

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 10, 1971

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll call:

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

Absent: None

The Invocation was delivered by Mr. Lynn Andrews, City Manager.

PROCLAMATION

The Mayor read a proclamation designating June 14 as "FLAG DAY".

EASEMENTS RELEASED

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

An electrical and telephone easement described  
in an instrument of record in Book 3346 at Page  
No. 1717.

The motion, seconded by Councilman Love, 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 the release of the following easement:

A public utilities easement out of Lot 7,  
Block A, SOUTH LAMAR SQUARE.

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

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

Noes: None

## CONTRACTS AWARDED

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

SCHMIDT CONSTRUCTION COMPANY - Storm sewers for Peyton Gin Road improvements from Research Boulevard to North Lamar Boulevard, Contract No. 71-Db-108 - \$39,395.65. (60 working days for completion; Engineer's estimate was \$37,100.00; Capital Improvements Program)

The motion, seconded by Councilman Handcox, carried by the following vote:  
Ayes: Councilmen Dryden, Nichols, Love, Friedman, Handcox,  
Mayor Butler  
Noes: None  
Not in Council Room at the time of the roll call: Councilman Lebermann

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

TERRY EDWARDS - For street improvements to Montopolis Drive from Club Terrace to 227' north of El Mirando Street, Contract No. 71-Pa-102 - \$36,580.83. (40 working days for completion; Engineer's estimate was \$38,100.00; Capital Improvements Program)

The motion, seconded by Councilman Dryden, carried by the following vote:  
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

Mr. Andrews, City Manager, announced this completes the Montopolis Paving Project.

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

DEXTER SIMONS  
CONSTRUCTION  
COMPANY - For the installation of approximately 853 linear feet of 12-inch cast iron sewer pipe in Middle Fiskville Road between Koenig Lane and Highland Mall Boulevard - \$7,837.70. (20 working days for completion; City's estimate was \$8,689.00; Capital Improvements Program)

The motion, seconded by Councilman Nichols, 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 awarding the following contract:

McGRAW-EDISON - Two (2) each 138 KV 2,000 Ampere Switches  
for Austrop Substation - \$5,900.00.

The motion, seconded by Councilman Dryden, carried by the following vote:  
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

Councilman Dryden moved the Council adopt a resolution awarding the following contracts:

FEDERAL ENVELOPE - For 620,000 envelopes - \$2,945.55.  
COMPANY

MAILWELL ENVELOPE - For 417,500 envelopes - \$2,076.02.  
COMPANY

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

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

#### SUBSTANDARD STRUCTURES

Councilman Nichols moved the Council accept the recommendations from the Building Standards Commission and instruct the Law Department to take proper legal disposition on the following substandard structures which have not been repaired or demolished within the required time:

1180 Ridgeway - Patricia King  
6600 Galindo - Tom Gee & Howell Finch, Trustees  
1508 East 4th Street - Ed Banuelos Estate  
1801 Tannehill Drive - Edward G. Sigmund & John A. Sherrill  
1912 Peoples - Mrs. Johnnie Mae Miller

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

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

Councilmen Nichols, Friedman, and Handcox want pictures of these delivered with the agenda.

#### PARKING METERS ELIMINATED

Councilman Lebermann moved the Council adopt a resolution deleting sixty minute parking meters on Guadalupe Street, the east side, from 21st

Street to 24th Street due to University of Texas construction and landscaping. The motion, seconded by Councilman Handcox, carried by the following vote:

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

#### INVESTMENT AND ADMINISTRATION OF BOND PROCEEDS

Councilman Nichols moved the Council adopt a resolution authorizing the execution and administration of \$13,100,000.00 proceeds of recent bond sale. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### ANNEXATION ORDINANCES

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
6.60 ACRES OF LAND, SAME BEING OUT OF AND A PART OF  
THE JOHN APPELGAIT SURVEY IN TRAVIS COUNTY, TEXAS;  
WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND  
ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF  
AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Proposed Windsor Hills, Section 2, Phase Two.)

