

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 18, 1967  
10:00 A.M.

Council Chamber, City Hall

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The meeting was called to order with Mayor Akin presiding.

Roll call:

Present: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND MURRAY O. JOHNSON, Asbury Methodist Church.

MAYOR AKIN read three formal Resolutions commending the Mayor and the two Councilmen who had just returned to private life.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mayor Lester Palmer is completing 12 years of service as a member of the City Council and as Mayor of Austin, and

WHEREAS, it is the desire of the City Council to attempt to express on behalf of the people of Austin the appreciation felt for his countless hours of devotion to the betterment of Austin, and to the improvement of the service by the city government to the citizens of Austin, and

WHEREAS, Mayor Palmer's close attention to the myriad details of the city's operations has led to a greatly improved financial standing for the City of Austin, and

WHEREAS, he has been a morning, noon and night spokesman for the people of Austin, and a tireless leader for what is good for Austin,

NOW THEREFORE BE IT RESOLVED, by the City Council of Austin, that we express our appreciation, on behalf of the quarter of a million citizens of Austin, for the 12 years as a Councilman, six of them as Mayor, and for the many accomplishments which will stand as lasting monuments to his tireless energy, his faithful attention to detail, and his devotion to the welfare of Austin, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mayor Palmer as he leaves office today, and that another copy be entered in the official minutes of this meeting of the City Council, to record for posterity and history the respect and affection which the people of Austin feel for Mayor Palmer as he leaves office today.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on this day, Mayor Pro Tempore Louis Shanks is completing six years of service as City Councilman and Mayor Pro Tempore, and

WHEREAS, it is the desire of the City Council of Austin to attempt to express the appreciation felt by the people of Austin for the long and devoted service by Louis Shanks, and

WHEREAS, Louis Shanks' bright mind and sense of humor has eased the pains and strains of many hard decisions by the three Councils with which he has served, and

WHEREAS, his contributions to the solutions of pressing problems have been many, and in all cases have made better the way of life of the people of Austin, and

WHEREAS, his counsel will be missed by future City Councils which will not have the benefit of his devoted efforts and his devotion to doing what he thinks is right, the highest mark of a good City Councilman,

NOW THEREFORE BE IT RESOLVED, by the City Council of Austin, that we express our appreciation, and that of the people of Austin, for the six years Louis Shanks has spent as a member of the City Council, and for his many contributions to the programs which have kept Austin one of the best places to live in the United States, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mayor Pro Tempore Shanks as he leaves office today, and that another copy be entered in the official minutes of this meeting of the City Council, to record for posterity and history the affection and respect which the people of Austin feel for Mayor Pro Tempore Shanks.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on this day, Councilman Ben White has wound up 16 years of

service to the people of Austin, with honor and distinction, and

WHEREAS, only one person has served longer on the City Council of Austin than Ben White, and

WHEREAS, he has tended to the people's problems, keeping regular office hours at City Hall as a full-time Councilman, and

WHEREAS, his long experience in business and as an executive had been of great value to the City of Austin, and

WHEREAS, "Uncle Ben" White and his down-to-earth and outspoken views have been real contributions to the progress of Austin, which had almost tripled in population during his 16 years of service,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Austin that we express, on behalf of all the people of Austin, our appreciation for these many long years of devoted, faithful and conscientious service by Councilman Ben White, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Councilman White, and that another be entered in the official minutes of this meeting of the City Council, to record for posterity and history the respect and affection which the people of Austin feel for Councilman Ben White.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

Councilman Nichols moved that the City Clerk's Office be recognized and commended. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

MAYOR AKIN announced it was time that the zoning applications be heard.

Pursuant to published notice thereof the following zoning applications were publicly heard.

MR. C. C. NOLEN asked that his zoning request at 1108-1112 West 22 $\frac{1}{2}$  Street be withdrawn. It developed that Mr. Nolen was asking for postponement of his case; and since the hearing had been set, notice published, and notifications mailed, the Council decided to hear this case and continue the hearing until later if this were agreeable to Mr. Nolen. Mr. Nolen agreed, and Councilman Long withdrew the motion she had made that the request for withdrawal be granted.

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SAM P. LUNG  
By John B. Selman

4520-4522 Duval Street

From "A" Residence  
To "B" Residence  
RECOMMENDED by the  
Planning Commission

Councilman LaRue moved to sustain the Planning Commission subject to the granting of the right of way. It was pointed out the dedication had been offered. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

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

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IRA O. LAUDERDALE, ET AL, By Chris Crow	1104-1126 Clayton Lane	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "B" Residence 2nd Height and Area be granted. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

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

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ALBERT KLEIMAN By Sneed and Vine	3710-3712 Crawford Avenue 1505-1507 West 38th Street	From "LR" Local Retail 1st Height & Area To "LR" Local Retail 2nd Height & Area RECOMMENDED by the Planning Commission
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Councilman Nichols moved that the change to "LR" Local Retail 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

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ELTON C. MARCUM &  
FRED COFFEY

810-812 Park Boulevard  
4200-4204 Red River  
Street

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

Councilman Long announced this property was across the street from her home, and she wanted to disqualify herself from any action or activity in discussion or voting.

MRS. FRED COFFEY, representing the applicants, explained the Planning Commission had not recommended the change, but had indicated if the two lots were combined, the staff would be in favor of the change, and that is the reason they were combined. The edge of the combined tract would be 150' from Red River. At a previous zoning hearing on Red River, it has been stated any one 150' within Red River would not be in a residential district. Councilman Janes asked for clarification of combining the two lots. The Assistant City Attorney, MR. GLENN CORTEZ, explained the matter should be approached as a zoning question; but if it were felt by combining the two lots in a resubdivision, the zoning could be justified, this could be indicated and the zoning granted subject to a resubdivision of the two lots. Councilman Janes moved that the two pieces of property be resubdivided and included as one tract and grant them as "O" Office. The motion was seconded by Councilman Nichols. Opposition was expressed by MR. THERON D. CARROLL, 800 Park Boulevard, and by a note from MRS. FALON, 716 Park Boulevard. They had presented a petition in opposition as Park Boulevard is a dead-end street, four blocks long and is a beautiful residential area. Park Boulevard can accomodate normal traffic, but any further commercial in this vicinity would lead to a dangerous situation. Strip or spot zoning on the corner of this dead-end boulevard will decrease the properties in value. He asked if it were the plan to change this to commercial, he and his wife would ask that the study began sometime back by the Planning Commission be reinstituted and enlarged to include all the area between 41st and 45th from Red River to Duval, and that the entire area be submitted to an interested buyer or developer for consideration so that all residential owners would be given an opportunity to share equally in the steps of progress. Further strip or spot zoning will force the residents in the area to dispose of their homes at a loss. He asked until such study was made, that no zoning changes be made. MR. BOB LANIER, 719 Park Boulevard, wanted to continue to live in this fine neighborhood, and opposed any change of zoning. He had a letter from MR. GOSSETT, University Faculty expressing his protest. MAYOR AKIN acknowledged a letter in opposition from MRS. FREDERICK K. FRIES, 721 Park Boulevard. MRS. J. F. HICKMAN, 709 Park Boulevard, opposed on the grounds the zoning would expand. MR. W. R. FRISCO, 713 Park Boulevard, read a letter in opposition from MR. HUGH BLOCKER who had recently purchased a home at 706 Park Boulevard, stating he never thought this residential area would be changed in anyway. MRS. JOEL L. ALDRIDGE, 803 Park Boulevard, admitted the land on Red River would be subject to change, but the zoning confined to that area. MRS. ELLA DAWSON, 723 Park Boulevard, stated when Hancock Center was zoned, they were assured that would not affect their homes; that all the business zoning would be kept east of Red River, and they would like to leave their homes as they are. MRS. THERON D. CARROLL, 800 Park Boulevard, asked why the Council had a motion before it, already seconded, to change this zoning before it was heard. Mayor Akin stated the motion had been made, but not voted on. Councilman Nichols explained the motion was made to let it be known that these two parcels should not be divided; if the zoning were to be granted, it would be as a single unit, rather than on one lot. The motion was to clarify the position for discussing this as one parcel. Councilman Janes

explained that the motion was to consider both tracts as one unit, but not to favor the recommendation one way or the other. For clarification Councilman Janes reworded the motion, that these lots be considered as a common parcel in the event proper enabling zoning is forthcoming. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Nichols

Noes: None

Present but not voting: Councilman Long

MRS. CARROLL pointed out the tenants of the Hancock Center used Red River for parking; and when more traffic is added, there will be more hazardous conditions on their narrow boulevard. The Planning Director reviewed the pattern of limited zoning on Red River, generally "O" Office; and for property abutting Red River he said "O" Office apparently seems appropriate. The property away from Red River is appropriate for "A" Residence. He had received an application three tracts from Red River for change of zoning, but it was not in order and had not been refiled. The Planning Director said he could represent only the Planning Commission's recommendation which was to deny the change. Facts had changed with recent zoning changes on Red River. MRS. CLAWSON pointed out this change would be followed by other zoning changes down the boulevard. MR. CARROLL said it was the Council's feeling several years ago that commercial zoning would be held to the east side of Red River and that is what they were asking now. COUNCILMAN JANES was concerned over the set back on both Park Boulevard and Red River. MAYOR AKIN was interested in a separation of some kind between a zoning of this type and the property adjoining. The City Manager stated there were no provisions for a service way or alley, but some type of screening, buffer or shielding fence at least six feet tall was required. MRS. COFFEY in answer to Councilman Janes' question said there was no proposed use for this property at this time; and it might be connected with the Meyer property later. MRS. CLAWSON discussed apartment development in the area which had resulted in 75 cars' parking in the street in one place and 50 cars in another.

