

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 16, 1972
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding. It was noted that both Councilman Nichols and Councilman Lebermann would enter the meeting late.

Roll Call:

Present: Councilman Dryden, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler

Absent: Councilmen Nichols, Lebermann

The Invocation was delivered by REVEREND ARTHUR R. ANDERSON, Jail Chaplain.

APPROVAL OF MINUTES

Mayor Pro Tem Love moved the Council approve the Minutes of the Regular Meeting of October 26, 1972. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler

Noes: None

Absent: Councilmen Nichols, Lebermann

PROCLAMATIONS

"Citizen Advocacy Month"

Mayor Butler read a proclamation designating the month of December, 1972, as "Citizen Advocacy Month", and commended the Austin Association for Retarded Children for having instituted this program which is designed to provide mentally retarded individuals with assistance, advice, and friendship on a one-to-one basis. The document was presented to Mr. G. E. Williams, Miss Doris Thielemann, Mr. John Pezzoli, Mr. Bruce Hardwick and his friend John Pearce, and Miss Jan Schmatzer and her friend Donna Edwards.

"A Day of Thanksgiving"

Mayor Pro Tem Love read a document proclaiming November 23, 1972, as "A Day of Thanksgiving", and presented the proclamation to Messrs. Alvis Vandygriff, Jr., Norbet Lucius, and Patrick Bennett.

"Anita Bryant Day in Austin"

Mayor Butler presented Mr. Rod Kennedy with a document proclaiming November 19, 1972, as "Anita Bryant Day in Austin", and asked that it be presented to Miss Bryant Sunday with the good wishes and congratulations of the City Council.

EASEMENTS RELEASED

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

A portion of an existing drainage easement out of Lots 14, 15 and 16, Block C, SOUTHWEST PARK.

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

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

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

A portion of an existing public utilities easement and land-fill easement out of Tract A, PYLE'S POINT.

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

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

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

Two (2) public utilities easements out of Lots 3 and 4, PARK VIEW.

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

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

ANNEXATION HEARING SET

Councilman Handcox moved the Council adopt a resolution setting a public hearing at 7:00 P.M., November 30, 1972, annexing the following:

0.71 of one acre of land out of the Wilkenson Sparks Survey - portion of ISLAND WAY. (requested by owner)

The meeting of November 30, is an evening neighborhood meeting to be held at Lanier High School. The motion, seconded by Councilman Dryden, carried by the following vote:

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

LEBERMANN ENTERS

Councilman Lebermann entered the Chamber at this time.

AGREEMENT FOR BRACKENRIDGE HOSPITAL

The Council, at the request of the City Manager, postponed for two weeks authorization of an agreement between the City of Austin for Brackenridge Hospital, and the Board of Regents of the University of Texas System, for and on behalf of the Graduate School of Social Work of the University of Texas at Austin.

ANNUAL COOPERATION AGREEMENT

Councilman Handcox moved the Council adopt a resolution authorizing and directing the City Manager to execute and Annual Cooperation Agreement with the Urban Renewal Agency of the City of Austin for NEIGHBORHOOD DEVELOPMENT PROGRAM NO. TEX. A-27(St. John's Area). The motion, seconded by Councilman Friedman, carried by the following vote:

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

ZONING ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967, PROVIDING THAT UNDER CERTAIN CIRCUMSTANCES ANY ORDINANCE FOR THE ZONING OF PROPERTY CLASSIFIED INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA, OR FOR THE AMENDMENT, SUPPLEMENT, CHANGE OR REPEAL OF CHAPTER 45, SHALL NOT BE PASSED EXCEPT BY AN AFFIRMATIVE VOTE OF AT LEAST THREE-FOURTHS OF ALL THE MEMBERS OF THE CITY COUNCIL; WAIVING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler,
Councilman Dryden

Noes: None

Absent: Councilman Nichols

Not in Council Chamber when Roll was called: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

N.D.P. ANNUAL INCREMENT

Councilman Friedman moved the Council adopt a resolution approving Neighborhood Development Program Annual Increment Thereof, and filing an application for financial assistance. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Dryden

Noes: None

Absent: Councilman Nichols

Not in Council Chamber when Roll was called: Mayor Butler

SALE OF REAL ESTATE

Councilman Handcox moved the Council adopt a resolution approving the sale of the following real estate in Kealing Urban Renewal Project Tex-A-11-3 as follows:

Parcel No. GR-3	1717 E. 12th St.	Walter McBride	\$5,050.00
(Minimum acceptable sales price:			\$5,000.00)

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

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Dryden

Noes: None

Absent: Councilman Nichols

Not in Council Chamber when Roll was called: Mayor Butler

NICHOLS ENTERS

Councilman Nichols entered the Chamber at this time.

ENGINEERING TESTING SERVICES

Councilman Nichols moved the Council approve the selection of Engineering Testing Services in connection with Capital Improvements Program Projects as follows:

Snowden & Meyer: Crosstown Wastewater Interceptor -
Project Nos. 5029 1 and 5029 3.

Trinity Testing Laboratories, Grover Williams, Vice-President;
Model Cities Service Center - Project No. 9402.

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

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

Noes: None

ARCHITECTURAL SERVICES

Councilman Nichols moved the Council select Kirby Perry for architectural services in connection with Model Cities Service Center - Capital Improvements Program, Project No. 9402. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

CONSULTING FIRM

Councilman Lebermann moved that consideration be given to the H.ERIC BOVAY ENGINEERS as the Consulting Firm to provide engineering studies and design on a permanent basis. At present they have offices in Houston, Baton Rouge and Spokane.

Mayor Butler brought up questions as to any problem since the former engineer had done the project from its inception to its present state.

City Manager Davidson reported a memorandum from Mr. R. L. Handcock, pointing out the City was not locked in on the selection of the architect-engineer. Due to previous experience on Decker No. 1, he pointed out there were some engineering economies that could accrue to the City as a result of the previous work of the architect-engineer; but no firm was locked in to that particular design.

Mayor Butler stated there were engineering economies that accrue to the City as a result of previous work; and also certain economies accrue to the City as a result of the architect-engineer's previous knowledge of the design and construction of the site, and the first machine at that site.

