

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 21, 1977
7:00 P. M.

Council Chambers
301 West Second Street

Mayor McClellan called the Council meeting to order.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Trevino

Absent: Mayor Pro Tem Snell

The Invocation was given by Mr. Charles B. Graves, Director of Engineering.

RESOLUTION TO OUR SISTER CITY

Mayor McClellan read a resolution signed by all members of the Council, sending Austin citizens best wishes to the citizens of Saltillo, our sister city in Mexico, on the occasion of the 400th birthday this month of that city. Festivities in recognition of this event will be held in Saltillo July 22-30, 1977. Councilmember Trevino will lead a delegation of Austin citizens to the Feria de Coahuila to represent the Capital City of Texas, and extend our pledge of continuing friendship and exchange of ideas. Councilmember Mullen will also attend the festivities.

Councilmember Goodman moved that the Council adopt the above resolution. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Snell

EXECUTIVE SESSION

The Council met earlier in the day in Executive Session and Mayor McClellan said it would be in order at this time to make an appointment to the Planning Commission.

Planning Commission

Councilmember Trevino moved that the Council appoint Ms. Sally Shipman to an unexpired term on the Planning Commission until June 1, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve the Minutes of July 7, 1977, as corrected, and the minutes of July 14, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

FUEL COST ADJUSTMENT

The Council postponed until July 28, 1977, a request by Mr. C. R. Dansby, Jr., to appear to present a report to the Council on the fuel cost adjustment overcharge to consumers since April, 1972. City Manager Dan Davidson stated that he had spoken with Mr. Dansby who indicated that he would come back before the Council on July 28, 1977. Mr. Davidson also indicated that Mr. Dansby would be coming to his office next Tuesday to meet with the City Manager's staff in order for them to obtain more information prior to the Council meeting next Thursday.

BOATS ON TOWN LAKE

The Council considered a request by the Glastron Boat Company to operate no more than ten (10) Glastron boats on Town Lake Wednesday and Thursday, August 10-11, 1977, in conjunction with the 21st Annual Dealer Meeting for Glastron Dealers. Mayor McClellan indicated that the Navigation Board had recommended approval of this particular request.

Councilmember Himmelblau moved that the Council approve the request made by the Glastron Boat Company. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

LIBERTY LUNCH

The Council considered a request by Mr. James M. Boni, Proprietor, Liberty Lunch & Wagon Yard, to renew a lease for his business located at 405 West 2nd Street. Mr. Davidson stated that there was some confusion over who represented Liberty Lunch and recommended that the applicant meet with Mr. Joe Morahan, Director of the Property Management Department, in order to develop a full report for the Council. Mr. Davidson told the applicant that if he requested approval of the lease that night, he would have to recommend against it due to the lack of information on the request. He suggested that the applicant resubmit his request within two weeks in which time the lease renewal application could be properly reviewed by the City. Mr. Boni indicated that the current lease ran until January 1, 1978, and that it would be another year or two before the business recovered its initial investment. Councilmember Goodman indicated that he wanted to be present at the meeting between the applicant and Mr. Morahan.

CITIZENS COMMUNICATION ON FAIR HOUSING ORDINANCE

Mayor McClellan indicated that the request by MR. NELSON PUETT, Nelson Puett & Associates, to speak on the Fair Housing Ordinance would be taken up later in the meeting during the public hearing on the Ordinance.

STUDY ON HOSPITAL AND HEALTH CARE SYSTEMS

The Council considered a resolution authorizing the extension of the contract with Peat, Marwick, Mitchell & Company for Phase 2a of the Study on Hospital and Health Care Systems. DR. TOM HATFIELD of Study Team Four spoke before the Council. Dr. Hatfield stated that he did not want to completely endorse the continuation of the contract because he was not familiar with the cost figures for the project. He felt that over all the study would benefit the City.

