

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

April 19, 1973  
10:00 A.M.

## COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Pro Tem Love presiding.

## Roll Call:

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

Absent: Mayor Butler, Councilman Nichols

The Invocation was delivered by Mr. Homer Reed, Deputy City Manager.

## APPROVAL OF MINUTES

Councilman Friedman moved the Council approve the Minutes of the Regular Meeting of February 22, 1973, and the Special Meeting of April 9, 1973. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

## BICYCLE SAFETY WEEK

Councilman Handcox read and then presented a proclamation to Mr. Mike Dillingham, Dr. George Bohuslav, Committee Chairman, Bicycle Safety Week, and Mr. Barrett Garrison, President, Downtown Lions Club, proclaiming the week of April 23-28, 1973, as "Bicycle Safety Week."

## ZONING HEARINGS

Mayor Pro Tem Love announced that the Council would hear the zoning cases scheduled for 10:00 A.M. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

BILL E. BOATRIGHT, et ux  
(Tract 3)  
NELDA BOATRIGHT  
(Tracts 1 and 2)  
C14-73-015

4006-4010 Avenue C

From "B" Residence  
1st Height and Area  
To "B" Residence  
2nd Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Friedman moved the Council grant the change from "B" Residence 1st Height and Area to "B" 2nd Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

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RUBY REISSIG MESCHKE  
EDDIE MESCHKE  
By Elberta Burba  
C14-73-026

5700 East 19th Street

From Interim "A"  
Residential  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Handcox moved the Council grant the change from Interim "A" Residential 1st Height and Area to "LR" Local Retail 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to "LR" Local Retail 1st Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

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WOMEN'S DIVISION OF  
CHRISTIAN SERVICE  
OF THE BOARD OF  
MISSIONS & CHURCH  
EXTENSION OF THE  
METHODIST CHURCH  
By H.T. Hibler  
C14-73-032

300-310 West 29th Street  
2901-2907 Hemphill Park

From "B" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

Councilman Dryden moved the Council grant the change from "B" Residence to "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

CINCO-QUAD  
INVESTMENTS, INC.  
C14-73-036

1500-1502 Collier  
Street

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

Councilman Lebermann moved the Council grant the change from "A" Residence to "B" Residence as amended as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

#### ORDINANCE PASSED

Mayor Pro Tem Love 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 6,911 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1500-1502 COLLIER STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

The Mayor Pro Tem announced that the ordinance had been finally passed.

C.B. CARPENTER  
B.T. WEBB, THOMAS H.  
BARNETT  
By Ronald F. Mustain  
C14-73-038

Rear of 1801-1815 East  
Riverside Drive  
Rear of 1313-1321 Parker  
Lane

From "LR" Local Retail  
2nd Height and Area  
to "C-2" Commercial  
2nd Height and Area  
RECOMMENDED by the  
Planning Commission

Councilman Dryden moved the Council grant the change from "LR" Local Retail 2nd Height and Area to "C-2" Commercial 2nd Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

NORTHGATE SHOPPING  
CENTER #1  
By Charles R. Paul  
C14-73-044

Rear of 9210 North  
Lamar Boulevard  
(as amended)

From "GR" General  
Retail  
To "C-2" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Dryden moved the Council grant the change from "GR" General Retail to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

KARL J. SLADEK  
By Bob J. Bailey  
C14-73-014

820-824 Capitol Court

From "A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission  
subject to 1/2 the r-o-w  
to increase Capitol  
Court from 42' to 60'  
and no curb cuts allowed  
on the southwest 50' of  
the tract

Mrs. Hardin, a resident of the area, spoke in opposition to the change. Mr. Bill Joseph opposed the change at first, but when told that his property in the area would not be affected by right-of-way dedication, withdrew his opposition.

Mr. Bob Bailey, speaking in favor of the change, stated that the structure which he proposed to build would improve the neighborhood.

Councilman Dryden moved that the change be denied. The motion died due to the lack of a second.

The Mayor Pro Tem announced that the application FAILED due to lack of a motion to grant.

MARVIN M. HENRY  
By M.J. Schroeder  
C14-73-017

7534-7540 Cameron Road

From Interim "A"  
Residential  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the  
Planning Commission sub-  
ject to a subdivision

Councilman Handcox moved the Council grant the change from Interim "A" Residential 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

The Mayor Pro Tem announced that the change had been granted to "GR" General Retail 1st Height and Area subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

TEXAS AFL-CIO  
By Howard E. Brunson  
C14-73-018

300-310 West 11th Street  
1100-1110 Lavaca Street

From "C" Commercial  
3rd Height and Area  
To "C" Commercial  
4th Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to a subdivision

Councilman Friedman moved the Council grant the change from "C" Commercial 3rd Height and Area to "C" 4th Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

The Mayor Pro Tem announced that the change had been granted to "C" Commercial 4th Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

JACOB BAUERLE, INC.  
C14-73-019

2110 Kinney Avenue (Tr. 1)  
2117 Oxford Avenue (Tr. 2)

From "A" Residence  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
and "LR" Local Retail  
1st Height and Area  
(as amended)  
RECOMMENDED by the  
Planning Commission as  
amended subject to  
orientation of develop-  
ment to South Lamar Blvd;  
no access to Oxford Ave;  
a 6' privacy fence on  
Oxford Avenue where  
adjacent to "A" property  
and field notes to  
identify portions of the  
property zoned "A"  
Residence

Councilman Friedman asked Mr. Lillie why the Planning Department staff had recommended denial on the application. Mr. Lillie stated that the staff felt that "O" Office zoning would be more appropriate for Tract 1 which fronted on Kinney Avenue even though the front half of the tract was already zoned "C" Commercial. There was really no place to terminate commercial zoning once it

got started on the street. The "O" Office would be a much better buffer. The one on Oxford Avenue had a small tip at the rear which was zoned Commercial, but the frontage was on Oxford and had "A" Residence zoning on both sides and across the street. It was felt that the more appropriate zoning would be to leave it "A" Residence in relation to the land uses, and not to introduce Commercial zoning onto Oxford Avenue.

Councilman Dryden moved the Council grant the change from "A" Residence 1st Height and Area to "C" Commercial 2nd Height and Area and "LR" Local Retail 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, failed to carry by the following vote:

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

The Mayor Pro Tem announced that the application had FAILED.

TEDDY M. SOUSSRES  
C14-73-020

8425-8441 Research  
Boulevard

From Interim "A" Residential  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to subdivision  
and a 6' privacy fence  
along the east boundary  
line

Councilman Dryden moved the Council grant the change from Interim "A" Residential 1st Height and Area to "C" Commercial 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to "C" Commercial 1st Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

DAVIS-JARVIS, INC.  
C14-73-022

8609-8611 Hathaway Drive

From "A" Residence  
To "BB" Residence  
RECOMMENDED by the  
Planning Commission  
subject to a 6' privacy  
fence on the south  
boundary line, no access  
to Hathaway Drive and 5'  
of r-o-w on Polaris Ave.

