

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 24, 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 Reverend Theodore McElroy, Hyde Park Christian Church.

SILENT PRAYER IN HONOR OF AMBASSADOR W.W. HEATH

Upon motion by Mayor Butler, the audience and the Council stood for one minute in silent prayer in honor of Ambassador W. W. Heath. Ambassador Heath was a distinguished American, Texan, and Austinite who served his nation, state, and city for years in an outstanding manner

CITY MANAGER ABSENT

As Mr. Andrews, City Manager, was absent, Mr. Dan Davidson, Deputy City Manager, was present acting in the position of City Manager.

APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meetings of June 17, 1971, as corrected on Page 3. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PROCLAMATION

Mayor Butler read a proclamation declaring Thursday, July 1, 1971, "Postal Services Day in Austin". Mr. Carl A. Hobbs, and Mr. Clarence Saegert were present to receive the instrument.

## CONTRACTS AWARDED

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

AUSTIN MAINTENANCE  
SERVICE, INC.

- Renewal of custodial cleaning contract for the Municipal Building for a period of seven (7) months - July 1, 1971, through January 31, 1972 - \$10,234.00.

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 moved the Council adopt a resolution awarding the following contract:

GULF OIL CORPORATION

- Twelve (12) months requirements contract for Gasoline, Kerosene, Solvent, Diesel Fuel and Lubricating Oils and Greases - \$250,097.65.

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 awarding the following contract:

ED H. PAGE

- For street improvements (Assessment Paving) consisting of seven (7) units, covering Banister Lane, Barton Skyway, Middle Fiskville Road, Clayton Lane, Martin Avenue, and East 55th Street, Contract No. 71-Pa-103 - \$118,261.46. (60 working days for completion; Engineer's estimate - \$119,800.00; Capital Improvement Program)

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

## (CONTRACTS continued)

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

BIRD PAINTING COMPANY - Re-painting of Hospital Laundry -  
\$5,000.00

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:

AMERICAN LAUNDRY MACHINERY - 400 pound Unloading Washer for Bracken-  
INDUSTRIES ridge Hospital - \$16,494.00.

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

## ACQUISITION OF LAND - MO-PAC

Councilman Nichols moved the Council adopt resolutions authorizing the acquisition of certain land for the Mo-Pac expressway:

606 Atlanta Street (Partial Taking)  
602 Atlanta Street (Partial Taking)  
604 Atlanta Street (Partial Taking)

Mr. Morahan, Director of the Property Division, gave a brief report on the status of right of way in Phase 3 and Phase 4 of the Mo-Pac Boulevard.

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

## LEASE AGREEMENT

Councilman Love moved the Council adopt a resolution authorizing a lease agreement with E. E. Stuessy Contractor, Inc., for property at East 5th Street and Pleasant Valley Road.

Brief discussion initiated by Mayor Butler on an amount to be charged in the future was held. A suggested figure was 10% or .01% per month.

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

**FUNDS - "SERVICES TO YOUNG MOTHERS PROJECT"**

Councilman Friedman moved the Council adopt a resolution authorizing agreements between the City of Austin and the State Department of Public Welfare to purchase services from Child and Family Service of Austin for the Services to Young Mothers Project. (Social Security Act Title IV-A matching funds in the amount of \$92,951 will be secured through the State Department of Public Welfare.) Total cost of project: \$133,318 - Model Cities Share: \$40,367;

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

Councilman Friedman moved the Council adopt a resolution authorizing an agreement with Child and Family service of Austin for the operation of the Services to Young Mothers Project - Total cost: \$133,318.00 - Model Cities Share: \$40,367.00.

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

**EASEMENT RELEASED**

Councilman Nichols moved the Council adopt a resolution authorizing the release of a portion of a public utilities easement out of Lot 10, Block 2, University Hills Riverbend, Section 3-C.

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

**RECOGNITION**

The Council recognized the Austin High School American History Class, welcoming the students.