MAYOR AKIN referring to the statement that when Hancock Center was developed a promise was made or implied that there would be no variation from residential use on the west side of Red River, asked if a promise could be made in the future, or if future Councils could be committed. The City Manager stated individuals could make their own forecasts, and that is what it would amount to rather than a promise or assurance. No individual member of the Council could give assurance that no particular zoning change would occur in the future; neither could the Council as a whole, because zoning is legislation and subject to and dependent on conditions that exist; and as conditions change proper zoning would be dictated by such changed conditions. MAYOR AKIN explained this Council did not want to run the risk of bad faith. Councilman Janes expressed his sympathy for the people, but said the trend had been established on the "O" Office zoning on Red River. Councilman Janes moved that the Council grant "O" Office 1st Height and Area (Contingent upon the first motion that these properties be considered as one.) The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Nichols, Mayor Akin

Noes: None

Present but not voting: Councilman Long

The Mayor announced that the change had been granted to "O" Office 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. ROLAND FREUND    4700 Heflin Lane  
4701 Farm Highway 969

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

No one appeared representing the applicant. REVEREND BROWN, Minister of the First Baptist Church across the street from this property opposed as they had just invested \$100,000 in a new church and moved in last December. This zoning is requested so that a drive-in grocery could be placed there and alcoholic beverages consumed on the premise. He filed a petition protesting the zoning from all the people who live in the area. Consumption of alcoholic beverages would interfere with the worship services at the church. Opposition was expressed by F. W. NOLEN, 4800 Highway 969, stating there were already three or four drive-ins in the neighborhood. A new place would make a speedway out of Heflin Lane. MR. MURRAY OWENS, owner of Owen's subdivision south of this location speaking as a member of his church said it had been relocated the third time and if this zoning is granted the church would be condemned again with a drive-in right in its door. Their church would be depressed and their service hampered. As to his subdivision, he said a drive-in facing the residential area would make it hard to sell the homes. All who live out there would have to pay the penalty for one person's gain. He asked that the change not be granted. MR. JOHN HARDEMAN opposed the change of zoning, as such change would be against their peace and tranquility. This development would not be progress but would result in regression. Everybody would be affected by the noise and undesirable people coming in. There will be noise on Sundays with loud music coming from this place. MR. OWENS stated the agents are in favor of selling this tract, and he was interested in buying this land for the purpose of keeping the zoning. If the Council is thinking favorably on changing the zone, he asked that it defer decision until he could negotiate for its purchase. Councilman Nichols had examined this property, and said there was a question as to the legality of zoning for intoxicating beverages, regarding its location with reference to the Church. The Chief of Plan Section reported on the Staff recommendation stating the Department saw no problems of establishing "GR" General Retail on this property as it was on two major thoroughfares, but it did not take into consideration the sale of beer, inasmuch as it is permitted in "LR" Local Retail. Councilman Long pointed out there were two nice subdivisions here, and the area is limited as to how much this "LR" Local Retail can expand. Beer in this area would be a hardship on the homes in the area. Mayor Akin discussed the measurements between the proposed operation and the Church; and if the measurement were 300' or less, there would be no permit issued for beer. Councilman LaRue stated the zoning should be considered rather than an intent to operate a particular business in the proposed zoning. He had no indication at all that there would be a drive-in there or just what would be developed. The question is, "Is this good zoning for this particular area?" In his opinion it was. Mr. Hardeman stated they were trying to eliminate a drive-in restaurant from being located here. Regardless of the measurements, the noise and disturbances go straight across the street. Councilman Nichols moved that the change from "LR" Local Retail to "GR" General Retail be denied. The motion, seconded by Councilman Long, failed to carry by the following vote:

Ayes: Councilmen Long, Nichols

Noes: Councilman LaRue, Mayor Akin, Councilman Janes

Councilman Janes then moved to uphold the Planning Commission's recommendation and GRANT the change of zoning. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue  
Noes: Councilmen Long, Nichols

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

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JAKE SILBERSTEIN      1407-1411 East 7th Street      From "C" Commercial 2nd  
Height & Area  
To "C-2" Commercial 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission

MR. BEN FUENTES, contractor, represented Mr. Silberstein, who wanted to put in a lounge. No opposition appeared. Councilman Long noted the existing "C-2" Commercial zoning, and a welding shop in the immediate area. Councilman Janes asked for a report on the Planning study. The Chief of Plan Administration, Mr. Ed Stevens, explained even though the area is zoned Commercial with mixed uses, this particular block still has a number of single family homes; and to put a lounge among those homes would be detrimental to them. The Commission felt the area should predominately be developed commercial before the "C-2" Commercial lounge type of zoning is approved. The Planning Director stated the Commission noted the narrow 45' wide street, and this site located in the middle of the block among homes. The State Cemetery is immediately across the street. The Commission felt this was not an appropriate change. MR. JAKE SILBERSTEIN reviewed his problems with the rent property on this tract, and stated he wanted to build a nice lounge. After discussion, Councilman Long moved that the "C-2" Commercial zoning be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

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

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MISS VERNON D. MOORE      309-311 West 39th Street      From "A" Residence 1st  
3811-3817 Avenue B      Height & Area  
310 West 38 $\frac{1}{2}$  Street      To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Residence 1st Height & Area

MISS MOORE represented herself, stating her lot was 100' x 190', she had given a street easement along Avenue "B", that 38 $\frac{1}{2}$  Street probably will never be more than an alley, and the neighborhood is practically a rent area. She described the condition of the block as to the zoning of certain tracts, and as



to the conditions of certain houses. She said this property could never be anything but a "B" Residence 2nd Height and Area zoning, which is the only thing that would pay the city and the investor. A "BB" Residence 1st Height and Area is not economically feasible. She was asking for "B" Residence 2nd Height and Area. MRS. T. A. NORTON, Real Estate Broker stated this property would not sell even at a low price, as "A" Residence nor "BB" Residence 1st Height and Area. Mr. Richard Szukalla, S & G Construction Company, is offering to purchase the property and would give 10' right of way on Avenue "B". They had been asked to give 10' off of  $38\frac{1}{2}$  on each side, but the Director of Public Works had said the right of way would be needed for Avenue "B". MR. SIDNEY PURSER, presented MR. SZUKALLA, who had this property under contract to purchase contingent on "B" Residence 2nd Height and Area zoning. He said "BB" Residence 1st Height and Area is totally useless, allowing only eight units, while "B" Residence 2nd Height and Area would allow 22. The entire area between Guadalupe and Duval is a conglomeration of many uses--gift shops, grocery stores, junk shops, shoe stores, and everything scattered throughout. Many houses are three and four stories high and are rooming houses and apartments. There are some very nice homes also. The area will never be developed "BB" Residence, as no one will invest under "BB" Residence 1st Height and Area. Mr. Szukalla is interested in developing a very modern apartment, but is not interested in buying the property at all under the "BB" Residence zoning.

MR. B. WILSON, Avenue B and  $38\frac{1}{2}$  Street, knew of no two or three story run down houses, and said the homeowners keep their properties in first class shape. Garbage pick up would be a problem to the neighbors, as the garbage containers would be right in front of one of two houses. They did not want an apartment house there. MRS. MAUDE BUSCH, 3807 Avenue B, did not know of any four story houses. Avenue "B" is 25' wide;  $38\frac{1}{2}$  is narrow and very dusty. If any more people are put in the area, the traffic and dust will be terrible. The Planning Department wants Avenue "B" 60' wide, which means the street will come through nearly everybodys' house. She opposed the zoning. MRS. FRANK COOK, 207-B West 39th Street, opposed any type of zoning that would add any traffic until  $38\frac{1}{2}$  Street is paved. COUNCILMAN JANES asked if the street were paved, would that remove her objections, and Mrs. Cook stated it would. Councilman Long stated the reason that street had not been paved was it had not been determined whether it was an alley or street. Avenue "B" and  $38\frac{1}{2}$  Street should be paved. The City Manager stated the custom had been that the width of paving be at least 30'. It was proposed that  $38\frac{1}{2}$  Street be paved as an alley at one time, but the property owners would not participate on that basis.