Councilman Dryden moved the Council grant the change from "A" Residence to "BB" Residence, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to "BB" Residence, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

LAND EQUITIES, INC. and CHEVY CHASE SOUTH, LTD. By R.E. Painton C14-73-027	4617-4713 East Riverside Drive 2001-2201 Wickersham Lane (proposed)	From "BB" Residence To "GR" General Retail RECOMMENDED by the Planning Commission subject to subdivision and varying r-o-w of approximately 20' to bring Riverside Drive to 120'
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Mr. Richard Baker, representing the owners, wanted to know what the Council's policy was with regard to the dedication of right-of-way. He stated that his applicant had already dedicated 1.39 acres of land from the total acreage owned in that area and now, with additional right-of-way dedication required for the present application, wondered where the dedication would end. He requested that if the 1.39 acres were not to be used by the City of Austin, that it be returned to his applicant.

Mr. Lillie stated that he did not have the information at hand regarding the 1.39 acres, but would be glad to check into it and report back to the Council. He explained the City's policy on acquisition of right-of-way for major arterial streets.

Mr. Davidson pointed out that 120 feet were the maximum right-of-way that the City had the authority to ask for.

Mayor Pro Tem Love suggested that Mr. Baker get with Mr. Lillie and resolve the matter of the 1.39 acres. Mr. Davidson asked Mr. Baker if the 1.39 acres abutted the land on the subject application, and Mr. Baker stated that it did not, but that it was part of the total acreage owned by his applicant in that area, and did not affect the current application.

Councilman Dryden moved the Council grant the change from "BB" Residence to "GR" General Retail, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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



The Mayor Pro Tem announced that the change had been granted to "GR" General Retail, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

I.H. SILBERBERG &  
JEANNETTE ANN BILDEN  
By Jeryl D. Hart  
C14-73-030

4000-4110 Spicewood  
Springs Road

From Interim "A"  
Residential  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to subdivision  
and provision for r-o-w  
to increase Spicewood  
Springs Road to 90'

Councilman Lebermann moved the Council grant the change from Interim "A" Residential 1st Height and Area to "LR" Local Retail 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to "LR" Local Retail 1st Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

ERNEST WYLIE HARKINS  
By Sam Meyers  
C14-73-033

404 West 35th Street

From "A" Residence  
1st Height and Area  
To "BB" Residence  
2nd Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to 5' of r-o-w  
on West 35th Street

Mr. Sam Meyers, representing the owner, pointed out that the change should have been to "B" Residence 2nd Height and Area and not "BB" Residence 2nd Height and Area, and he offered a letter from the Planning Commission to support his position. Mayor Pro Tem Love and others agreed that their support material stated that the change was to "B" Residence 2nd Height and Area.

Councilman Lebermann then moved the Council grant the change from "A" Residence 1st Height and Area to "B" 2nd Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

ROBERT P. JOSEPH  
C14-73-039

807 Stark Street

From "A" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission  
subject to 5' of r-o-w  
on Stark Street

Councilman Dryden moved the Council grant the change from "A" Residence to "O" Office, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

The Mayor Pro Tem announced that the change had been granted to "O" Office, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

WATT SCHIEFFER  
By Greg S. Barron  
C14-73-040

5101-5107 Old Manor Road  
4705-4907 Old Manor Road  
4706-4904 Old Manor Road  
4644-4818 New Manor Road

From "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to subdivision  
to identify Tracts 1, 2,  
and 6 and to provide for  
the proper termination  
of two stub streets on  
Old Manor Road; the ter-  
mination of the stub  
street on the south  
boundary line with a 6'  
privacy fence; and a  
60' street to be pro-  
vided through the tract  
between Old Manor Road  
and (New) Manor Road

Councilman Handcox moved the Council grant the change from "A" Residence to "BB" Residence, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

The Mayor Pro Tem announced that the change had been granted to "BB" Residence, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

MOTON H. CROCKETT, JR.  
By Robert C. Sneed  
C14-73-041

126-152 East Riverside  
Drive

From "C-2" Commercial  
2nd Height and Area  
and "D" Industrial  
2nd Height and Area  
To "C" Commercial  
3rd Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to 5' of r-o-w  
on E. Riverside Drive.  
Consideration is requested  
by the City Council of the  
proposed requirement for a  
building setback on the  
east boundary of this tract,  
for the proposed Trinity  
Street extension.

Mr. Lillie elaborated upon the building setback consideration mentioned in the Planning Commission's rezoning recommendation. The extension of Trinity Street across Town Lake to connect with Riverside Drive had been part of the major arterial plan for several years, but presently there were no funds allocated in the Capital Improvements Program nor was there any priority for the street. The Planning Commission and Planning Department were simply making the property owners of land in the corridor aware that extension plans did exist, and they were asking that the owners voluntarily set back from the corridor to allow for the street, should it be built eventually.

Mr. Sam Perry, representing Mr. John Byram, who held a 50-year lease from Mr. Moton H. Crockett, owner of the subject property, stated that Mr. Byram had planned to build two office buildings on the tracts. One building would be about 60 feet tall and the other about 90 feet. Mr. Perry said that the request for a 115-foot setback would emasculate Mr. Byram's plans for developing the property.

Mr. Davidson asked Mr. Perry what amount of setback would be acceptable, and Mr. Perry replied that he would have to consult with Mr. Byram before answering the question.

Mr. Moton Crockett asked that Mr. Prentice and Mr. Pearson speak in behalf of the zoning change. Mr. Prentice owned some property in the area and wanted to know where the street would come across the lake. Councilman Dryden told him that at this time, the Council could not tell him where the bridge would be placed because they didn't know. Mr. Pearson, former Councilman from 1953-1959, stated that the bridge was discussed during the time he served on the Council. He had operated a business for 37 years that joined the property under discussion. He asked that the Council approve the zoning application before them so that development of the area could proceed.

Since Mr. Perry had to contact Mr. Byram to discuss the setback problem, the case was set aside until the afternoon session.

When the case was taken up later in the afternoon, Mr. Davidson restated the City's position on the proposed bridge and extension of Trinity Street. He reiterated the fact that the City felt obligated to point out to the applicant and to the City Council the possible need for the facility in the future.

Mr. Perry had contacted Mr. Byram, and at that time Mr. Byram was in no position to agree to the voluntary setback. He requested that the case be postponed until May 10, 1973, at which time the application for a hotel planned to the north of the subject property would be heard. There would be an access problem with respect to the hotel which might bear on the setback.

Councilman Handcox moved the Council postpone the case until May 10, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilmen Nichols

JOHN J. STUMPF &  
ANN M. STUMPF  
By Ken R. Brooks  
C14-73-042

2301 Bluebonnet Lane

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission  
subject to a 6'  
privacy fence on the  
south property line

Councilman Lebermann moved the Council grant the change to "B" Residence subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

Out of Room when roll was called: Councilman Dryden

The Mayor Pro Tem announced that the change had been granted, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

RONALD B. ZENT  
By Tom Curtis  
C14-73-043

607-609 Deen Avenue

From "A" Residence  
To "LR" Local Retail  
RECOMMENDED by the  
Planning Commission  
subject to 1/2 the r-o-w  
necessary to increase  
Deen Avenue to 60'

Councilman Friedman asked Mr. Lillie why the Planning Department recommended "O" Office rather than "LR" Local Retail for the property. Mr. Lillie responded that the lots were the first lots in the area off North Lamar not fronting on a major arterial street. It was felt that the zoning should be more restrictive and that "O" Office was recommended rather than introduce commercial zoning onto the street.