**BRANCH LIBRARY - LEASE RENEWAL**

Councilman Lebermann moved the Council adopt a resolution authorizing the renewal of the lease for a Branch Library at 2131 East 1st Street (Canadian Street Branch) for the consideration of \$100 per month.

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

ANNEXATION ORDINANCES  
Final Passage

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 ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.08 ACRES OF LAND OUT OF THE HENRY P. HILL LEAGUE AND 19 ACRES OF LAND, MORE OR LESS, OUT OF THE JOHN APPELGATT SURVEY; ALL BEING LOCATED 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. (Portion of Austin Independent School District tract of land; portions of Lamar Boulevard, West Rundberg Lane, and Glen Lane and unplatted land)

The ordinance was read the third time and Councilman Nichols moved the ordinance be finally passed. 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 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 ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 23.52 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS 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 North Austin Christian Church addition).

The ordinance was read the third time and Councilman Nichols moved the ordinance be finally passed. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 24.91 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE; 7.17 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE; 30.61 ACRES OF LAND OUT OF THE GEORGE W. DAVIS SURVEY; 7.28 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE; AND 39.5 ACRES OF LAND, MORE OR LESS OUT OF THE THEODORE BISSEL SURVEY; ALL BEING LOCATED 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 Buckingham Estates, Section 1, and unplatted land; proposed Flournoy Sweetbriar, Section VIII; proposed Quail Creek West, Section Four, a part of a street known as Hutland Drive and other unplatted land; proposed Buckingham Meadows; and unplatted land and a part of Jones Road)

The ordinance was read the first time and Councilman Nichols moved the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The ordinance was read the second time and Councilman Nichols moved the ordinance be passed to its third reading. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## RECEIVING AND ACCEPTING WORK OF PAVING

Mayor Butler introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ANDERSON LANE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY ED PAGE, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (

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

This work was accomplished under Paving Contract 70-Pa-133 by Ed H. Page under his successful bid of \$105,583.58. A total of 8 properties were assessed by Ordinance dated May 14, 1971. Capital Improvements Program.

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710513-C ENTITLED "AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH C.L.R. DEVELOPMENT, INCORPORATED; PARKER HEIGHTS, INCORPORATED; AND COLORADO HILLS ESTATES, INCORPORATED; AND DECLARING AN EMERGENCY" BY ADDING THERETO A PROVISION FOR THE REFUND OF A FIVE PERCENT (5%) ENGINEERING FEE DUE ON THE COST OF INSTALLING 24-INCH C.S.C. WATER MAINS IN THE AMOUNT OF \$1,619.30; 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 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.

#### 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:  
LOT 2, EAST 41.57 FEET OF LOTS 3 AND 4, H. M. BOHN ADDITION, LOCALLY KNOWN AS 100 BEN WHITE BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL 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.

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.

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:

LOTS 13, 14 and 15 OF BLOCK 28, TRAVIS HEIGHTS ADDITION, LOCALLY KNOWN AS 1027-1031 EAST RIVERSIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND 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.

#### Discussion on Passage of Zoning Ordinances

On passing zoning ordinances, Councilman Nichols asked for assurance that all contingencies imposed upon the applicant were in compliance with Council directions before an ordinance were finally passed. The City Attorney explained the procedures to ascertain the compliance; that the necessary documents were filed with the Law Department and clearance from other departments was received before the ordinance was brought to the Council for action. The Mayor asked that the pertinent file always be brought before the Council.

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:

WEST 139.4 FEET OF A 0.63 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4507-4509 NORTH I.H. 35, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT, AND THE RETENTION OF "A" RESIDENCE DISTRICT ON THE REMAINDER OF SAID TRACT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.



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

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

The Mayor announced that the ordinance had been finally passed.

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:  
LOTS 1 AND 2, BLOCK F, DELWOOD ADDITION, LOCALLY KNOWN AS 4501-4503 EAST AVENUE; 1104 FERNWOOD ROAD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

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:  
LOTS 1 AND 22, MANOR ESTATE, LOCALLY KNOWN AS 5829, 5901, AND 5905 MANOR ROAD, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (R & J Investments Co.--C14-71-080).

