

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 6, 1975
10:00 A.M.Council Chambers
301 West Second Street

Mayor Butler called the meeting to order noting that this was a continuation of the Regular Meeting of May, 1, 1975, that had been recessed due to Dr. J. J. Seabrook's death.

Roll Call:

Present: Councilperson Dr. Linn, Councilmen Binder, Friedman, Snell, Lebermann, Mayor Butler, Mayor Pro Tem Dryden

Absent: None

ITEM CONCERNING RENAMING OF STREET

The Council had before it the reconsideration of naming 19th Street "Martin Luther King, Jr., Boulevard" and the consideration of MoPac and Loop 360 as alternatives.

The following appeared in support of naming 19th Street:

FATHER JOE ZNOTAS, St. Julia's Parish Board, stated that the Board had agreed that 19th Street should be named after Dr. King and suggested that the name could be shortened to economize. He suggested that the money saved could be used for something like a people's rights ordinance, a housing ordinance, or to firm up the City's ~~policy~~ in ~~affirmative~~ action.

MS. ABIGAIL HAVENS, Austin Women's Political Caucus, noted that representatives of the following groups had held a press conference in support of this:

Black Voters Against Paternalism
Travis County Democratic Women
Capital City Young Democrats
University of Texas Young Democrats
Student Action Committee
Black Citizens Task Force
Save University Neighborhoods
Northeast Austin Democrats
West Austin Democrats

She did not feel this was an economic issue and submitted that it was inconceivable that the City was "wasting" money on utility rebate contracts and then arguing that they could not afford this. She suggested that 19th Street was one of the few streets common to both Whites and Blacks and that Dr. King should have been honored in Austin years ago.

MR. D. J. JOHNSTON felt that this was not an economic issue, but he suggested that personal contributions could be taken from citizens. He noted that this was uniting the Black and White and that it was symbolic. In reference to MoPac and noop 360, he suggested naming either of these after Dr. Seabrook.

MS. NANCY KAPLAN urged the Council to adhere to its previous decision to name 19th Street.

MR. W. L. MORRIS felt that this would please the majority of the people and that it would not hurt businesses on 19th. He submitted that the people wanted justice for all and not just a few.

MR. VOLMA OVERTON, President of Austin's N.A.A.C.P., suggested that Dr. Seabrook would like to have this left as it now stood. He felt that there was no need for discussing the contributions of Dr. King, and he urged the Council to go on with the naming of 19th and rescind all the discussion and place the signs along 19th Street and I. H. 35.

MR. PAT MARCUM addressed himself to the fact that there had not been ample notification given by the Council or the news media. He felt that if the Council wanted the public to be more involved, it should petition the news media for better coverage and a better explanation of all issues. He noted that the Postmaster had stated that mail would be forwarded for one year, and he would be very liberal in extending this period of time. He also addressed himself to the issue of the expense involved in a referendum, and he suggested that everyone put down their hostilities and let the Council get on to other business and concern themselves with other more pressing problems.

MR. DONALD BELL spoke to the issue of various expenses in the City and questioned them and wanted to know what the opposition was against the naming after "heroes." He suggested that the City purchase the signs for I.H. 35 which would read "Dr. Martin Luther King, Jr., Boulevard," as opposed to the suggested "King Boulevard." He felt that this would be a permanent memorial.

MR. AL MOORE felt that the issue was the expense involved in changing the name and possibly the continued expense to merchants doing business on 19th, and he submitted that the decision to change the name had already been made. He stated that if there was not enough money to cover this, donations could be made; and he noted that a steering committee had been set up to take donations to assist the City in recovering the costs of the signs and to assist merchants on a loan basis for the initial cost of reprinting their stationery and changing their business signs. He stated that members of the steering committee would be publicly announced later, and he asked that contributions be limited to \$10 per person. He thanked Councilman Friedman for the first contribution.

REVEREND FREDDIE DIXON, member of the Austin Black Assembly, felt that it was appropriate to honor Dr. King at a time when Americans were being celebrated during the Bicentennial for helping shape and build the nation. He submitted that the issue today was not the naming because it had already been resolved by Council's action, and the issue was how much money should be appropriated for the signs. He asked that the citizens act as a community in good faith by resolving their differences and appropriating the funds for the naming.

MR. SOLOMON ISAACS submitted that this was no more than a fraction of land and would involve a "couple of pennies" out of the budget and did not see why it could not be used for the renaming. He suggested that there was no reason why 19th Street should not be named Martin Luther King Boulevard.