Mr. R. L. Hancock, Director of the Electric Utilities, pointed out items which would require hours in familiarizing a firm with the system; how the system performs, the needs in the system, and familiarity with the previous design of the plant and so on. This takes man-hours, which cost money. There would be some economies that would accrue as a result of going with an engineering firm that had previous experience with the staff, and engineering experience at the particular plant site. He stated those engineering economies should not overshadow the selection of the engineer; but to do business with a firm that had worked at a particular site; with those particular products and those particular people would have some economic benefit to the City.

Councilman Lebermann stated the conjoiment of these two firms would bring an adequate strength to the project. The Boyay Engineering firm is becoming a part of the engineering community of Austin and would be available should the City want to turn and lean on them in the future.

Councilman Lebermann moved that the H. ERIC BOVAY ENGINEERING and BURNS and McDONNELL be selected as the Consulting Firms to provide the engineering studies and design service on the Decker Power Generation Plant. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: Mayor Butler, Councilman Nichols

CONSULTING FIRMS - LIBRARY

City Manager Davidson stated the selection of consulting firms had been conginued from November 9th. He explained that the Capital Improvements Program provided that a special study would be conducted in order to locate the proposed new central library for Austin. He stated the Staff suggested that two individual consultants be named to serve with the Library Director to come up with that recommendation. After discussion with the Council, there were two alternate recommendations: (1) the naming of two local firms capable of conducting such a study to serve with the Librarian in order to come up with a recommendation; (2) option provided for naming a special committee — a site planning committee for the Central Library. On November 9th, the Council requested him and the staff to select the names of two local consultants who would do the job, and those listed were Clark Rector and Associates, Nexias Research Foundation, Con-Ad Baldwin and Associates, and Education Service Center. He asked that the Council name two of these firms to serve with Mr. Holt. All are qualified and can do the job.

Mayor Pro Tem Love moved the Council select the firm of Clark Rector and Associates, and the firm of Nexias Research Foundation, Mr. William McConnell Director, to do this study. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Friedman

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

CONTRACTS AWARDED

City Attorney Butler announced there were 12 contracts before the City Council, all recommended.

Councilman Dryden questioned the ALLIS CHALMERS CORPORATION, Abilene, Texas, on its transformer bid, noting it was about \$300.00 lower than the low bid of an Austin taxpayer.

Lots were cast for awarding the contract on Conventional Distribution Transformers 500 KVA, \$6,243.00. Mr. Solon Bennett brought forward the numbers, and the lots were cast. The Director of Purchasing, Mr. Bennett, announced the award was to SOUTHWAY ELECTRIC UTILITY.

Councilman Handcox moved the Council adopt resolutions awarding the following contracts:

- | | |
|---|--|
| NELSON CONSTRUCTION COMPANY
(Austin, Texas) | - For Seaholm Power Plant Shop Addition -
\$116,440.00. (Capital Improvements Program
Project No. 3905) |
| AUSTIN PIPE & SUPPLY COMPANY
(Austin, Texas) | - Galvanized Traffic Sign Posts - \$12,220.00
Bid Invitation Number 3-0060 |
| W. H. RICHARDSON CO.
(Austin, Texas) | - 120 each .357 Magnum and 10 each .38 Caliber
Revolvers - \$12,743.00. Bid Inv. # 3-0032. |
| G. A. MOSITES COMPANY
OF FT. WORTH, INC.
(Fort Worth, Texas) | - Six (6) each Rubber Lined steel Tanks
\$32,376.00. Bid Inv. # 3-0050 |
| WALLACE & TIERNAN
DIVISION
PENWALT CORPORATION
(Dallas, Texas) | - Fluoride Ion Concentration Analyzers with
Recorders - \$9,280.00 Bid Inv. # 3-0051 |
| THOMPSON HAYWARD
CHEMICAL COMPANY
(San Antonio, Texas) | - Supply Agreement for Fluosilicic Acid 360 tons
in bulk and 10,000 gallons (approximately 50
tons) in 15 gallon containers - \$27,357.00
Bid Inv. # 3-0035 |
| ALLIS CHALMERS
CORPORATION
(Abilene, Texas) | - Six (6) each 138 KV Potential Transformers -
\$15,804.00. Bid Inv. #3-0011. |
| WOLCOTT WATER SOFTENERS,
INC.
(Columbia, Missouri) | - 121 Cubic Feet Anion Exchange Resin - \$6,521.90.
Bid Inv. # 2-1734 |
| SOUTHWAY ELECTRIC
UTILITY
(Austin, Texas) | - Three (3) each Single Phase Conventional
Distribution Transformers 500 KVA - \$6,243.00.
Bid Inv. # 3-0046. |
| ED PAGE
(Austin, Texas) | - Electric Ductline at Barton Substation -
\$68,915.75. (Capital Improvements Program
Bidject No. 3532 1) |
| BLAND CONSTRUCTION COMPANY
(Austin, Texas) | - For the installation of approximately 2940
linear feet of 36-inch water mains and appurten-
ances in Emerald Forest Drive - \$176,488.00.
(Capital Improvements Program Project No. 4071 1) |
| AUSTIN PAVING COMPANY
(Austin, Texas) | - For access road and water service, Jimmy Clay
Municipal Golf Course - \$100,544.14. (Capital
Improvements Program Project Nos. 8627 1 and
4058 6). |

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

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler

Noes: Councilman Dryden

Not in Council Chamber when Roll was called: Councilman Nichols

Councilman Dryden again asked that the City Manager and the Purchasing Department, when there is an item of \$15,000, \$18,000, or \$20,000, and bids come in from an Austin firm (paying more than \$25,000 in City Taxes) which is only a few hundred dollars over an out of City firm, give consideration to the taxpaying firm.

Councilman Handcox stated the out of town firm consistently bid lower than the Austin firm, confirming the City is getting the best price.

City Manager Davidson stated Councilman Dryden's request earlier had been kept in mind, as evidenced in a recommendation concerning library items, wherein he had recommended a firm closer to Austin because of the service aspect. In this particular case, there are limited suppliers who can bid on this item. It is important to keep as many bids as possible coming in. If this item required a lot of service, the \$300 difference probably would have justified a change in the recommendation. Because of a lack of service needed on this particular type unit, it was the recommendation that the award go to the low bidder.