The ordinance was read the third time and Councilman Nichols moved the ordinance be finally passed. The motion, seconded by Councilman Love, 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.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
10.07 ACRES OF LAND, SAME BEING OUT OF AND A PART OF  
THE JAMES ROGERS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH  
SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS  
THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN  
PARTICULARS STATED IN THE ORDINANCE. (Proposed Mesa  
Park, Section Three)

The ordinance was read the third time and Councilman Nichols moved that

the ordinance be finally passed. The motion, seconded by Councilman Love, 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.

#### CORRECTION OF ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE FOLLOWING ZONING ORDINANCES, MAKING CERTAIN MINOR CORRECTIONS IN THE LEGAL DESCRIPTIONS OF THE PROPERTIES ZONED BY SAID ORDINANCES:  
ORDINANCE NO. 710429-I, ZONING CASE NO. C14-69-239,  
ORDINANCE NO. 710429-J, ZONING CASE NO. C14-68-194,  
ORDINANCE NO. 710506-G, ZONING CASE NO. C14-70-127,  
ORDINANCE NO. 710415-C, ZONING CASE NO. C14-70-004, and  
ORDINANCE NO. 710415-D, ZONING CASE NO. C14-71-001; AND  
SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES  
ON THREE SEPARATE DAYS.

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

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710318-F,  
ZONING CASE NO. C14-68-243, BY CORRECTING CERTAIN  
TYPOGRAPHICAL ERRORS AND CORRECTING CERTAIN ERRORS  
IN THE LEGAL DESCRIPTION OF THAT PROPERTY ZONED BY  
SAID ORDINANCE; AND SUSPENDING THE RULE REQUIRING  
THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

## CODE AMENDMENT - SILENT ALARM SYSTEMS

The Council had before it an ordinance amending Chapter 26 of the City Code of the City of Austin, 1967, prohibiting the use of Silent Alarm Systems which automatically initiate calls to the Police or Fire Departments.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 26 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW SECTION 26-13; AND PROVIDING FOR THE SUSPENSION OF THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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.

## ZONING ORDINANCE AMENDMENT

Mayor Butler opened the hearing scheduled for 2:00 p.m. on an amendment to the Zoning Ordinance - amending Section 45-22 of the Zoning Ordinance by adding alcoholic beverages, distilled spirits, liquors, wines, vinous liquors, ales, malt liquors and mixed beverages to the list of beverages that may be handled in connection with the operation of a restaurant or cafe in areas zoned "GR" General Retail; and an amendment to the definition of "Restaurant or Cafe found in Section 45-1.

No one appeared to be heard. Councilman Nichols moved the hearing be closed. The motion, seconded by Councilman Love, carried by the following vote:

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

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-22 OF THE CODE OF THE CITY OF AUSTIN, 1967 TO ALLOW FOR THE SALE OF MIXED BEVERAGES IN AREAS ZONED "GR" GENERAL RETAIL DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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 Love, 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.

#### ANNEXATION HEARINGS

It being 2:00 P.M., Mayor Butler opened the hearing scheduled for this time on annexing the properties listed below: Councilman Love moved the Council close the hearing and instruct the administration to institute annexation proceedings to annex the following:

24.91 acres of land out of the William Cannon League - proposed BUCKINGHAM ESTATES, SECTION 1, and unplatted land. (requested by owner's representative)

7.17 acres of land out of the William Cannon League - proposed FLOURNOY SWEETBRIAR, SECTION VIII. (requested by owner)

30.61 acres of land out of the George W. Davis Survey - proposed QUAIL CREEK WEST, SECTION FOUR; a part of a street known as Hutland Drive and other unplatted land. (requested by owner's representative)

7.28 acres of land out of the William Cannon League - proposed BUCKINGHAM MEADOWS. (requested by owner)

39.5 acres of land, more or less, out of the Theodore Bissel Survey - unplatted land and a part of Jones Road. (initiated by City) (pending release from Sunset Valley); and

to deny the request for annexing the following:

21.26 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTION 1. (requested by owner)

The motion, seconded by Councilman Friedman, carried by the following vote  
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,  
Mayor Butler  
Noes: None

Councilman Nichols wanted to go on record as believing the 21.26 acres should be brought into the City.