MS. CLAIRE BRYANT, resident of West Austin, thanked the Council for its action in naming 19th Street because she felt Dr. King's life represented the aspiration she hoped for in this country. She also felt that 19th Street geographically united East and West Austin.

MRS. HAZEL OBEY, wife of the pastor of David Chapel Baptist Church, spoke in behalf of the congregation and commended the Council for taking the stand that it did, and she felt that Dr. King should be memorialized by naming the street after him. She submitted that the issue was how much money was going to be appropriated to put up the signs.

DR. JOHN WARFIELD submitted that the real issue concerned decent social order.

MR. LUKIN GILLILAND, Student Action Committee, noted that a press conference had been held earlier and the following supported the naming:

University of Texas Student Body President and Vice President
Daily Texan editor
University of Texas Young Democrats
Student Action Committee

MS. TANNY RYLAND supported the naming of the street because she submitted that it was Dr. King's famous dream, which was the American dream, that people should not be afraid to face any other American citizen. She felt that what Dr. King had done was for everyone and not just Black people.

MS. RACHEL HENDERLITE stated that Dr. King was part of the American heritage, and many of the advances that have occurred in the past 20 years were due to him. She noted that Dr. King did not need to have a street named for him, but Austin needed to name a street for him to remind us of the meaning of brotherhood. She urged the Council to let their original decision stand.

MR. IRA POOL, 2400 East 19th Street, stated that when he came to Austin in 1949 as a student at Huston Tillotson, he found that Austin was divided by East Avenue. He suggested that the change in the street name would help unify the people.

MR. EVERETT NALL, member of the Austin Black Assembly and steering committee, felt that no positive alternatives had been brought up and suggested that Dr. King's contributions be looked at.

MR. RAYMOND DONLEY, JR., had no objection to the name change if done properly. He suggested that money be provided for memorials for World War I heroes of Austin in conjunction with the street change.

MS. CAROLYN BUCKNALL, 808 West Avenue, noted that the expressway functioned as a barrier between the Black and White; and she felt it fitting that a street honoring Dr. King should reach across that barrier. She also felt MoPac would be inappropriate in that it was the subject of great controversy. She supported the name change and joined Councilman Friedman in offering her \$10 in defraying the cost of the change.

REVEREND KNAPP asked that this be left as it is.

The following appeared in opposition to naming 19th Street:

MR. DAVID BELL felt that everyone wanted to do something to honor Dr. King; but rather than "fighting" about one particular means of doing so, which many people have valid reasons for opposing, he suggested that alternatives should be considered, and they should work on a solution the entire community would support.

MR. JAY FRIEDLAND, University of Texas student, did not object to naming a street after Dr. King; but he objected to naming 19th Street because he felt it was a landmark. He suggested that a new street or library be named.

MR. JOHN D. HUBBARD suggested that the money to be used for the signs could be placed into scholarship funds, one for Dr. King and one for Dr. J. J. Seabrook. He felt that a sign on a street would not mean anything in a few years, but the scholarship would be a living testimony for him.

MS. MIRIAM MICHAEL resented the racist label placed on the opponents of the name change. She protested the Council's hastiness of the change in that people were not given the right to speak before the fact. She stated that she strongly supported naming a new street after Dr. King.

MS. HELENA HARDCASTEE felt that the Council's action was hasty in the name change, and she submitted that there were many who did not look upon Dr. King as a prophet or a leader. She suggested that the street be named for Arthur DeWitty of Austin.

MR. E. B. FULLER felt that there were other things that could be named after Dr. King, and he felt that the Council would always remember this as a tremendously divisive issue.

MR. FLOYD WILLIAMS was in opposition to the name change.

MS. BERNICE HILL, member of the 19th Street Baptist Church, appeared in opposition and noted that they were opposed to naming an old street after Dr. King. She submitted that there was a large number in opposition, and they had signed petitions to that effect.

MICHAEL AUSTIN was opposed because the City did not petition each property owner along 19th Street, and he suggested that there may have to be a referendum on this. He submitted that the Council represented the majority of the people and urged the Council to vote against this.

MR. FRED YOUNG was not opposed to honoring Dr. King, but he was not sure this was the way to do it. He suggested that representatives of both the opponents and proponents meet with the Council to work out the matter.

MR. MARION FINDLAY, representing the West 19th Street Association, stated that the principal purpose of the Association was to oppose the changing the name of any street within the City limits of Austin without the written consent of two-thirds of the property owners immediately adjacent.

He reviewed some of the comments that had been made on April 10, 1975, when the Council changed the name of 19th Street. He noted that it had been brought out that it would cost over 50 businesses on 19th Street a lot of money, but one of the most important things had been that never before in the record of the history of Austin had the name of an existing street been changed without the written consent of every property owner involved.