Councilman Handcox moved the Council grant the change to "LR" Local Retail, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

JOHN P. NIEMAN  
& ROGER HANKS  
By Richard C. Baker  
C14-73-045

800-804 and 801-807  
West 37th Street  
3510-3704 Gaffney St.

From "A" Residence  
To "O" Office  
(as amended)  
RECOMMENDED by the  
Planning Commission  
as amended subject to  
a 6' privacy fence on  
the south and east  
property lines; sub-  
division to identify  
the properties at the  
southwest corner and  
dedication of r-o-w on  
West 37th Street and  
Gaffney Street to 60'

Mr. Lillie stated that it was not the intent of the Planning Department to require that Gaffney Street be brought up to 60 feet. The Planning Department staff had also recommended that "BB" Residence zoning be granted since it was more restrictive and would be more appropriate since the property was not on a major arterial street.

Mr. Richard Baker, representing the owner, requested that the case be postponed until 11:00 A.M., April 26, 1973. Councilman Handcox moved the Council postpone the case until that date. The motion, seconded by Councilman Friedman, carried by the following vote:

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

RICHARD DORRELL  
C14-73-024

8315-8505 Balcones  
Drive

From Interim "A"  
Residential  
1st Height and Area  
To "C" Commercial 1st  
Height and Area (as  
amended) NOT Recommended  
RECOMMENDED by the  
Planning Commission  
"GR" General Retail  
1st Height and Area  
subject to a 150' build-  
ing setback from the west  
property line

Mr. Robert Norris requested that the application be postponed until 11:00 A.M., April 26, 1973. Councilman Dryden moved the Council postpone the case until that date. The motion, seconded by Councilman Handcox, carried by the following vote:

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

JOHN E. HATHAWAY  
C14-73-029

5802-5806 Woodrow Avenue

From "A" Residence  
To "O" Office  
(as amended)  
NOT Recommended  
RECOMMENDED by the  
Planning Commission  
"O" Office 1st Height and  
Area on the two northern  
tracts, subject to a 6'  
privacy fence where ad-  
joining "A" Residence  
property

Councilman Dryden noted that the property had already been paved, perhaps in anticipation of the zoning change. He was also concerned that the zoning to commercial would continue to spread south into residential areas.

Councilman Handcox moved the Council grant the change to "O" Office (as amended), subject to conditions, as recommended by the Planning Commission. The motion died due to a lack of a second.

The Mayor Pro Tem announced that the application had FAILED.

The Council POSTPONED the following zoning changes:

RICHARD S. TRIMBLE  
By Lou McCreary  
C14-73-291

7807 Watson Street

From "A" Residence  
To "O" Office  
NOT Recommended by  
the Planning Commission

Councilman Friedman moved the Council postpone the zoning change hearing until 10:30 A.M., April 26, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Friedman, Handcox  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Lebermann

HAROLD CARTER CHAPMAN  
C14-73-013

7401 Geneva Drive

From "A" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission

Councilman Friedman moved the Council postpone the zoning change hearing until 10:30 A.M., April 26, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Friedman, Handcox  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Lebermann

L.C. HOBBS  
C14-73-025

5100 Grover Avenue  
1200-1202 West 51st  
Street

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission

Councilman Friedman moved the Council postpone the zoning change hearing until 10:30 A.M., April 26, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Friedman,  
Handcox  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Lebermann

AMANDA WILLIAMSON  
By L.C. Reese  
C14-73-034

511-517 Krebs Lane  
3813-3817 South First  
Street  
512-518 Fort McGruder  
Lane

From "A" Residence  
To "LR" Local Retail  
NOT Recommended by the  
Planning Commission  
with the additional  
comment that those voting  
against this motion feel  
that "LR" Local Retail  
is not appropriate for  
this tract; however, a  
higher use than either  
"A" Residence or "BB"  
Residence is considered  
appropriate

Councilman Friedman moved the Council postpone the zoning change hearing until 10:30 A.M., April 26, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

Out of Room When Roll Called: Councilman Lebermann

STEVE B. VALDEZ  
C14-73-035

3618-3704 Munson Street

From "A" Residence  
To "O" Office  
NOT Recommended by the  
Planning Commission

Councilman Friedman moved the Council postpone the zoning change hearing until 10:30 A.M., April 26, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

Out of Room When Roll Called: Councilman Lebermann

The following zoning change was REFERRED BACK to the Planning Commission:

THE AUSTIN NATIONAL BANK,  
Successor Independent  
Executor of the Estate of  
Stella M. Hofheinz, deceased  
By Eugene Hacker  
C14-73-016

201 East 33rd Street  
3207-3209 Helms Street

From "A" Residence  
1st Height and Area  
To "B" Residence  
2nd Height and Area  
NOT Recommended by the  
Planning Commission



Mr. Pearson had requested that the application be referred back to the Planning Commission. A letter requesting withdrawal of the application had been sent to the Planning Commission, but Mr. Pearson stated that the writer of the letter had no authority to make the request.

Councilman Friedman moved the Council refer the application back to the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Mayor Pro Tem Love  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Lebermann

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The following zoning change was WITHDRAWN:

WILLIAM CHAMPION  
C14-73-021

5701-5703 Clay Avenue

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission

There was a request by the applicant that this case be withdrawn. Councilman Friedman moved the Council grant the request to withdraw. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Mayor Pro Tem Love, Councilman Friedman  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Lebermann

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RECESSED MEETING

2:00 P.M.

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23RD STREET MARKET EXPANSION

Councilman Dryden first introduced Dr. De Noie, the father of Roland De Noie.

Mr. Roland De Noie, speaking for the Austin Renaissance Society, requested that the sidewalk space allocated to the 23rd Street Vendors be expanded from 19th to 29th Street, starting at the hub of the 23rd Street People's Renaissance Market. The expansion would be on demand and as needed. He then offered, through the Society, to sponsor a dinner at the Municipal Auditorium for a runoff debate between Mr. Bob Binder and Councilman Nichols. After expenses, any proceeds from the ticket sales would be split between the two candidates, the largest share going to the debate winner.

Councilman Dryden asked Mr. De Noie for more time to study the matter to see if more space could be worked out for the Drag Vendors, and Mr. De Noie stated that he would be back before the Council.

