lowest bidder would still cost the City \$5,000 more. Ms. Edwards indicated that they could not get an assurance that this kind of occurrence would not happen again and that they would not have to call the contractor back over 50% of the time the lots are cut unsatisfactorily. She also stated that she could not quantify the amount of public relation due to complaints coming in about the cutting. She stated that the citizens begin to question what the City is doing. Mayor Pro Tem Trevino asked if there is any kind of performance bond being placed upon the new contractor. Ms. Edwards indicated that they had looked at including into the contract termination of the contract after a two-month period. However, she stated that after having gone into more detail in the contract, it was determined that if the contract is terminated after two months of performance, this would place the City in the height of the cutting season and the City would have to go through the re-bid process again, leaving the City without a contractor at the particular time. City Manager Davidson indicated that the City does not require a performance bond. Mr. Baker indicated that there was a small performance bond of \$10,000 included in the contract. He stated that this does not identify with a contract that is valued at \$30,000. Mr. Baker indicated also that they felt it would be harsh to place a performance bond on the contractor because it would eliminate some companies from being able to do the work.

Mr. Davidson indicated that they were recommending the second low bidder based on the problems with the previous contractor as outlined by Ms. Edwards.

Councilmember Mullen moved that the Council ~~approve the resolution~~ <sup>approve the above mentioned contract, as recommended in the motion, introduced by Councilmember Mullen, carried by the following vote:</sup>

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan  
Noes: Councilmember Snell, Mayor Pro Tem Trevino  
Not in Council Chamber when roll was called: Councilmember Cooke

Councilmember Mullen made the following statement during the roll call:

"I too, fight for the low bid, as you know, but I think that in this case its going to cost the City more if we go with the low bid just by having the recalls. I vote yes!"

GRANT INCREASES  
URBAN MASS TRANSPORTATION ADMINISTRATION

The Council had before it for consideration authorization to submit budget amendments to the Urban Mass Transportation Administration, revising operating assistance grants to increase grants as follows:

1. 1974-75 to \$299,804
2. 1975-76 to \$440,353
3. 1976-77 to \$550,944
4. 1977-78 to \$730,969

Councilmember Himmelblau asked if City funds were submitted over and above what the grant called for, and if the \$2 million that will come back to the City could have been available at an earlier date. Mr. Joe Ternus, Director of the Urban Transportation Department, indicated that the answer was "yes" to both questions. He stated that this program was initiated in 1975 and the Federal government began allocating money for operating assistance to cities. He stated that the original instruction which the City received in March of 1975 was very vague. He stated that several Washington officials were contacted in order to determine how to calculate the funds. Mr. Ternus stated that it was their understanding that the calculations were made for the last four years based on that understanding. He stated that they have submitted previous grants besides the fourth one that was submitted about one month ago. During this time, there has never been an audit from the Federal government nor has there been any comment from the government that the City was inaccurately calculating the funds. Mr. Ternus stated that they felt they were calculating them in accordance with the particular instructions handed down by the Federal government. He stated that cities all over the state are currently making adjustments to their calculations. Mr. Ternus stated that, late last year, the Federal government issued new instructions from which they calculated that the previous procedure was inaccurate. He stated that this calculation was identified by the American Transit Corporation staff.

Mr. Ternus stated that this was checked out both with Federal officials as well as transit officials in Texas. Councilmember Himmelblau asked if the City now had a good enough check system so that the error will not be made again. Mr. Ternus could not promise that they would never make another error, but stated that this particular error would not be made again. He stated that they felt like they had sufficient checks now by which other grants can also be calculated. He stated that there appears to be more Section III funds available today than there was 3 years ago. He felt that if the City submits all 6 applications, the Federal government will look favorably upon switching the capital grants from 5 to 3 and make the funds available to the City. Councilmember Himmelblau asked what has been lost in accrued interests. Mr. Ternus indicated that he did not think the City has lost anything in accrued interests. He stated that if the funds were not used in the method they were used, they would have been used for other transit programs that were cut back during that time period, funding of other governmental services or the funds would not be collected in taxes in the first place. In either of the three occurrences, Mr. Ternus stated that he did not see a loss of interests happening. He felt that they were doing as good a job as possible to assure that the citizens get all of the money they're entitled to.