EMERGENCY FUEL OIL

In a memorandum to City Manager Davidson, Mr. Solon Bennett, Director of Purchasing, presented the item pertaining to purchase of emergency reserve fuel oil, referring to Council approval of their policy and procedure for purchase of emergency reserve fuel oil for the Electric Utility Department as of August 10, 1972.

Letters were sent to the known suppliers of fuel oil. Of the seven responding, four want to quote on immediate needs - Gulf Oil Corporation, Humble Oil and Refining, Mobile Oil Corporation, and Tesoro Petroleum Corporation. Atlantic-Richfield Company, Texaco Incorporated, and Coastal States Marketing, Incorporated, state they are not in a position to quote on immediate needs, but wish to be considered in the future.

When notification of a 48-hour gas curtailment at Decker Power Plant, November 6, 1972, was received, the City contacted Gulf Oil Corporation, Humble Oil and Refining, Mobile Oil Corporation, and Tesoro Petroleum Corporation for bids on an estimated requirement of 200,000 gallons of No. 2 Fuel Oil in accordance with City specifications EP-4, deliveries to begin no later than November 8, 1972.

On November 6, upon receipt of approval from the City Manager's Office to proceed, Gulf Oil Corporation, the low bidder was given verbal authorization to begin delivery of No. 2 Fuel Oil.

The gas curtailment was extended by the supplier and the estimated need was 200,000 gallons. Gulf Oil Corporation could deliver 260,000 gallons by November 13; but there would be a week's delay before any more oil would be available.

Both Tesoro Petroleum and Humble Oil were contacted for prices on 140,000 gallons of oil to be delivered beginning November 14th; Mobile Oil was still unable to furnish oil at that time. Due to the small number of transport trucks available, both companies were unable to supply more than three or four loads of oil per day (8,000 gallons per truck). Verbal authorization was given for each company to begin delivery of an estimated 70,000 gallons Tuesday, November 14.

The following purchase orders were issued:

- a. Gulf Oil Corporation
Houston, Texas
Estimated 260,000 gallons @\$0.1190/gal.
Estimated Total \$30,940.00
Purchase order No. G-24892
- b. Tesoro Petroleum
Corpus Christi, Texas
Estimated 70,000 gallons @ \$0.125/gal.
Estimated Total \$8,750.00
Purchase order No. G-25603
- c. Humble Oil and Refining
Austin, Texas
Estimated 70,000 gallons @ \$0.127/gal.
Estimated Total \$8,890.00
Purchase order No. G-25602

Mayor Pro Tem Love moved the Council confirm emergency fuel oil purchases for the Electric Utility Department. The motion, seconded by Councilman Friedman, carried by the following vote:

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

PRO AT CASWELL TENNIS CENTER

Mayor Pro Tem Love noted the change of procedures regarding the employment of professionals at the various recreation centers.

City Manager Davidson pointed out the change in procedure, whereas the Tennis Pro formerly had been partly an employee and partly a contractor with the City, and had been paid a salary for his services; and was able to maintain a business enterprise teaching tennis, and selling products, paying the City a certain part of his gross receipts.

Groups interested in tennis were asked to name one person to serve on a reviewing committee. After observations, review of qualifications, and interviews, the Director of Recreation recommended a contract with MR. DAVE SHANKS, JR. The City Manager described the new contract in that it provides for no salary to the pro, but does provide a way that he would benefit from a certain percentage of court fees. This contract takes the City out of the business of

paying the pro, but it increases his incentive to see that all court fees are paid equitably and consistently. He recommended that 25% of the court fees be paid to the Professional; and since he would benefit from the collection, it was thought he and his personnel would do a better job for the City. It was believed this contract would provide a living wage to the professional, but not one that was exorbitant.

The pro would answer directly to the City Manager, who would have a designate (in this case it would be Mr. Sheffield) and the City Finance Director to monitor the business audits, etc. This is a 12 month contract, and the Council would be provided periodic reports.

Mayor Pro Tem Love, after observation and discussion of this new procedure, moved to approve this contract and enthusiastically endorse what the City Manager is starting out not only in the form of the contract but also in the pro that has been selected. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Mr. Dave Shanks, Jr., was recognized at this time.

USE OF PUBLIC SIDEWALKS

Mr. Fred Young recognized the Citizens Committee headed by Mr. Charles Goodnight and the group of University merchants represented by himself. He thanked Mayor Butler, Councilman Nichols, Messrs. Clyde Copus, Charles Goodnight, Cookie Bowman, and others who spent much time trying to reach a workable solution to the problems of the sidewalk vending. He commended Mr. Roland DeNoie and his associates in their courtesy and understanding. There was agreement in many areas, but the complete vacation of the drag of the vendors was unacceptable to them. Most of the University merchants believe the vendors should find their own location for selling their wares.

The 24th and San Jacinto Street location suggested by Councilman Nichols was also completely unacceptable to the street vendors. Mr. Goodnight suggested closing 23rd Street just off Guadalupe, but feared creation of other problems considering rights of property owners and renters on 23rd Street. The vendors said this might be satisfactory if the City supplied sanitary facilities, utilities, and permission to keep the Drag open for their overflow. This demand was totally unacceptable to the University businessmen.

There were petitions signed by merchants on Guadalupe from 19th Street to 34th Street, requesting the Council to relocate the Drag vendors. Downtown merchants also signed the petition. The street vendors likewise had a petition favoring the vendors. An equal amount of signatures could be secured easily from students against street vending.

Mr. Young said there was publicity that if the vendors do not move the citizens probably would sue the Council for failure to rid the City of such a nuisance. He anticipated thousands of street vendors infiltrating the business streets if work got around that Austin had no workable sidewalk control law. He pointed out the current law is outdated and discriminatory and it should be repealed and a new ordinance passed to cover present needs now.

A letter was read for the record by Mr. Young, pointing out the seriousness and the damages to Austin citizens, especially in the University area by street people. The writer of the letter had three plate glass windows broken and a grenade thrown through one of his windows. The merchants had lost their customers who will not come back as they fear to come in the area or are disgusted.