## HEARING ON LAND USE DESIGNATION

Mayor Pro Tem Love opened the public hearing scheduled for 10:00 A.M. to consider an amendment to the Brackenridge Urban Renewal Plan to change land use designation for Disposal Parcel 15a from Residential Use "R" to Public Use "P-2", on a parcel located adjacent and west of the park area along Eleventh Street. No one appeared to participate in the hearing. Councilman Friedman moved the Council close the hearing and adopt a resolution approving the amendment. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox  
Noes: None  
Absent: Mayor Butler, Councilman Nichols  
Out of Room When Roll Called: Councilman Dryden

## ANNEXATION HEARING

Mayor Pro Tem Love opened the annexation hearing scheduled for 10:00 A.M. No one appeared to participate in the hearing. Councilman Friedman moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

- a. Total of 244 acres of land, more or less, out of the Santiago Del Valle Grant:
  - (1) 10.68 acres - THE VILLAGE SQUARE. (requested by owner's representative)
  - (2) 28.17 acres - VILLAGE SOUTH PHASE TWO. (requested by owner's representative)
  - (3) 205.0 acres of land, more or less - unplatted land and portions of TERI ROAD and NUCKLES CROSSING ROAD. (initiated by City of Austin)
- b. 21.90 acres of land out of James Mitchell and James Coleman Surveys and the T.J. Chambers Grant - VISTA WEST V and VISTA WEST VI. (requested by owners' representatives)

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

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

## CONTRACTS AWARDED

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

## Playground Equipment - Parks and Recreation Department

- (1) MIRACLE RECREATION COMPANY - Items 3, 4, 7, 10, 17, 20, 24, 28, 30  
(Dallas, Texas) 36, 37, 56, 63, 64, 65 and 67 -  
\$14,563.00
- (2) VAUGHAN & ASSOCIATES, INC. - Items 2, 13 thru 16, 19, 21, 26A, 31  
(Dallas, Texas) 32, 40 thru 42, 46 thru 50, 52 thru 55,  
59 thru 61, 69 thru 74, 78, and 79  
\$8,581.58
- (3) MEXICO FORGE - Items 1, 4, 11, 12, 25, 26, 27, 33  
(Reedsville, Pa.) thru 35, 38, 39, 43 thru 45, 51, 57,  
58, 62, 68, 75 and 77  
\$6,413.00
- (4) JAMISON, INC. - Items 6, 8, 9, 18, 22, 23, 29, 66 and  
(Houston, Texas) 76  
\$2,587.00

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

## Cast Iron Water Pipe Supply Agreement

- (1) UNITED STATES PIPE & - Bid Items 1.1, 1.2, 2.1, 5.1, 5.2,  
FOUNDRY CO. 5.3, 5.4, 5.5, 5.6 and 5.7  
(Dallas, Texas) \$112,491.72
- (2) LONE STAR STEEL CO. - Bid Items 1.3, 1.4, 1.5, 2.2, 2.3  
(Dallas, Texas) 2.4, 2.5, 2.6, 3.0, and 4.0  
\$12,620.82

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

- CAPITOL AGGREGATE, INC. - Hot Mix Asphaltic Concrete, Special  
(Austin, Texas) Type D Supply Agreement - 8,500 tons  
\$47,600.00

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

W.H. RICHARDSON CO.  
(Austin, Texas)

- Miscellaneous Batteries Supply  
Agreement - \$7,989.70

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

CENTEX MATERIALS, INC.  
(Austin, Texas)

- Concrete, Mortar and Fill Sand  
Supply Agreement - \$20,460.00

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

JAY SMITH CHRYSLER-PLYMOUTH  
(Austin, Texas)

- Twelve (12) each Administrative  
Sedans - \$39,072.00

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

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

ACME VENDING SERVICES, INC.  
(Austin, Texas)

- Food, Drinks and Tobacco Products  
Concession Rights at Jimmy Clay  
Memorial Golf Course for a two (2)  
year period with two (2) each two  
(2) year options for extension -  
guaranteed annual amount of \$5,100.00  
plus an additional 5.57% of gross  
receipts.

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

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

#### LEASE AGREEMENT EXTENSION

Mr. Winston Kinser had requested a long-term extension of his lease of City property located at 1201 West Riverside Drive for the operation of the Pitch and Putt Golf Course. Mr. Davidson had recommended a one-year extension because the City's plans for a civic center were not firm. After some discussion, Councilman Lebermann moved the Council adopt a resolution authorizing a three-year contract extension with the City having a 60-day termination notice option after one year. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### CASH SETTLEMENTS

Councilman Handcox moved the Council adopt a resolution authorizing a 40%/60% cash settlement with the following:

Claude Hargraves for the installation of water service at Hargraves Industrial Subdivision - estimated cost of water service installation is \$430.00, Owner's cost @ 40% - \$172.00, City's cost @ 60% - \$258.00.

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

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

Councilman Handcox moved the Council adopt a resolution authorizing a 40%/60% cash settlement with the following:

Great American Land Company for the extension of a sewer main to Hyde Park Addition, Resub. of Lots 1, 2, 3 and 4, Block 7. Estimated cost of sewer main extension is \$920.00, Owner's cost @ 40%-\$368.00, City's cost @ 60%-\$552.00.

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

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

## CASH SETTLEMENT

Councilman Handcox moved the Council adopt a resolution authorizing a 40%/60% cash settlement with the following:

Fagan Dickson for the installation of water and wastewater utilities in Fagan Dickson Subdivision, Lots 1 and 2. Estimated cost of water utilities is \$2,110.00, Owner's cost @ 40%-\$844.00, City's cost @ 60%-\$1,266.00; Estimated cost of wastewater utilities is \$1,602.25, Owner's cost @40%-\$640.90, City's cost @60%-\$961.35.

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

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

## SETTING OF PUBLIC HEARING ON AMENDMENTS TO AUSTIN DEVELOPMENT PLAN

Councilman Handcox moved the Council adopt a resolution setting a public hearing at 10:00 A.M., May 3, 1973, on the following amendments to the Austin Development Plan:

- a. An area of approximately 50 acres requested by Austex Development Co. by Bryant-Curington, Inc. plus an additional area of approximately 90 acres located in north Austin north of Kramer Lane approximately 1300 feet east of F.M. 1325 - from Manufacturing and Related Uses to Low Density Residential - C2-73-1(a).
- b. An area of 130 acres requested by Conway Taylor for Mr. Nelson Puett, owner of several tracts of land located in southeast Austin along both sides of Dalton Lane north of State Highway #71 - from Low Density Residential and Suburban Residential to Commercial Service and Semi-Industrial - C2-73-1(b).

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

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

## SETTING OF PUBLIC HEARING TO AMEND CITY OF AUSTIN CODE

Councilman Handcox moved the Council adopt a resolution setting a public hearing at 10:00 A.M., May 17, 1973, to amend the Code of the City of Austin as follows:

- a. Amend Chapter 45 (Zoning Ordinance) to not require exact building locations on Planned Unit Development site plans when building set-back lines can be used to accomplish the same purpose.
- b. Amend Chapter 41 (Subdivision Ordinance) to allow the Commission more flexibility in approving dead-in streets that are greater than four hundred feet in length.