Councilman Long said with the apartments in there now, the street should be paved on the same specifications of any other street whether it is as wide or not, as the use of it would keep the paving pliable enough where it would not break down. The City Manager stated the alternative proposition was that curb and gutters be put in and they could proceed with the property owners on that basis. A sufficient number of property owners did not respond to carry on with that program. MAYOR AKIN asked that the City Manager report on the status of this street paving, and how many of the neighbors had offered to participate, and resubmit it to the Council if necessary. MR. B. WILSON reviewed efforts to get the paving done in the past. Councilman Janes noted widening of Avenue "B" would take part of Mr. Wilson's home. MR. SIDNEY PURSER stated the right of way was to come from Avenue "B" only.

The discussion developed around the street situation and paving. Councilman Nichols pointed out the opposition seemed to be to the dust. MRS. BUSCH replied the street was too narrow and dusty. The purchaser said he was relinquishing 10' on each side of the street under the contracts on two pieces of

property facing Avenue "B"; and consequently the street will become 20' wider. He stressed the necessity of the "B" Residence 2nd Height and Area zoning. COUNCILMAN LONG stated if she could get enough votes, she would vote to assess the property on Avenue "B" and on 38 $\frac{1}{2}$  Street and proceed with the paving. M.W. KELLEY, the largest property owner in the neighborhood, was interested in the street paving--both Avenue "B" and 38 $\frac{1}{2}$  Street. He did not want 38 $\frac{1}{2}$  called an alley, as he lived there. Mayor Akin stated the City Manager had promised to look into this and see what could be done about the status of the paving, and he suggested that the zoning hearing be continued.

The City Manager pointed out the question of paving concerned 38 $\frac{1}{2}$  Street between Avenue "B" and Speedway, until it was just brought out the paving was to include 38 $\frac{1}{2}$  between Guadalupe and Avenue "B". The property east of Avenue "B" and the questions involving the paving of 38 $\frac{1}{2}$  Street west of Avenue "B" and those east of Avenue "B" are substantially different. There are some buildings within the right of way on the west side, but none encroaching in the right of way on the east side. If Avenue "B" and 38 $\frac{1}{2}$  Street east of Avenue "B" are paved there would be no one using 38 $\frac{1}{2}$  Street west of Avenue "B". A property owner on 38 $\frac{1}{2}$  west of Avenue "B" said she was willing to pay her part for paving. Councilman Nichols called attention to the fact when these streets were paved, there would be no sidewalks, and probably would have faster traffic. One property owner stated they understood there were no sidewalks there now.

Councilman Long introduced into the record a petition signed by 15 property owners stating Avenue "B" and 38 $\frac{1}{2}$  Street are narrow and dusty, and the traffic would be a great injustice to them.

Councilman Nichols moved that an ordinance be passed declaring the necessity to pave West 38 $\frac{1}{2}$  Street from Guadalupe easterly to Speedway, and Avenue "B" from 38th to 39th Street. The motion, seconded by Councilman Long, lost by the following vote:

Ayes: Councilmen Long , Nichols

Noes: Councilmen Janes, LaRue, Mayor Akin

Councilman LaRue made the following statement concerning his vote:

"I would like to have a study made of this by the City Manager and have him to report back to us. I do not think the urgency is as important as determining exactly what the situation is. We have encroachments into the street, and another week's delay would not impair the paving. I vote 'No'."

Councilman Long made the following statement concerning her vote:

"The truth of the matter is this thing has been going on for many, many years, and these excuses have been given; and we have had all the development of all of the apartment houses in there. It is my feeling we should pave the portion of the street not encroached upon because it is used daily; it is not blocked, we should pave what we can, and I do not think there is any reason why we cannot go ahead and order the City Attorney to bring in a document for assessment next week, and I vote 'aye'."

Mayor Akin made the following statement concerning his vote:

"Since there has been considerable lack of clarity about the encroachments and the degree thereof, it would be premature to order paving under uncertain conditions; not because I am opposed to paving, because I believe it is warranted and necessary but until further clarification, I would have to vote 'no'."

The City Manager stated he could give a report this afternoon. The question of paving on the east side of Avenue "B" which is involved in the connection with this zoning is a different matter of the paving on the west side of Avenue "B". Councilman Janes moved that an ordinance be drafted requiring the assessment paving on Avenue "B" from West 39th to West 38 $\frac{1}{2}$  Street. Councilman Long suggested that this wait until the recommendations were brought in next week, as all the streets would have to go in the same program. Councilman Janes withdrew his motion.

As to the zoning, Councilman Long wanted to make an on-site inspection of the cases under consideration today and see what the situation is in the whole area. Mayor Akin stated the arguments in opposition seemed to involve around dust and traffic and trash cans.

Later in the afternoon meeting, Councilman Long moved that "B" Residence 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin  
Noes: Councilman Janes

Councilman Janes made the following statement regarding his vote:

"My only question is, this would not be setting a precedent by not taking into consideration or following the recommendation of the Planning Commission but it was pointed out this morning this would be encroaching on the Hyde Park residential area with high density, and there are some nice single family dwellings in the area. I vote 'no'." (This statement was made in connection with this zoning application and the G. E. Mallard, Sr. and Paul Hardy zoning applications)

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

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G. E. MALLARD, SR.      3900-3904 Avenue C  
By Paul Hardy          300-302 West 39th Street

From "A" Residence 1st  
Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Resi-  
dence 1st Height & Area

May 18, 1967

PAUL HARDY

3912-3914 Avenue C  
301-303 West 40th StreetFrom "A" Residence 1st  
Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Resi-  
dence 1st Height & Area

MR. HARDY stated the Council, when it went to look at these tracts, would find this property was bounded on all four sides of the block by very wide, well paved streets. The particular property of which they were most concerned is that included in the application of PAUL HARDY on 40th and Avenue C. They had purchased that property contingent on "B" Residence 2nd Height and Area, and they could not use it as "BB" Residence. Mr. Hardy stated Mr. Mallard would continue living in his home indefinitely; but when he did want to sell it, he wanted it zoned properly. The two cases are filed together. Councilman Long called attention to the fact the Planning Commission was split in voting on these. The Chief of Plan Section stated the Commission realized the 38th Street application was for apartment zoning; but as development goes north, it gets into the Hyde Park area which has some good sound residences in it. The Commission was inclined to believe higher density zoning north of 39th Street would be too much of a burden on the residents in the area, especially north of 40th. To permit redevelopment, the Commission thought a zoning change should occur, but wanted to keep it at low density, to blend and to be more compatible with the remaining residences. Also the density should be kept low due to the location of Baker Junior High. The Planning Director gave a resume of apartment dwelling, pointing out some of the problems of overflow parking and permissible construction up to 5' of the property lines. This area had been recommended as a part of the community development program presented to the Council in December for intensive code enforcement. Councilman Nichols asked if a less restrictive zoning were not permitted, the area will continue to go down. The Council wanted to go look at these two locations.

Later in the afternoon meeting, Councilman Long moved that "B" Residence 2nd Height and Area be granted on these two applications. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin  
Noes: Councilman Janes

(Councilman Janes' statement concerning his vote on preceding page)

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

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MARTHA ANN ZIVLEY

2713-2715 Hemphill Park

From "B" Residence 3rd  
Height & Area  
To "C" Commercial 3rd  
Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Long moved that the change to "C" Commercial 3rd Height and Area be granted. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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THOMAS C. WOMMACK	4409 Manchaca Road	From "A" Residence
		To "O" Office
		NOT Recommended by the
		Planning Commission

It was stated Mr. Wommack had dedicated the right of way and the deed had been executed. Councilman Long moved that the requested zoning be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

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HERMAN WATERS	6906 Guadalupe Street	From "A" Residence 1st
	601-605 Swanee Drive	Height & Area
		To "B" Residence 2nd
		Height & Area
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "B" Resi-
		dence 1st Height & Area

Councilman Long stated she did not see why 2nd Height and Area would not be proper in this particular area. The Chief of Plan Administration, MR. STEVENS reported that the Planning Commission felt that on this 11,250 square foot lot, 2nd Height and Area would be too intensive, as 14 units could be permitted. Five units could be permitted under "B" Residence 1st Height and Area. Most of the homes are single family developments and are in good condition. The streets are still gravel streets, and it was felt that "B" Residence 1st Height & Area would be more suitable. The Planning Director stated on a lot of this size the number of units could be almost tripled under the Apartment Hotel provision. This lot is only a little larger than a single family residential lot. The total net result in such a situation is a parking lot with an apartment building on it; the likelihood of its not being pleasant in appearance and the relationship to the adjoining area, street situation, etc., could be unsatisfactory. Councilman LaRue moved to uphold the Planning Commission recommendation and grant "B" Residence 1st Height and Area. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: Councilman Long

Councilman Long moved the following statement concerning her vote:

"I think to be proper zoning and to be consistent,  
that it ought to be "B" Residence 2nd Height and  
Area to conform with that across the street and in  
the area, and I vote 'No'."

