

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 21, 1971
10:00 P.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler
Absent: Councilmen Lebermann and Handcox

The Invocation was delivered by REVEREND WILLIAM E. DENHAM, JR., First Baptist Church.

MINUTES APPROVED

Councilman Dryden moved the Council approve the Minutes of the Regular Meeting of October 14, 1971. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler
Noes: None
Absent: Councilmen Lebermann and Handcox

PROCLAMATION

Mayor Butler read a Proclamation naming October 27th as "NAVY DAY" in Austin. Captain Jack L. Evans, U.S. Navy, accepted the document.

TEXAS LONGHORNS BACKED 110%

Councilman Dryden recalled discussion of the Council's adopting a resolution or making a motion about the Texas Longhorns; and at this time he would still suggest that the Council go on record as backing the Longhorns and Coach Royal 110%. Councilman Nichols added "Win, lose, or draw".

Councilman Dryden stated he had not planned any losses yet, nor was he planning any from now on. Councilman Dryden moved the Council go on record as backing the Longhorns, and Coach Royal 110%. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None

(Councilman Dryden voting "aye" as proxy for Councilmen Lebermann and Handcox)

Councilman Lebermann enters the Meeting at this time.

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 2:00 P.M., November 4, 1971, to consider annexing the following:

2.72 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK, SECTION 3. (requested by owners)

83.92 acres of land out of the Santiago Del Valle Grant - proposed SOUTH CREEK, SECTION II and unplatted land. (initiated by City)

35.05 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTIONS 1 and 2. (requested by owners)

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman,
Mayor Butler
Noes: None
Absent: Councilman Handcox

EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

Public utilities easements out of Lot 6, Lot 10 and Lot 14, all of Block B, in "THE VILLAGE, SECTION ONE".

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman,
Mayor Butler
Noes: None
Absent: Councilman Handcox

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

Public utilities easements out of Lots 17 and 18, TRAVIS VISTA.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman,
Mayor Butler
Noes: None
Absent: Councilman Handcox

COUNCIL MEETING DATES

Councilman Nichols moved the Council adopt a resolution setting Council Meeting dates for the Holidays as follows:

November 23	-	Meeting for Thanksgiving week.
December 1	-	No Meeting for that week.
November 11	-	Meeting will be held at Murchison Jr. High

The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Mayor Butler
 Noes: None
 Absent: Councilman Handcox
 Not in Council Room when Roll was called: Councilman Lebermann

In providing for the neighborhood meetings, Councilman Love reported the Principal of Reagan High School had invited the Council to meet at this location, perhaps in December. Councilman Nichols asked if some arrangements could be made with Channel 24 for a live TV coverage. The City Manager was asked to check this out for the neighborhood session at some location in North Austin following the one at Reagan.

Councilman Friedman favored scheduling these neighborhood sessions every four or five weeks as the Council had discussed earlier.

COST DIFFERENCE

Councilman Nichols moved the Council adopt a resolution authorizing payment to FAIRWAY ESTATES, INCORPORATED, William B. Cotton, President, for the cost difference of 12¹/₈" water main in Balcones Village, Section 7, 8 and 9 - \$3,804.41. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Mayor Butler
 Noes: None
 Absent: Councilman Handcox

CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

E. A. BONNET
 CONSTRUCTION COMPANY

- For repair and improvements to the Municipal Auditorium and City Coliseum - Base Bid: \$33,561.00 and Alternate #1: \$3,275.00 for a total contract price of \$36,836.00. (90 calendar days for completion; Architect's estimate: \$36,000; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Mayor Butler
 Noes: None
 Absent: Councilman Handcox

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

E. E. STUESSY, CO. - For installation of electric ductlines and
 INC. concrete foundations at Hi-Cross Sub-
 station - \$58,867.45. (60 calendar days
 for completion; Engineer's estimate:
 \$63,064.00; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Mayor Butler
 Noes: None
 Absent: Councilman Handcox

ONE-WAY STREETS

Councilman Nichols moved the Council adopt a resolution establishing one-way streets - effective May 1, 1972 - as listed below:

First Street	Eastbound	IH 35 to Second Street
Second Street	Westbound	IH 35 to First Street
Navasota	Northbound	First Street to Second Street
Attayac	Southbound	First Street to Second Street