Motions

Councilmember Himmelblau moved that the Council adopt a resolution to approve the submission of a budget amendment to the Urban Mass Transportation Administration, revising the operating assistance grant for 1974-75 to increase the grant amount to \$299,804. 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

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Councilmember Himmelblau moved that the Council adopt a resolution to approve the submission of a budget amendment to the Urban Mass Transportation Administration, revising the operating assistance grant for 1975-76 to increase the grant amount to \$440,353. 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

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Councilmember Himmelblau moved that the Council adopt a resolution to approve the submission of a budget amendment to the Urban Mass Transportation Administration, revising the operating assistance grant for 1976-77 to increase the grant amount to \$550,944. 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

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Councilmember Himmelblau moved that the Council adopt a resolution to approve the submission of a budget amendment to the Urban Mass Transportation Administration, revising the operating assistance grant for 1977-78 to increase the grant amount to \$730,969. 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

APPLICATION FOR SECTION 3 FUNDING (I)  
(TRANSIT)

The Council had before it for consideration, authorization of submission of an application for Section 3 funding to the 1977 capital assistance grant project #TX-05-0023, revising the request for \$946,376 in Section 5 (allocated) funds to Section 3 (discretionary) funds. Councilmember Himmelblau asked if this was what the Council looked at with C.I.P. with matching funds. Mr. Tarnus stated that this was a grant that was submitted last year and is being converted from Section 5 to Section 3 funds. He stated that Item 13 is the item that the Council has approved as part of the Capital Improvement Program last fall. He stated that Item 13 includes the area terminals in north Austin and three mini-buses equiped for mobility impaired persons.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the submission of an application for Section 3 funding. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

APPLICATION FOR SECTION 3 FUNDING (II)

Councilmember Himmelblau moved that the Council adopt a resolution authorizing submission of an application for Section 3 funding to the Urban Mass Transportation Administration in the amount of \$941,440 for Capital Assistance. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

CONSIDERATION OF ACTION ON BOARDS AND COMMISSIONS UNDER SUNSET ORDINANCES

Mayor McClellan stated that the City Attorney would be instructed to bring back on the next agenda, which Boards and/or Commissions will have to be done in which manner, and ones that have to be changed as well. The Mayor cited for abolishment the Joint Legislative Council Committee, the Municipal Traffic Safety Advisory Board, the Explosive Appeals Board and the Citizen Committee for a More Beautiful Town Lake. She also indicated that since the Airport Task Force has already been appointed, there was a need to abolish the Airport Master Plan Study Citizen Advisory Committee.

Councilmember Cooke indicated that he wanted to abolish the Navigation Board, the Plumbing Advisory Board, the Joint Airport Zoning Board and the On-Going Goals Assembly. In regard to the Joint Airport Zoning Board, however, City Attorney Jerry Harris indicated that that Board is required by legislative statute 4646e. Councilmember Cooke felt that a board that has not met since 1968 could be absorbed as a function of the Planning Commission. Mayor



McClellan indicated that they would look into abolishing this particular board if it could be legally done. Councilmember Cooke also recommended that the Navigation Board be charged to the Parks and Recreation Board and the Plumbing Advisory Board be changed to the Electric and Plumbing Advisory Board. Mayor McClellan pointed out, however, that the abolishment of the Plumbing Advisory Board was not considered in public hearing and could not be done without putting the board through the same procedure as the others.