He asked for the same treatment that every citizen in Austin has always enjoyed. He asked that the Council not change the name of their street against their wishes and asked that it be unchanged.

MRS. POTTER, resident of Northwest Hills, opposed the change in name after anyone and felt that it should remain 19th Street because this area represented the "Texas Exes."

Council Discussion

Councilman Snell regretted the way the people felt about this change, and he did not think it would take this tone. He noted that the Black Assembly had no intention of creating a "monster," which this had turned into.

Motion

Councilman Snell moved that the Council adopt a resolution authorizing and instructing the City Manager to request the Texas State Highway Department install new reflective signs for "M. L. King Blvd." at a cost estimated to be approximately \$55,000. The motion, seconded by Councilperson Dr. Linn, carried by the following vote:

Ayes: Mayor Butler*, Councilperson Dr. Linn, Councilman Binder,
Mayor Pro Tem Dryden, Councilmen Friedman, Snell, Lebermann
Noes: None

*Mayor Butler's first vote was "no" and he prefaced this vote by stating that it was not a matter of money nor the color of Dr. King nor whether or not Dr. King was a great American. He stated that his sole concern was the question was whether or not it was right to change the name of any existing street to any name against the neighborhood wishes of those who live on the street and on property on which an individual has worked for individual rights. In Mayor Butler's opinion, this went against individual rights; and he voted "no." However, after the vote had been taken he commented that he had voted negatively because he felt it was a mistake to change the name of a street in the manner

in which the Council did it. In a sense of good will and unity, he changed his vote to make it unanimous.

Councilman Binder remarked that everyone had indicated that they did not want this to become a divisive matter; and he encouraged everyone that when they went back to their communities, they exercise their leadership in keeping this from becoming a divisive issue.

Mayor Pro Tem Dryden felt that a lot of good points had been made, and he did not believe that the majority felt that the City was divided.

Councilman Friedman submitted that there was no true grid system and the "drag" was the landmark. He stated that there was some consistency in government, and that was the overwhelming concern for the citizens of Austin without adverse effect to the minority. He assured the people that they had had the opportunity to be heard, and this would continue; but he wanted to know where these people were when the budget was being reviewed. He urged that they not "sail under false colors," and he welcomed the input; but he urged that it be done at the right time and above board.

Councilman Lebermann hoped that the Council would have found an appropriate way to do this that would not have been divisive. He felt that this had developed into a racial issue, and it needed to be set aside by the ultimate decision of the Council. In order that this decision move forward, he voted "yes."

The Council recessed at 12:45 p.m.

Mayor Butler called the meeting to order at 1:00 p.m.

LATER HOURS FOR SALE OF ALCOHOLIC BEVERAGES

The Council had before it the second and third readings of an ordinance to allow later hours for the sale of alcoholic beverages.

The following appeared in opposition to the ordinance:

MR. J. M. ROWLEY felt that the extension would increase accidents due to D.W.I.'s and wanted to know what could be accomplished by the extension. He suggested that the Council was sincerely interested in doing what was best for everyone.

MR. DONALD BELL noted that drinking was the major drug problem in the United States, and the extension would be encouraging it. He also spoke to the issue of noise.

MR. DOUG HOLMAN, former night club owner, did not remember a case of an accident at night where a drunk was not involved. He asked that the Council weigh this heavily.

MR. D. J. JOHNSTON, agent for Preferred Risk Insurance, presented the Council with statistics in support of his opposition to the extension. He cited figures in connection with deaths in Iowa that were alcohol related. He suggested that the extension would cause an increase in energy consumption at the time when people should be cutting down. He also submitted figures in connection with crimes in Columbus, Ohio, that were alcohol related. He urged that the Council vote for the welfare of all the people.

MR. DANIEL M. McRAY did not oppose this for moral reasons, but she felt that the increase in time would not be beneficial to the majority of the citizens of Austin.

In response to her question, Councilman Binder felt that this was in the best interest of the City and was the will of the majority of citizens. He was unconvinced that the extension would increase accidents and crime.

She suggested that all City departments should work together in harmony to support each other in their endeavors, and she asked why the Council would vote for something that would help create more problems for the Police Department and the Hospital.

MR. TOM HARRISON stated that Councilman Binder felt this was the will of the majority; however, he noted that more people who had spoken today had been in opposition. He felt that it was understandable why some would vote against this, and he felt that those who voted for this owed the people an explanation.

The following appeared in support of the ordinance:

MR. TERRY LIEWEKE, bar owner, felt that this would increase the convention "traffic"; and he stated that the extension would mean keeping him in business and inviting decent establishments into the City.