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: None

Not in Council Room when roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

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:

TRACT 1: A 9.5 ACRE TRACT OF LAND, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT;

TRACT 2: A 1.0 ACRE TRACT OF LAND, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT;

TRACT 3: A 4.6 ACRE TRACT OF LAND, FROM "LR" LOCAL RETAIL DISTRICT TO "A" RESIDENCE DISTRICT;

TRACT 4: A 1.52 ACRE TRACT OF LAND, FROM "LR" LOCAL RETAIL DISTRICT TO "A" RESIDENCE DISTRICT;

TRACT 5: A 3.67 ACRE TRACT OF LAND, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT;

LOCALLY KNOWN AS 1214-1306 RUTLAND DRIVE; ALL OF 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. (Jerry N. Wallace - C14-71-103).

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 .

Noes: None

Present but not voting: Councilman Friedman, Mayor Butler (Mayor Butler not voting as he has a residual interest in the subject property)

The Mayor announced that the ordinance had been finally passed.

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:

(1) LOT 12 AND THE EAST 69 FEET OF LOT 11, BLOCK 6, SILVERTON HEIGHTS, LOCALLY KNOWN AS 400-402 KENNISTON DRIVE, FROM "BB" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

(2) LOT 5, OUTLOT 56, DIVISION #, OF THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 312 EAST 16TH STREET, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;

(3) LOT 1, COUNTRY CLUB GARDENS, SECTION V, LOCALLY KNOWN AS 1500 MONTOPOLIS DRIVE; 5200 FAIRWAY, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT;

(4) A 12,750 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2525 TINNIN FORD ROAD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

*Emergency*

(5) TRACT 1: AN 8,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1819 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

TRACT 2: A 6,490 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1819 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

(J. M. Salinas - C14-71-098, E. D. Bohls - C14-71-096, Montopolis Community Center - C14-71-100, Dr. Tom Barnett & B. T. Webb - C14-71-102, M. D. Cunningham, Sr. & J. C. Peterson - C14-71-101)

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, Lebermann, Friedman, Handcox, Mayor Butler

Noes: None

Not in Council Room when roll was called: Councilman Love

The Mayor announced that the ordinance had been finally passed.

#### REQUEST TO RESET ZONING HEARING

Mr. Thomas Black requested that Zoning Application No. C14-71-139 (ESTATE OF BEN H. POWELL, 916-922 N. Lamar; 1001-1013 W. 14th St.) be reset for hearing on July 15th, rather than on August 5. He said the attorney for the opposition was agreeable to the re-scheduling of the case. The Planning Director reviewed some of the problems on publications, supplying reports, maps, and information prior to the hearing.

Councilman Nichols moved the Council reset this hearing for 2:00 P.M., July 29th, and direct that the ordinance be brought in also on July 29th. The motion, seconded by Councilman Dryden, 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 APPROPRIATING FUNDS TO BE EXPENDED TO AUSTIN TRANSIT CORPORATION IN ACCORDANCE WITH CONTRACT DATED MARCH 26, 1971, CONCERNING THE OPERATION OF A TRANSIT SYSTEM; AND DECLARING AN EMERGENCY.

Councilman Nichols asked that more detailed information be furnished as the Council had not received the information which it had been seeking.

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, Friedman, Handcox, Mayor Butler  
Noes: None  
Not in Council Room when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

#### NEW BERGSTROM COMMANDER INTRODUCED

Mr. Vance Murphy, Director of Aviation, introduced Colonel and Mrs. Walter Daniel, new Commander of the 75th Wing, Bergstrom Air Force Base.

#### APPEARANCE POSTPONED

The Council noted the request for indefinite postponement by Mrs. Donald Fiegel, on her appearance regarding litter.