In regard to the Navigation Board, Councilmember Goodman indicated that Chairperson Conrad Fath wanted to see those functions that could be handled by the Navigation Board, handled by the Navigation Board. Their main complaint in the past is that they have been by-passed. Matters are assigned to the Parks Board and they are not given the matters that they should decide or participate in. Mayor McClellan indicated that one of Mr. Fath's main concerns was that the Park Rangers really didn't have authority or jurisdiction over the Lake. She stated that Chief Dyson had informed her that Park Rangers are indeed peace officers and have full arrest powers. Councilmember Mullen pointed out, however, that Mr. Fath was on the losing side of the Navigation Board vote for abolishment. He stated that two other members of the Board indicated to him that they wanted the Board to die and its function moved to the Parks and Recreation Board. Councilmember Goodman asked if houseboat inspections would be handled through the Building Inspection Department. City Manager Davidson indicated that it would. Mayor McClellan stated that she was in support of abolishing the Navigation Board but felt that Mr. Fath had some valid points that bore attention, especially on the lack of law enforcement on the Lake. Councilmember Goodman questioned if matters of navigation would get as much attention on the Parks Board as they have gotten on the Navigation Board. He stated that he was not opposed to abolishing the Navigation Board but felt that the Council should first be sure that every action taken in that regard is appropriate. He did not feel that the Council was operating from a position of certainty. Mayor McClellan stated that the majority of the Council seemed to want abolishment and instructed staff to come back with a report on how all of the duties of the Navigation Board are going to be addressed and by whom.

Councilmember Cooke indicated that he was in favor of abolishing the On-Going Goals Assembly Committee. Mayor McClellan indicated that she was not in favor of abolishment. Councilmember Himmelblau indicated that she was in favor of abolishment and giving the duties they have to the Planning Commission and the Environmental Board. Mayor McClellan indicated that the majority of the Council seems to want to retain the Goals Assembly and that there would be a reduction of its membership to 11. Councilmember Goodman asked if the matter could be deferred to the following week. Councilmember Mullen stated that all the Council was doing was reducing the size of the Assembly and not deciding to what extent it would be reduced. Councilmember Himmelblau asked for a fiscal note on what it has cost the City to keep the Committee. Councilmember Mullen also felt that it would be more important to see projected costs for the future. City Manager Davidson indicated that he would look into this.

Mayor McClellan indicated that the Energy Conservation Commission recommended reduction of its membership from 22 to 11 members. Councilmember Cooke stated that he wanted to reduce it down to 15, but would agree to 11.

Mayor McClellan also indicated that the Building Code Board of Appeals needed to be expanded from 5 to 7 members. Councilmember Cooke felt that this Board should stay at 5 members.

Councilmember Cooke indicated that he wanted to enlarge the Construction Advisory Committee to 9 members. He stated that this would give the Committee more representation within the community. Mayor McClellan indicated that they would be enlarging the Committee and also expanding their jurisdiction. She stated that before the Council agrees on exactly what the jurisdiction is, that item would be placed on next week's agenda. Councilmember Mullen indicated that he wanted to look at reconstituting the whole Board. Councilmember Cooke indicated that he was not in favor of this, but indicated that he would look at it as a possibility. Councilmembers Cooke, Himmelblau and Goodman all indicated a desire to expand the Board to 9 members and also look at its jurisdiction. Councilmember Mullen indicated that he wanted to see an architect added to the Committee, and possibly another independent person.

Mayor McClellan asked Mr. Lonnie Davis, Director of the Building Inspection Department, the purpose behind expanding the Building Code Board of Appeals from 5 to 7 members. Mr. Davis indicated that this was proposed by the Board's Chairperson, Mr. Henry Holman. Mr. Holman felt that there had been some difficulty in obtaining a quorum at meetings. He stated, however, that in the past year the Board has had no difficulty with obtaining a quorum and stated that, for this reason, the Board should stay at 5 members.