DR. MILTON TALBOT, Chairman of Study Team One, recommended to the Council the adoption of the preliminary report by Peat Marwick, Mitchell & Company and the continuation of the study. Mayor McClellan stated that she wanted to see a five-year financial plan for each of the alternative presented and also some ideas for what could be done with Brackenridge Hospital. Dr. Talbot indicated that the consultants would not present such a report at this time but that once the conceptual report was completed, they could come forth with specific proposals in terms of cost and manpower. He stated that they were trying to develop the theoretical criteria for what could work and then by applying the different alternatives to it, they could come up with a recommendation. He indicated that cost data would be forthcoming from the consultants.

MR. TOM NOURSE, Certified Public Accountant, told the Council that the five-year cost analysis could be done. He indicated that the medical education project was being looked at and would be included in the second part of the report.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to accept the preliminary report and continue the study. The motion was seconded by Councilmember Cooke.

Councilmember Cooke indicated that he wanted to see some interim progress reports on the project prior to the deadline of October 1, 1977.

Councilmember Goodman asked Mr. Nourse if there were any plans for implementation of the program in the next phase of the report. Mr. Nourse indicated that there would be some implementation out of Study Team Two in regards to the indigent care identification system. He stated that this has already been written. Councilmember Goodman asked if the implementation of the program would be part of the function of Peat, Marwick, Mitchell & Company. Mr. Nourse stated that only the design of the system and not the implementation was the function of the consultants. Dr. Talbot stated that the mechanics of implementation would be a relatively obvious step which would consist mostly of pricing out the best way of implementing the system. He stated that the Council would still be required to make the final decision as to which alternative would be taken by the City. Dr. Talbot indicated that within the next few weeks the Council could receive a blue-print of the system by which they could base a decision.

Councilmember Goodman felt that the City has spent about \$100,000 determining "where are we," and that it was about to spend another \$100,000 in a phase that could be called "where do we go from here." He stated that his main objection has not been the amount being charged by the consultants but the over all design of the study and how long it has taken. Councilmember Goodman felt that the City has been burned by what it has received from the consultants thus far. He stated that originally he was for the study because he did not think a citizen's board would have the expertise to deal with it. He was sorry, however, that the study was now costing the City \$200,000 in addition to the annual \$7.5 million deficit incurred by Brackenridge Hospital. Dr. Talbot stated that one of the main delays in the study was that various organizations and groups each had to submit their own input into the design of the system. He stated that a few people could have drawn up the design for a new system in a matter of days, but that it would not have been acceptable to the community as well as the medical profession.

Roll Call on Motion

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

PUBLIC HEARING ON PROPOSED FAIR HOUSING ORDINANCE

Mayor McClellan opened the public hearing on the proposed Fair Housing Ordinance scheduled for 7:30 p.m. She stated that there would be a three-minute time limit on all speakers, with a signal given to indicate when each speaker had only 30 seconds left. She told the audience that if the time limit prohibited anyone from saying everything they wanted to, then he/she could leave further information with members of the Council.

Motion

Councilmember Trevino made the following motion: "Because of the lack of a full Council and because I am certain we will hear much testimony which the Council will want to think about and reflect upon, I move that the Council proceed with the hearing, but not take any action on the proposed Fair Housing Ordinance tonight." Councilmember Goodman seconded the motion.

Councilmember Mullen said he preferred not to put this matter off, but wanted to go ahead and vote on it. He pointed out that there would be one more hearing after this. Councilmember Himmelblau said she felt the same way and that if they waited until there was a full Council to vote, the issue would carry on for a long time. Councilmember Trevino reminded the Council that this was the courtesy which had been extended to each other since 1975. He said the ordinance proposed was a major issue and out of courtesy to Mayor Pro Tem Snell he requested to wait for a full Council. Councilmember Himmelblau reminded Councilmember Trevino that when the hearing was set, the Mayor had asked if everyone would be there and ascertained there would be a full Council tonight. Mayor McClellan indicated this is, in her estimation, an important issue in the community and thinks that when an issue of this importance is being discussed, all Council members should be in attendance and voting. She said that in view of the number of people in attendance this evening, if the Council members are going to give due consideration to what will be said, then the information given this evening should be viewed for a time before voted upon. The first time the Council will be meeting again as a full Council will be August 11, 1977, she said.