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

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

#### SETTING OF ANNEXATION HEARING

Councilman Handcox moved the Council adopt a resolution setting a public hearing at 10:00 A.M., May 3, 1973, to consider annexing the following:

- a. 11.29 acres of land out of the Santiago Del Valle Grant - portion of BERGSTROM DOWNS NO. 1. (requested by owner)
- b. 20.49 acres of land out of the John Applegait Survey - proposed WINDSOR HILLS, SECTION SEVEN. (requested by owner's representative)
- c. Total of 131.87 acres of land out of the William Cannon League:
  - (1) 35.87 acres - MEADOWCREEK, SECTION ONE. (requested by owner)
  - (2) 96.0 acres of land, more or less - portion of DITTMAN ROAD and unplatted land. (initiated by City of Austin)

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

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

#### GRANT APPLICATION TO CRIMINAL JUSTICE COUNCIL

Councilman Handcox moved the Council adopt a resolution authorizing the submission of a grant application to the Texas Criminal Justice Council to continue the Austin Metropolitan Area Criminal Justice Planning Program. The total program cost will be \$29,000 of which \$26,100 is to be provided by the Criminal Justice Council and \$2,900 will be the City's local required cash match.

Councilman Lebermann asked that the City Manager describe the program. Mr. Davidson called on Mr. Bill Stoll, Federal Grants Administrator, to explain the program. Mr. Stoll summarized the program as follows:

1. The City of Austin had received the past year a Criminal Justice Planning grant which allowed the City and Travis County to begin some joint planning efforts toward a comprehensive criminal justice program for the metropolitan community. The new grant would allow continuation of the current program for the second year.
2. Four general areas are being developed:
  - a. Establishing a criminal justice advisory committee which for the first time is coordinating Travis County and City of Austin criminal justice activities.
  - b. Providing technical assistance to Metropolitan police agencies and Sheriff's Department in applying for criminal justice grants for their activities.
  - c. Updating data collection and analysis to get a much better prediction in a situation of crime and its occurrence in the metropolitan area.
  - d. The grant has enabled the achievement of a construction grant to expand the police and municipal courts building as well as provide numerous communications equipment and training materials for the Police Department.

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

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

#### MODEL CITIES PROGRAM AND BUDGET PRIORITIES

Mayor Pro Tem Love called upon Mrs. Ora Lee Nobles, Chairman of the Model Cities Commission, to address the Council. Mrs. Nobles discussed the revised program budget and project priorities for the last year of Model Cities funding. She indicated the following allocation of funds by major category.

1. 53% - Physical improvements, including housing
2. 41% - Human needs
3. 6% - Administration and overhead

She stated that the commission had unanimously agreed on the revised program.

Mrs. Nobles listed some of the accomplishments of the Model Cities Program in the Model Cities area:

1. Streets paved
2. Sidewalks built
3. Health care facilities established
4. Child care center and home care units set up



She indicated that the list of successes was long, but she would not enumerate all of them. She expressed her gratitude to the Council and various agencies with which the Commission had worked, and also to the Model Cities area residents. She was especially grateful to Mr. Ojeda and his staff.

Councilman Friedman asked Mrs. Nobles about the changes which were made on the preceding Monday with Mr. Ojeda and some of the Commissioners. Mrs. Nobles stated that it was first thought that the family planning portion was a duplication of effort, but when it turned out that it was not, the Commission returned that item to the budget. Councilman Friedman wanted to know if the total Commission had an opportunity to review the changes, since there was not a quorum at the Monday meeting. He was concerned that a majority of the Commissioners agree that the present budget was the type of budget that they wanted to submit. Mrs. Nobles stated that the Commission had talked about it.

Mrs. Nobles then read some of the items which were to be funded in the final Model Cities year:

1. Family Outpatient Clinic
2. Child Care
3. Public Facilities Improvements
4. Traffic Control
5. Recreation Facilities Improvements
6. Housing Improvements
7. Communications Skills
8. Projects for the Elderly
9. Continuing Education
10. Juvenile Defendancy
11. Special Transportation
12. City Relocation

Mayor Pro Tem Love, speaking for the Council thanked Mrs. Nobles for the long hours she had given to the total project. He also acknowledged the efforts of Mr. Ojeda and Mr. Reed in restoring some of the funds to the Model Cities Program.

Father McCabe, representing Caritas, indicated that he had been working on poverty projects for about 12 years. He first listed some of the programs which existed:

1. Nearly 3,000 units of low income housing, both in Austin and elsewhere, had been developed with long-term loans totaling \$45 million.
2. Three ecumenical agencies, one in Austin, called Caritas.
3. One of the largest programs for the recovery and treatment of alcoholics which was developed even before State and Federal financial help was available (six years old).

Father McCabe strongly urged the Council to reconsider funding the Emergency Relief portion of the Model Cities program (\$35,000) which had been cut by the Model Cities Commission for their last year of operation. There was no administration charge by Caritas to administer the \$35,000. The money went directly to buy food, pay utility bills and provide emergency medical care.

Mayor Pro Tem Love questioned Father McCabe about the Emergency Relief fund and Caritas' other fund-raising activities in Austin, such as the Poor Man's Supper. Father McCabe indicated that he had to raise about \$30,000 just for overhead to operate Caritas. Other funds raised went directly to help the poor.

Councilman Friedman asked Father McCabe if no funding were available now, would he be out of business or could he apply for revenue sharing funds. Father McCabe stated that he would have to say "No" to people, but Caritas would still function. He had already applied for revenue sharing funds. Councilman Friedman asked if Caritas got a full hearing at the Commission level as to why the funds were cut. Father McCabe indicated that the funds were first cut, then restored, and on Monday, cut again.

After some additional discussion, the City Manager indicated to Father McCabe that Caritas' revenue sharing application was before him and that they would be given every consideration toward possible funding. The City Manager then called on Mr. Homer Reed to explain the City's overall cut in Federal funding and how much revenue sharing money would be available. Mr. Reed stated that the total amount of grants eliminated was approximately \$18 million. The amount of money received from revenue sharing for one year was \$2.8 million, leaving a deficit of \$15.2 million. Mr. Davidson hoped that at least a preliminary review of revenue sharing applications could be held during the month of May, 1973. Model Cities funding of Caritas was to end on June 1, 1973.

Councilman Lebermann asked questions of Father McCabe regarding Caritas' participation in both Model Cities Commission and County funding for Caritas. The Councilman then called on Mr. Ojeda to discuss the relationship of the Emergency Relief funding to the budgetary considerations of the Model Cities Commission. Mr. Ojeda stated that the Commission had held three public hearings to consider various Model Cities projects. On March 14, 1973, the Hearing covered physical and economic projects. The Hearings on March 21 and March 28 covered all social projects. At the March 21 Hearing, Caritas was represented by Mr. Tom Spiller. Although the staff evaluation of the Caritas program was highly favorable, it was felt that the program did not fit into the funding pattern due to the funding cutbacks and priorities faced by Model Cities. In terms of the total program, Caritas was assigned a low priority. For the money remaining in the Model Cities program, the attempt was being made to retain programs which would have a city-wide impact. The current Caritas grant of \$20,000 served only the Model Cities area.

Both Mayor Pro Tem Love and Councilman Dryden found it difficult to place priorities ahead of feeding hungry people. Councilman Dryden felt that further consideration should be given to the problem of funding the Emergency Relief program. Councilman Friedman agreed, and felt that the Commission should go back and try to pare some of the other programs so that there would be some money going into the Emergency Relief program. Councilman Handcox also concurred, but pointed out that many of the programs were necessary to cut down on the number of hungry people. He felt that the Commission should approve programs affecting the masses.