#### AMENDMENT TO PARADE ORDINANCE SEC. 8 - CASH DEPOSIT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION 31-12 THEREOF BY DELETING PARAGRAPHS 8 AND 9 OF SAID SECTION 31-12, AND AMENDING OTHER PARAGRAPHS OF SECTION 31-12 IN ORDER TO CONFORM WITH SAID DELETIONS.

Mayor Butler stated this amendment pertained only to Section 8. Mr. George Shotzky Texas School of Law Faculty, discussed the parade ordinance, touching on its constitutionality, noting over the past ten years the Supreme Court seemed concerned with the right of people to do things without having to pay for them; however, the City has the authority over the routes and time. Mr. Larry Waterhouse Regional Coordinator for the State of Texas for Viet Nam Veterans Against The War, suggested that the present ordinance was unfair, particularly to the poor. Mrs. Mildred Didonato Travis County Democratic Women's Committee, strongly supported the repeal of Section 8 of the Parade Ordinance. Mrs. Dottie Baloue Coordinator of the Student Mobilization Committee, spoken on the expense of a parade and the permit, stating that her organization depends upon donations.

Mayor Butler Called for those to speak in opposition to the repeal of this ordinance. No one appeared.

\* Not able to find confirmation on correct spelling of names.

The ordinance was read the first time and Councilman Friedman moved the ordinance be passed to its second reading. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox

Noes: Councilmen Dryden, Love and Mayor Butler

Mayor Butler stated his negative vote was not on the basis of free speech, but on the basis that people who ask for these privileges should pay for them. Councilman Love endorsed the Mayor's statement and explained his vote of "no" was not directed to the Viet Nam Veterans. Councilman Friedman added that nobody could accuse this Council of being against free speech. Councilman Dryden also stated this Council believed in free speech, and he did not think anyone had been denied the opportunity to say anything. The Mayor announced the Ordinance was passed through its first reading only.

Later in the afternoon meeting, Councilman Handcox asked if a special meeting could be called to consider the parade permit for the Viet Nam Veterans Against The War, following the rehearsal meeting on Wednesday. After discussion, Mayor Butler asked if this Special Session was agreeable with the Council and each agreed. The Special Session was called for Wednesday, June 30th, about 5:00 P.M.

#### MR. VALENTINO M. PEREZ - COMPLAINTS

Mr. Valentino M. Perez spoke for Mrs. Acosta, Mrs. Lopez, Mrs. Rudy Martinez, Messrs. George Santos and John Arias, Mexican Americans, concerning the Police Department and making complaints against two officers in particular. Mr. Perez asked for an investigation. Mayor Butler stated the Council would take these comments under advisement.

Mr. Dan Davidson, Deputy City Manager, gave a report, stating in each case like this, there is a report obtained from the Human Relations Director, the Police Chief, Police Community Relations Director, as well as statements from citizens who might have witnessed the incidents. Copies of the report covering full details on the allegations would be furnished to each member of the Council within the next few days.

#### MRS. KENNETH ASHWORTH, LEAGUE OF WOMEN VOTERS ELECTION OF CITY COUNCIL MEMBERS

Mrs. Kenneth Ashworth, President, League of Women Voters, spoke on the League's interest in the City Manager form of government, and the revision of the Charter in 1953; and now after a two year study of this City government, the League recommends a change in the method of electing Council members from the present place system to a combination of district and at-large representation. She asked that the Council appoint a Charter Study Commission and offered the assistance of the League to such a Commission. Councilman Love asked Mrs. Ashworth for copies of the League's recommendations. Mayor Butler suggested the League nominate one or more of its members to serve on this Commission.