Roll Call on Motion

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

Mayor McClellan told the audience that before the Council began hearing speakers, MS. JANNA ZUMBRUN, Chairman, Sub-Committee of the Human Relations Commission that has been working with the proposed Fair Housing Ordinance, would give a brief summary.

Janna Zumbrun indicated that this was the third public hearing on the proposed Fair Housing Ordinance. She presented a brief history of the ordinance and then briefly summarized the ordinance.

Mayor McClellan then opened the meeting for public comment. She stated that statements must be held to three minutes and pointed out that an official timekeeper was present to tell individuals when their time is up.

The following citizens presented their theories:

<u>For (F) - Against (A) Ordinance</u>	<u>Main Subject Spoken to</u>
A Nelson Puett	proposed ordinance attacks his God, his family, his freedom
A T. W. Johnson	age clause
F Ms. M. L. Cartwright	sexual orientation
F Jim Kirby	occupation
F Fernando Tafoya	no ethnic restriction
F Frank Maverick	against pre-judging a group of people
A Bryant Herron	thinks it should be a referendum
A Florence Feuston	landlord should be allowed to impose regulations and standards
A Grover Fuchs	ordinance not "fair"...there is no give and take, it's all give for owners and all take for tenants
F David Bebb	sexual orientation
A Jeff Case	not fair for all
F Randy Haynes	sexual orientation
F Troy Stokes	sexual orientation
A Ted R. Hendricks	Federal law already exists
F Kenneth Elder	sexual orientation
F Terry Parker	sexual orientation
? Bonnie Rhoades	sexual orientation
A Gene Berkman	sexual orientation, against government
F Dennis Milam	sexual orientation, handicapped
A John T. Warren	human rights, landlord should be allowed to impose restrictions
F Art Morris	discrimination
F Tom Nichols	sexual orientation
F Dr. M. C. Menefee	sexual orientation

For (F) - Against (A) OrdinanceMain Subject Spoken to

F	Ben Bloom	Austin has ghetto's
F	Jay Adkins	impact of student community, occupation
F	Steve Story	students, occupation
F	Mrs. Beatrice Milam	sexual orientation
F	James E. Bagg, Jr.	special interest groups
F	Fred Hertz	sexual orientation
F	Tony Anthony	fears decisions of governing bodies
A	Charles Babb	exceeds Constitutional limits
A	Ken Zimmerman Tom Curtis	not a real need, only 39 cases filed under existing law since 1969
F	George B. Hill	read resolution passed by U. T. student senate
F	Bruce Benesh	human rights
?	Dan Boyle	beer and sex
F	Bruce Alexander	sexual orientation
F	James Piper	Federal ordinance takes too long to enforce
?	Sheryl Morris	read portion of proposed ordinance regarding physically handicapped
	Neither Paul Alexander	physically handicapped, wanted to know if any physically handicapped person was on drafting committee
	(He was informed that Charles Eskridge, a physically handicapped individual was on the committee and expressed his concern re architectural barriers and is endorsed by MIGHT)	
F	Steven Thomas	sexual orientation
F	Robert Brown	more attention to mobile impairment
F	Amme Hogan	sexual orientation
F	Cary Ferchill	more positive form of government needed
?	Allen Bussler	should be referendum; all have rights

<u>For (F) - Against (A) Ordinance</u>		<u>Main Subject Spoken to</u>
F	Mark H. Zion	students rights
F	Judy Spalding	students rights
F	Diana Sanchez	sexual orientation
A	Edwin Goldman	age clause; separate power of over-seeing ordinance from the group that has drawn it
F	Paul Mayfield	human rights
A	Bill Bergstrom	Federal regulations are adequate and the proposed ordinance not "fair"
F	Janet Stockard	against tracing Federal legislation only, as proposed by opponents to the proposed ordinance
F	Malcolm MacDonald	include ex-offenders in ordinance
A	G. C. "Ox" Emerson	human rights vs. property rights, latter have been eroded
F	Michael Walton	sexual orientation
A	Foe A. Lawrence	if ordinance passes there will be no more rental property...he spoke as one who has 39 years experience as property manager
F	Tina Navarro	read letter supporting ordinance from the Commission on the Status of Women
F	Rt. Rev. Mark Pemberton	human rights
F	Charles Miles	discrimination against color or ethnic background
F	Carmen Rumbaut	read resolution supporting from the Inter-Cooperative Council
F	Volma Overton	human rights; sexual orientation
A	Walter Barnes	sexual deviates influence on young lives forced by this ordinance
F	Ed Wendler	sexual orientation; political implication

For (F) - Against (A) OrdinanceMain Subject Spoken To

A	Silas J. Maxwell	O.K. where it tracks Federal law; objects otherwise because there is no Constitutional authority to enact ordinance
A	Helena Hardcastle	need enforcement of Federal law
F	Maxine Friedman	human rights
F	F. R. Rice	human rights
F	Bill Scarborough	sexual orientation
F	Mike Levine	students rights
F	Doug Simon	sexual orientation
A	Mr. Stanno	administrative cost economically unsound; Federal law already covers
F	Jeff Friedman	Federal regulation not enough; should not have discrimination against small groups
F	Chuck Waddels	Austin Tenant's Council, of which he is a member, would not have the power to enforce regulations..an ordinance would
F	Chris Cruz	discrimination
A	Rich Ellmer	pointed out loopholes in the ordinance
A	Joe Arnette	will prostitutes be allowed everywhere, without regulation?
F	Gayle Smith	protection with the law

Councilmember Mullen asked former Mayor Jeff Friedman why his Council did not pass the ordinance. Mr. Friedman answered that the new Council had said in their campaign for office that they had all the answers and could solve the problems. Councilmember Mullen asked why the Friedman Council had held the ordinance for a year. Mr. Friedman replied that it was not held for a year, but was held for reviews, going back through the Human Relations Commission, and just prior to the new Council's taking office, he had given a speech stating how the whole thing should be decided by the new Council and not rushed to judgment by the last Council. He suggested that Councilmember Mullen not blame the last Council for the fact the present Council must get off the fence and make a decision. Councilmember Mullen replied that he would make a decision, but he continued, the former Council did have this issue for a great deal of time and nothing was done on it. In relationship to the burden you are putting on us, let's get on with it, concluded Councilmember Mullen.

Councilmember Trevino moved that the Council vote to close the public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

SETTING PUBLIC HEARING

Councilmember Cooke moved that the Council adopt a resolution setting a public hearing for August 18, 1977, at 7:30 p.m., to consider annexing the following:

43.82 acres of land out of and a part of the T. J. Chambers 8 League Grant (A small unplatted tract, Northwest Hills, Sections 1, 2 and 3). (Requested by City of Austin - Case No. C7a-77-005)

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

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

CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution awarding the following contract:

A-1 ROOFING, INC. - Augtin Recreation Center Roof
5021 Riverside Drive Renovation - \$7,850.00
Austin, Texas

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

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

Councilmember Himmelblau moved that the Council adopt a resolution awarding the following contract:

INDUSTRIAL ROOFING, INC. - CAPITAL IMPROVEMENTS PROGRAM,
4505 Duval Street, #249 Seaholm Power Plant, Roof Renovation -
Austin, Texas \$11,638.53

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

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

POLICE TRAINING GRANT

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a Police Training Grant application to the Governor's Office of Traffic Safety in the amount of \$672.40 to provide training for police personnel with high performance driving responsibilities. (100% funded by State Department of Highways & Public Transportation - Office of Traffic Safety.) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PARAMOUNT THEATRE ALLEY

Councilmember Cooke moved that the Council adopt a resolution temporarily closing the alley behind the Paramount Theatre between 7th Street and 8th Street from 6:00 a.m., July 31, 1977, through 3:00 a.m., August 1, 1977, as requested by Mr. John Barnardoni. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Himmelblau wanted to make certain that Paramount Theatre would clean up the alley with no expense to the City.

EASEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of a drainage easement in connection with the Stassney Lane Improvements project:

0.39 of one acre of land of that certain 5.21 acre tract out of the William Cannon League. (Joe Gilbreth & Co., Inc.)