Mr. Davidson pointed out that the total allocation figure for Model Cities was \$2,727,000, down from \$3,500,000, and pointed out that the procedures which had been followed were the way the system was supposed to work. He further stated that if the Council wanted to delete or reduce a portion of one of the items in the Model Cities budget to include the Emergency Relief program, that it could be done today.

Father McCabe stated again that on last Friday the funding was there for the Emergency Relief program, but on Monday it was not. Mr. Davidson responded that he could probably name a number of programs which had been put in and taken out more than that.

Mrs. Judy Fowler asked to be allowed to explain the funding switch which was bothering Father McCabe. She stated that the Model Cities Commission did not understand that family planning had been removed as a budget item from the outpatient clinic. When first decided, it was thought that two family planning units were involved, so one unit was cut from the budget and put into emergency funds. Over a week's period, it was learned that no family planning would be in the area, since it was completely removed from the clinic. At that time, funds were removed from the Emergency funds and placed into family planning because it was felt that family planning was a necessary and vital item.

Mrs. Nobles pointed out that the emergency funds was not the only program which was cut out, that other programs were dropped which employed Model Cities area residents.

Councilman Dryden felt that if the emergency relief program could be reconsidered and worked into the budget that it would be to the good of the community.

#### Motion

Councilman Lebermann moved the Council delay final action on the Model Cities budget for one week. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

#### LEASE AGREEMENT WITH SOUTHLAND CORPORATION

Mr. Dan Davidson introduced Mr. Joseph Morahan who provided a brief description of the proposal. Mr. Morahan stated that the land, located near the reservoir site at North Lamar and Koenig Lane, had been leased to Southland Corporation (7-11 Stores) under a ten-year lease which would expire July 31, 1973. In July, 1971, Southland approached the City about extending the lease because of planned improvements to the property which would have to be amortized over a period of years. More lease time was necessary for proper amortization. Negotiations had continued since that time, but nothing had been agreed upon. The City's proposal called for a 5-year lease at \$450 per month. Southland countered with an offer of \$400 per month, and that was where the matter stood at the present.

Mr. Davidson stated that in November, 1972, the City had sent a proposal to Southland recommending a lease of \$450 per month and Mr. Davidson felt that because of the property's value, the lease price was fair at that time. He stated that the City was not particularly interested in continuing a commercial development at the subject corner, and at the present time, \$500 per month was not an unreasonable lease fee. Both he and Mr. Morahan felt that they could not recommend a new lease to the Council unless Southland made certain improvements to the property, including screening, landscaping and grass planting in areas which had not been so maintained in the past. Southland had agreed to the City's requests.

#### Motion

After some discussion, Councilman Dryden moved the Council authorize the City Manager to execute a lease agreement with Southland Corporation at \$450 per month for one year to be executed by 9:00 A.M., April 20, 1973.

Mr. Ed Gibson, representing Southland Corporation, stated that Southland proposed to spend over \$22,000 to bring the subject store up to the level of other 7-11 stores in Austin. To do so, he felt that Southland needed to amortize the investment to show some return on the investment.

Councilman Dryden expressed his disappointment that Southland would come back with a counter offer and refused to withdraw his motion.

Mr. Gibson stated that normally Southland would amortize over a ten-year period and that it would be difficult to break even at the subject store since it was a marginal operation.

#### Substitute Motion

Councilman Handcox offered a substitute motion that the Council authorize the City Manager to execute a lease agreement with Southland Corporation at \$450 per month for three years with the option of extending the lease, and deleting the execution time limitation specified by Councilman Dryden. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Nichols

Out of Room When Roll Called: Councilman Lebermann

COUNCILMAN NICHOLS ENTERS

#### ZONING HEARING & ST. JOHN'S AREA DRAINAGE

Mayor Pro Tem Love announced that the Council would hear the zoning case scheduled for 2:00 P.M. for public hearing at this time. Pursuant to published notice thereof, the following zoning application was publicly heard:

CENTRAL FREIGHT LINES, INC.  
By W.E. Cureton  
C14-73-008

7011-7015 North  
Interstate Highway 35

From "A" Residence  
1st Height and Area  
and "C" Commercial  
6th Height and Area  
To "C" Commercial  
6th Height and Area  
RECOMMENDED by the  
Planning Commission  
subject to restrictive  
covenants requiring a  
10' setback that is to  
be a planted buffer with  
a 10' chain link fence  
on the rear property  
line (in accordance with  
the site plan on file)

Mr. Phillip Robinson, representing the applicant, along with his partner, Mr. Dan Felts, stated that Central Freight Lines would spend about \$500,000 to extend their facility in the area if the Council granted the zoning request. He explained the drainage system worked out by Central and the fact that Central had acquired two additional lots in the St. Johns area to facilitate the drainage from the proposed parking lot. The large lot was essential to the operation of the trucking facility. He felt that his client had done all that was possible to ease the drainage problem, and hoped that the Council could do something to improve the drainage leading to Buttermilk Creek. He stated that Central had tried to contact all of the residents in the area to explain what Central proposed to do, and that only one person had declined to sign a statement of non-opposition. He asked that the Council grant the zoning change.

Dr. Reynell Parkins, representing the St. Johns Neighborhood Association, said that the area residents did not object to the basic plan put forth by Central Freight Lines, but there was concern over the increased runoff which would result from paving the parking lot. The present sewer line ended before it reached Buttermilk, and flooding did occur during heavy rains. He had spoken to Mr. Rountree about the problem and learned that the problem could be solved by putting in an open ditch or some other kind of sewer connection from the corner of St. Johns and Bennett into Buttermilk Creek. There was a question of securing some easements for the line, but Dr. Parkins felt that he could obtain the necessary easements.

Mr. Dan Davidson said that later on the agenda Dr. Parkins would talk about a plan for the St. Johns area. The plan involved a number of drainage and street improvements which were presently included in the Capital Improvements Program. Mr. Davidson felt that Central Freight Lines had done all that could possibly be asked of them with regard to the drainage problem from their property.

Councilman Friedman wondered if the City was doing enough about the drainage problem.

Councilman Lebermann pointed out that three weeks ago after some discussion with Dr. Parkins he had asked the City Manager to deal with a quick drainage study of the St. Johns area. He asked that the City Manager include information on the study in his remarks. Mr. Davidson stated that the drainage study was part of the presentation which Mr. Homer Reed would make at the appropriate time on the agenda. It was then requested that Mr. Reed speak at this time.

Mr. Reed said that Mr. Robinson and Dr. Parkins had covered the drainage problem well and that he had no fault with anything that they had said about it. The overall program that the City had in the Capital Improvements Program concerned the basic channel of Buttermilk Creek across the St. Johns area. He explained what improvements would be made within the Capital Improvements Program and said that those improvements did not concern the Central Freight Lines property. He stated that there were no funds in the CIP budget to put in the drainage ditch which had been discussed earlier, but that Mr. Rountree did have the funds to put in an earthen channel to Buttermilk Creek if the necessary easements could be obtained.

Councilman Nichols asked about the cost differences between putting in pipe and an open channel. Mr. Reed stated that a piped drainage line would cost \$128,110 and a concrete-lined open channel would cost \$83,600.