The Mayor announced that the change had been granted to "B" Residence  
1st Height and Area and the City Attorney was instructed to draw the necessary  
ordinance to cover.

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MARY N. SALA

2103-2105 Alta Vista

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

MR. EMIL SPILIMAN appeared in opposition of any change of zoning, stating  
that the Travis Heights subdivision is still "A" Residential, and the home  
owners wanted it to remain "A" Residence. A number of property owners were  
present in opposition to the change of zoning. Councilman Long stated this  
was spot zoning, and was not recommended by the Planning Commission. Councilman  
Long moved to uphold the recommendation of the Planning Commission and deny the  
change. The motion, seconded by Councilman Nichols, carried by the following  
vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The Mayor announced that the change had been DENIED.

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JOHN L. ADAMS

1407-1409 Morgan Lane

From "A" Residence  
To "O" Office (as amended)  
NOT Recommended by the  
Planning Commission as  
amended

Mr. Adams had telephoned a request to withdraw the application. Those  
present wanted to be heard in accordance with the published notice of the  
hearing. MR. CARL HARDIN, representing MR. E. F. PURYEAR and MR. E. B. REEVES,  
asked the Council to deny this zoning. Councilman Long moved to uphold the  
recommendation of the Planning Commission and deny the change. The motion,  
seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The Mayor announced that the change had been DENIED.

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ZELMA BROOME

511 East Monroe Street

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

MRS. BROOME stated she had two duplexes, one being on a long lot, and the others side by side, and there is a drive down the center. On the long lot, there is space that is not being used at all, and she wanted to add the third apartment. She lives in one of the apartments. Councilman Long noted it was a spot zoning and was not recommended. Councilman Long moved to sustain the Planning Commission and deny the "BB" Residence 1st Height and Area zoning. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols

Noes: None

Councilman Nichols noted that another zoning request in almost an identical location had been denied this morning, and for almost an identical reason of adding another dwelling on a lot that already had two.

The Mayor announced that the change had been DENIED.

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PLANNING COMMISSION  
 AREA STUDY

2206-2304 Leon Street To Establish  
 1900 Block of David St. Appropriate Zoning  
 2200 and 2300-2312 & RECOMMENDED to leave  
 2301-2311 Longview Street "A" Residence 1st Height  
 1901-1915 and 1902-1912 and Area  
 Cliff Street By the Planning Commission  
 1106-1210 Old West 19th St.  
 1107-1307 and 1110-1304  
 West 22nd Street  
 1100 & 1200 blocks of W.  
 22 $\frac{1}{2}$  Street  
 2203-2209 Lamar Boulevard  
 2301-2313 Shoal Creek Blvd.

C. C. NOLEN, et al

1108-1112 West 22 $\frac{1}{2}$  Street From "A" Residence 1st  
 Height & Area  
 To "B" Residence 2nd  
 Height & Area  
 NOT Recommended by the  
 Planning Commission

The Planning Director reported on the study made on approximately a six block area east of Lamar Boulevard and Leon and its extension; and between 19th and 24th Streets. This area had come up on several occasions in the past regarding individual zoning cases. The application of MR. C. C. NOLEN, et al on 22 $\frac{1}{2}$  Street had come before the Commission, which in turn asked if he would postpone consideration of his case until an area study could be conducted. The study was made by the Planning Commission and a report forwarded to the Council. The recommendation was that this area be retained "A" Residence 1st Height and Area. The Planning Director stated during the discussion, he had commented that the area is a part of the University area

and is susceptible to apartment development, and that the north east section, north of 22nd Street and between Longview and Leon Streets is an area for a change of zoning initially. The second priority, the area on each side of David Street, could be for apartment building, probably "B" Residence 2nd Height and Area. His third suggestion was that at some future date rezoning west of Longview which now is primarily single family and two family developments, mostly single family, individually owner occupied units would be in order. The other two areas have a number of rental units, duplexes and lots with three to five houses. The eastern section is already occupied by student population. He had suggested in terms of priorities the north eastern two blocks, then the south eastern block (half block on each side of David Street) and the balance to be left as it is. The Planning Commission rejected this suggestion and voted that the entire area be retained "A" Residential. All recognize that ultimately this kind of re-zoning will occur.

MRS. OLIVER RADKEY submitted two letters in opposition, and reported a list of 55 names was filed with the Planning Commission. They urged that the area be left as it is as it would be difficult for the older people to relocate homes elsewhere.

DR. D. K. BRACE, 2205 and 2203 Lamar had built his home there, and recently had made extensive improvements and intended to remain living at this location. He wanted the area to remain "A" Residence.

COUNCILMAN LONG asked if the Council were to accept the full recommendation of the Planning Commission, would that prohibit people from rezoning their property within a year. The Planning Director stated the study was initiated by the Commission, and the request was to establish the appropriate zoning. The Department was suggesting "B" Residence 2nd Height and Area zoning be established for whatever was to be rezoned.

MR. C. C. NOLEN stated exception should be given to the northeast area-- 2306 and 2304 Leon Street; 2301-2311 Longview and 1110 22 $\frac{1}{2}$  Street. He agreed to the single family dwelling zoning on the other parts of the area, but the northeast section was already affected by commercial on 24th, and is different except for Mr. Sackett's house, which is a single family rental unit. Some of the property in this quarter is deteriorating. Councilman Long asked if this recommendation would apply to the application of MR. NOLEN at 1108-1112 West 22 $\frac{1}{2}$ . The City Attorney replied his application was for "B" Residence 2nd Height and Area, and the recommendation is the entire area including Mr. Nolen's property would remain "A" Residence. His application would be in a rejected status.

MR. LARRY SHAW, 1207 West 22 $\frac{1}{2}$  Street, wanted this case disposed of this morning and left as it is--strictly residential. MRS. KATHLEEN MOLESWORTH, 1900 David, wanted to keep the homes in the area, even though the University is moving in on this area. There are no through streets. Everytime there is apartment development more cars are backed up into these narrow streets. There is a traffic problem existing now. In answer to Councilman Nichols' question, MRS. MOLESWORTH had opposed the Cliff Street zoning also. MR. CLARENCE AYERS, 2307 Shoal Creek Boulevard, endorsed statements by Mrs. Radkey and Dr. Brace. MR. S. A. NEMIR, 1115 West 22 $\frac{1}{2}$  Street expressed strong opposition to any change of zoning. MR. JESSE SKRIVANEK, 1106 West 22nd Street, stated even though his property had already been rezoned, he wanted to go on record in favor of the original recommendation by MR. OSBORNE'S Department for the entire area, because of the need for expansion in the University area, and because there are so many multiple units in that whole area. The Planning Director stated the Department



made no recommendation on the whole area at the present time. The intention was to note there had been a number of cases occurring in the general area over the past several years, and there was a pressure for University Development occurring generally within the area, the most recent case being Mr. Nolen's. There is a mixed situation. He pointed out other apartment dwellings. There is a unique zoning situation, and a situation of trying to maintain a substantial area for single family housing as long as possible. It was his suggestion to take portions at a time probably the north east portion, from 22nd Street first.

MRS. JOSEPH JONES expressed opposition. COUNCILMAN NICHOLS was concerned about the Nolen zoning, as Mr. Nolen was asked to wait to hear the whole area discussed. He did not think it would be fair to Mr. Nolen if the Council votes to leave the area "A" Residence, as Mr. Nolen would be denied the right to be heard. Councilman LaRue stated the Council could vote on the Nolen zoning, and put the Planning Commission's recommendation into effect at a future date. The City Manager explained the Planning Commission recommended that the large area remain "A" Residence and that the change recommended by MR. NOLEN not be granted. The Council could sustain the Planning Commission's recommendation on all except Mr. Nolen's and grant Mr. Nolen's; or reject Mr. Nolen's application along with sustaining the Commission's recommendation. Councilman Long said if the Council did not act on this recommendation, the north east area, north of 22 $\frac{1}{2}$  Street where there are apartment houses or rental property, might have individual requests to come in, and the Council could check that piece meal. Discussion was held on the various decisions the Council could take in this area--and that was the intent of the area hearing--to bring together a six block area with relatively common problems, rather than hearing one case at a time. MR. NOLEN stated a year's delay would not make a lot of difference. He was not aware of the study encompassing the land it did; but they were hoping some consideration would be given to this northeast area. He favored the other three quadrants' remaining "A" Residence. Councilman Janes asked if the Zoning Committee considered the north east corner. The Planning Director stated they very specifically studied it, considering the existence of many good single family homes with some being used as rooming houses; the street pattern and street widths and limited exits, there being only two adequate ways of getting out of the area. The streets are quite narrow for high intensive development. On the other hand, zoning had occurred on the periphery, and the Commission decided the existing situation of primarily single family development and the street situation did not warrant a zoning change.