MRS. M. L. HICKMAN, bar owner, noted that Texas had a ruling that cities with populations over 300,000 could stay open until 2:00 a.m. seven nights a week. She asked that the Council approve this today and not make Austin wait until 1980 when the next census is taken.

Motion

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1967, BY ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED.

The ordinance was read the second time, and Councilman Binder moved that the ordinance be passed to its third reading to permit the extension of the drinking hour until 2:00 a.m. seven nights a week. Councilman Snell seconded the motion.

Councilman Binder noted that he had an update on some information that he had presented last week concerning various states' closing hours. He pointed out that some errors had been encountered in that in all instances the closing hours were later than had been reported previously.

Substitute Motion

Councilperson Dr. Linn moved that the ordinance be passed through its second reading to permit the extension of the drinking hour until 2:00 a.m. on Friday and Saturday and 1:00 a.m. Sunday through Thursday. The substitute motion died for lack of a second.

Roll Call on Motion

Roll call on Councilman Binder's motion, Councilman Snell's second, showed the following vote:

Ayes: Councilmen Binder, Snell*, Friedman, Councilperson Dr. Linn
Noes: Mayor Pro Tem Dryden*, Councilman Lebermann, Mayor Butler

The Mayor announced that the ordinance had been passed through its second reading only.

*Mayor Pro Tem Dryden prefaced his vote by stating that there were few businesses in Austin this would benefit. He did not believe this would carry if it were submitted to the voters.

*Councilman Snell voted affirmatively because he felt there were not very many who were concerned about the issue. He also felt that an affirmative vote was a vote for the majority of the people.

AMENDMENT TO HEATING, AIR CONDITIONING, AND REFRIGERATION CODE

The Council had before it an ordinance amending Chapter 39, Heating, Air Conditioning, and Refrigeration Code, to provide for restricted Masters' licenses; reinstate permit and inspection authority out of the City; use of PVC piping with .060 inches minimum wall thickness for condensate drain lines. In response to Councilman Lebermann's question, Mr. Lonnie Davis, Building Department Director, stated that minor repairs would be exempted from the requirements; and "breaking" into a unit would require a license.

In response to Mayor Butler's question, Mr. Davis noted that the amendment would eliminate the use of insulation of PVC pipe in that pipe with .060 inches thickness would not sweat. In connection with this, Councilperson Dr. Linn commented that a number of people had requested that the requirement for insulation be maintained because there was sweating. Mr. Davis indicated that the chances of sweating were not as much with PVC piping. He pointed out that representatives of the trade concurred in this, and he added that this would reduce the cost of construction.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967; REPEALING CERTAIN PROVISIONS OF CHAPTER 39; RENUMBERING CERTAIN PROVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Motion

Councilman Lebermann moved that the ordinance be passed to amend Chapter 39, Heating, Air Conditioning, and Refrigeration Code, as stipulated. Mayor Pro Tem Dryden seconded the motion.

Substitute Motion

The ordinance was read the first time, and Councilperson Dr. Linn moved that the ordinance be passed to its second reading, as stipulated, with the inclusion of a requirement for insulation of the piping. Councilman Friedman seconded the substitute motion. Roll call showed the following vote:

Ayes: Councilperson Dr. Linn, Councilmen Friedman, Snell, Binder

Noes: Mayor Pro Tem Dryden, Councilman Lebermann, Mayor Butler

The Mayor announced that the ordinance had passed through the first reading only.

Mayor Butler suggested that representatives of the trade should be present for the next reading of the ordinance on May 22, 1975.

APPEARANCE CONCERNING PLACEMENT OF LIGHT ACROSS FROM BLIND SCHOOL

Mr. T. J. "Pat" Holman appeared before the Council to request that a light be placed on 45th Street across from the Blind School. It was determined that this was under study by the Transportation Department and that they were moving ahead. Mr. Holman yielded his position, and City Manager Davidson assured Mr. Holman that this would be expedited.

ITEM CONCERNING FARMER'S MARKET

Ms. Shirley Guerra, representing Escuela Montessori de Montopolis, had requested to appear before the Council concerning the use of Montopolis Community Center facilities for a monthly "Farmer's Market" fund raising project. It was City Manager Davidson's understanding that Mr. Jack Robinson, Parks and Recreation Director, was trying to work this out with Ms. Guerra; and it might not require Council action.

Mayor Pro Tem Dryden requested that this be checked into.

ADJOURNMENT

The Council adjourned at 2:05 p.m.

ATTEST:



City Clerk



Mayor