Mr. Young stated the Council and those trying to do something should know that their efforts are appreciated.

Mr. Clyde Copus had a joint committee report of the vendors and the businessmen in Austin, and he wanted it submitted to the Council.

Mr. Charles Goodnight stated Mr. Young was representing one committee and in turn served on this committee also. Mr. Goodnight read the report and a four part motion was made by Mr. Clyde Copus as follows:

1. That 23rd Street one block west of Guadalupe be closed and made into a public market,
2. That said public market be furnished sanitary facilities by the City,
3. That said public market be furnished by the City with shelters.
4. That the attached proposed ordinance submitted by Fred Young be presented to the Council for adoption Thursday, November 16.

The motion was seconded by Mr. Goodnight. Parts 1, 2, and 3 were passed unanimously.

A motion was made by Bob Erler, seconded by Terry Roberts to vote an amendment to the motion proposed which was attached. This motion received a tie vote.

A proposed ordinance amending Section 31-4 on obstructing streets, sidewalks, etc, was read. Mr. Terry Roberts commented on the report and the pre-publicity. He stated it was discussed that this would be a joint report and that Proposal # 4 (the ordinance) would be presented as others had been presented. He mentioned the opposing reports, and that it came from an old ordinance that was rejected less than two years ago by the Council, and leaves the vendors no alternative should 23rd Street be closed for suits or whatever. It also causes most of the service stations with those large signs to have to remove them from City property and this was brought up two years ago. He stated their proposal was reasonable that it allows maximum freedom to sell wares and yet safeguards the public's interests regarding blockage of pedestrian traffic, fire lanes, store windows, etc. It offers an attractive alternative for the vendors should something happen to 23rd Street.

Mr. Copus said he would in no way try to defend the committee from any misunderstandings. He said they would hope the Council would let the vendors have 23rd Street from Guadalupe to San Antonio and set a time schedule on operating times, and that the street be opened at night and on Sundays. Mr. Copus noted the out of town vendors were taking over the Drag - blocking parking meters, selling out of vans on the street. These people are coming from out of state and moving in on top of the present vendors. The local group does not want this.

Mr. Roland DeNoie reviewed the history of the ordinances having to do with the vendors and asked that the Council justify a change in position on this important issue to Austin. They felt that the existence of an attractive market place in the proper area would lighten to a negligible extent the congestion on the Drag. He stated the vendors had formed a street vendors association and all members are complying on the sales tax permits, store permits, licensing fees. They are making every effort to straighten out the objections that they were blocking the sidewalks, and had agreed to limit the size of the displays, and not to embarrass the public by the use of drugs, marijuana, and alcohol in public. Mr. DeNoie listed ways in which they were trying to discipline themselves. The vendors are interested in maintaining and presenting a good environment and they have made it known to the panhandlers and dope peddlers that their presence is not welcome and the number of those people has been seriously reduced. If the Drag vendors are moved off another problem could recur and a bitterness would be created. The referendum was 4 to 1 preference of the voting students to support the right of the street vendors to sell their wares. He noted several law suits are threatened to be filed.; but it seems in addition to the law suits there would be a request for a temporary restraining order prohibiting the City from closing 23rd Street. They suggested City-wide regulations of sidewalk vending and calling 23rd Street a public market area limiting vending within 200 yards of an operating public market area with the exception if the public market is filled to capacity, any legal item may be sold in 200 yards of that public market area.

Mr. Phillip Merrill had requested to appear to discuss the present use of the sidewalk area on the Drag. He stated there were cultural differences involved and large differences between the groups. These cultural differences must be recognized. He stated that more space may be required. In summary, he said if the Drag vendors go out of business this will hurt not only the consumers involved but also the street's business as a whole on the Drag area. There is an opportunity cost involved in that it is not being utilized to conquer the University market and there may be an effect on aggregate incomes in Austin.

One gentleman stated he noted two parking tickets - one each on his boat and his pick-up sitting in the driveway against his garage door. Those tickets were issued because the boat extended a little bit into a sidewalk, which had been built since he bought the property. Had he known the sidewalk was going to be built, he would not have purchased the house. An easement had been given on the property on which he had a deed. The easement had been given for a sidewalk which was to be used for a specified purpose. He was greatly inconvenienced because he had to move their boat and truck. When he gave an easement he surrendered all right to do anything with that property that would hinder that easement. Also those who took the easement have no right to do anything with that except for the purpose for which the easement was granted. In Austin, streets that have been secured by an easement from the property owner for a specific purpose must be used for that purpose. He was told he could not feed the meter all day long in order to park his car in front of his business. He parked his boat out on the streets and received a ticket on his boat. This gentleman offered to locate a place for the vendors to sell their wares; or even rent a place where they could rent a little booth at a very small fee and fill the entire place up. With advertising they would draw people out to the location for their merchandise and the vendors, with their talents and ability, could have a place to sell and make a profit.

Mr. Mike Hudson, Central Texas Chapter of the American Civil Liberties Union, stated furniture and antique dealers display and sell from the sidewalks; flower salesmen hawk at every other corner; and everyone from the Girl Scouts to the Salvation Army sell goods throughout the City; but when the personal appearance and life style and possibly the politics of these drag vendors are not found to conform to those of the other Austin Citizens, then action is demanded. He stated the Civil Liberties Union has stood ready to defend abridgements of individual constitutional rights such as that proposed here today which amounts to selective enforcement of law.

It was pointed out the proposed Ordinance submitted City-wide enforcement of all vendors within the City and is not selective in its intent.

A lady from the audience read a staff editorial from the Daily Texan of this date. She had talked with the person who had written the letter read earlier and who was concerned about the plate glass, and stated that people lean against the window and break it. If the drag vendors left, other people would still sit or lean there. She tries to cooperate with the merchants and said that most vendors are willing to comply with what the merchants want.

Mr. Rizer Everett, speaking for the majority of the members of the Congregational Church at 408 West 23rd Street, expressed opposition to any proposal to close 23rd Street. He was aware that the proposal called for closing the street during the day but not on Sunday.