Councilman LaRue asked that the Nolen case be heard. MR. S. A. NEMIR stated most of the home owners were widows, and the homes were all they had. He objected to the change of zoning, noting the street was too narrow for additional traffic. The students now are inconsiderate of the homeowners. In answer to Mayor Akin's question, as to Mr. Nolen's desire to withdraw the application, Mr. Nolen replied in view of the consideration of the total area, it would not make any difference. They could wait a year, but he thought some consideration should be given sometime to that northeast quarter by itself. Councilman Nichols stated this sort of recommendation places a burden on a great block and each individual case should stand on its own merits. The rights of this individual have been denied. Councilman Long suggested that the Council go look at this north section from 22 $\frac{1}{2}$ , Leon and Longview where there are many duplexes and rental units in that area, and see if it is different from the other areas. About three people present lived north of West 22 $\frac{1}{2}$ . Councilman Janes stated he would hate to preclude any zoning for a year because of the recommendation. The City Manager listed a number of alternatives the Council

had--they could leave the matter pending and bring it up at any time; they could act on parts of it and leave a part pending; or act on all of it. It is discretionary. The Council decided to look at the whole area, including Mr. Nolen's property. The City Attorney stated the Nolen case had been properly advertised, people notified, and all notices legally necessary had been published and the Council could take any action on the Nolen case separate from the area recommendation.

Mayor Akin announced the Council would look at the property and give it on the scene evaluation. Councilman Long stated the Council had held its public hearing, and might act on this case later in the meeting.

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JOHN OSORIO, et al  
By Frank Hoagland

8300-8314 Georgian Drive  
Rear of 8316-8402 Georgian  
Drive

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission but  
would look with favor on  
"GR" General Retail

MR. FRANK HOAGLAND represented the purchasers who want to develop the area for a mobile park. He showed an aerial photograph and a model, explaining this was not a trailer park, consisting of homes 8' x 29'. A Mobile Park has luxurious homes 55' long and more. The City has 19 parks with 17000 spaces, of which 300 spaces can take care of homes this size. There are none in the north area, and there is a definite need for mobile homes--Five Star Mobile Homes. He displayed the model and described its development with park area, off street parking, each lot to have 3200 square feet the city would benefit tax wise and the park would have its own water and gas systems. Each new construction of home building, one out of ten is a mobile home. One third of the homes under \$10,000 are mobile homes. There is no place in Austin for one of these homes to park. Mr. Hoagland stated the area on which this was planned is undeveloped; and in 1958 one developer started, but found his development was unprofitable and released the property. Many of the homes were repossessed. In the area there is Industrial, Commercial, General Retail & Local Retail zoning. It will cost \$180,000 to develop the property, it will have \$165,000 worth of homes in it, and it is necessary to have "C" Commercial, rather than to go "GR" General Retail with a special permit. He discussed the street situation stating Georgian Drive could be extended to Highway 183. He pointed out under a "B" Residence 2nd Height and Area or "GR" General Retail instead of having 100 nice beautiful homes, they could put in 600 apartments, creating more traffic. Now, 116 duplexes could be constructed. The purchaser would give the City the necessary frontage for widening the street. These homes are not pulled by automobiles or trucks, but are transported by professional movers. The occupants are not transients. This would enhance the area that is now dormant.

Opposition was expressed by a resident on Red Oak Circle, stating his neighbors lived in an area of all brick homes, less than 10 years old. With this Mobile Park development the value of their homes would go down. He did not believe one of these mobile homes could make the "S" turn in the area. If the street had to be straightened, it would go through a church. The value of their homes would exceed the value of the trailers. MR. H. F. SLATAPER, developer in the area across Georgian Drive, speaking for himself and property owners in his subdivision, developed for "A" Residential, asked that this tract remain Residential. There are some old homes in the old Fiskville area, but not the kind

that would be designated for condemnation on the South. There were some condemned on West Powell Lane. Mr. Slataper asked that "C" Commercial not be granted as something other than proposed here could be done. "C" Commercial is not necessary for his development. Mr. Hoagland in answer to Mr. Slataper's question stated there would be 100-103 mobile homes. Mr. Slataper was concerned about the extension of Georgian Drive to Highway 183 at the property owner's expense. In answer to Councilman Nichols' inquiry, Mr. Slataper had no objections to part of the tract being "GR" General Retail. His neighbors do not want "C" Commercial. He was representing himself only in not objecting to a portion of this zoning as "GR" General Retail.

MR. FRANK MATTHEWS, owner of M & M Trailer Sales, said they did about \$750,000 worth of business in Austin, but are at a stagnation point now, as there is no place to put their sales. Two customers had to buy mobile home lots at Leander, to get a place to park. Their mobile homes built up to 36' x 75' and cost up to \$17,500. Councilman Nichols asked if this were the only tract in Austin suitable for mobile homes. It was stated there is the need for sites; there are other sites but the land is too expensive. Councilman Nichols inquired if under "A" Residence zoning on a tract this size, a riding stable would be permitted. The Chief of Plan Administration stated this could be done as an accessory use; if there were a home, there could be a stable and some livestock as accessory uses. Councilman Nichols pointed out this tract should have some zoning other than "A" Residence to protect the residential uses now, in view of its size.

DR. KENNETH OEHLER, Red Oak Drive, said immediately east of this tract is a nice residential area, which was not depressed or run down, and it had a tax increase due to increased valuations. The owners submitted a petition of 175 signatures opposing this change of zoning. It was his opinion this tract could be developed as residential. Duplexes would not mar tax values as much as the Five Star Mobile Homes. MR. A. C. SCHERBEK, 8320 Georgian Drive, brought up the drainage problem existing stating the water ran over his land and cut it in two. Whatever is constructed on this 10 acre tract, something is going to have to be done about the water, unless a gutter is made through his property to lead the water over it. He asked that someone come out and investigate this drainage problem. If a street or water gutter is built, it would have to come through his property but he had no objections to the change. MR. TOM CULVERT opposed the mobile home on this tract on the appearance, and directed attention again to the 175 names on the petition sent to each Council Member. "C" Commercial zoning would have no restriction, and the 28' trailers could be put on these spaces, a dance hall, saloon, or many things could be placed in Commercial. This tract is ideal for residential. People in homes stay 10 to 20 years, and are permanent residents of Austin, those who stay 27 months do not take the pride in the City as the homeowners do.

MAYOR AKIN acknowledged receipt of mail addressed to him--four letters, one petition with 67 names, and 15 postcards in opposition. These were filed for permanent record. Other members acknowledged letters and phone calls.

COUNCILMAN LARUE brought up the indication of the Planning Commission that a street plan should be considered if a zoning change were considered. The Chief of Plan Administration, Mr. Stevens, reported a subdivision ready for approval just one tract removed from this property. This subdivision proposes Guadalupe through, but it dead-ends. Provisions for extending Guadalupe should be taken into consideration, and this was a part of the recommendation of the Commission. Councilman Nichols asked the proponent about the water and gas

system. Mr. Hoagland stated it would be normal installation. The City Manager pointed out the City would have one meter and one customer; but more money would be made if there were a lot of customers. MR. HOAGLAND stated they would be happy for the City to put their own lines and meters in. Councilman Janes asked about tax collections on mobile homes. The City Manager stated because of the short length of time trailers remain in the community, there were poor collections. With mobile homes, the experience could be a different matter. MR. HOAGLAND said according to surveys on tax structures on mobile homes, people live in apartments seven months; in mobile homes 27.

COUNCILMAN LARUE asked if "GR" General Retail would definitely be unusable for the mobile park. Mr. Hoagland wanted a zoning where they could put a mobile park in the area, without going the Special Permit route, as they were not familiar with the restrictions to be placed by the Planning Department. They would like the privilege of doing what they desire in putting in a Mobile Home Park. One man pointed out the mobile home population does not pay taxes and the children attend the already overloaded schools.

COUNCILMAN LONG stated it might not be quite the time to change this tract to "C" Commercial since the "GR" General Retail behind the property had not developed.