The Director of Traffic and Transportation explained the one way system would increase traffic flow; reduce accidents; provide for a more consistent speed along 1st and 2nd Streets; and would improve the traffic flow because of the buses and trucks on this very congested street. As Mayor Butler expressed concern about the merchants and property owners, Mr. Ternus reported no opposition was expressed before the Model Neighborhood Commission meetings; nor had there been any correspondence in opposition; however, there were several comments in favor of the plan.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Mayor Butler
 Noes: None
 Absent: Councilman Handcox

Traffic - 19th & Lamar

Councilman Love required about the results of this Intersection at 19th and Lamar. Mr. Joe Ternus, Director of Traffic and Transportation, reported the amount of waiting time has decreased about 15% from all directions. There has been additional delay for west bound on 19th Street - volume-wise - but small numbers in regard to the total intersection. Project-wise, they were pleased with the intersection and with this new technique.

WIDENING OF EAST 1ST STREET FROM CONGRESS
TO I.H. 35 (PART OF THE TOPICS PROGRAM)

Councilman Nichols moved that the Council adopt a resolution authorizing the City Manager to accept Minute Order #65206, approved by the Texas Highway Commission, pertaining to the widening of East 1st Street from Congress Avenue east to I.H. 35. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman,
Mayor Butler

Noes: None

Absent: Councilman Handcox

Councilman Nichols inquired as to the reaction of Mrs. Lucas. Mr. Ternus reported there was no opposition to the improvements, but she had provided off-street parking, and thought the City should pay her for taking away this off-street parking. Widening of any street is done at the property owner's expense.

As to encroachments, Mr. Ternus reported if any encroachments do require removal for construction, the individuals would be notified; otherwise, no action would be taken in connection with the present encroachment. However, no future encroachment would be allowed.

Councilman Friedman asked if this improvement was in any way connected with the report of the Civic Center Commission. Mr. Ternus said this project has been in preliminary plan stages for over a year and a half. The widening of the street is necessary regardless of what might come. This plan is completely unrelated to the Civic Center.

CORRECTION OF NEWSPAPER REPORT - WASHINGTON TRIP

Mayor Butler stated it might be well to correct a misunderstanding as published in a 'Letter to the Editor' stating this "Council went to Washington to obtain funds for the new Civic Center Plan as presented by the Civic Center Committee". This is not true; it was not the intention of this Council; no action on that report has been taken. While in Washington, they tried to find out what options and resources were available. Councilman Nichols stated also that the man said it was a hurried up, speedy trip, and this is totally untrue. Mayor Butler recalled this trip had been announced several months ago, even before the Civic Center Report was mentioned.

At this point in the meeting, Councilman Handcox enters.

SALE OF STRUCTURES

Mr. Bi-l Williams, III, Deputy Director, Urban Renewal Agency, presented Mr. Rodney Sheppard, a member of Johnson, Jones & Sheppard Law Firm representing the Agency. Mayor Butler brought up for discussion the provisions that an owner has the last refusal and the possibility that the owner always would bid \$25.00, realizing he would have a second chance to buy the property. This could depress others from bidding, and the properties would be selling for \$25.00. Mr. Sheppard outlined the present policy. He explained the procedures on condemnation, with prices established on the basis of appraisals.

In the afternoon meeting, Mr. Sheppard submitted copies of the pertinent section of the Urban Renewal Law. Councilman Friedman suggested setting a minimum bid and eliminate the \$25.00 bids. Councilman Lebermann suggested that the City Manager meet with Mr. Lurie and work out an approach to this in a more business like way. It was pointed out, the previous owner does not have to make a bid at all; yet he is entitled to match the highest bid. Mr. Don Butler, City Attorney, explained the Texas Urban Renewal Act tracks that of other states, except the Texas Legislature added Section 22 to protect the prior owner. The Law Firm handling this has done a fine job of representing Urban Renewal, and has been most cooperative.

Councilman Dryden moved that these two parcels under discussion be postponed for at least two weeks, and that the lawyers get together and report back.

Motion

After further discussion, Councilman Dryden restated his motion and moved the Council vote that these bids be rejected.

Amendment to the Motion

Councilman Friedman added that no further action of this type be undertaken until guide lines have been drawn up so that another question like this does not come up in three or four weeks.