Mrs. Mary Birdson, housewife, favored the drag vendors, as they were interesting and refreshing.

Mr. Bob Erler, member of the Committee trying to reach some resolution for the difficulties some people were having with the drag vending, stated there was some distortion by the press. In spite of other testimony, he stated the vendors were willing to accept 23rd Street as proposed with no selling within 200 yards of an operating public market area. There might be five or six days a year where there would be an overflow around the Christmas season. He stated if a law suit took away 23rd Street from vending, or if the Council saw fit to re-open 23rd Street as a traffic artery, or for some other reason 23rd Street were taken away, then the vendors could no longer sell on the streets and sidewalks of Austin. The vendors' proposal, while eliminating selling from the drag as long as 23rd Street is open, allows for the possibility for closing of 23rd Street and the return of the vendors to the drag at that time and only at that time, with the exception of an overflow. He said Mr. Young's proposal was not flexible and did not allow for the return of the vendors to the drag should 23rd Street be closed. He discussed the committee's recommendation. In conclusion, he stated the vendors could live with the 23rd Street location and the vendor's option. They cannot live with any other option.

Mr. Joe Crow represented owners of the property at 23rd and Guadalupe and they are opposed to changing the character of 23rd Street.

Miss Judy Smith, University Co-op Board of Directors, wanted to correct the impression that Dr. Richard Young gave, stating that merchants want the drag vendors off the drag. After their first Board meeting after a conference with all drag vendors off the drag, their relationship with the drag vendors, and their cooperation was given to their management. The Co-op Board does hereby express its support to the freedom of people to sell their wares on public

sidewalks of Austin as long as they do not obstruct traffic or obscure display of merchandise. The Co-op perhaps the most intimately involved of all the drag merchants with the vendors support their right to sell on the street. She reported seven Board members were present, five in favor, one abstaining, and one against. There are eight members all together.

Mr. Chet Carey, graduate student, stated he was the student that organized St. John's Neighborhood program. He had no conversation with the street vendors group, nor a representative of theirs, but he was convinced that they were an asset to the City as a whole.

Mr. Bill McGraw, President of the Young Democrats of the University, stated it seemed the students were divided from the rest of the community. The drag vendors have to sell somewhere. Seventy-five percent of the students favor vendors' selling on the drag.

Mr. Samuel Henderson sold brooms and mops from door to door, and he asked how this ordinance would affect him, as he was partially blind.

Councilman Nichols said that he was not sure as to the legality of this proposed ordinance, and he asked if the committee would get with the City Attorney and come up with a satisfactory ordinance. In the meantime, the legality of the removal of traffic off of 23rd Street and checking other aspects would be checked out.

Mayor Butler stated one alternative would be licensing of the sidewalk on both sides and not closing the street to vehicular traffic. Mr. Copus stated this had been discussed.

Mayor Pro Tem Love stated points made today were worthwhile for all, but the key problem is that of the vendors, and the legality. He stated that he would not want to see the vendors moved from this location until at least after Christmas time.

Councilman Friedman stated his feelings coincided with Mayor Pro Tem Love's to a great extent. He was upset by the term that responsible citizens are gearing up to sue the City. Mayor Butler stated the Council was to be sued if 23rd Street were closed, and again if they did nothing.

Mayor Butler asked the City Attorney to study the legal implications involved in relation to 23rd Street and as related to the issue itself, and work with the Mayor and the committee.

Councilman Dryden stated he was not interested in the vendors' being run from the City of Austin, and he believed that the committee of vendors, Mr. DeNoie, Mr. Wyatt, Messrs. Copus, Goodnight, etc., have the intelligence to proceed with and work this out, and he had confidence that this could be done with the City Attorney. He agreed with Mayor Pro Tem Love that they not be put out of business until after Christmas.

Councilman Lebermann stated if no agreement were able to be hammered out in the final analysis, then alternative ordinances expletive of the several points of view would have to be put before the Council.

Councilman Nichols made a statement in defense of the committee that to his knowledge no one on this committee had threatened to sue the City.

Councilman Lebermann added his voice to the enthusiasm to the kind of on-going dialogue that is positive, and he was excited to see this kind of thing happening in this community.

Mayor Butler closed the meeting at this time and the Council recessed.

REPORT ON THIRD ACTION YEAR PLAN

City Manager Davidson asked that the item of a City Manager report on the Third Action Year Plan for the City of Austin Model Cities Program be placed on the agenda for Council consideration on November 21.

ITEM NOT HEARD

The Council did not take up the item of the report of the Citizen's Board of Natural Resources and Environmental Quality requesting the establishment of a Wallter Creek Development Committee.

LEASE - LYDIA STREET FIRE STATION

Councilman Nichols moved the Council approve the extension of the lease for the Lydia Street Fire Station on the condition the center be named "Southwestern Child Development Co-op." The motion, seconded by Councilman Lebermann, carried by the following vote: (this motion was in the form of a resolution)

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

Noes: None

REVISION OF SIGN ORDINANCE

Mr. Dick Jordan, Building Official, stated there are two major objections to the sign ordinance as proposed: (1) the licensing provision; and (2) the temporary signs.

Mr. Charles Sandahl asked for an opportunity to study the proposed change more thoroughly. His main objection was to the provision concerning temporary signs.

Mayor Butler asked that Mr. Sandahl meet with Mr. Jordan and work with him on the number of people that need special effort to notify.

Councilman Lebermann moved the Council set a public hearing at 7:00 P.M., November 30, to hear the revisions of the sign ordinance. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

CHARGES FOR DISPOSAL OF WASTES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 28-18 OF THE AUSTIN CITY CODE OF 1967 PROVIDING AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS TO ESTABLISH AND REGULATE SANITARY FILL SITES, ENACTING RATES FOR THE USE OF SAME; PROHIBITING THE UNAUTHORIZED USE OF SANITARY FILL SITES, PROHIBITING DUMPING OTHER THAN AT PLACES AUTHORIZED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

In answer to Mayor Butler's inquiry, Mr. Beckham, Assistant Director of Public Works Department, stated these rates were prepared by Public Works Department in order to bring the City's charges up basically in line with the County's. With the proposed changes the City would substantially be covering its cost for disposing of such materials. Under the provisions of the proposed ordinance, people such as Goodwill and the Salvation Army would not be charged for picking up the materials they handle. Methods of notification were discussed.