Mayor McClellan indicated that the Arts Commission wanted some categorization. Councilmember Cooke stated that he was in support of this. The Mayor stated that the Commission wanted to be expanded by 2 members. She felt that the Commission should not be selecting its own Chairperson. She stated that when a new Commission is appointed, it should select its Chairperson, and when it is reorganized, it should also select a Chairperson. Councilmember Himmelblau indicated that there was also a need for a Humanities slot for the Commission. Mayor McClellan indicated that the Commission had noted also that it doesn't have a chair for Heritage, Humanities or Literature. Councilmember Himmelblau indicated, however, that these areas could all come under the heading of Humanities. Councilmember Himmelblau felt that the Council needed to look at the Commission again and make sure that all the disciplines are covered but not make the Commission so large as to make it unworkable. The Mayor stated that the Council would come back with that for some possible change in composition.

In regard to the Community Development Commission, Councilmember Cooke indicated that he would like to see an elected official added to the Commission. Mr. Jim Miller, Assistant City Manager, indicated that appointments to the Commission would have to be in numbers of three. Councilmember Mullen suggested that one of the members that is elected by the Council be an elected member. He stated that this could be done by attrition the next time there is some availability.

Mayor McClellan indicated that the Council wanted to appoint the EMS Quality Assurance Team. Councilmember Goodman indicated that he was in favor of this. Mayor McClellan felt that there needed to be more physician input on the Quality Assurance Team. Councilmember Cooke recommended that the Team consist of one registered nurse, 3 consumers and 5 physicians. The Mayor was in favor of this recommendation. Councilmember Cooke felt that there should be two ex-officio members on the Team inclusive of the Travis County Medical Society and the Travis County Commissioners Court. The Mayor felt that Mr. Bob Honts should represent the Travis County Commissioners Court. Councilmember Himmelblau questioned why there should be so many physicians on the team. She stated that most health groups are composed of 60% consumers and 40% providers. Councilmember Cooke felt that the Team should be composed of highly qualified specialists. Councilmember Himmelblau asked if it would be delineated as to what medical specialties would be represented on the Team. Councilmember Cooke did not think that he could adequately address that need. Mayor McClellan indicated that could be looked at next week. The Mayor stated that there was also unanimity that the Council appoint the Team. Councilmember Goodman suggested that the breakdown for the Team be done at a later time.

#### Motion

Councilmember Goodman moved that the Council instruct the City Attorney to bring back to Council the proper documents providing for the following:

1. Abolishment of the following Boards or Commissions:
  - a. Airport Master Plan Study Citizen Advisory Committee
  - b. The Joint Airport Zoning Board
  - c. Joint Legislative Council Committee
  - d. Citizen Committee for a More Beautiful Town Lake
  - e. Municipal Traffic Safety Advisory Board
  - f. Explosive Appeals Board
  - g. City of Austin Navigation Board
2. That the Parks and Recreation Board shall exercise jurisdiction over the matters formerly within the jurisdiction of the Lake Austin Navigation Board.
3. Reducing the membership of the following Boards and Commissions:
  - a. On-Going Goals Committee
  - b. Energy Conservation Commission
4. Expanding the membership and revising the jurisdiction of the Construction Advisory Committee
5. Expanding the membership of the Arts Commission
6. 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 McClellan, carried by the following vote:

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

Councilmember Cooke made the following statement for the record: "Okay, as I said in January in a memo to Council on the Charter Revision, I would like to see us consider in Charter Revision, so it applies here we are talking about the Planning Commission, even though we didn't have a public hearing on it, that we would consider the Planning Commission being a long-range organization with a 7-member Board, and the current Planning Commission become a Zoning Board with 9 members, and have short-range responsibilities, and I know we have some information from the City Attorney in regard to this that we received the night before last. I just want that to go in the Minutes, too."

#### BRACKENRIDGE HOSPITAL ADMISSION POLICY FOR OUT OF COUNTY PATIENTS

Councilmember Himmelblau stated that the item was a policy statement to help the staff handle the out-of-county non-emergency indigent patients as well as the determination of emergency patients coming in out of county. The policy is as follows:

Out-of-county patients are admitted to Brackenridge Hospital under any of the following conditions:

1. Payment of the required admission deposit (currently \$100 per day times the estimated length of stay with a minimum of \$600)
2. Showing proof of health insurance or other third party coverage such as Medicare or Medicaid.
3. Have an emergency medical condition which prevents transfer to a hospital in the county of origin or to another hospital willing to accept the patient.

Out-of-county patients can be admitted under an emergency condition only after consultation between the emergency physician and the Administrator, the Assistant Administrator for the Fiscal Services or the Administrator on call. If, from a medical point of view, the patient is capable of being transferred, the Administrator will arrange transportation, if needed, for transferring the patient to the county of origin or to another hospital willing to accept the patient.

Out-of-county patients referred to the out-patient clinic for post-discharge followup care must pay for each clinic visit in advance or present proof of insurance, Medicare, Medicaid, or other third party coverage.

Councilmember Himmelblau moved that the Council implement the policy. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

#### PUBLISHING OF ZONING STATEMENT

Councilmember Mullen had before the Council a proposal to place a daily, one-column, one-inch ad in the real estate classified section of the local daily newspapers. The ad would allow a statement of up to 60 words informing citizens on the availability of zoning information. He stated that the Austin Board of Realtors had indicated an interest in participating with the City in the cost of advertising. Monthly cost of the ad would be \$172. He recommended that the proposal be done immediately through the remainder of this year's budget period. The program would be monitored and if the results were not satisfactory, the ads would not be continued during the 1978-79 budget period.

Mayor Pro Tem Trevino moved that the Council approve the proposal as outlined by Councilmember Mullen. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

#### CITY-WIDE ENERGY AUDIT

Councilmember Cooke distributed to the Council information concerning an energy audit proposal which was presented to the City in 1976 and 1977. The proposal concerned an infrared aerial survey of the entire City to determine heat loss. The cost would be about \$170,000 or \$2 per structure. The City would establish an Energy Conservation Center which would advise citizens on how to reduce heat loss which would reduce utility bills. Councilmember Cooke requested that the staff include the proposal in the 1978-79 budget.

#### OFFICE OF ECONOMIC DEVELOPMENT

Mayor McClellan stated that she and Councilmember Cooke had sent a memo to the City Manager directing him to report within one to two weeks on a budget, program of action and fiscal note for the proposed Office of Economic Development.

Councilmember Cooke stated that other cities' economic development activities had been surveyed and that it now was time to analyze the information. He enumerated some of the items which could be included in an office of economic development. He pointed out that a strong individual was needed to operate such an office successfully.

Councilmember Mullen requested that an inventory of available expertise by City departments be included in the Manager's report to avoid duplication of effort.

#### QUARTERLY FINANCIAL STATEMENT

Monty Nitcholas, Finance Director, presented the Financial Statement and Financial Highlights for the three-month period ending December 31, 1977.

Councilmember Cooke asked why Airport Fire Security was running 188% of budget. Mr. Nitcholas stated that it resulted from a delayed billing (back charge) to the Airport from the General Fund.

Mr. Nitcholas felt that the funds were in good shape generally and all of them appeared to be doing better than the comparable period a year ago. Councilmember Cooke asked if revenues were being underestimated in some areas or if the City was just doing exceptionally well. Mr. Nitcholas replied that it was a combination of both. Sales Tax revenue may have been underestimated. Councilmember Mullen asked how accounts receivables compared with a year ago. Mr. Nitcholas stated that in the utility area, receivables were down considerably from the end of the fiscal year.

In the utility fund, expense for fuel as it pertained to deferred fuel costs which were discussed during the rate sessions had decreased by \$3 million since the end of the fiscal year. The amount on the books was down to \$23 million and it was expected to continue dropping through March.

Councilmember Mullen inquired about the funds expended for promotion of conventions and tourism. Mr. Nitcholas stated that the \$199,508 expended was 58.1% of the budget and was more than it should be at this time. It was possible that the Paramount Theatre donation was in the wrong place, and that item was being researched to determine where it should be placed.

#### ADJOURNMENT

The Council adjourned at 3:30 p.m.

APPROVED

  
Mayor

ATTEST:

  
Clerk