The City Manager stated the Council should make a study of the annexation policy of skipping areas.

Councilman Dryden moved the hearing be closed and the administration be instructed to institute annexation proceedings on the following:

99.9 acres of land out of the Theodore Bissel Survey - proposed Cherry Creek, Phase II, Section Four; The

Village, Section One; The Village, Section Two, The Village, Section Three; and unplatted land.

The motion, seconded by Councilman Handcox, carried by the following vote:  
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

CO-ORDINATOR OF COMMITTEE TO DEFEND  
DEMOCRATIC RIGHTS IN HOUSTON, TEXAS

MR. JAMES W. BURFEIND, Austin Co-ordinator of Committee to Defend Democratic Rights in Houston, requested the Council to take action to defend and assure democratic rights to all Texas citizens as to bombings of political parties, radio stations, shooting at cars, and slanderous attacks in the papers. Recently there was a bombing of the Socialist Workers Party. Individuals who had been attacked, met to do something about these attacks which continued and escalated. His request to the Council was that it indicate its concern through a resolution, or encourage responsible activity that the citizens in Houston undertook to get police to take action. He asked that the Council commend the efforts of this Committee to Defend Democratic Rights in Houston and its supporters for their firm stand against right-wing terrorism. Mayor Butler stated it might be presumptuous to enter into Houston affairs. Councilman Lebermann expressed regrets over violence of any sort, but he too agreed that entrance of the Austin City Council into this matter might be detrimental. Councilman Love expressed appreciation for Mr. Burfeind's coming before this body, stating the Council was sympathetic to the difficulties of Houston, but that Austin has its problems also.

ADVOCATES OF ORDINANCE PERMITTING SALE OF RAW MILK

MR. JOHN LOVING recalled filing a petition of some 400 names of those wanting to maintain their human right to drink raw milk. He asked that the Council rescind an ordinance passed recently outlawing the sale of raw milk. Mayor Butler said Austin was the last major city in the state that allowed the sale of bottled raw milk. The U. S. Public Health Service and the Texas State Department of Health had also discouraged such sales. The sale of raw milk was prohibited when the last firm had gone out of business. Councilman Dryden stated the City should uphold the State Health Department law and the City Health Officer's recommendation. He pointed out the main disease is brucellosis, which can be controlled and there had been quite a number of cases in ten years that had been reported to the State Health Department. Many of them were attributed to raw milk, those who handle cattle, meat, and milk products. Many cases were not reported but he could get histories on those in Travis County. MRS. HUNTLE, MRS. LOLA LEE, MISS CLARICE CLARK, MRS MAXWELL B. STOUT, MRS. SARA PENN HARRIS, MR. WARREN DONWORTH advocated raw milk as superior to pasteurized milk and urged the Council to re-instate such sales of milk after being certified.

DR. SESSUMS explained the State Health Department, although it does allow the sale of raw milk under specific conditions, does recommend that it not be allowed. The U. S. Public Health Service has recommended for many years



that no milk other than pasteurized milk be sold. Costs of inspecting a raw milk dairy run three times higher. Councilman Handcox said under proper certified conditions he would not be opposed to the sale of raw milk in Austin. Councilman Handcox moved that the City Attorney be instructed to bring in whatever language is necessary to rescind the raw milk ordinance. X The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

#### CROSSTOWN INTERCEPTOR PRELIMINARY DESIGN AND REPORT

Mr. Vic Schmidt, Director of Water and Waste Water, gave a history of studies and decisions to provide for the crosstown interceptors. In 1965, to solve the problems of sewer lines in creeks that were too small as well as developing areas in Dry Creek and Bull Creek, the staff investigated the possibility of a cross-town-interceptor that would cross at 29th Street. Sewage could then be taken from the mouth of Bull Creek to Walnut Creek by gravity. After two years of study, the City hired Horner and Schiffirin to make a feasibility study and the report showed this was the economical way to handle sewage on the north bank of the river. This report was distributed to all the consultants in Austin and a meeting was held. All but two of the consultants endorsed this proposal. The criteria to which the critics object are being used in some cities in Texas which are coming to grips with pollution. Past criteria brought on the pollution problems of today's overflowing sewage.