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

HOLIDAYS

Mayor Pro Tem Love noted that one of the City's holidays on March 2, "Texas Independence Day", a day on which all stores, banks, schools, and industries are open for business. He therefore moved that the City Manager study this matter with the idea of substituting the Friday after Thanksgiving as a recognized holiday in place of March 2. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

FIRE LANES - SHOPPING MALLS

Councilman Friedman noted the proposed ordinance setting up the establishment of fire lanes to be patrolled and controlled at shopping centers and large apartment complexes. He asked that everyone read it and perhaps call for a public hearing at some time in the near future. Mr. Clarence Saegret has expressed willingness to represent the Chamber of Commerce with their proposals on this matter.

ANDERSON HIGH SCHOOL RECREATIONAL FACILITIES

Mr. Lawrence Britton, a representative of the East Austin Youth Foundation, appeared before the Council to discuss including the Anderson High School Stadium in their recreational program for the coming year. There is a corporation interested in undertaking the expense of repairing Anderson, if the City would take it under their guidance, and the Foundation as a group will agree to maintain the field continuously. He had already talked to the Austin Independent School District, who referred him to Mr. Sheffield, of Parks and Recreation Department, who suggested he appear before the Council.

The City Manager, Mr. Dan Davidson, and the School Superintendent have a study under way which includes the possible joint use of school-owned or City-owned facilities. The Task Force Committee is studying the use of certain school facilities and state properties, and City properties. The City Manager requested studying this and making a report in 90 days. Councilman Bud Dryden said Mr. Britton could tell his group that the Council is interested in and for their program and want to get it worked out.

STREET VACATION

Mr. Ralph Daugherty, appearing as general partner of Gateway Properties, Ltd., applied for reconsideration of the vacation of Sabine Street between East 10th and East 11th Street. He said that this was in conjunction with Mr. Leon Lurie, Executive Director of the Urban Renewal Agency. Southwestern Bell and the Austin Municipal Federal Credit Union, who opposed the vacating of a 3-block area of Sabine, do not object to the vacating of this one block.

There was some discussion as to whether Mr. Daugherty had a sale lined up for this property, as the City had changed its position on vacating streets in order to be compensated for a reasonable value as determined by 75% of the fair market value of the adjoining properties. The Director of Urban Renewal explained that the agency does own some property at the southern edge of Sabine Street right on the corner just immediately north of 10th Street.

Councilman Dryden moved that the street be closed, with a recommendation that the City get whatever the land is worth. Councilman Handcox seconded the motion.

The City Attorney stated that Mr. Daugherty's original request was turned down, and that this should go through regular channels as a new request.

Councilman Handcox withdrew his second. Mayor Pro Tem Love made a substitute motion that Mr. Daugherty and the City go back through the proper procedures, and indicated that the Council would look favorably on this request, but based on the conditions and values of the property. After asking if this was a commitment, Councilman Friedman was told it was not, and he seconded the motion of Mayor Pro Tem Love. The motion carried by the following vote:

Ayes: Mayor Butler, Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox

Noes: none

Not in Council Chamber when Roll was called: Councilman Nichols

The City Manager explained this would probably be through procedures in about six weeks.

30-DAY EXTENSION

The Council approved a 30-day extension to Mr. John Davenport, President of Travis County Water Control and Improvement District No. 12, requesting elevation and the City's exercising their option to purchase Water District No. 12.

REQUEST FOR LEASE OF PROPERTY

Mrs. Ann Carter, Administrative Director of the Job Preparation Center, appeared before the Council requesting the lease of the City property at East 19th Street and Redwood Avenue. This center is a private non-profit vocational training school engaged in the training of the disadvantaged for employment. Their clients are referred to them from the Texas Rehabilitation Commission. The Center works closely with the Neighborhood Youth Corp, Model Cities, Public Service Careers and the Department of Public Welfare.

Mrs. Carter asked permission to lease City land at this address for a 10 or 20-year period, explaining the Center would put portable buildings on it similar to those used by public schools. The Federal government requires a long term lease. There was discussion as to the Job Center's use for this much land, 4.5 acres, and also the "A" zoning which it had was considered. Mayor Butler asked whether another piece of land might do just as well, and that Mrs. Carter might work with the City Manager and Public Property Manager, Mr. Morahan and see what might be worked out. Mayor Pro Tem Love felt that a 10 or 20 year lease is too long, and possibly the Council might consider 5.

REQUEST FOR PUBLIC HEARING ON
ZONING APPLICATION

Mr. Richard Baker, representing Mr. W. L. Mayfield, requested a public hearing be set on Zoning Application C14-69-160, to alter the density requirements which had been set previously by letter, indicating a limit to not more than 644 units total, and only 12 units per acre. After some discussion, noting that there had been opposition present at the first hearing, Councilman Lebermann moved that a hearing be set for December 7, 1972, with notification to adjacent property owners. The motion, seconded by Councilman Friedman, carried by the following vote:

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

RE-NAMING OF STREET

Mr. Buford Stewart of the South Austin Civic Club presented a resolution to the Council, resolving that the proposed Outer Loop as it extends from Highway 71 on the west to Highway 71 on the east be named DICK NICHOLS BOULEVARD. This was supported by the South Austin Exchange Club, South Austin Optimist Club, South Austin Evening Lions Club, and South Austin Rotary Club. Mayor Butler noted that Councilman Nichols did a fine job of representing the whole City and that South Austin is close to his heart.

PARKING OF AUTOMOBILES ON SIDEWALK

Mr. Don Chapmann, of Don Chapmann Motor Sales, appeared before the Council to consider parking of automobiles on the sidewalk area at 5th and Rio Grande, for his customers and employees. These automobiles would not be for sale. Mr. Chapmann would like to pave this area and an adjacent alley to keep down the dust. The City Attorney pointed out it was just not proper to park automobiles on the sidewalk even disregarding the City ordinance prohibiting automobiles for sale on City property.