Parcel 19-2	Richard Andrewartha (Former owner)	\$1,277.00
Parcel 28-2	Mrs. Helen Glasco Lee (Former owner)	\$460.00

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

EMINENT DOMAIN PROCEEDINGS

The Council had before it the authorizing of Eminent Domain Proceedings for rights-of-way for MoPac Boulevard. Mr. Morahan, Director of the Land Division, reviewed the cases. The City Attorney reported there had been no counter offer after refusing the City's proposal. Mr. Morahan explained the owner at 2001 Winsted Lane was to get estimates to replace the carport and storage area; however, he had not proceeded, nor had he given any indication that he was. As to 1907 West 30th Street, Mr. Morahan stated there was a 30' strip, 25' of which is in a drainage ditch.

Later in the meeting, Mr. Morahan brought in figures on the property as asked for by the Council, reporting the total property figures about 23,500 square feet, and 5,196 square feet are being taken, leaving about 18,000. The appraisers did not include any damages to the remaining property. The owner made no counter offer, even after he had referred the matter to his attorney. The City Attorney gave a brief resume of this particular case. After discussion, Councilman Nichols moved the Council adopt a resolution authorizing eminent domain proceedings at 2001 Winsted Lane. The motion, seconded by Councilman Handcox, carried by the

following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

Councilman Nichols moved the Council adopt a resolution authorizing eminent domain proceedings at 1907 West 30th Street. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

MODEL CITIES PROPOSAL

Councilman Nichols moved the Council adopt a resolution authorizing amendment of the agreement with the Traffic and Transportation Department for Model Cities Project #10203, Traffic Control Equipment: Installation and Improvements, for additional traffic control improvements in the Model Neighborhood Area. Original Budget: \$63,800; Additional Improvements: \$34,700; Revised Budget Total: \$98,500. (All Model Cities Funds) The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

Upon Councilman Nichols' inquiry, Mr. Ternus, Director of Traffic and Transportation, pointed out that the Transportation Department works closely with Model Cities to determine the needs based on engineering, and attempts to take care of all hazardous locations with City funds as well as Model Cities' Funds. As to Montopolis, where Councilman Nichols noted a death occurred only yesterday, Mr. Ternus responded, stating this was a complex question. This Council and others had provided sidewalks in the vicinity, which have been a great improvement to the pedestrian. He pointed out about 90% of pedestrian accidents had occurred as a result of children crossing or running across the street. There must be a need for the motorist to be aware and that children be aware of this problem. Councilman Nichols asked for a report from Mr. Ternus on (1) the accident itself; and (2) what Mr. Ternus would recommend to try to overcome the situation occurring daily in this City; and if there is anything that the Council could do to correct this. Mr. Ternus promised a report on this.

Bicycles

Councilman Friedman brought up the report given by Mr. Dan Meadow, concerning bicycle safety routes. Mr. Ternus stated that a preliminary report was submitted; that revision is pending to be presented to Council as a bicycle plan proposal, by marking streets, how assigned, etc. Since legal problems are involved, a full review of all aspects are in process in an attempt to find a feasible solution. When certain guide lines are established, the first location will be in the University Area.

Hike and Bike Trail

Councilman Love asked for a status report on the authorization of \$10,000 for the Hike and Bike Trail on Shoal creek. The City Manager stated he would have this report. In this respect, Councilman Lebermann stated that Pueblo, Colorado, had developed a very comprehensive hike and bike trail, extending out to the county, and it had quite an impact on the automobile traffic. He referred to the arrangement in Washington, D.C., and asked if the Austin streets were such that some kind of traffic lane could be developed for bicycles.

Councilman Nichols asked about the bus lanes. As such, none existed at this time he was told; however, in the Transit study, there may be areas susceptible to bus lanes -- the bicycle lanes would be nothing more than a narrow bus lane.

SEWER LINE EXTENSION

The Item regarding extension of a sewer line to serve Ridgewood Village, Section VI, in Westlake Hills, was called; Mr. A. D. Stenger was not present. Councilman Nichols moved the Council delay the subject until Mr. Stenger was present. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,

Noes: None

Not in Council Room when Roll was called: Mayor Butler

Later in the meeting, Mr. A. D. Stenger appeared asking that a sewer line be constructed outside of the City, in the City of Westlake Hills, for a distance of approximately 1000 feet and a lift station be erected and pump into an existing sewer line in Brady Lane within the City. If the lift station is approved, there would be 35 acres for building. The south end of this line would provide for 30 or 40 homes. The main canyon running north and south would take drainage from the Stableford and Covert properties west of his land, and from the University of Texas property. This line would be considered an artery to the system, and would drain property four or five times as large as his property. Mayor Butler called attention to the taxes paid by Austin citizens for Fire, Police and sewer. Mr. Stenger suggested forming a small water or sewer contract similar to a refund contract or a water district. The Council discussed determining a rate for sewer service in and outside the City. Councilman Nichols reported the Bonding Companies and other agencies in Washington, D.C., recommended this rate charge, and it is necessary to get a recommendation on these rates before anything is done. Mayor Butler added that the rates should not be merely retiring the cost or break-even situation. He suggested including a seighted factor to make the users of this equal to that of the tax payers as related to the same service. Councilman Nichols recommended that a profit be added into all of this, and make the sewer a separate budget item.

Mr. Stenger said he is willing to pay for the sewer line and installation and for maintaining it if he could retain title to it. The rates would not include the initial cost of construction. The City Manager explained the sewage is going into the treatment plant previously paid for by a subsidy from the Austin taxpayers. Councilman Nichols stated due consideration should be given to the fact that the City will have to treat the sewage. Because of the Federal government's raising the standards of the sewage treatment, going to the tertiary

the Mayor pointed out the costs would increase, and the City could not get into a fixed-rate contract. Mr. Stenger expressed willingness to pay all of the costs plus a treatment fee.

Councilman Dryden asked Mr. Stenger if he were willing to put in the line and lift station, if he could hook onto the City sewer line in Brady Lane; and if he would be willing to operate the lift station at his expense, or have the City operate it at his expense. Mr. Stenger agreed.

The City Manager listed items of concern to the Council -- the type of construction in the homes; lines leading from the homes to this main -- no infiltration; and the City to determine the quality of that sewage. The Mayor advised Mr. Stenger that the Council was agreeable to the concept if the City could resolve some of the questions. He was directed to confer with Messrs. Vic Schmidt and Curtis Johnson, and the City Manager would contact him later. Mayor Butler foresaw many repetitions of this request from many other subdividers and the City must be certain on this policy.

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND ONTRACT WITH FAIRWAY ESTATES, INCORPORATED; AND DECLARING AN EMERGENCY. (For water mains in Blacones Village, Sections 7, 8 and 9 - \$57,063.89.)

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

VACATION OF STREET

Mayor Butler introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF PEYTON GIN ROAD AND OHLEN ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

APPROPRIATION FOR RADIO RECEIVING SYSTEM

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I ADOPTING THE 1971-72 BUDGET FOR THE CITY OF AUSTIN BY APPROPRIATING A SUM TO BE EXPENDED BY THE MUNICIPAL COURT, ACCOUNT NO. 00710030; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler 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 2.1699 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1950-1982 WILLOW CREEK DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT TO "B" RESIDENCE 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. (Willow Creek Hills--C14-70-204)

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler read the following ordinance for the second time:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 1,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 9401 NORTH INTERSTATE HIGHWAY 35, FROM SIXTH HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; SAID PRO-

PERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

The ordinance was read for the second time, and Councilman Nichols moved the Council pass the ordinance to its third reading. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilmen Dryden and Friedman

The ordinance was read for the third time, and Councilman Nichols moved the Council finally pass the ordinance. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilmen Dryden and Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 1,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7138 U.S. HIGHWAY 290, FROM SIXTH HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

The ordinance was read for the first time, and Councilman Nichols moved the ordinance be pass to its second reading. The motion, seconded by Councilman Love carried by the following vote:

Ayes: Councilmen Nichols, Love, Handcox, Mayor Butler
Noes: Councilmen Dryden, Lebermann and Friedman

ORDINANCE CREATING BOARDS POSTPONED

At the request of Councilman Lebermann, the item of the consideration of an ordinance amending Chapter 46 of the Austin City Code of 1967 to create a Citizens' Board of Natural Resources and Environmental Quality was postponed for a week.

REPORT ON REFUND CONTRACTS REQUESTED BY COUNCILMAN FRIEDMAN

The City Manager stated the report had been furnished to the Council. The Council had not yet made a thorough study of this report, but Councilman Friedman noted, from the list of cities provided, that Austin was paying 90% of the costs of water and wastewater systems with 3% interest on the balance. Every other city listed pays no interest on the balance; and only Ft. Worth pays any percentage of rebate, and that is 20%. The total unpaid balance as of September 30, is \$10,659,788.55. The report, having been received just this morning was laid over for discussion the following week.

REPORT ON CHARTER AMENDMENT PETITION

Mayor Butler called attention to the report on the Charter Amendment Petition, stating that the petition calling for "six-one" failed to meet the requirements. The City Attorney stated the petitioners have a right to supplement this petition, and it was his understanding that they would file additional signatures.

Councilman Dryden moved the Council recess until 2:00 P.M., the Council going into Executive Session to discuss Board appointments. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

BOARD APPOINTMENTS

At 2:00 P.M., the Council resumed its business. Mayor Butler stated the Council would like to announce appointments and reappointments as follows:

BOARD OF ADJUSTMENTS

Mr. Harold Montgomery
Mr. Trigg Forister
Mr. C. D. Reeves
Mr. Bennie Washington
Mr. Sid Smith
Mr. Isom Hale, Alternate
Mr. Leo Danze, Alternate

TERMS TO EXTEND TO

Dec. 31, 1972
Dec. 31, 1972
Dec. 31, 1973
Dec. 31, 1973
Dec. 31, 1973
Dec. 31, 1973
Dec. 31, 1973

HEATING, AIR CONDITIONING AND
REFRIGERATION APPEAL BOARD

Mr. Glenn Meredeith

October 21, 1973

NAVIGATION BOARD

Mr. Conrad Fath
Allen Searight
Dr. H. S. Arnold
Mr. Joe Manor
Mr. John Byram

TERMS TO EXTEND TO

January 1, 1973
January 1, 1973
January 1, 1973
January 1, 1973
January 1, 1973

CORRECTION

Mayor Butler stated Mr. Frank Gerling was appointed to the Heating and Airconditioning Board. It was an oversight that Mr. Gerling was already a member of the Plumbing Board, and he has been replaced by MR. GLENN MEREDEITH of Hammer Consulting Engineers.

ORDINANCE VACATING PORTION OF PARKDALE DRIVE
FROM ASHDALE DRIVE SOUTHERLY TO END OF STREET

The City Manager reported the closing of Parkdale drive was not recommended by the Traffic and Transportation Department nor by the Public Works Department. It was recommended by the Planning Commission and Planning Department. The matter was deferred until the afternoon meeting.

In the afternoon meeting, Mr. Jack Ritter represented Messrs. David Need and Ben Burton and 108 others in the Parkdale area, north of Anderson Lane, stating the delay serves no purpose but to confuse their present construction that is in process as to their driveways.

In 1967 the owners agreed to close the street. At the intersection of Parkdale and Ashdale, there is a little stub feeding into the area which was changed from Residential to "GR", General Retail. His clients should not have to wait any longer than four years. The people in this neighborhood are deeply concerned; and unless there can be shown a change of condition, he would like to be heard on the facts that the owners had done nothing they had agreed to do as far as drainage and closing the street.

Mr. Phil Mockford was not employed by the company in 1967. The company in 1967 was trying to get the 19-acre tract into which this street now leads rezoned, and there are some comments in the Minutes that they had no objection to closing the street. He claimed there were changes in the area. He asked that this be put off for a week or two and allow these people to express themselves, as they had received no notice on any level. The City Manager at this point explained that there have been no notice requirements on street closing. However, from now on there will be notices sent, following the procedure required by zoning hearings. Mayor Butler agreed that this policy should be changed.

Councilman Nichols moved the Council delay this item for one week. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

Councilman Nichols, asked about the water main easement.

WOMEN'S ABORTION ACTION COMMITTEE

Deborah Stanton, representing the Women's Abortion Action Committee, requested the support of the Council to endorse their program. Miss Sallie Armstrong, representing the University of Texas Branch of WAAC, likewise asked for Council support, quoting figures by Dr. Paul Trickett. Councilman Dryden asked that this quote be from the doctor himself, otherwise, he didn't want anyone quoting Dr. Trickett. Councilman Friedman noted the Council had endorsed a program in which it will lobby and try to change the drug laws, and he thought the Council could work with another group trying to change other laws that may be equally as bad.

Councilman Dryden noted these young ladies were asking for the endorsement of the Council for the repeal of these abortion laws, and these laws were not made by the Austin City Council; and since it is not the business of this City Council, he made a motion that this request not be endorsed by the Council. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilman Friedman

Councilman Handcox wanted to make a comment, stating his position was an official act by the City as a City endorsement. His personal endorsement he had not spoken to. It was a City endorsement that was addressed here, not a personal one.

LYDIA STREET FIRE STATION - LARRY JACKSON

Councilman Nichols wanted to amend the contract in the lease agreement that if members or any single member of this Council is addressed as a "Fascist" by this, or any member of this organization, that this lease shall then become invalid. Councilman Friedman did not think it the prerogative of this Council to abridge freedom of the press or other constitutional rights because somebody has been called a ridiculous name. There is a lease, and the question is to discuss whether Mr. Wyatt should be given the lease. He thought amending the contract at this time is patently absurd.

Councilman Handcox moved the Council vote to adopt a resolution authorizing the lease (as proposed in the copy of the contract) of Lydia Street Fire Station to Mr. Tommy Wyatt for the use of the day care center. Councilman Love, before he voted, wanted it so fully understood if there is a violation of this contract the City at the risk of 80, 90, or 100 children, will evict the tenant under the lease agreement.

Councilman Lebermann had questioned if the taxpayers of Austin were expected to subsidize an office for a political operation, and the majority opinion has been "no". He wanted it to be certain and clearly written into this contract that the City does not fund any political organizations or activities.

Mayor Butler read the provision covering the cancellation of the lease. He questioned Mr. Larry Jackson if there were any reservation in his mind about the intent of the Council in this matter. Mr. Jackson stated he agreed with the lease. The Mayor questioned Mr. Jackson as to any activity other than taking care of the children in a day care center under the normal actions of the usual day care center, asking him if he understood that any activities other than those would be grounds for termination. Mr. Jackson replied he understood that very well, and that he would accept the lease under those terms. However, Councilman Dryden noted he understood Mr. Jackson had said he had nothing to do with the operation. Mr. Jackson said he was not the one that worked in the center full time, but he is in full charge. Councilman Dryden then asked him and Mr. Wyatt if they were willing to abide by the contract, and both Mr. Jackson and Mr. Wyatt agreed. Councilman Nichols asked Mr. Wyatt if he fully understood the responsibility being imposed upon him as lessee. Mayor Butler announced the Council had a right to enter the premises for inspection purposes as Lessors at any time.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

ZONINGS SET FOR PUBLIC HEARING DECEMBER 9, 1971

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on December 9, 1971.

HAROLD BRUMLY By Al Bauerle C14-71-211	1106 East 32nd St.	From "A" Residence To "B" Residence
JOHN GIDDINGS By Sidney Purser C14-71-235	200-204 West 31st St.	From "A" Residence, First Height and Area To "B" Residence, Second Height and Area
ROBERT DAVIS By Eden Preston C14-71-240	500 West 13th St. 1300-1304 San Antonio	From "O" Office To "GR" General Retail
H. E. B. By John Selman C14-71-250	4816-5000 Turner Dr. 6834-6924 Ed Bluestein Boulevard	From Interim "A" Residence First Height and Area To "GR" General Retail First Height and Area
ROY A. BUTLER By George Burks C14-71-251	703-707, 716, 715-717 Henderson 901-905 West 9th St. 617-701 Wood	From "A" Residence, "B" Residence and "C" Commercial, Second Height and Area To "C" Commercial, Second Height and Area
CONRAD F. WISIAN, JR. C14-71-252	4007-4011 Manchaca Rd.	From "A" Residence To "O" Office
FRANK SIFUENTEZ C14-71-253	903 Montopolis Dr.	From "A" Residence To "B" Residence
ALTENHEIM by Rolf Normann C14-71-254	4101-4105 Avenue H.	From "A" Residence To "B" Residence
TIP INVESTMENTS, LTD. By Hub Bechtol C14-71-256	1500 Wheless Lane	From "BB" Residence First Height and Area To "B" Residence Second Height and Area

C. B. CARPENTER & ODAS JUNG By James Johnson C14-71-257	Rear of 2358-2374 Rosewood Avenue	From "LR" Local Retail To "C-2" Commercial
TRINIDAD DELGADO C14-71-258	Rear of 2417 So. 3rd St.	From "A" Residence To "BB" Residence
HOWARD BRUNSON ET AL By David Mitchell C14-71-259	5716 Manor Road	From "GR" General Retail To "C-2" Commercial
A. W. VOGELPOHL C14-71-260	4823 Riverside Drive	From "A" Residence To "B" Residence
C. A. GILBERG By Arthur Pihlgren C14-71-261	Rear of 1211 Montopolis Drive Rear of 6304 Porter St.	From "A" Residence To "GR" General Retail
R. D. SEIDERS By Philip Bashara C14-71-262	1600-1706 E. 51st St. 5100-5116 Berkman Dr.	From "A" Residence First Height and Area To Tr. 1 "LR" Local Retail First Height and Area Tr. 2 "B" Residence First Height and Area
McMAIN, MABRY, POWELL, MONTANDON & MOFFETT C14-71-263	4500-4514 Avenue F 106-110 E. 45th St.	From "A" Residence First Height and Area To "B" Residence Second Height and Area
B. M. HICKMAN By Doug W. Morris C14-71-264	2608-2610 Wheless Ln.	From "A" Residence To "B" Residence
CROSS COUNTRY INNS, INC. By M. H. Crockett, Jr. C14-71-265	Rear of 1015-1027 Hwy. 290	From "B" Residence Second Height and Area To "GR" General Retail Second Height and Area
TOM FAIREY C14-71-266	5602 Manor Road	From "B" Residence To "GR" General Retail
HOMER JOHNSON C14-71-267	505 Campbell St.	From "B" Residence Second Height and Area To "C" Commercial Second Height and Area
JOE DAYWOOD By John Selman C14-71-268	505 Swanee	From "A" Residence To "B" Residence

JOE DAYWOOD By John Selman C14-71-269	4716-4718 Depew	From "A" Residence To "B" Residence
RAYMOND MAYES & ROSALEE MAYES By John Selman C14-71-270	304 W. 35th St.	From "A" Residence To "B" Residence
ODAS JUNG By George Ramsey & Berl Handcox C14-71-271	2603-2609 Manor Rd.	From "C" Commercial, Fifth Height and Area To "C-2" Commercial Fifth Height and Area
WILLIAM GAGE C14-71-272	Rear of 1416 Fortview Road	From "A" Residence To "GR" General Retail
LEE FREEMAN By Jack Roche C14-71-273	3615 Bull Creek 3802 Petes Path	From "A" Residence To "O" Office
EARL & EUGENE WUKASCH C14-71-274	5210 Huisache St.	From "A" Residence To "O" Office
NORTHGATE BLVD. By Robert Sneed C14-71-275	9025-9101 Northgate Blvd. 1800-1840 Colony Creek Dr.	From "B" Residence To "GR" General Retail
PETER REINHARDT By Richard Baker C14-71-276	409-413 W. 38th St.	From "A" Residence First Height and Area To "B" Residence Second Height and Area
JOHN HARRIS By Richard Baker C14-71-277	900-908 Bannister Ln.	From "BB" Residence To "B" Residence
B. L. MCGEE By Richard Baker C14-71-278	1308-1504 E. 51st St.	From "BB" Residence & "A" Residence To "O" Office
B. L. MINCE & W. R. COLEMAN By Richard Baker C14-71-279	1501 Lupine Lane	From "A" Residence To "B" Residence

Councilman Love noted there had been several visitors with the Council throughout the day from different organizations, and some had been encouraged to do this, to see its Council in action, and he appreciated this.

Mrs. Ashworth, League of Women Voters inquired about the status of the refund contract report. It was reported to her there would be a public hearing, and advance notice given.

Mayor Butler announced the Council would retire into Executive Session to discuss six real estate items.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler

Mayor

ATTEST:

Elin Woodley

City Clerk