The Planning Director brought out two points, stating the Zoning ordinance did peg the mobile home and trailer into a commercial category. He had much discussion with the National Mobile Homes Association over this procedure. A Mobile Home is housing, but it falls under Commercial in the ordinance. The Planning Department's problem was what was going to protect the public, streets, facilities, water and sewer facilities, and drainage. The Planning Commission was trying to point out that this was a peculiar situation in which residential was classified under commercial. No action should be taken until a plan is submitted and worked out through proper procedures for street development, water and sewer, and drainage, and other aspects, and then try to bring everything together. Mr. Hoagland said if this were the problem of the special permit, they would have no objection at all. He said if apartments were put in there now, there would be more problems. Councilman Long was interested in the traffic circulation through the tract. In answer to Councilman LaRue's question, Mr. Hoagland stated he definitely would look favorably on extending Guadalupe for a better traffic pattern. Councilman LaRue stated it would be an improvement to the operation if he had access from two areas. Councilman Long asked how many people would object to the "GR" General Retail zoning. Only three indicated objection. Councilman LaRue stated in his opinion "GR" General Retail would be proper zoning for this tract.

Mr. Hoagland stated he had made a survey over the United States and the mobile homes pay more taxes per square foot than the houses.

MR. A. C. SCHERBEK, 8320 Georgian Drive, reported on Georgian Drive, Powell Lane a house was moved and there is an uncovered 20' deep well 5' in diameter and the children have been playing in there. He suggested someone should see about this and have it filled up before some child falls in.

Councilman LaRue moved that the zoning be changed from "A" Residence to "GR" General, stating the Planning Commission had indicated it would look with favor upon the change to "GR" General Retail, and street plans would be controlled under "GR" General Retail.

The Planning Director stated it was the intent of the Planning Commission

that "GR" General Retail or any change of zoning be postponed to see if this could be worked out as a subdivision with street development, utility, special permit arrangement simultaneously, and brought back to the Council for final action on the zoning request. "GR" General Retail could be granted subject to adequate street, utilities, drainage, etc. The problem of circulation, drainage and utilities between Lamar and Georgian Drive is a prevailing problem. The solution is that a number of different things must occur. Councilman LaRue discussed in detail the situation in line with "GR" General Retail zoning.

Councilman Long stated it would be a mistake to zone the property now without any plans for street development and access.

Mayor Akin asked if it had been indicated that the use of this area had not been defined or coordinated with the Master Plan. The Planning Director stated this was a unique situation, and they were trying to bring together the development proposal and the zoning proposal; not only with respect to this property, but to a nearby tract so they would be in conformity with the overall master plan and be a reasonable and rational development plan of the area. Mayor Akin asked if zoning at this time were premature. The Planning Director stated in his opinion it was.

Councilman Janes suggested that the matter be left pending and that the Planning Department and the proposed developers get together and develop a plan mutually acceptable. MR. HOAGLAND said that was a good recommendation, and they were willing to work with anyone. Councilman LaRue withdrew his motion; however with the 209' exit on Georgian Drive, he did not see any reason for not granting this tract to conform to the zoning of the tract next to it. Councilman Long suggested no action be taken today, but wait to see what could be worked out and a recommendation brought to the Council. The City Attorney stated there would be a certain length of time for published and written notice, and suggested that the application be left pending until the department or proponents felt they were ready for a hearing.

Councilman Long moved to continue the hearing, giving notice to the property owners after the Planning Department and the Proponents have presented a plan. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

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#### ORTEGA, LEDESMA AREA PAVING REQUEST

The Council heard the group from ENABLE. MRS. CAROL BORDENON, stated ENABLE and the people had been working diligently on problems in the Ortega-Ledesma area. MRS. SEARS read the petition drawn up, setting out the concern of the neighborhood for street paving. During the summer the white dust stirred up by the passing cars is so bad visibility is low; during the rainy season, the streets are under water. The School principal reported many problems encountered on rainy days. They had been told the street paving could not be done until the bad drainage problem was corrected and it would be 1970 before this could be done. The School Superintendent had indicated they were willing to pave the streets around the school area. The group is trying to clean vacant lots. They

were particularly interested in the area around the school where there are chug holes full of water. The City Manager had a report, stating Mrs. Sears was correct in Mr. Carruth's readiness to proceed with the paving whenever the drainage matter is cured and whenever the Council directs the street to be paved. He had discussed with the Director of Public Works about scheduling of drainage facilities, asking him to see if in the Capital Improvement Program there were some other project that needed to be done, but did not have as much urgency in it at this time. One project scheduled for next year could be deferred in order that this one could be advanced. The C.I.P. provides for the installation of the drainage facilities in the Ortega School area in 1969-1970. There are some culverts and pipes in ditches along Burnet Road, which are proposed for next year, but there had been no citizen interest in this immediate work. Their suggestion was to trade places and defer the drainage on Burnet Road until 1969 or 1970 and do this work in the Ortega School area next year. There is about \$25,000 of work involved. If this rescheduling could be done, work could begin in the next fiscal year. Councilman Long moved that the recommendation be accepted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Palmer, Councilmen Janes, LaRue  
Noes:

Mrs. Sears asked if this would take care of Ledesma Road from Springdale Road down to Ortega. The City Manager stated he assumed it would take care of all the streets around the school, but he did not have the complete details on it right now. If the streets she referred to were being held up for this same drainage, he would say this project would cure it. Councilman Long asked if a report could be made if this would take care of the area beginning at 4700 Ledesma. It was pointed out a petition for paving was already on file.

SERGEANT BRAY said he would appreciate their doing something about the mosquitoes in Ledesma Road from Springdale down to Ortega. MRS. EBERT, Principal of Ortega, thanked the Council for hearing them.

The Council adjourned until 4:45 P.M.

RECESSED MEETING

4:45 P.M.

At 4:45 P.M. the Council resumed its business.

MR. JOHN CAMPBELL, representing MR. DAN WATSON for approval of 18 off street parking spaces at 2604 Guadalupe, stated application has been filed with the Building Official. The urgency of this is seven days would be critical in completing this apartment before September 1st. The Building Official stated the plan was not complete until yesterday, and described the structure as two stories in height, the first floor being the commercial enterprise and the second floor would be for a dormitory, for 12 boys. The ordinance requires 17 off street parking spaces. This site is in the area where the Council determines the adequate parking spaces, and they are providing 18 spaces.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the

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application of Dan Watson for a building permit together with a site plan dated May 17, 1967 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2604 Hume Place, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erection of a commercial and dormitory structure the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is eighteen (18) parking spaces; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That eighteen (18) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Dan Watson dated May 17, 1967, for use of the premises for the purpose of erection of a commercial and dormitory structure.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen Nichols, Janes, LaRue, Long, Mayor Akin  
Noes: None

Councilman Nichols brought up for consideration the purchase of property by MR. JACK ANDREWARTHA, stating this had been discussed previously. Mr. Andrewartha was requesting 20' x 140' or 2800 square feet for which he is willing to pay \$1.50 a square foot. The Building Official stated it had been recommended since 24th Street is a heavily travelled street, and traffic sometimes is backed up to the alley, that it would not be safe to have an exit from this lot on 24th Street, and recommended that some exit be made at the rear of this lot. Mr. Andrewartha had asked to buy a strip of city owned property abutting the rear of this lot. Councilman Nichols stated Mr. Andrewartha was ready to offer \$1.50 a square foot. Councilman LaRue inquired if this land would be needed for the overpass. The City Manager stated this particular land would not be needed. It was agreed that this strip be sold to Mr. Andrewartha, be paved, and have a provision that it be used for exit and that there be no exit on 24th Street; and that it be used for passage way, with no construction. Councilman Long moved that the City Manager be instructed to draw up a contract for the sale of this property. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
7.16 ACRES OF LAND OUT OF THE JAMES MITCHELL SURVEY  
AND THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY,

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TEXAS, AND 8.21 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 18 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.  
(Westover Hills, Section 3, Phase 3)

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

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"May 15, 1967

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids for AVON HEIGHTS SUBDIVISION were received until 11:00 A.M., Friday, May 12, 1967, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF approximately 640 feet of 6-inch WATER MAINS and 589 feet of 8-inch CONCRETE SEWER MAINS. This project will provide water and sanitary sewer service for the development of this subdivision. The bids were publicly opened and read in the Council Room of the Municipal Building.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter Schmidt Construction Company	\$ 6,481.50	20
Eland Construction Company	6,928.00	30
Bill Tabor Construction Company	10,421.35	35
Ford-Wehmeyer, Incorporated	12,554.40	40
City of Austin (Estimate)	6,815.05	--

"It is our recommendation that this contract be awarded to the Walter Schmidt Construction Company on their low bid of \$6,481.50 with 20 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr.  
Victor R. Schmidt, Jr.  
Director Water and Sewer Department"

Councilman Long asked if these were approach mains. The City Manager stated these lines would be in streets in the subdivisions, and the Director of Water Utilities, Mr. Schmidt had worked out an arrangement where the owners would pay a third of the cost. This developer preferred this route rather than the refund contract.