Mayor Butler mentioned the possibility of putting a curb break there with head in parking. Mr. Chapmann would get together with the Director of Public Works, Mr. Rueben Rountree, and see what they could work out. Mr. Chapmann pointed out this would have to be cement, and that would be pretty expensive.

REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH C. DARRELL HOPKINS AND ROBERT L. OGDEN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirements 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: Councilman Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH RAYMOND E. MITCHELL - TRUSTEE; DESSAU LAND COMPANY; AND LOGAN MELTON; 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 Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols.

The Mayor announced that the ordinance had been finally passed.

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 16.58 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 409.87 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; 604.70 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; AND 46.54 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 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.

Councilman Nichols moved the Council finally pass the ordinance. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

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 HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 10, BLOCK A, CLAIRCREST ADDITION, SECTION 1 OF DUVAL HEIGHTS, LOCALLY KNOWN AS 6019 SHERIDAN AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND 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 Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber 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:
A TWO ACRE TRACT OF LAND, LOCALLY KNOWN AS 1507-1509 AUSTIN-DEL VALLE ROAD, FROM "A" RESIDENCE DISTRICT TO "MH" MOBILE HOME 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 Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber 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:
A 4,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 4302-4304 MANCHACA ROAD; THE REAR OF 2004-2012 IVY TRAIL, FROM "C" COMMERCIAL DISTRICT TO "C62" COMMERCIAL 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 Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING

At 10:00 A. M., Mayor Butler announced that the Council could hear the zoning case scheduled for public hearing at this time.

The Council heard, granted, and instructed the City Attorney to draw the necessary ordinance to cover the following zoning change:

BRIDGE STUDIO OF
AUSTIN
C14-72-218

1705 Palo Duro Road

From "A" Residence
To "B" Residence
subject to a restrictive covenant prohibiting access on

C14-72-218 (Continued)

Palo Duro Road for other than "A" use, 5' of right of way on Palo Duro Road and a 6' privacy fence on the west property line.

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "B" Residence as recommended by the Planning Commission subject to a restrictive covenant prohibiting access on Palo Duro Road for other than "A" use, 5' of right of way on Palo Duro Road and a 6' privacy fence on the west property line. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Mayor Pro Tem Love
Noes: Councilman Dryden
Not in Council Chamber when Roll was called: Councilmen Nichols, Lebermann

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

PARADE PERMIT

Mayor Pro Tem Love moved the Council grant the request by Mrs. Dick Halsted for a parade permit for United Cerebral Palsy of the Capitol Area on Saturday, December 16, 1972, from 9:00 A. M. to 10:30 A. M. The motion, seconded by Councilman Friedman, carried by the following vote:

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

MODIFICATION OF LICENSE AGREEMENT

Mr. David Lanford, representing Mr. Felix Gonzales, appeared before the Council, requesting a modification of the License Agreement between the City and Mr. Gonzales for placing a house at 2013 East 9th over a sanitary sewer easement. Mr. Lanford pointed out that in the original agreement in 1932, there was a house over this easement, and that the owner requesting Mr. Gonzales to pay for removing his house from this easement if work had to be done, should be changed so that the City would pay for this expense.

The City Attorney advised the Council, that if they wanted a consistent policy and that if they wanted to protect themselves, that the License Agreement be left as it is. Councilman Dryden moved that the Council sustain their previous action and perhaps Mr. Lanford could work out something that was agreeable to the City Attorney, and if so it could be brought back to the Council. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ADVERTISING ON CITY BUSES

Mr. Hayden Wood, Vice President of Winston Network, appeared before the Council regarding the transit advertising franchise on City Buses after January 1, 1972. Mr. Wood said he had represented the Buses in Austin for 15 years regarding transit advertising. Mayor Butler explained that the Council had made no decision regarding allowing transit advertising on the new Buses. The City Manager, Mr. Davidson, added that since there had been no affirmative decision to allow advertising, no provisions were made for advertising panels when the buses were ordered, and that his recommendation would be against it. Councilman Friedman pointed out that if advertising were decided on, the Council would want to renegotiate a contract with several bidders, whoever gives the Council the highest percentage. Mr. Wood agreed with that.

Mayor Butler noted that Ad Club was planning on making a presentation expressing support of the program to the Council. Mayor Pro Tem Love asked if there were other municipalities with an arrangement or contract that would guarantee "X" number of dollars. Mr. Wood said there were and that since all of the transit operations that he knew of lost money, it didn't behoove the Council to turn down any revenue. Mayor Butler suggested that the proper way to handle this would be for Mr. Wood to communicate with the City Manager, and possibly the Ad Club and be present when the Council makes its decision, so they can hear both sides in depth.

MODEL CITIES PROPOSALS

Mayor Pro Tem Love moved the Council adopt a resolution authorizing amendment to the Model Cities Second Year Plan for the Drug Abuse Project to combine Adult Drug Abuse and Young Drug User Project. Total cost of the project is \$719,498. Model Cities share will be \$36,075 to be matched with \$633,759 from the National Institute of Mental Health and \$49,664 from the Mental Health and Mental Retardation Center. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

Mayor Pro Tem Love moved the Council adopt a resolution authorizing contract between the Austin Model Cities Department and the Urban Renewal Agency of the City of Austin for the NDP Supplemental Grant Project #20901. Total Cost: \$28,000 - 100% Model Cities Funds. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

HEARING ON TRANSIT STUDY.

Mr. Joe Ternus, Director of Traffic and Transportation, presented the results of the Transit Study. He suggested that a closer relationship between the municipal system and the University of Texas shuttle bus system be established. One method would be coordination of two independent systems. Another way would be integration and provision of service by City buses to the University. Special system services are proposed, one to include parking facilities in both the central area and fringe areas; another providing express bus service to connect fringe areas with the central business district; central area circulation; and circulation to State Capitol complex and the University of Texas area. These are shortrange recommendations. Longrange transit improvements are to be presented at a later date.

Mr. Ternus also suggested that a criteria for routes be established, so that no one route would fall below 40% of the operating costs, and the entire system would not drop below 70% of the total operating costs. There would be service to the Montopolis area and the St. John's Area. In the northern part of the City a shuttle bus service would be provided and there would be five routes into South Austin. There was also a recommendation for a central service center.