## REQUEST FOR CHARTER STUDY COMMISSION

Mr. Phil White, a member of the Executive Committee of Citizens for Equal Representation, reiterated their request that the Council create a Charter Study Commission, of 15 members, two nominated by each member of the Council and approved by the Council, the 15th member to be chosen as Chairman by the original 14 members. He added the Commission should be well-balanced, with representatives from the legal and medical professions, business, real estate, negroes, Mexican-American, University Community, labor, women, youth, and major geographical sections of the City; also one or two members with extensive knowledge of municipal charter amendments to consider district election of Council members, staggering of terms, and other matters which should be acted upon before a more thorough study of the charter as a whole can be taken. He stated most of the members of the C.E.R. might accept a combination of at-large and districts as well. Mr. White asked that a professional staff and secretarial assistance be assigned to the Commission. Should the Council require the Commission to report back by September 1st, an election could be held in the fall before the state and national elections. Mr. White suggested also that there be a long range review of the Charter as a whole. Councilman Love was concerned about the time limit, should the Council name the Committee on July 15, and require a report back September 1st. Mayor Butler suggested it would be well if the City Attorney had a rough draft for the Council by July 1st.

## TOPICS PROJECT - IMPROVEMENTS TO SIGNAL SYSTEM

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager, to accept Minute Order #64977, approved by the Texas Highway Commission on May 31, 1971, pertaining to a TOPICS project for the improvements to the traffic signal system in the Central Business District. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mr. Dan Davidson, Deputy City Manager, introduced Mr. John German, Associate Director of the Traffic and Transportation Department, who is working on the TOPICS project.

## GOLF ASSOCIATION - TOURNAMENT RULES

MR. CARL TURNER, representing the Austin United Golf Association, asked for an amendment to the policy on golf tournaments on the Municipal Golf Course, stating the policies are inadequate, referring particularly to Sections 12 and 13. The recommendation was that the one-day event be changed to read "two tournaments not to exceed 72 holes". Mr. Turner described the traditional fire-cracker tournament held on the 4th of July. Mayor Butler suggested that this request be referred to the Parks Board. Mr. Turner said the unlimited time tournaments were sponsored by only one of the Associations at a time, leaving the other associations without equal time. This was the fallacy he was striving to correct. Councilman Handcox recommended instead of two 72-hole tournaments, that there be one 72-hole tournament and one 1-day tournament. This would give an additional 72 holes to those golfers who do not have a tournament. Councilman Love pointed out the 72-hole

play would be Saturday through Tuesday, which would take only one week end. The one-day would only take one day out of the weekend.

Councilman Handcox moved the Council amend the rule to permit the Austin Golf Association, the Capital City Golf Association, the Women's Public Links Association, and the Pan American Golf Association to have one 72-hole (not to exceed 72 holes) and one 1-day tournament. The motion, seconded by Councilman Love, carried by the following vote:

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

#### SUGGESTED RENAMING TOWN LAKE

Mr. Edward Lorie Suggested that Town Lake be designated as LESTER PALMER LAKE.

#### FLOOD MANAGEMENT RECOMMENDATIONS

The Deputy City Manager, Mr. Dan Davidson, asked if the Council were ready to hear the Flood Management recommendations. The Council agreed to carry this item over.

#### WITHDRAWAL REGARDING ANNEXATION

The Council acknowledged Mr. Richard Baker's oral request to withdraw the item of Mr. Robert L. Davis' appearance regarding annexation procedures as their problems had been resolved.

#### APPEAL - CHILD CARE PERMIT

Councilman Nichols moved the Council grant the request to set the hearing an appeal by Mr. Bob Kuhn, Attorney for Mrs. Ruby Wright, on her application for a special permit, for 2:00 P.M., July 15th, 1971. The motion, seconded by Councilman Love, carried by the following vote:

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

#### PARADE PERMIT

Councilman Nichols moved the Council grant the request from Mr. Wade Nabors for a parade permit on July 14, 1971, for the Travis County Sheriff's Posse and Exchange Club of Austin. The motion, seconded by Councilman Dryden, carried by the following vote:

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

YOUTH DEVELOPMENT CAMP  
RENE RAMIREZ

Mr. Rene Ramirez did not appear to speak on behalf of his request of financial support for the Rene Ramirez Youth Development Camp.