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

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

ANNUAL OPERATING BUDGET

Councilmember Goodman moved that the Council adopt a resolution setting public hearings on September 1, 1977, 11:00 a.m. and September 8, 1977, 11:00 a.m. for the consideration of the 1977-78 Annual Operating Budget. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Snell

Jerry Harris, City Attorney, stated the September 1, 1977, hearing would be the hearing to meet the statutory requirements.

BARRICADING AND PERMIT PROCEDURES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REPEALING THE PRESENT ARTICLE VI, CHAPTER 31, OF THE AUSTIN CITY CODE OF 1967; ESTABLISHING A NEW ARTICLE VI, CHAPTER 31, OF THE AUSTIN CITY CODE OF 1967; INCLUDING NEW SECTIONS 31-60 THROUGH 31-78 OF THE SAID CODE; PROVIDING A PURPOSE AND INTENT SECTION; PROVIDING FOR CERTAIN DEFINITIONS TO BE USED IN THE SAID ARTICLE VI; DEFINING THE AUTHORITY OF THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF BUILDING INSPECTION; PROVIDING FOR PROCEDURES FOR THE TEMPORARY USE OF PUBLIC RIGHTS-OF-WAY; ADOPTING A MANUAL ON UNIFORM CONSTRUCTION BARRICADING STANDARDS; PROVIDING AND DEFINING A PERMIT APPLICATION PROCEDURE; DEFINING REQUIREMENTS FOR THE APPROVAL OF SUCH PERMITS SETTING OUT SPECIAL REQUIREMENTS THAT MAY BE MADE BY THE DIRECTOR OF URBAN TRANSPORTATION DURING THE PERIOD OF TIME THE PUBLIC RIGHT-OF-WAY IS TO BE USED; PROVIDING FOR A FEE STRUCTURE; PROVIDING FOR A REVOCATION OF PERMIT PROCEDURE; PROVIDING FOR STANDARDS FOR RESTORATION OF THE WORK SITE IN THE PUBLIC RIGHT-OF-WAY; DEFINING THE RESPONSIBILITY FOR THE ERECTION OF BARRICADES; REQUIRING THAT BONDS AND INSURANCE BE PROVIDED; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen asked for clarification of the difference between profit and non-profit barricading. Mr. Joe Ternus, Transportation Department Director, explained there is a \$75.00 fee for both, with an additional fee for profit type barricading.

STREET NAME CHANGE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM COCKBURN DRIVE TO BERKETT DRIVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

METCALFE ROAD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.(Metcalf Rd.)

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

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

Noes: None

Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 4,981 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2(a): AN 18,916 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2(b): AN 831 SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 11835-11837 OLD U.S. HIGHWAY 183 (JOLLYVILLE ROAD), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Nell Wallace Irwin, C14-77-058)

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

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

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:

TRACT 2: A 47.54 ACRE TRACT OF LAND, LOCATED CLOSE TO THE INTERSECTION OF PROPOSED MOPAC BOULEVARD AND LOOP 360, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Jagger Associates, Inc., C14-74-178)

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

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

The Mayor announced that the ordinance had been finally passed.

HOUSING AND COMMUNITY DEVELOPMENT CONTINGENCY ACCOUNT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760909-K OF THE CITY OF AUSTIN WHICH ADOPTS AND APPROVES THE CAPITAL IMPROVEMENTS PROGRAM BUDGET FOR THE 1976-77 FISCAL YEAR TO APPROPRIATE \$30,000 TO THE STASSNEY LANE DRAINAGE PROJECT, SERIAL NUMBER 73/62-30, ACCOUNT NUMBER 43770212, FROM THE FIRST YEAR HOUSING AND COMMUNITY DEVELOPMENT CONTINGENCY ACCOUNT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke asked how much money there was in the 2nd Year Housing and Contingency Account. Mr. Daron Butler, Research and Budget Director, answered there was \$208,000.00 in the 2nd year account and \$270,000.00 in the 3rd year account.

PLUMBING BOARD OF APPEALS CHANGED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42-A OF THE CODE OF THE CITY OF AUSTIN, SAID CHAPTER BEING ENTITLED "UNIFORM PLUMBING CODE"; PROVIDING FOR POWERS AND DUTIES OF THE PLUMBING ADVISORY BOARD; 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 Himmelblau, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

EVALUATION OF CITY MANAGER

Councilmember Mullen said that he and Councilmember Cooke were attempting to establish an annual process for the Austin City Council to formally give to the City Manager a detailed report of the Council's goals, and to evaluate the manager on his progress and management of the City. The idea is to take the evaluation out of politics and identify both strengths and weaknesses, and areas for improvement. As a result, it is hoped to create a non-emotional process of evaluation which is businesslike, and not on a threatening basis.

Councilmember Cooke stated they would move on this with a resolution format which they hoped to bring back to the Council within the next 30 days. The evaluation would be a closed meeting between the manager and the Council sometime between November 1 and December 31, 1977. The attitude is to try to set the evaluation at a time when it is somewhat removed from the election process, as well as the budget and CIP designations. Councilmember Cooke also pointed out that the evaluation should be made several months after a new Council takes office so that they are familiar with processes, and at a time when they and the City Manager can plan their common goals. He asked for input from the Council as to the timing of the evaluation.

Councilmember Cooke said he felt very strongly that this should be a structured annual process. Previous Councils and other cities have done this on a periodic basis with a loose format. He referred to the proposed resolution in which it is stated the City Clerk, in the October time frame, shall notify each member of the City Council in writing that the City Manager's evaluation must be conducted on a certain date. He said there had been some discussion of having a third party facilitator in the process and this idea is open for comment. He said both he and Councilmember Mullen felt they should all be as specific as possible when speaking of the problem areas. He felt that by establishing specific measurable goals it will hopefully give this administration, with regard to the City and the staff, a direction to which way this Council wants to go. He also thinks that at mid-term in their time as Council members they should re-evaluate what they have set out initially. This he said, would be used as a stimulus in re-evaluating the Manager in the second year. The priority process, continued Councilmember Cooke, is very key in the development of a City Manager and Council evaluation program. He asked that this proposal be received positively by other members of the Council. This technique is not used readily by a lot of cities in the country, and there is hesitation, but he felt that it is a process in the best interest of the citizens and would work to the benefit of the Council, the City Manager, and City staff.

He asked for input from the other Council members as they put it into process. He said there would be additional details with regard to categories which deal in areas of personnel, professional skills, relations with the Council, policy execution, departmental performance, staffing supervision and reporting, plus citizen's relations. He asked for input in the next three or four weeks so that a policy can be established with this Council that will be continued by other Councils.

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Mayor McClellan told Councilmembers Mullen and Cooke that she thought their ideas were fine. She said their proposed resolution lays out a procedure that this should take place at least once a year, but she wondered if an evaluation of the City Manager could take place at any time. Councilmember Cooke explained that the resolution said: "Nothing herein shall in any way be construed to limit the City Council's authority to evaluate the City Manager at any time such action is deemed proper by the City Council."

CITY MANAGER REPORTS

The Council had received City Manager Reports of:

1. Completion of Model Cities Program
2. Proposed 5th/6th Street Corridor Improvements
3. Presentation of proposed 1977-78 Operating Budget

Discussion was held on the proposed 5th/6th Street corridor improvements. Mrs. Helena Hardcastle appeared before Council to ask that the Council not approve of the proposal. Her objection was to Powell and Oakland Streets, which run parallel, both being southbound. Mr. Joe Ternus, Director of Transportation, explained this was necessary because of the route taken by school busses. If it was not done this way, it would necessitate the busses going several unnecessary blocks.

Mr. Ternus stated he would furnish additional information and the one-way streets would be on the agenda next week for consideration.

MEETING ADJOURNED

The Council Meeting was adjourned at 12:20 a.m., July 22, 1977.

ATTEST:

Grace Monroe
City Clerk

APPROVED

Carole Keeton McClellan
Mayor