Mr. James Colvin noted that the University had provided Mr. Ternus with a density map of the students at the University. He felt that the shuttle bus had definitely relieved the traffic and parking situation at the University. He raised questions concerning the integration of the shuttle bus system. Would a contract with the City be on an hourly or mileage basis; would the bus system be flexible; would the University buses be readily identifiable from the City buses; would students be hired as drivers? Their present contract with Transportation Enterprises runs out in August, 1973. Mayor Butler queried Mr. Ternus concerning the melding of the two systems. Mr. Ternus replied that due to the Federal Assistance there would be a reduction incost of regular coaches, and these would last longer than the school type buses used now by the University system, and the net result is the coaches are cheaper. Mayor Butler noted that the shuttle buses were funded by Activity Fees paid by the students, and not through the taxpayer. Mr. Conwell Smith, of Transportation Enterprises, felt that it would be better to keep the two systems independent of each other. He also felt there would be large losses in the new City system, including a public information program, a customer service center, increased frequency of service, improved routes, expanded daily hours, Sunday service. Charter service would bring in about \$2,500 per month income, and the UT shuttle bus would be neither a loss or a gain. He felt instead with minimum adjustments, the City could keep the losses down to \$20,000 a month. He noted Transportation Enterprises had paid \$4,500 taxes in the past year and does not receive any money from the City.

A student at the University, Mr. Guy Herman, represented a No-Fare group, which would like legislation providing financial assistance to mass transit on the local, state and federal level from general tax funds. He pointed out that the fare had increased from 6.9 cents in 1945 with 18,900,000 passenger rides. In 1968, the average fare had risen to 22.7 cents and revenue was \$6,491,000. He suggested largely Federal funding to bring the fares down again, or to reach a no-fare level. City funding share could come from a surtax on the utility bills. He noted in Wilkes-Barre that when the no-fare system was adopted, there was a decrease in traffic of 8,000 cars a day. He pointed out the success of the University shuttle bus, a no-fare system. Each student pays \$5.00 in the activity fee at the first of the year. Mr. Ternus in response to a question from Mayor Pro Tem Love stated the cost of a no-fare system would be in the neighborhood of 2.3

million dollars per year. Mayor Butler noted that this would cost an increase in taxes of 20 cents. Councilman Friedman said that if it was a utility tack-on, it would be about \$30 per year per utility user. Mr. Herman's figures with a 5% surcharge would be about \$1.10 a month more or \$13.20 per year. In Atlanta they increased the sales tax 1% in the metropolitan area, and the 3 counties which passed this are in the hookup of a low fare system of 15 cents. Councilman Friedman asked the Traffic and Transportation Director to get a breakdown on the no-fare system with Mr. Herman's help.

The next speaker was Mr. Lyndon Henry of the Austin Committee for Public Transportation, who noted the large increase in traffic in the next 10 years, with approximately 67 acres of land now being used for parking. He felt that highway expansion was not the answer as every increase in paved highway caused a corresponding increase in cars. The answer would be in getting the majority of the people to use public transportation, thereby also cutting pollution. The downtown area could be made into a mall, with people getting there by mass transportation, with outlying parking areas for their automobiles. Rapid rail system would be the answer, reaching speeds of from 40 to 50 miles per hour. Express bus lanes could be another answer. Councilman Lebermann asked for Mr. Henry's comment and his address.

Dr. Raon Cole referred to the no-fare system, and he said many studies and researches indicate that transit use is not terribly responsive to price of the fare. Ridership is more responsive to quality of the service. Peak period service is the main object of mass transit, and this service in mornings and the evenings. If you play up to the strength of the peak period service, then charter service can be picked up. In the Washington D. C. area, citizen groups banded together and chartered a daily bus for the trip into the City and out again in the evening, a contract-commute type of service. There are lanes reserved expressly for buses in this area, and people can move quickly on the buses, observing the clogged traffic lanes for automobiles. This is a very good incentive for people to ride the buses. For quality peak period service there is a need for less than 15-minute headways. He suggested that the Council might consider establishing a citizen's Public Transportation Board to provide more detailed kinds of supervision and advise the Council on policy decisions. Board membership might include representatives of captive rider groups, handicapped or elderly people. There are precedents for this in other cities. An example would be the Shuttle Bus Committee at the University. One of its jobs might be how to increase ridership, how to generate interest and enthusiasm and patronage. The City might want a different kind of management philosophy or concept for that.

Mr. Jim Phillips, a citizen who has problems getting to work, agreed with the concept of bus lanes, such in San Juan, Puerto Rico, San Francisco, and Washington D. C. Mr. Ternus explained that when the Mo-Pac or doubledecking of I. H. 35 was completed, the City could think of bus lanes. Mr. Bob Lusk pointed out that the intervals between buses could be lengthened from 9 A. M. to 4 P. M. because even if more buses are run, there is only a limited number of people who ride at this time.

Mrs. Joy Secora spoke in behalf of the Neighborhood Youth Corps and requested they be given a cut rate at 15 cents, as they are students, even as the Austin High Students. There would be about 60 riding the bus. This would fit in with student fares of 15 cents; 15 cents for the blind, and handicapped, and senior citizens. Mrs. Sally Bryce of the Austin League of Women Voters expressed an interest in marketing vigorously through informational and promotional

programs to educate the public to bus-riding. Mrs. Mary Birdsong suggested easier steps for senior citizens; busroutes to Zilker Park in the summer, or out to Decker Lake or City Park; bike racks on buses for people who live far from Hike and Bike trails. Mr. Ternus noted that buses for recreational areas were being considered. Mr. Hamner commended Mr. Ternus for his wonderful attitude and for the work that he has done.

Mayor Butler spoke of the Council's appreciation of those who came out to the hearing. Some good points were made. Mr. Ternus, the Traffic and Transportation Director said the only things left were to approve the routes and fares and schedules, and these would be brought up next week. Mayor Butler noted if Dr. Cole's suggestion setting up a Public Transportation Committee were made then improvements and additions and deletions could be an on-going process during the trial and error method of a new system. This committee would serve as a public hearing apparatus and report to the Council all through the year.

ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: _____

City Clerk