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Councilman LaRue offered the following resolution and moved its adoption:  
(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 12, 1967, for the installation of approximately 640 feet of 6-inch water mains and 589 feet of 8-inch concrete sewer mains in Avon Heights Subdivision; and

WHEREAS, the bid of Walter Schmidt Construction Company in the sum of \$6,481.50, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Walter Schmidt Construction Company in the sum of \$6,481.50, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Walter Schmidt Construction Company.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

The City Manager submitted the following:

"May 15, 1967

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids for the NORTH LAMAR BOULEVARD EASEMENT from Beaver Street to West Powell Lane SANITARY SEWER MAIN were received until 11:00 A.M., May 12, 1967, at the Office of the Director of the Water and Sewer Department for the construction of approximately 3,596 feet of 8-inch concrete sewer pipe. The purpose of this project is to provide sanitary sewer service to existing houses in West Powell Lane and area between North Lamar Boulevard and Georgian Drive from Beaver Street to West Powell Lane.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Ford-Wehmeyer, Inc.	\$19,662.90	70
Bland Construction Company	26,237.70	60
Walter Schmidt Construction Company	26,509.70	60
City of Austin (Estimate)	\$20,447.00	

"It is our recommendation that this contract be awarded to the Ford-Wehmeyer, Inc. on their low bid of \$19,662.90 with 70 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr.  
Victor R. Schmidt, Jr.  
Director Water and Sewer Department "

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The City Manager stated this installation would serve some houses in a very old subdivision, and it was not new development. These houses have been without sewer service; and by extending this line, a number of houses would have sewer service. He stated they had just recently finished the Little Walnut Creek installation, and this line would be one of the laterals.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 12, 1967, for the construction of approximately 3,596 feet of 8-inch concrete sewer pipe for the North Lamar Boulevard Easement from Beaver Street to West Powell Lane Sanitary Sewer Main; and,

WHEREAS, the bid of Ford-Wehmeyer, Inc. in the sum of \$19,662.90, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ford-Wehmeyer, Inc. in the sum of \$19,662.90, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Ford-Wehmeyer, Inc.

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

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols

Noes: None

The City Manager submitted the following:

"May 5, 1967

"TO: Mr. W. T. Williams, Jr., City Mgr. SUBJECT: Bids on 12/16/20 MVA Unit Substations

"Bids were opened at 2:00 P.M., May 5, 1967, for four (4) 12/16/20 MVA unit substations for installation during the 1969 Fiscal Year at Burleson, Fiskville, Federnales and Magnesium Substations by the Purchasing Agent, and sent to the Electric Department for evaluation and recommendation.

"The bids are tabulated below:

<u>VENDOR</u>	<u>UNIT PRICE</u>	<u>DELIVERY</u>
Pennsylvania Transformer Division	\$106,123.00	77 weeks
General Electric Company	\$104,926.00	71 weeks
Allis Chalmers Mfg. Co.	\$103,348.00	60 weeks
Westinghouse Electric Corp.	\$104,286.00	70 weeks
<u>Federal Pacific Electric Co.</u>	<u>\$101,240.00</u>	Last Qt. 1968
ITE Circuit Breaker Company	\$106,655.33	80 weeks

"General Electric, Federal Pacific and Allis Chalmers bid a firm price. Pennsylvania, Westinghouse and ITE quoted with escalation. All terms are net 30 days.

"I recommend that we accept the low bid of Federal Pacific Electric Corporation for four (4) Unit Substations for a total expenditure of \$404,960.00.

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"FROM: D. C. Kinney, Director  
Electric Utility  
SIGNED: D. C. Kinney"

Councilman LaRue noted this would increase the capacity of the service. The City Manager stated this would meet what they think would be the demands for the summer, and the growth of the City in that area.

Councilman LaRue offered the following resolution and moved its adoption:  
(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 5, 1967 for four (4) 12/16/20 MVA Unit substations for installation during the 1969 Fiscal Year at Burleson, Fiskville, Pedernales and Magnesium Substations; and,

WHEREAS, the bid of Federal Pacific Electric Company in the sum of \$404,960.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Electric Utility of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Federal Pacific Electric Corporation in the sum of \$404,960.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the city with Federal Pacific Electric Corporation.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 1.2 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3601-3611 WILLOW SPRINGS ROAD, FROM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 3.52 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1902-1924 BARTON SPRINGS ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Akin 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 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 4.59 ACRE TRACT OF LAND, LOCALLY KNOWN AS 5209-5309 GLISSMAN STREET AND 760 $\frac{1}{2}$ -770 $\frac{1}{2}$  AIRPORT BOULEVARD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "D" INDUSTRIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

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

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### APPOINTMENTS

MAYOR AKIN listed the Boards and Commissions which had terms expiring:

- a. Board of Equalization for the year 1967 (Charter requires appointments prior to June 1 - Board consists of three members)
- b. Planning Commission appointments for those whose terms expire June 1, 1967.
- c. Other appointments:

Parks and Recreation Board  
Sister City Committee  
Advisory Hospital Board  
Building Code Board of Appeals

The Council took no action at this time.

#### MEMBERSHIP IN CONFERENCE OF MAYORS

Councilman Long presented an item concerning the renewal of membership in the Conference of Mayors. Councilman Janes moved to renew membership in the Conference of Mayors, paying the \$500.00 annual dues. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

#### ZARAGOSA PARK - BASEBALL FEES

Councilman Long read a letter from DR. C. P. HARDWICKE and DR. W. A. HIBBERT, JR. regarding a men's baseball team in East Austin, using Zaragosa Park on East 7th Street. There is a fee of \$25.00 charged for the use of the baseball park, and they are asking that this charge be abolished. A charge is made for the games, but there is not enough money to break even. It is good recreation

for the people in the area, and they are urging that the \$25.00 fee be abandoned so that they can continue. The letter pointed out the achievements of this team. Councilman Long asked if arrangements could be made if this group maintained the grounds that something could be done about the fee. The City Manager reported to some extent the fees were based on custodial costs, although generally there are schedules of fees that the Recreation Department uses throughout the whole park system for activities where charges are made. He stated this was a professional group. Councilman Long stated they did not get paid for playing, but there was a 50¢ charge for admission. Councilman Janes stated this was a very good cause, but he would hesitate to establish a precedent without having more information and recommended that the City Manager investigate this and recommend back to the Council. Councilman Long moved that this request be referred to the Parks and Recreation Department and the Board, and ask if they would study this and bring back a recommendation. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

#### AIRLINE SERVICE FOR AUSTIN

MAYOR AKIN read a memorandum to the Council Members stating that Honorable JAKE PICKLE and former CONGRESSMAN JOE KILGORE had recommended either one of three law firms which specialized in C.A.P. practice; and Congressman Pickle suggested that the City should move at once to improve the airline service to Austin. It was suggested this be discussed in Executive Session.

The Mayor asked if the City Attorney had a recommendation regarding this Counsel. The City Attorney stated all three of the firms are in the Lawyers' Directory and are of equal stature, and are specialists in C.A.P. practice. Councilman Nichols asked if the money were available. Finances were discussed briefly, and it was brought out that the fees could be discussed with the firm, and that a small retainer fee be paid now and the remainder be provided during the next fiscal year. Councilman Long stated the Council had felt this was important enough to the City that the City would go into it and have Counsel.

. . . . .

The Mayor read a request from the First Seventh-Day Adventist Church, 3301 West Anderson Lane, to use City property at Woodview and North Loop to erect a tent for the purpose of holding Bible lectures, beginning August 20th. They would be ready to move on short notice, if the property were sold. The City Manager reported this property was acquired for the development of North Loop. At the time, the property was subject to residential deed restrictions. The time has expired, and the City is processing a zoning change anticipating selling the property. Last week the Council dedicated a five foot strip of land prior to zoning. The City Manager observed this was a very busy street, and this type of use would encourage on-street parking to the extent it would constitute a traffic hazard, and he would not recommend the use. As to off street parking the City Attorney stated there were no curb breaks, nor hard surface or paving. The site is on a five point intersection which is a very busy one. Councilman Nichols noted this was a highly settled residential area. Councilman Janes stated in view of the fact there is a potential traffic hazard which apparently would be

generated, he moved that the City Manager be instructed to point out to the Pastor the short comings in allowing this sort of thing, and the request be refused. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

#### NIGHT SESSIONS FOR ZONING HEARINGS

Councilman Long brought up the question of night sessions for zoning hearings, beginning June 15th. Councilman Long moved that the next zoning before the City Council be a night meeting, and the meetings from now on until some other determination is made, be evening meetings for zoning and all other business, beginning with the next zoning meeting, June 15 at 7:30 P.M. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Janes, Long, Nichols, Mayor Akin  
Noes: Councilman LaRue

In discussion it was brought out every fourth Council Meeting would be at 7:30 P.M. until further notice; that this would be the zoning meeting and the regular Council Meeting. Councilman LaRue suggested that the Regular Meeting be held at the usual time and the zoning hearings conducted at night. His understanding was the night meeting would cover only the zoning, making it convenient for all people interested in zoning; whereas it would not be convenient for people interested in contracts and other business of the City. The Director of Planning, stated the time element on zoning could be severe. Councilman Long suggested that this evening meeting be tried and if there is a hardship the time could be changed. Councilman LaRue stated many people coming from out of town to do business with the City Council, would rather take care of their business during the day and return home. Zoning generally pertains to people living in the area; and for their benefit, zoning hearings could be held at night, but his opinion was that normal business could be transacted during the day to the convenience of those who are interested; and by the same token, the zoning could be held at night giving every individual an opportunity to attend.

. . . . .

The City Manager read a letter from MR. JAMES A. GARRISON expressing appreciation to the Council and Mayor for naming the park in Southwest Austin in his honor.

#### CONCESSION AT ROSEWOOD PARK

The City Manager had a memorandum from the Recreation Director to the effect that for the past two years they had been unable to find anyone interested in operating a concession stand at Rosewood Park. MRS. CARRIE JANE WILLIAMS would like to take this concession this year, and he read the prices which she proposed to charge for the various items. She agreed to pay 10% to the City on gross receipts. MR. SHEFFIELD had recommended that MRS. WILLIAMS be awarded the

concession contract and the City Manager concurred in this recommendation. Councilman Nichols moved the contract be awarded as recommended. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None

#### TOUR OF AIRPORT FACILITIES

The City Manager stated several members of the Council had indicated an interest in touring the various facilities at the Airport. The Aviation Director would be glad to set up an arrangement to show the Council around the Airport when convenient with the Members. Councilman Long noted that next Thursday the Council is to have lunch at the Airport, and then the Council could go on this tour. All agreed, and the City Manager stated he would inform the Aviation Director.

#### HEARING ON COMMUNITY HEALTH PLANS

Councilman Long stated the Council had agreed to meet Friday, May 19th at 10:00 A.M. with the Mental Health and Mental Retardation group and the Community Council Planning Committee. Mayor Akin reported that Mr. Simpson, Chairman of the Hospital Advisory Board would not have their report completed by then but they would have it by an early date, and would advise the Council at that time. However, Mr. Simpson and representatives from the Board will be over with a recommendation affecting Brackenridge Hospital. Mayor Akin announced the first item on the Agenda would be a presentation by MR. BILL YOUNGBLOOD on behalf of the Community Council. Mayor Akin explained the Mental Health and Mental Retardation people were to get in touch with the Brackenridge Staff to see what kind of arrangement could be worked out and report to the Hospital Board. Councilman Long wanted the Mental Health and Mental Retardation people present for the meeting tomorrow as their program is so closely allied. Mayor Akin pointed out MR. SIMPSON had stated it would be more meaningful if they could complete their conferences and work out something tangible and then approach the Council, and this was Mr. Simpson's request. Councilman LaRue stated the survey to be conducted or continued by the Community Council would actually be placing things in their proper order. Councilman Long stated the Mental Health and Mental Retardation program had more value in that it is a program that is being activated in the community; and the other is a long range planning program. The Mental Health and Mental Retardation program is something for the community now and not several years from now. The Mayor stated he had acceded to Mr. Simpson's request, and he would tell him that the Council had changed its procedure and requested that the invitation be extended to Mr. Bridges and the Mental Health and Mental Retardation group to attend this meeting.

#### HORTICULTURE PROGRAM

COUNCILMAN JANES had a letter concerning the Horticulture Program and asked for an explanation of the Program. The City Manager explained this was a program conducted jointly by the County and the City. Part of the program is being paid by Texas A & M, and the balance is being paid by the City to employ one man to provide advice and help to property owners through out the City. There has been a proposal that his pay be raised. Texas A & M College is ready



to put up its part of the increase, to take effect the next fiscal year. The City pays \$3,000 and the request is that the City participate at \$3,500. Councilman Long stated the Council had set up a Committee, of which she was a member, and she thought this horticulture service was a benefit to the citizens, is a worthwhile program and should be continued.

#### BUDGET PLANNING

Regarding the Budget, the City Manager asked if the Council would like to begin preliminary discussions of the Budget for next year. He wanted to review the Budget process as it is developed and have a general discussion and would like some guidance on how the Council felt about the preparation of the Budget, and to get its general idea about next year's Budget. There may be areas of activity where the Council feels there is not enough emphasis, and perhaps in some it may feel there is too much, and he would like to invite Council comment.

#### COMMUNITY DEVELOPMENT COMMITTEE

The City Manager stated Councilman Long had inquired about the possibility of a resolution setting up the Community Development Advisory Commission in connection with the Workable Program. He distributed copies of a proposed resolution stating the Council might want to discuss this along with the other appointments, as this Resolution involves appointments also.

#### ELECTRIC UTILITIES MONTHLY REPORT

The City Manager called attention to the filing of the Report from the Electric Utilities Department on Capital Improvements.

#### WORKREATION PROGRAM

Councilman Janes inquired if other Council Members received copies of the communication regarding the Workreation Program. He said the City Manager had suggested that a check be made with the Parks and Recreation Department to see if this program can be worked in with theirs some way. He explained the program whereby local people provide summer jobs for students, and that it might be possible that the City has some place for this program. Councilman LaRue said the local newspaper was running ads free of charge for individuals looking for jobs, and the Texas Employment Commission is very cooperative.

#### URBAN RENEWAL - KEALING PARK & PLAYGROUND

The City Attorney submitted a Resolution relating to the non-discrimination in the Kealing Urban Renewal Project on the park and playground land to which the City has taken title. He said this was a formality. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
AUSTIN RELATING TO THE USE OF THE PARK AND

PLAYGROUND TRACT SITUATED IN THE KEALING URBAN  
RENEWAL PROJECT NO. TEX. R-70.

WHEREAS, on the 31st day of March, 1967, the Urban Renewal Agency of the City of Austin, conveyed to the City of Austin an undivided three-fourths (3/4) interest in and to Block "D" of the Kealing Subdivision as shown by the map or plat of record in Flat Book 29, Page 13 of the Flat Records of Travis County, Texas; and,

WHEREAS, said tract is designated as a Park and Playground by the Kealing Urban Renewal Plan of Record in Volume 2776, Page 1, et. seq. of the Deed Records of Travis County, Texas; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That the Kealing Park and Playground tract described as Block "D" of the Kealing Subdivision as shown by the map or plat of record in Flat Book 29, Page 13 of the Flat Records of Travis County, Texas, shall be used by the City of Austin in accordance with the uses specified in the Urban Renewal Plan therefor.
2. That the City shall not discriminate upon the basis of race, color, creed or national origin in the use or occupancy of the said Park and Playground or any improvements erected or to be erected thereon or any part thereof.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen Janes, Nichols, Mayor Akin, Councilmen LaRue, Long  
Noes: None

. . . . .

The City Attorney reported on a communication from Austin's Special Counsel, MR. JAMES W. WILSON, in the anti-trust case in Philadelphia, and said he would send a memorandum to the Council during the week. This particular case deals with brass tubes. In answer to Councilman Long's question as to the amount of recovery the City should expect, the City Attorney stated one of the litigants had offered approximately 40% of the total amount of gross receipts of sales in order to get out of the case. He explained this was a very good thing for the City, although the City had bought very little from the Bridgeport Brass Company, so the amount received would be insignificant. However this percentage sets a favorable precedent. The litigant is the National Distiller and Chemical Corporation, and they need a covenant not to sue from the City; but it would not be a release that would release the other litigants. He stated \$403,500 represented 40% of all of the sales they made in the United States. The City Attorney stated he would provide more detailed information in the memorandum he would send to the Council.

. . . . .

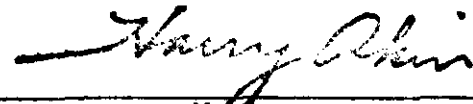
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Councilman Long moved that the Council go into Executive Session at 6:00 P.M., to discuss appointments. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue, Long  
Noes: None

At 7:30 P.M. the Council adjourned.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Asst. City Clerk