## TAX APPEAL SET

Councilman Nichols moved the Council approve the request of Mr. Richard Baker, of Brown, Erwin, Maroney & Barber, to set the tax appeal of Gage Investments, Inc., for 2:00 P.M. July 15, 1971. The motion, seconded by Councilman Handcox, carried by the following vote:

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

SONAR PRODUCTIONS - FOLK AND ROCK FESTIVAL  
JULY 18TH

MR. KENNY ROSE, representing the Sonar Productions, a group of three University of Texas students in association with Dr. Delmar Rogers of the Department of Music, stated the aim was to give exposure to the many talents of young unknown musicians. They asked to use the Festival Beach Area on Town Lake, Sunday, July 18th, from 2:00 P.M. until 9:00 P.M., for a bank stand, and an electrical outlet. They expected 1500 to 2000 people. It was suggested that this event could be scheduled into the Fiesta Gardens area so as to be removed from the proximity of the apartment developments on Town Lake. Mayor Butler was assured that the group would clean the area that night.

Councilman Love moved the Council grant the request of Sonar Products to hold their Folk-Rock Festival on July 18th, from 2:00 P.M. - 9:00 P.M. at Festival Beach. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## PAYROLL DEDUCTION

Councilman Friedman Read a resolution authorizing that the City Manager and Payroll Department initiate dues deduction for the City employees who are members of the Municipal AFL-CIO, Local 1623, or International Association of Firefighters, AFL-CIO effective with the first pay period after July 15th, and that the authorization card already signed by the City employees be accepted in starting this program, and then moved the adoption of the Resolution.

The motion was seconded by Councilman Nichols, stating there was a policy of deducting from the checks of employees--insurance, United, Etc.



The City Attorney stated the three-day notice should be posted as required by the State law. Mayor Butler stated this was the first he had heard of this, nor did he have a copy of the Resolution.

In discussion, Mayor Butler stated he was not talking against or for the merits, but he would like to have a little notice to discuss this matter. Mayor Pro-tem Love, likewise not addressing himself to the merits or demerits, would like to have a week for an opportunity for further discussion.

The Deputy City Manager suggested before the Council made a decision, that the City Manager have an opportunity to bring in information concerning the data processing system and management of payroll.

Councilman Love moved the Council vote that this Resolution be taken under advisement so that the Council will have an opportunity to think for a week, to talk among themselves, and that the matter be placed on the agenda a week from today. (July 1st). The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: Councilman Nichols

#### REPORT ON SUMMER FESTIVAL - PEASE PARK

Mr. Sheffield, Director of Parks and Recreation, made a report on the conditions found at Pease Park, stating there were some parking noises and congestion. A \$55.00 charge for clean-up was made, and \$50.00 paid, leaving a \$5.00 balance. The group was cooperative, but failed to have the manpower available for the clean-up. Councilman Love stated had the Recreation Director been asked for a recommendation at the time the permit was granted, the site would have been at Zilker Park. He suggested that Mr. Sheffield be consulted and advised to be present when applications were being made for groups to use city facilities. Along this line, the Deputy City Manager said the use of Town Lake and Zilker Park had been offered the group, but neither was acceptable. He suggested that a determination of Council policy would be helpful, and that Mr. Sheffield lend guidance to smaller gatherings without their having to appear before the Council. Mayor Butler stated a recommendation by the City Manager's Office would be acceptable.

Councilman Friedman, in his report on the Summer Festival, said the Police authorities had no trouble or behavior problems reported to them. Only traffic congestion complaints and use of private drive-ways in the area were reported to the City Manager's Office. Councilman Dryden said in general, the group's conduct was peaceful, but there was some vulgarity. He had visited the area at 7:00 A.M. the day following, and five city employees had worked more than two hours in cleaning, and hauling debris from the park area.

ADJOURNMENT

The Council then adjourned.

APPROVED Ray Butler  
Mayor

ATTEST: Elsie Woolley  
City Clerk

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