#### Motion

Councilman Nichols moved the Council authorize the installation of the pipe. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Mayor Butler

Mr. Davidson stated that, with the Council's permission, he would proceed to complete work on the required easements, work up a detailed report and bring it back to the Council. There were some detailed costs involved and a timetable to get the job done, and it would be necessary to pass on an appropriation.

Mayor Pro Tem Love then asked Dr. Parkins if he and any of the other St. Johns area residents had any further opposition to the Central Freight Lines zoning request.

Councilman Handcox wanted to know if there would be any conflict in time between the work proposed by Central Freight Lines and putting in the pipe or could they be done simultaneously. He also inquired as to the amount of time involved to do the work.

Mr. Davidson responded by saying that the work proposed by Central Freight Lines would add 10 per cent to the total water flow. He did not feel that a further drainage problem would be created by the work and that it was not important to get the pipe immediately, especially since the work proposed in the area would solve the problem once and for all.

#### Motion

Councilman Friedman moved the Council close the public hearing and grant the zoning change to "C" Commercial 6th Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to "C" Commercial 6th Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

#### PARADE PERMIT

Miss Sylvia Espinoza, representing the People's Lobby for Equal Education, of San Antonio, requested a parade permit. The parade route would be from the City Coliseum down Riverside Drive to Congress Avenue, and up Congress Avenue to the State Capitol Grounds. Councilman Friedman moved the Council grant the parade permit for May 2, 1973, on an emergency basis. The motion, seconded by Councilman Handcox, carried by the following vote:

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

AT THIS POINT COUNCILMAN FRIEDMAN LEAVES THE MEETING

#### REFUND CONTRACTS

Mayor Pro Tem Love brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH AUSTEX DEVELOPMENT COMPANY, LTD.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read for the second time, and Councilman Nichols moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH BRADFIELD-CUMMINS, INCORPORATED, AND DAVID B. BARROW; 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: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love,  
Councilman Lebermann

Noes: None

Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLES III, IV AND V OF CHAPTER 37 OF THE CODE OF THE CITY OF AUSTIN, TEXAS; ELIMINATING THREE YEARS PRIOR ELECTRICAL WORK IN OTHER CITIES AS A QUALIFICATION FOR EXEMPTION FROM CITY LICENSING EXAMINATIONS; ADDING RECIPROCITY WITH THE CITY HAVING EXAMINED THE APPLICANT AS A PREREQUISITE FOR EXEMPTION FROM CITY LICENSING EXAMINATIONS; EXTENDING THE ELECTRICAL WORK PERMIT REQUIREMENT TO ROUGH-IN WORK; ALTERING MINIMUM REQUIREMENTS FOR THE CIRCUITRY IN KITCHENS AND DINING ROOMS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mr. Lonnie Davis, Assistant Director of Building, explained the three items in Chapter 37 of the Code of the City of Austin which the Council was asked to amend. Mr. Davidson introduced members of the Electrical Board who were present.

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 Handcox, Dryden, Nichols, Mayor Pro Tem Love,  
Councilman Lebermann

Noes: None

Absent: Mayor Butler, Councilman Friedman

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Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720927-A TO TRANSFER CERTAIN FUNDS WITHIN ACCOUNT NO. 00711010-101 TO BE EXPENDED FOR ADDITIONAL PERSONNEL FOR THE ACCOUNTING DIVISION OF THE



DEPARTMENT OF FINANCE; 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 Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love 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 1.13 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3802-3806 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT EXCEPT FOR THE 1' X 8' AREA DESCRIBED BELOW WHICH IS CHANGED TO "GR" GENERAL 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.

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 Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Dryden

Noes: None

Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love 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 A, HARGRAVE'S INDUSTRIAL SUBDIVISION, LOCALLY KNOWN AS 907 EAST ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND 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 Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Dryden

Noes: None

Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love 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 9, BLOCK 1, OUTLOT 15, DIVISION C, SPARKS AND MOORE ADDITION; LOTS 10, 11 and 12, BLOCK 1, OUTLOT 15, DIVISION C, EICHELBERGER SUBDIVISION, LOCALLY KNOWN AS 4402-4410 BARROW AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY

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 Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Dryden

Noes: None

Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love brought up the following ordinance for the 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 10.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; 31.14 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 25.24 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; 11.8 ACRES OF LAND, MORE OR LESS, SAME BEING PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, PARTLY OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18, PARTLY OUT OF AND A PART OF THE JAMES ROGERS SURVEY AND PARTLY OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; AND 23.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS 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.

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

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

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Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720810-F BY TRANSFERRING CERTAIN FUNDS TO BE EXPENDED FOR CEMETERY IMPROVEMENTS, C.I.P. PROJECT NOS. 9502 0 and 9503 0; 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, Dryden, Nichols, Mayor Pro Tem Love  
Noes: None  
Absent: Mayor Butler, Councilman Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### EASTER CROSS IN ZILKER PARK

Mr. Howard M. Simmons, Questors Class Program Chairman, University United Methodist Church, appeared before the Council to request that the "Christmas Tree" tower light in Zilker Park be converted into THE EASTER CROSS during the Easter season 1974. Mr. Simmons submitted a revised letter according to the wishes of the Downtown business interests and the clergy.

Councilman Nichols pointed out that the cross would be visible from only one direction, and seen from a side view, would look like a straight line. Mr. Simmons stated that he had discussed the matter with Mr. Hancock and Mr. Hancock felt that the lights could be arranged so that they would be visible from both sides.

Councilman Nichols called on the City Manager to ask his opinion about the proposed cross. Mr. Davidson stated that the cost of doing what Mr. Simmons proposed would range between \$1,500 to \$2,000. Several other suggestions in the letter had not been evaluated. Mr. Davidson did not necessarily recommend attaching additional structural members on the tower, but that it could be done if the Council so desired. He pointed out that some calls had been received from people who

objected to the proposed cross. He then called on Mr. Jerry Harris, Assistant City Attorney, to discuss the legal aspects involved.

Mr. Harris pointed out that the problem centered around the establishment of religion clause of the United States Consitution and the use of state funds for religious purposes. The Texas Consitution also prohibited the use of state or public money for religious purposes. Numerous lawsuits had been upheld by the Supreme Court striking down any expenditure of government money on religious items such as the cross. He felt sure that the City of Austin would be challenged and could not recommend the erecting of the cross because of the clearcut establishment of religion issues involved.

Mr. Simmons asked Mr. Harris if he felt that the cross would be more of a religious symbol than a declaration for a festival or a reminder of a certain time of the year. Mr. Harris stated that if he was referring to the Christmas tree or reindeer or other nonreligious items that there were legitimate differences between those items and the cross or any other obvious religious symbols.

Mr. Simmons asked Mr. Harris if he felt that the 319 churches in Austin who may represent a majority of the people should have some recognition. Mr. Harris responded that all people should have recognition, but that it was not a matter of majority rule. It was a matter of constitutional right as set forth in the State and National Constitutions, as interpreted by the Supreme Court.