In 1970, the Council authorized the design of construction plans for this sewer, and a contract was executed with Bryant-Curington, (locally) A.S. MATHEWS, and LEEDS-HILL & JEWETT of San Francisco, as the joint venture of this crosstown sewer.

MR. R. M. DIXON expressed interest in the engineering of this project. He was invited to meet with the consultants present this morning. Mr. Dixon discussed the Shoal Creek report, which was not included in the Horner & Schiffirin report, but was available to the firm. He believed this concept needed a thorough examination by a disinterested engineer. This project would take care of only one-fourth of the north side and would not serve the south side. The Director of Water and Waste Water, Mr. Vic Schmidt, said the design was to handle the drainage area of Bull Creek, Dry Creek, Johnson Creek, Shoal Creek, Waller and on across the east, north of the intersection. On the south side there is an outfall on the south bank that would be adequate for hopefully 50 years. He explained that the present method of placing the sewers in the creeks would not be advisable. Mr. Schmidt reviewed the infiltration problems, arising mainly from private connections. He discussed increased density to be considered. He pointed out the route of the cross town sewer on a map. In answer to Mayor Butler's question about future needs to construct another tunnel in the south part of Austin, Mr. Schmidt stated the drainage in that section was covered by a good outfall at this time. Mr. Dixon feared there was exfiltration and sewage was getting into Town Lake instead of being treated.

Mr. Bryant, Bryant-Curington, recalled there was included in the 1966

master plan a paragraph pointing out a possible exfiltration; and that a disinterested engineering firm, Horner & Schiffrin, was engaged to make this study.

Mr. Ronald Berman, Chairman Sierra Club, felt there was a lot of exfiltration and stated the crosstown sewers would relieve the load on the sewers south of it, and should do much to alleviate the exfiltration. Councilman Nichols noted the Bond Companies who rate Austin continue to affirm that Austin would get the highest rating to be had because of the economic feature of this crosstown interceptor, and that they were intrigued with this tunnel. He pointed out there would be Federal and State funds available. Councilman Dryden said he was compelled to accept the recommendation of the Water and Waste Water Department.

Councilman Dryden moved the Council accept the recommendation of the administration approving the Crosstown Interceptor preliminary design and report, and authorize the proceeding with the final design work. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: None

#### POLLUTION CONTROLS

In regard to recent correspondence alleging the City-County Health Director had not carried out his responsibilities concerning water pollution, Mr. Dan Davidson, Deputy City Manager, reported a study covering 100 years had been made, and it appeared the river had been a subject of pollution during that period. Dr. Sessums had been with the City less than a year, and his report revealed that more had been accomplished since he came to Austin than any other time in the City's history. Tests made fell within the acceptable Water Quality Board standards.

Dr. Sessums reviewed the corrective measures undertaken, and listed the results as follows: approximately 300 boats on Lake Austin and Travis complied with the code as to toilet facilities; six marinas improved their sewage disposal systems; City Departments installed grease pollution interceptors at various locations; car washes were connected to sanitary sewers; inspections were made of 2600 septic tanks and sewage disposal systems, private and public malfunctioning sewer collection systems, grease traps, 1460 installations at food service establishments; and more toilet facilities were added at City Park. Ten privies were eliminated, and facilities connected to sanitary sewers. City forces cleaned oil spills, threatening area waters, and septic tanks in subdivisions subject to water pollution are being discouraged. The program included negotiations with major oil distributors for disposal of waste oil and lubricants. Investigations of pollution complaints from the public were made and compliance was arranged in over 50 cases. Many other items were listed: requiring circuses and carnivals to obey the City Code; and assistance was given to a concrete manufacturer to lessen cement residues from cleaning of his trucks.

Recommendations covered the following: (1) A City industrial waste ordinance, (2) revision of subdivision ordinances easing the control of waste disposal systems and to control erosion during construction and development

(3) revision of sections of the Code in conflict with the pollution control system; (4) Plumbing Code revisions to require improved design of grease trap interceptors; (5) begin spot surveillance of the 35 miles of creek beds for pollution control; (6) initiate a plan for water quality monitoring by the local department on Town Lake and associated creeks; (7) development of improved techniques for investigation and location of pollution and sewage; (8) urge continued public and Council support of the development of the crosstown waste water tunnel; (9) reduce pollution from dogs' running at large; (10) issue orders along with the Texas Water Quality Board increasing standards for waste water disposal in areas of extraterritorial jurisdiction and in areas of the County related to problems of the City.

MR. BERMAN spoke for the Sierra Club, stating it was very happy about the program Dr. Sessums has planned. He suggested an investigatory task force of department heads and citizen groups. Mr. Russell Fish, Chairman of the Environmental Council, reported this group was working closely with Dr. Sessums. Mr. Larry Smith expressed concern about Shoal Creek, and urged that the creeks be cleaned, adding he would work without pay for a year if he could do the studies on Shoal Creek. General discussion was held by the Council members.

#### CONSULTANT FOR EVALUATION OF MODEL CITIES

Mr. Tony Ojeda, Director of the Model Cities Program, reported the purpose of this contract for selecting a consultant is to provide an evaluation of the first year's Model Cities plan, the planning process, and a training program for members of the Staff and Commission. The Federal Law requires that 3% of the Model Cities grant funds be expended on evaluation activities. Out of nine proposals submitted to consultant firms only three were received. Mr. Ojeda recommended the firm "Urban Research Group" as it had a wide-range experience so far as staff performance and firm reputation were concerned. Proposals were received from "Southwest Institute for Planning and Sociometrics" and "Peat, Marwick, Mitchell, & Co.".

Councilman Love suggested since the nature of the services to be rendered by each of the three firms is equal, the lowest bid should be accepted. Mr. Homer Reed, Executive Administrator, pointed out in this case the City was securing experience and skill.

Councilman Love moved the Council select the firm of SOUTHWEST INSTITUTE FOR PLANNING AND SOCIOMETRICS. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Councilman Dryden suggested that before other experts are engaged for evaluation purposes, that some of the staff -- Mr. Reed and Mr. Carothers, who are most capable, could do some of this type of work. The City Manager stated this would be the City's evaluating its own activities and the Model Cities program was to try these programs in various cities and evaluate them to see what was good in the programs.

Mr. Ojeda discussed the financial program of the Model Cities, and recycling of the funds. He stated the Educational component would not be financed.

## ZONING HEARINGS

The Mayor opened the zoning hearings scheduled for 2:00 P.M. and the Council publicly heard the proponents and opponents present to present their opinions on both sides; and, the Council after much consideration, GRANTED the following zoning applications and instructed the City Attorney to draw the necessary ordinance to effect the zoning:

GUY E. MORGAN

By Richard C. Baker  
C14-71-073

Tract 1

4507-4509 North I H 35

From "A" Residence  
To "O" Office

Tract 2

4506-4508 Elwood Road

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission  
(Tracts 1 and 2)  
RECOMMENDED "O" Office  
on west 139.4' of Tract 1  
and the retention of "A"  
Residence on the remain-  
ing portion of Tract 1  
and Tract 2

Information submitted by the Director of Planning from the Traffic Engineer, who had consulted with the Highway Department on curb cuts. A driveway curb cut could be made on Fernwood. Opposing were Dan Killen and Mr. McKay. Applicants to develop when the highway is completed. A petition had been filed requiring 6 votes.

No construction could take place until one year hence.

Councilman Nichols moved the change be granted to "O" Office on west 139.4' on Tract 1 and the remaining portion of Tract 1 and Tract 2 remain "A" Residence. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: Councilman Handcox

The Mayor announced the change had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. MARTIN ANDERSON  
By Jon N. Coffee  
C14-71-0804501-4503 East Avenue  
1104 Fernwood RoadFrom "A" Residence 5th  
Height & Area  
To "O" Office 5th  
Height & Area  
RECOMMENDED by the  
Planning Commission

Mr. Coffee said zoning a year hence would be acceptable to his clients.

No construction could take place until one year hence.

Councilman Nichols moved the change to "O" Office 5th Height and Area be granted. The motion, seconded by Councilman Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office 5th Height and Area effective one year hence and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. M. SALINAS  
By Richard Love  
C14-71-098

312 East 16th Street

From "B" Residence 2nd  
Height & Area  
To "C" Commercial 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "GR" General  
Retail 2nd Height & Area  
and recommend that this  
tract be brought back to  
the attention of the  
Urban Renewal Agency for  
purchase

Urban Renewal is to purchase this property. Mr. Salinas may develop this tract according to the Urban Renewal Plan - Urban Renewal does not have to purchase this tract. Councilman Nichols moved the change be granted to "GR" General Retail 2nd Height and Area as recommended. 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 change had been granted to "GR" General Retail 2nd Height and Area as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

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R. & J. INVESTMENTS 5829-5905 Manor Road  
COMPANY  
By John Selman  
C14-71-107

From "B" Residence  
To "GR" General Retail  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "LR" Local  
Retail

Councilman Nichols moved the change be granted to "LR" Local Retail as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. K. JAMISON  
By John Selman  
C14-71-110

516 East 40th Street

From "A" Residence 1st  
To Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "B" Residence  
1st Height & Area subject  
to up to 5' of right-of-  
way on East 40th Street

Councilman Love moved the change be granted to "B" Residence 2nd Height and Area subject to up to 5' of right-of-way on East 40th Street. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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T. W. WILSON  
C14-71-081

405 West 35th Street

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 5' of right-  
of-way on West 35th Street

Councilman Nichols moved the change to "B" Residence 1st Height and Area be granted subject to 5' of right-of-way on West 35th Street. 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 change had been granted to "B" Residence 1st Height and Area as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHESTER W. LONEY  
C14-71-093

2001 Koenig Lane

From "A" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission  
subject to 10' of right-  
of-way on Koenig Lane

Councilman Nichols moved the change be granted to "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover,

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E. D. BOHLS  
By Chris Crow  
C14-71-096

400-402 Kenniston  
Drive

From "BB" Residence  
To "B" Residence  
(as amended)  
RECOMMENDED by the  
Planning Commission as  
amended

Councilman Nichols moved the change to "B" Residence be granted. 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 change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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JAY D. HARKINS  
C14-71-097

1123A-1125A Shady Lane

From "A" Residence  
To "C" Commercial  
(as amended)  
RECOMMENDED by the  
Planning Commission as  
amended subject to right-  
of-way up to 15' on Shady  
Lane

Councilman Nichols moved the change be granted to "C" Commercial as recommended by the Planning Commission. 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 change had been granted to "C" Commercial as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. K. JAMISON  
By Sneed, Vine,  
Wilkerson & Selman  
By John Selman  
C14-71-106

402-404 Swanee Drive

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to 5' of right-  
of-way on Swanee Drive

Councilman Dryden moved the change to "B" Residence be granted as recommended. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MONTOPOLIS COMMUNITY CENTER  
By Thomas B. Watts,  
Bryant-Curington, Inc.  
C14-71-100

1500 Montopolis Drive

From "LR" Local Retail  
To "GR" General Retail  
RECOMMENDED by the  
Planning Commission

Councilman Friedman moved the change be granted to "GR" General Retail. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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M. D. CUNNINGHAM, SR.  
& J. C. PETERSON  
By C. B. Carpenter  
C14-71-101

2525 Tinnin Ford Road

From "GR" General Retail  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission  
subject to field notes  
for the particular site  
location

Councilman Dryden moved the change be granted to "C-2" Commercial. The



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

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

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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DR. TOM BARNETT &  
B. T. WEBB  
C14-71-102

1819 East Riverside  
Drive

From "GR" General Retail  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission  
subject to field notes  
for the location of this  
use

Councilman Love moved the change to "C-2" Commercial be granted as recommended. 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 change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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JERRY N. WALLACE  
C14-71-103

1214-1306 Rutland Drive

From "BB" Residence on  
Tracts 1 & 2 and  
"LR" Local Retail  
on Tract 3  
To "A" Residence on  
Tracts 1, 2 & 3  
RECOMMENDED by the  
Planning Commission and  
recommended "A" Residence  
on the additional area  
as requested

Councilman Nichols moved the change to "A" Residence be granted as recommended. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox  
Noes: None  
Present but not voting: Mayor Butler as he had a residual interest in  
the property.

The Mayor announced that the change had been granted to "A" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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ASHLEY FLY &  
L. FRANCIS FLY  
By James W. Twonsend  
C14-71-083

2505 Nueces Street  
2508-2510 San Antonio

From "A" Residence and  
"C" Commercial  
2nd Height & Area  
To "C" Commercial  
2nd Height & Area  
RECOMMENDED by the  
Planning Commission and  
recommended that the  
City purchase this  
property

Mr. Townsend representing the applicants, said no definite plans for building at this time have been made. The City Manager said this was a part of a crosstown expressway. The Planning Director said this was part of right of way for 26th Street and was in the 1971 Capital Improvements Program; included under TOPICS - 1972-73. Councilman Lebermann moved the change be denied. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

Councilman Dryden moved to negotiate the purchase of this property. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

~~THE MOTION TO NEGOTIATE THE PURCHASE OF THIS PROPERTY WAS DENIED.~~

Councilman Dryden, for a matter of record regarding subsequent zoning hearings did not want to get behind on these cases and asked Mr. Lillie to keep the Council posted. The City Manager stated hearings were set now at 10:00 A.M. and Department heads instructed to place on the agenda on Zoning days only the emergency items.

#### CONCESSION RIGHTS AT AUDITORIUM AND COLISEUM

The Council had before it bids received for the concession rights at the Municipal Auditorium - Coliseum. Councilman Love suggested deferring judgement relative to this particular matter so that the Council could receive a complete report from the City Manager for the total concessions and business conducted between the City and private enterprises.

Councilman Dryden moved the Council defer action on the concession rights at the Auditorium - Coliseum until a report from the City Manager is submitted. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Present but not voting: Councilman Friedman as he represented a  
former concession holder

#### ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION'S GRANT AGREEMENT

The Director of Aviation, Mr. Vance Murphy, reported a 50% Federal grant for improvement of runways at the Austin Municipal Airport to strengthen the paving surface to accommodate the larger planes, at a total cost of \$92,800,000. Aviation was discussed in various aspects. The City Manager stated by 1975, a decision would have to be made as to the possibility of constructing a new airport or to negotiate with Bergstrom Air Force officials for the joint use of its facilities. After lengthy discussion Councilman Love moved the Council adopt a resolution authorizing acceptance of the Federal Aviation Administration's Grant Agreement of \$1,408,465.00. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

#### SALE OF TOWN LAKE TRACT TO AUSTIN INDEPENDENT SCHOOL DISTRICT

In discussing the sale of the Town Lake Tract to Austin Independent School District, the City Manager brought up the question of the 50' strip along the river front for a Hike and Bike trail across the property under consideration. The Recreation Director stated this particular area was desirable for the hike and bike trails all the way from the Longhorn Crossing up to Deep Eddy, and perhaps to the University property. Mayor Butler stated a complete survey should be conducted indicating the dimensions and borderlines; and that after completion, the School District would be responsible for the maintenance. The Recreation Director described briefly the hike and bike trail as being five miles in length from dam to dam, and pointed out the necessity to enter into an agreement with the University to use its land. Consulting engineers are preparing specifications for the trail on both sides of the river. Councilman Love emphasized the need for lighting the trail, and asked that plans for lighting this trail be brought back to the Council.

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into the contract with the Austin Independent School District as set forth in the document before the Council, subject to the contingency the City retains the 50' green belt (properly delineated on the plat); subject to approval of recreation facilities constructed by the Schools on City property; and that the School District shall be responsible for the maintenance of the tract, and for the location or relocation of the sewer. The motion, seconded by Councilman Love, carried by the following vote:

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

Noes: None

Not in Council Room at roll call: Councilman Lebermann

## Appraisals for the tract:

\$ 1,054,000  
\$ 985,000  
\$ 1,100,000

## REQUEST OF JAYCEES TO USE SOUTH SHORE

After reviewing the details involved in Mr. Dick Wait's request to use the south shore of Town Lake in conjunction with "Honor America Day", including fireworks, barricades, attendance of fire fighters, and the liability fee to be paid by the City, Councilman Love moved the Council allow the Austin Jaycees to use the shores of Town Lake as requested on July 4th. The motion, seconded by Councilman Dryden, carried by the following vote:

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

USE FOR CITY OWNED LAND NORTHWEST OF  
REINLI & SHERIDAN STREETS - JULY 3rd

The Council considered the request of Mr. Leo Butler, representing Capital Plaza Shopping Center, to use city owned land at the intersection of Reinli and Sheridan Streets on July 3rd for the purpose of a fireworks display. Councilman Nichols moved the request be granted subject to approval of all Departments. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## ENVELOPES

In connection with awarding a contract for envelopes, Councilman Dryden suggested that the large envelopes carrying data for the Council be returned, to be reused weekly.

POSTPONEMENT OF REQUEST  
TO APPEAR - DECKER LAKE SEWAGE TREATMENT PLANT

Mr. Lewis W. Johnson, Sr., had requested a place on the agenda for Mr. Bill Davidson or Mr. S. A. Garza to appear before the Council regarding Decker Lake Sewage Treatment Plant. The speakers asked that this date be extended to July 1st, and the Council concurred.

## TOT LOT PROGRAM

Councilman Nichols moved the Council adopt two resolutions authorizing the City Manager to execute two (2) 90-day leases for land to be used in the Parks and Recreation Model Cities Tot Lot Program - \$1.00 each lease. (2311 East 9th Street and 408 Montopolis Drive) The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

## GOLF COMMITTEE REPORT

The Council had before it the report from the Golf Committee regarding the selection of a golf course site. Councilman Dryden asked that the size of this course be "stretched" to 27 holes, as the number of players could be doubled. Mr. Harvey Penick had recommended that the Council consider this enlargement. Councilman Nichols moved that the site of the golf course be the Williamson Creek site in South Austin, and that due consideration be given to increasing the size of the course from 18 holes to 27 holes, if money is available. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Later in the meeting, Mr. Doren Eskew, of the firm of McCreary, Hugh, and Eskew, represented a number of property owners and golfers concerning the decision of the Council accepting the Williamson Creek site for the new golf course. He asked the Council to reconsider and rescind its action. He had received a copy of the report which involved four tracts of land, and had made two observations - first, an analysis of some of the aspects of the report. He stated some factors were erroneously stated. The second category was the question of keeping faith with the voters in that publicity promoting the bond program included the location of the golf course at Decker Lake. Mr. Eskew compared the two sites pointing out the advantages of the Decker site - superior access, proximity to the golfing public, sanitary sewer facilities already in place; environment - overlooking a 1300 acre lake; and the course not in the flight path of Bergstrom. He pointed out the consistency of the Master Plan. He suggested that this should be advertised for public hearing.

Mayor Butler explained his personal vote was on the basis of the recommendation of the Citizens Committee of Golfers. Council members indicated they were well pleased with the recommended location; that the golfing public was well represented, the architect had been instructed to pick one of the four sites and recommend, and he selected the Williamson Creek site.

## CITIZEN TO BE HEARD

Mr. Willie Ferrell requested time to appear before the Council, but did not appear.

## ADJOURNMENT

At 7:00 P.M. the Council adjourned.

APPROVED

*Ray Butler*  
\_\_\_\_\_  
Mayor

ATTEST:

*Elin Woolley*  
\_\_\_\_\_  
City Clerk