Councilman Nichols stated that he had had some complaints by some churches of the Christian faith, after an article about the cross had appeared in the newspaper. He could not speak for the Council, but he felt that the recommendations of the City Manager and the City Attorney should be followed at this time.

Councilman Dryden felt that Mr. Simmons' endeavor should be recognized, but that the opinions of the City Manager and Mr. Harris should be respected and that a motion should not be made to create the cross.

Mr. Simmons asked if the Easter pageant at the City Auditorium did not set a precedent for holding religious celebrations on City property. Mr. Davidson pointed out that the people holding the pageant paid the same fees as anyone else using the facilities. The City government did not sponsor the event.

Mr. Simmons then asked if a cross could be sponsored privately and an area rented from the City. Mr. Davidson responded that not unless the City was in the billboard business. Mr. Simmons further asked if the City rented areas of Zilker Park or any park land. Mr. Davidson said "No."

Councilman Nichols said that such land had been rented in the past and might be done so again in the future, but that the City Manager and City Attorney did not so recommend it for this case.

The Council expressed their appreciation to Mr. Simmons for making the presentation.

## WORKERS APPRECIATION DAY

Mr. Jim Burfeind read a proposal to the City Council requesting that May 1 be proclaimed "Worker's Appreciation Day" by the Council, that City employees be given time off with pay and that private businesses be urged to let their employees off with pay to participate in the various May Day activities. Councilman Dryden thanked Mr. Burfeind for appearing before the Council.

## ITEM POSTPONED

Mr. Martin H. Boozer, Jr., Attorney for Mr. H.G. Linscomb, requesting to appear before the Council to request reinstatement of Zoning Case No. C14-70-055 which was dismissed on June 1, 1972, asked that his appearance be postponed for one week.

## ST. JOHN'S NEIGHBORHOOD DEVELOPMENT PLAN

Dr. Reynell M. Parkins, representing the St. John's area residents, appeared before the Council to discuss the St. John's Neighborhood Development Plan, installation of culverts, and a paving ordinance based on signed petitions from 51 per cent of the property owners in the area. Dr. Parkins requested that Deputy City Manager, Mr. Homer Reed, make the presentation as to what had been discussed.

Mr. Reed made the following points:

1. Drainage improvements along Buttermilk Creek are scheduled in the current fiscal year.
2. Additional streets in the area will be paved.
3. Although there are no funds available presently for the acquisition of approximately a square block and a half for park land (on both sides of Providence Avenue at Del Mar Avenue), there will be an item in the next Capital Improvements Program budget for the acquisition. Estimated cost will be \$35,000. Acquisition could proceed during 1974, if the Council so desired.
4. Suggested adding to the contract for work in process on Buttermilk Creek, the necessary engineering work for pipe laying in a channel not covered by the present Capital Improvements Program. The Council had voted earlier in the day to put in the pipe.

Dr. Parkins thanked the Council for its action. He then discussed the desirability of paving three streets in the area: Providence, Meador and Carver. He had secured signatures from 51 per cent of the owners on Providence and Meador and 40 per cent on Carver. He felt that it would not be possible to obtain 51 per cent for Carver since many of the owners lived out of town. The Council would have to declare the necessity to pave for that street. Only north-south streets would be paved.

City Manager Davidson recommended that all of the completed petitions be gathered up and the percentages on the map be recalculated so that the City Attorney could be shown exactly what was in hand. With the City Attorney's guidance, the paving of all desired streets in the St. John's area should be considered as one project.

#### Motion

Councilman Handcox moved the Council indicate a positiveness for declaring the necessity for paving all of the north-south streets recommended by Dr. Parkins and Mr. Rountree in the St. John's neighborhood and completing the St. John's project as indicated by Council action a few months ago. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Handcox

Noes: None

Absent: Mayor Butler, Councilman Friedman

Out of Room When Roll Called: Mayor Pro Tem Love

#### "SAVE MUNY" COMMITTEE

Mrs. William D. Arnold, representing the "Save Muny" Committee, introduced Mr. Stephen D. Ramsey, attorney for the Committee, who addressed the Council. Mr. Ramsey discussed the following points:

1. Immediate formation of an ad hoc committee to meet with The University of Texas Regents about Muny and the Brackenridge Tract. The Committee would be composed of members of the City Council, City staff and private citizens. Several actions would then be undertaken by the Committee:
  - a) A letter would be sent to the Board of Regents prior to their meeting on April 24, 1973, expressing the City's concern over the disposition of the Brackenridge Tract and requesting that the City be heard before the Board.
  - b) Recommend a long-term lease between the City and The University of Texas for the Municipal Golf Course at an increased rate.
  - c) Impress upon the Regents the need for open spaces within the City of Austin and the Regents' moral leadership in maintaining open spaces.

2. Request that the City Council adopt the following Resolution:

RESOLVED that the City of Austin through its elected representative, the City Council of the City of Austin, requests The University of Texas to refrain from the sale or other disposition of the land commonly known as the Brackenridge Tract until such time as public discussions can be entered into between official representatives of the City of Austin and the Board of Regents of The University of Texas; and until such time as these

discussions have thoroughly explored the advisability of and impact upon the City of Austin of the sale, disposition or private development of the Brackenridge Tract.

3. Request that the Council draft as quickly as possible an ordinance which will acknowledge the desirability and necessity for maintaining open spaces within the City of Austin by establishing a zoning classification for open spaces, parks and natural areas, and including portions of the Brackenridge Tract.
4. Request that the ad hoc committee formed to discuss the use of the Brackenridge Tract with the Board of Regents of The University of Texas also establish contact and discussions with the Legislature of The State of Texas which, as co-grantee of the Brackenridge Tract, is vested with the responsibility for its disposition.
5. Request that a member or members of The University of Texas community and a member or members of the community of State government and State agencies in the City of Austin be placed as representatives on the Goals for Austin Committee.

After some discussion, Councilman Lebermann moved the Council, through the City Manager, request a place on The University of Texas Board of Regents agenda for April 24, 1973, and that a Special Meeting be called for 5:00 P.M., April 22, 1973 for the purpose of creating an ad hoc committee to save Muny. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Handcox, Dryden  
Noes: None  
Absent: Mayor Butler, Councilman Friedman  
Out of Room When Roll Called: Mayor Pro Tem Love

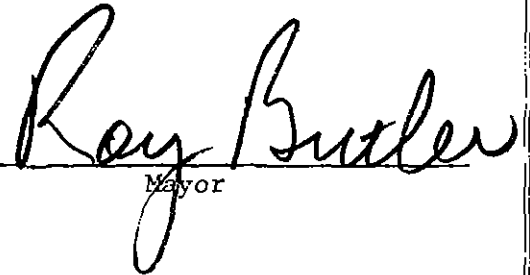
#### PROPOSED REVISIONS TO NOISE ORDINANCE

The proposed revisions to the Noise Ordinance were not brought up.

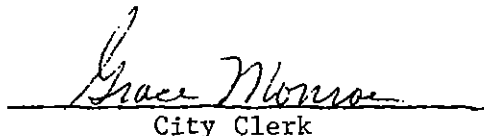
#### ADJOURNMENT

The Council adjourned at 5:30 P.M.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk