

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 25, 1968  
9:00 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

The Invocation was delivered by FATHER M. C. DEASON, Sacred Heart Catholic Church.

APPROVAL OF MINUTES

Councilman LaRue moved the Council approve the Minutes of the Meetings of October 12, 1967 and January 11, 1968. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen LaRue, Long, Nichols, Mayor Akin  
Noes: None  
Present But Not Voting: Councilman Janes

Mayor Akin brought up the question of whether or not the Minutes should be written in more concise form and in less time. Councilman Long stated that she favored the more detailed form. The City Manager was asked to take a look at the Minutes and report back to the Council.

FINANCIAL STATEMENT

City Manager Robert Tinstman submitted to the Council a new, consolidated financial statement for the first three months of the fiscal year. He stated that there were some changes to be made and some additional information to be added. He thought the basic format of showing expenditures for the period and then comparing them to expenses of the current fiscal year and the past fiscal year was helpful. Councilman LaRue expressed approval of the new method, as did Councilman Long.

Councilman LaRue moved the Council accept the Financial Statement for three months ending December 31, 1967. The motion, seconded by Councilman Nichols, carried by the following vote:

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

#### STATISTICAL VIEW OF THE AUSTIN PUBLIC LIBRARY

Councilman Long inquired if the report being presented to the Council was annual or quarterly and if it would be sent out to any interested person. City Manager Tinstman said that he would check on the question but he thought it was an annual report. Councilman Nichols thought it was a very fine report. Councilman Long thought it was a fine report and that it showed that the libraries were frequently used. She thought the Library Commission and Library Department were doing a marvelous job.

Councilman Long then moved the Council accept the statistical view of the Austin Public Library. The motion, seconded by Councilman LaRue, carried by the following vote:

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

#### REPORT ON REAGAN BANQUET

Councilman Nichols reported on the appreciation banquet held for Reagan High School on January 19. He stated that it was successful, and even though it was sponsored by the City Council, it did not cost the City a penny. There were 500 invited guests and over 1000 in attendance. The Mayor recognized the fine work and leadership of Councilman Nichols. Councilman Long moved the Council cite Councilman Nichols for the fine job he had done in organizing the banquet and that the Council express its appreciation to all persons who worked with him. The motion, seconded by Councilman Janes, carried by the following vote:

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

#### REQUEST FROM TEXAS STATE GUARD ASSOCIATION

Councilman Long brought up a request from Mr. J. P. Fitzgerald, Secretary-Treasurer of the Texas State Guard Association, asking for \$25 a month for office expenditures. She stated that in the past the Guard had received the money, but that it had been left out of the current year's budget. The employees were mostly retired persons, who bought their own uniforms and paid all of their own expenses except for office supplies.

The Texas State Guard had helped out during Hurricane Carla, during floods, grass fires, and in directing traffic in many City activities, such as the Aqua Festival. Councilman Long asked if the money could come out of the Civil Defense budget. Councilman LaRue noted that if the National Guard is called up by the Federal government, the State Guard would take its place.

Councilman Nichols moved the Council instruct the City Manager to find the necessary \$300 for office supplies for one year, put it back into the budget, and make it retroactive to October. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long asked Mr. Tinstman to advise Mr. Fitzgerald of the action the City Council had taken on his request.

ZONING HEARINGS

Mayor Akin announced that it was 10:30 A.M. and the Council would hear the zoning cases scheduled for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

G. B. SIMMS by Ed Padgett C14-68-160	1700-1706 Patton Ln. 6601-6712 Berkman Dr.	From "A" Residence, 1st Height and Area to "O" Office, 2nd Height and Area RECOMMENDED by the Planning Commission with restrictive covenant
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Mr. Ed Stevens, Chief, Plan Administration, stated that the restrictive covenants limited the number of units to 72, the height to 35 feet, and the setback to 25 feet. All of these restrictions were acceptable to Mr. Padgett, counsel for Mr. Simms.

Councilman Nichols moved the Council grant the change from "A" Residence, 1st Height and Area to "O" Office, 2nd Height and Area with restrictive covenant as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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 "O" Office, 2nd Height and Area with restrictive covenant and instructed the City Attorney to draw the necessary ordinance to cover.

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JOE F. GRAY, ET AL      2801-2815 Ohlen Rd.  
by Jim Shurtleff      8219-8241 Burnet Rd.  
C14-68-214

From "GR" General Retail, 6th  
Height and Area to "C" Com-  
mercial, 6th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilman Nichols moved the Council grant the change from "GR" General Retail, 6th Height and Area to "C" Commercial, 6th Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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, 6th Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

RUBY M. LEE              1104-1106 West 41st St.  
C14-68-216              4101 Alice Avenue  
                                 4103-4105 Bellvue Ave.

From "A" Residence to "LR"  
Local Retail (as amended)  
RECOMMENDED by the Planning  
Commission as amended

In answer to Councilman Long's question it was stated that the setback would be 25 feet on Alice Avenue.

Councilman Nichols moved the Council grant the change from "A" Residence to "LR" Local Retail as amended, as recommended by the Planning Commission. The motion, seconded by Councilman Janes, 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 "LR" Local Retail and instructed the City Attorney to draw the necessary ordinance to cover.

DAVID B. BARROW, JR.    3427-3443 North Hills Dr.  
C14-68-217

From Interim "A" Residence,  
1st Height and Area to "LR"  
Local Retail, 2nd Height and  
Area  
RECOMMENDED by the Planning  
Commission

Councilman Nichols moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "LR" Local Retail, 2nd Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilman Long, 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 "LR" Local Retail, 2nd Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

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NICHOL CORPORATION      2907-2917 West Ave.  
 by E. C. Thomas  
 C14-68-218

From "BB" Residence, 1st & 2nd  
 Height and Area to "B" Resi-  
 dence, 2nd Height and Area  
 RECOMMENDED by the Planning  
 Commission

Councilman Nichols moved the Council grant the change from "BB" Residence, 1st and 2nd Height and Area to "B" Residence, 2nd Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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 instructed the City Attorney to draw the necessary ordinance to cover.

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M. K. PARSONS &      3700-3708 King St.  
 PETER MANSBENDEL      701-713 West 38th St.  
 C14-68-219

From "O" Office and "GR"  
 General Retail, 1st Height  
 and Area to "O" Office, 2nd  
 Height and Area  
 RECOMMENDED by the Planning  
 Commission

Councilman Nichols moved the Council grant the change from "O" Office and "GR" General Retail, 1st Height and Area to "O" Office, 2nd Height and Area, as recommended by the Planning Commission with the contingency of a 25 foot setback with a restrictive covenant. The motion, seconded by Councilman LaRue, 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 "O" Office, 2nd Height and Area with the contingency of a 25 foot setback with a restrictive covenant and instructed the City Attorney to draw the necessary ordinance to cover.

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B. L. McGEE &  
RICHARD L. MATZ  
C14-68-226

8200-8246 U.S. Hwy. 183  
8047-8051 Lazy Ln.  
1348 Wooten Dr.

From Interim "A" Residence,  
1st Height and Area to "C"  
Commercial & "B" Residence,  
1st Height and Area (as  
amended)  
RECOMMENDED by the Planning  
Commission as amended

Councilman Long moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "C" Commercial and "B" Residence, 1st Height and Area as amended, as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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 and "B" Residence, 1st Height and Area as amended and instructed the City Attorney to draw the necessary ordinance to cover.

M. H. CROCKETT  
C14-68-227

1007-1011 W. 40th St.  
3923 Alice Ave.

Additional Area:  
3921 Alice Ave.

From "A" Residence to "C"  
Commercial  
RECOMMENDED by the Planning  
Commission  
From "A" Residence to "C"  
Commercial  
NOT RECOMMENDED by the  
Planning Commission

According to Councilman Long, the property owner wanted to withdraw 3921 Alice Avenue because it was his home. In answer to Councilman Nichols' question, it was stated that the property at 3921 Alice Avenue was not Mr. Crockett's and that the change for that property had been proposed by the Planning Commission.

Councilman Long moved the Council grant the change from "A" Residence to "C" Commercial for 1007-1011 W. 40th Street and 3923 Alice Avenue and deny the change from "A" Residence to "C" Commercial for 3921 Alice Avenue, as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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 for 1007-1011 W. 40th Street and 3923 Alice Avenue and instructed the City Attorney to draw the necessary ordinance to cover.

The Mayor announced that the change to "C" Commercial had been denied for 3921 Alice Avenue.

DAVID B. BARROW, ET AL 1200-1222 and 1201-1227  
 C14-68-223 Algarita Ave.  
 2000-2022 Farmers Dr.  
 2101-1225 Mariposa Dr.

From "GR" General Retail, 6th  
 Height and Area to "GR"  
 General Retail, 2nd Height  
 and Area  
 NOT RECOMMENDED by the  
 Planning Commission

Mr. David Barrow appeared before the Council to explain the reasons for the requested zoning change and he presented a short history of the past zoning. He stated that a large development close to the Interregional Highway, with adequate access, was proper zoning. He said that he was selling the property and that the prospective owners had agreed to the restrictive covenant, which limited development to one unit per 1000 square feet.

Councilman Long stated that it had been recommended to the Council time and time again that there should be intermediate zoning so that the Council would not have to attach restrictive covenants to zoning ordinances. She also stated that she would not go along with restrictive covenants.

Councilman Janes asked Mr. Barrow if 250 units were acceptable to him. Mr. Barrow stated it was.

Mr. Richard Baker, representing the proposed purchasers of the tract, stated his clients had agreed to the restrictive covenant proposed by the Zoning Committee and asked that the change be granted with the restrictive covenant.

Mr. Jim Showen objected to the zoning change because of the added traffic it would create. He asked that the density not be increased.

Mr. Ed Stevens, Chief of Advanced Planning, said that, with the restrictive covenant, he would go along with the amendment.

Councilman LaRue moved the Council grant the change from "GR" General Retail, 6th Height and Area to "GR" General Retail, 2nd Height and Area, as recommended by the Planning Commission subject to a restrictive covenant limiting density to one unit per 1000 square feet. 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 "GR" General Retail, 2nd Height and Area subject to a restrictive covenant and instructed the City Attorney to draw the necessary ordinance to cover.

NELSON PUETT 8806-8808 and 8807-8809  
 by Bryant-Curington, Redfield Ln.  
 Inc. 1405-1413 Peyton Gin Rd.  
 C14-68-197

From Interim "A" Residence,  
 1st Height and Area to "B"  
 Residence, 1st Height and Area  
 NOT RECOMMENDED by the  
 Planning Commission

Mr. Nelson Puett appeared before the Council in his own behalf. He stated that the original preliminary plan for development was residential but at that time apartments were not conceivable anywhere in Austin. He added that he had been told by members of the Planning Commission that the reason his application was not recommended was that it was for piecemeal zoning.

After discussion among the Council members, Councilman LaRue moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "B" Residence, 1st Height and Area. 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, 1st Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

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NELSON PUETT	8500-8506 and 8501-8503	From Interim "A" Residence,
by Bryant-Curington,	Dryfield Dr.	1st Height and Area to "B"
Inc.	8500-8501 Remington Ln.	Residence, 1st Height and Area
C14-68-198	8503-8504 Beech Dr.	NOT RECOMMENDED by the
		Planning Commission

Mr. Nelson Puett appeared before the Council to say that he had sold all of the lots on Dryfield for duplexes and that he did not think there would be a single-family unit in there.

After a short discussion, Councilman Long moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "B" Residence, 1st Height and Area. The motion, seconded by Councilman LaRue, 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, 1st Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

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CHARLES J. ARMSTRONG &	912-914 W. 30th St.	From "BB" Residence, 5th Height
LEAH R. ARMSTRONG	3001-3005 N. Lamar	and Area to "C" Commercial,
by Richard Baker	909-911 W. 30 1/2 St.	1st Height and Area
C14-68-224		NOT RECOMMENDED by the
		Planning Commission



Mr. Richard Baker, representing the applicants, stated that the two requirements holding up the application, dedication of a 5 foot right-of-way on 30 1/2 Street and the request for "C" Commercial zoning could be resolved. He stated that his clients were willing to dedicate the right-of-way and to accept "GR" General Retail, 5th Height and Area.

Councilman LaRue moved the Council grant the change from "BB" Residence, 5th Height and Area to "GR" General Retail, 5th Height and Area with a restrictive covenant that 5 feet would be dedicated on each side of 30 1/2 Street. 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 "GR" General Retail, 5th Height and Area with a restrictive covenant and instructed the City Attorney to draw the necessary ordinance to cover.

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VICTOR R. PFENNIG      3807 Avenue B  
C14-68-213

From "A" Residence, 1st  
Height and Area to "B"  
Residence, 2nd Height and  
Area

Mr. Victor Pfennig appeared before the Council to ask for a zoning application for building apartments in an area that he said was already surrounded by apartments.

Councilman Long read a letter into the minutes from Bertha and Mary Casey stating that they were opposed to the zoning application because the area was already too full of high density residences.

Councilman LaRue moved the Council grant the change from "A" Residence, 1st Height and Area to "B" Residence, 2nd Height and Area, as recommended by the Planning Commission with 10 feet of right-of-way on Avenue D. The motion, seconded by Councilman Janes, 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 with 10 feet of right-of-way and instructed the City Attorney to draw the necessary ordinance to cover.

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JOE F. MOKRY      1600-1602 W. 34th St.  
by James Townsend      3400 Kerbey Ln.  
C14-68-215

From "A" Residence to "O"  
Office  
NOT RECOMMENDED by the  
Planning Commission

Mr. James Townsend appeared before the Council in behalf of the applicant, Mr. Joe F. Mokry, stating that he had found no person opposed to the zoning change. The two reasons the staff had recommended that the application be denied were, according to Mr. Townsend, that it would have a detrimental effect on the remaining homes to the south of the subject property and that it would encourage further encroachment into the neighborhood.

His client planned to build a small dentist office or medical clinic and he thought that the neighborhood was changing in that direction.

Councilman Janes asked if the staff had given any consideration to an area zoning recommendation north of 34th Street. Mr. Stevens stated that the Commission did have an area study along with the plans of the Seton complex. "O" Office had been recommended for that area.

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office. The motion, seconded by Councilman Long, 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 "O" Office and instructed the City Attorney to draw the necessary ordinance to cover.

COLORADO HILLS ESTATES by Bryant-Curing- ton C14-68-225	Tract 1	From Interim "A" Residence, 1st Height and Area to "BB" Residence, 1st Height and Area
	Rear of 1617-1703 Parker Lane	RECOMMENDED by the Planning Commission
	Tract 2	From "BB" Residence to "B" Residence
	1319-1609 Parker Lane	RECOMMENDED by the Planning Commission
	Tract 3	From "BB" Residence to "LR" Local Retail
	1317 Parker Lane 2023 Riverside Drive Rear of 1815-2033 Riverside Drive	RECOMMENDED by the Planning Commission

Councilman Nichols moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "BB" Residence, 1st Height and Area on Tract 1, from "BB" Residence to "B" Residence on Tract 2 and from "BB" Residence to "LR" Local Retail on Tract 3, as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, 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 "BB" Residence, 1st Height and Area on Tract 1, to "B" Residence on Tract 2 and to "LR" Local Retail on Tract 3 and instructed the City Attorney to draw the necessary ordinance to cover.

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M. K. HAGE, JR. by Sneed and Vine C14-68-220	3106-3110 Red River St. 815-821 East 32nd St.	From "O" Office to "LR" Local Retail (as amended) RECOMMENDED by the Planning Commission as amended
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Mr. Robert Sneed stated that Dr. Hood, a property owner in the neighborhood, had not received proper notification of the zoning hearing. Dr. Hood wished to appear in opposition to the application. He stated that the property was under Contract of Sale to an individual in Houston, who planned to build a small service-type shopping center. He asked that the minutes of the Planning Commission hearing on the application be read into the minutes of the Council meeting.

His client planned to dedicate 5 feet to the City for widening Red River Street. He offered the plan of the proposed building to the Council. He stated that the changes in the neighborhood brought about by the expansion of the University of Texas, the Urban Renewal Project, the building of the LBJ Library, and northward expansion of the University population made the requested zoning change proper.

Mr. Sneed stated that his client would offer a ten year restriction against building a filling station.

Mr. Richard Baker, representing a group of five doctors opposed to the zoning change, stated that the doctors he represented opposed the change because they had not been notified.

Dr. Maurice Hood spoke in opposition to the application.

Mr. Sneed said he had no objection to continuing the hearing but that he would like the record to show that notices were sent to the property owners that were shown on the tax rolls as of January 1.

Councilman Long felt that because the hearing had been advertised in the paper the opponents should have known about the hearing. However, she had no objection to the continuation.

Mr. Magners Bolander also opposed the zoning change, as did Mr. Robert Wise and Mrs. R. N. Hester.

Councilman Janes moved the Council postpone the public hearing on this application until 10:30 A.M. on Thursday, February 1. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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PETE CASAREZ  
by Sneed and Vine  
C14-68-222

2415-2419 South 5th St.

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

Mr. John Selman appeared for the applicant, stating that he thought the zoning change was logical. He stated that the opposition to the change was to the title of the land. There had been a law suit and under the receivership of Mrs. Rosetta Dallas, the property had been sold to his client.

In reply to Councilman Nichols' question, he stated that his client had dedicated the necessary right-of-way.

Mrs. Rosetta Dallas appeared before the Council, saying that her father's deed to the subject property was not recorded at the time of the law suit. She claimed that it was her property and she did not want the zoning changed. It was suggested that Mr. Selman present a copy of Judgement to the Council and let them be sure they were identifying the piece of property properly. There was some question of how the Council's decision would affect the litigation.

Mr. Isaac Cavanaugh, owner of adjacent property, stated that he was opposed to the change because he did not want higher taxes. He was told that the change would have no effect on his taxes but he still objected.

Councilman Long stated that the Council should continue the application for one week when the City Attorney would furnish more information to the Council.

#### CORRECTION OF DEED

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 13, 1962, the City Council of the City of Austin authorized the conveyance of approximately 1.4 acres of land at the Northeast corner of East Riverside Drive and Interstate Highway 35 to the Gondolier Motor Hotel; and,

WHEREAS, pursuant to said Resolution the City of Austin, acting by and through the City Manager, W. T. Williams, Jr., executed a deed conveying said property to the Gondolier Motor Hotel for a valuable consideration, which deed is recorded in Volume 2940, page 2352-2356, Deed Records, Travis County, Texas; and,

WHEREAS, said deed contained the following reservations and restrictions:

"But the said City of Austin reserves the right to purchase all or any portion of said tract at the price paid for it by Gondolier Motor Hotel, if all or any portion of the same be needed for public use, the price to be paid in such event to be irrespective of any improvements placed thereon by the Gondolier Motor Hotel, its successors or assigns; the City

further reserves an easement for drainage and public utilities across the entirety of said property, together with the right to restrict access to Interstate 35 and Riverside Drive except at the present driveway at the east end of said tract, said conveyance being subject to the further restriction that the above described tract shall be used and improved only for parking and landscaping purposes"; and,

WHEREAS, a question of title has been raised in that the Gondolier Motor Hotel is not and was not at the time of said conveyance, an individual, natural or artificial, and the owners of said Gondolier Motor Hotel have requested an in lieu and correction deed in order to correctly identify the opinion that such request should be granted; Now, Therefore,

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

That the City Manager be authorized to execute an in lieu and correction deed conveying said property to O. D. Harrison and Cecil Warren, dba Gondolier Motor Hotel, said deed to contain the above quoted reservations and restrictions.

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

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

RECESSED MEETING

2:00 P.M.

#### FIESTA GARDENS REPORT

City Manager Robert Tinstman submitted a communication to the Council stating the activities his staff felt should be carried on in Fiesta Gardens and the extent to which they were compatible activities. He described briefly the three management alternatives: a lease management, a co-manager type of operation, and a departmental approach.

Councilman Long was in favor of the departmental approach; she felt the area would be able to attract conventions and could work through the Chamber of Commerce. Mr. Vic Mathias of the Chamber of Commerce had been agreeable to the idea.

Councilman LaRue stated that he was opposed to a separate activity because of the expense. Councilman Long felt the Parks and Recreation Department was the logical one for the facility to report to but Councilman Nichols felt the Department had too much to do already. He felt it should be operated by some pro in the field.

Mr. Beverly Sheffield thought that money could be made by catering to party groups and convention groups. He felt that the City should rule out use without food and entertainment.

Councilman Janes was in favor of the pro-manager type of operation.

Councilman Long reiterated that she would rather see it under a department with a manager to promote the Fiesta Gardens, rather than have a pro come in with a contract and operate in his own interest.

Mr. Tinstman stated that he felt it was the concensus of the Council that the Fiesta Gardens be operated by a City department, either the Parks and Recreation Department, the Auditorium or as a separate activity. He suggested a separate budget account and that it be run as a public facility and not on an exclusive basis. He said he would bring specific recommendations on the hiring of a manager to the Council next week.

#### ANNEXATION ORDINANCES

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 ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY P. HILL LEAGUE, AND 8.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced that the ordinance had been finally passed.

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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 ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 33.0 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY AND THE JAMES P. WALLACE SURVEY NUMBER 57, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced that the ordinance had been finally passed.

#### REVISED DOG CONTROL ORDINANCE

Mayor Akin introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 3.21-1 OF CHAPTER 3 OF THE AUSTIN CITY CODE OF 1954 PROHIBITING DOGS FROM BEING ALLOWED TO RUN AT LARGE.

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

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

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

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

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. 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 ordinance had been finally passed.

#### BOAT DOCK APPROVED

Councilman Long offered the following resolution and moved its approval:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approve the erection of a boat dock on the property owned by MR. RICHARD M. ROSE as described in the Travis County Deed Records and known as Lot 17, Block A, Aqua Monte Subdivision as described on the attached plot plan and hereby authorizes the said MR. ROSE to construct, maintain and operate this boat dock to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said MR. ROSE has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

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

#### ANNEXATION HEARING SET

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 14.74 ACRES OF LAND OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman Long moved that the ordinance be published in accordance with Article I, Section 6 of the Charter of the City of Austin and set for public hearing on February 8, 1968 at 10:30 A.M. The motion, seconded by Councilman LaRue, carried by the following vote:

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

#### U. T. ATHLETIC COUNCIL REQUEST

Councilman Long moved the Council grant the request from The University of Texas Athletic Council for banner locations at 10th and Congress, and 19th and Guadalupe Streets. The motion, seconded by Councilman LaRue, carried by the following vote:

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



## SUBSTANDARD HOUSES

Councilman Long moved the Council approve the recommendation from the Building Standards Commission which was: that the structures located on the lots listed below be declared a public nuisance by the City Council; that the owner of said property be given sixty days to demolish the structure and clean the premises; that if after expiration of the sixty day period, the owner has failed to demolish the structure and clean the premises the Legal Department of the City be instructed to seek judicial determination that the structure is a public nuisance in a court of competent jurisdiction; that upon termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City with permission of the Court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the structure is located.

Mrs. Elvira Castillo, 2203 Santa Rosa (rear)  
Edna Arnold and Buddie Miller, 2013 East 10th Street (rear)

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

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

## CONTRACT AWARDED

Mr. Vic Schmidt, Director of the Water and Sewer Department, stated that the contract was for an oversized main paralleling a shopping center. He wanted to install the line before all the driveways were installed so that his department would not have to cut into them. He said the property owner was paying \$2,200 and that this was the type of procedure he liked: getting the mains in before the land was developed. Councilman Long said she thought it was a good contract.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 18, 1968, for the installation of 850 feet of 12-inch cast iron water main in Shoal Creek Boulevard between Anderson Lane and Foster Lane; and,

WHEREAS, the bid of Walter Schmidt Construction Company, in the sum of \$8,677.00, 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 \$8,677.00, be and the same is hereby accepted, and that R. M. Tinstman, 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 LaRue, carried by the following vote:

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

Noes: None

#### REFUND CONTRACT

City Manager Tinstman explained that the refund contract under consideration was actually splitting a joint refund contract between Mr. David Barrow and Mr. Tom Bradfield, at the request of the two signees. The contract issued a new refund with Mr. Bradfield and the City could reduce the amount of Mr. Barrow's refund.

Mayor Akin introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BRADFIELD-CUMMINS, INCORPORATED, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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 Janes, LaRue, Long, Nichols, Mayor Akin

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 Janes, LaRue, Long, Nichols, Mayor Akin

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 Janes, LaRue, Long, Nichols, Mayor Akin

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### CONTRACTS AWARDED

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 12, 1968, for the purchase of 6,860 tons (estimated quality) of Quick Lime for use by the Water Treatment Plants; and,

WHEREAS, the bid of Austin White Lime Company, in the sum of \$122,451.00, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent 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 Austin White Lime Company, in the sum of \$122,451.00, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Austin White Lime Company.

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

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

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Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 19, 1968, for the purchase of automobiles for use by various departments of the City; and,

WHEREAS, the total bid of Armstrong-Johnson, Inc., in the sum of \$50,038.00 for the purchase of forty-two (42) automobiles and trade-in of thirty-six (36) automobiles; the total bid of Jay Smith Chrysler-Plymouth, in the sum of \$39,150.00 for the purchase of twenty-four (24) automobiles and trade-in of sixteen (16) automobiles, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Purchasing Agent 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 bids of Armstrong-Johnson, Inc. and Jay Smith Chrysler-Plymouth as above set out, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City, with Armstrong-Johnson Inc. and Jay Smith Chrysler-Plymouth.

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

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

## COUNCIL MEETING DATE SET

Councilman Long moved the Council set February 21, 1968 as a City Council regular meeting date. The motion, seconded by Councilman LaRue, carried by the following vote:

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

## DISCUSSION OF MODEL CITIES PROGRAM

Mr. Howard Simmons, member of the State Building Commission, but speaking here as an individual, invited the Council to a meeting Tuesday, January 30 at 1806 Westgate Building at 2:00 P.M. for an informal discussion of the Model Cities Plan. He had been working on a plat for the Town Lake Model Cities Plan for one year and discussed the area covered and the citizen participation in the plan.

Councilman Janes inquired if something on this item could be brought to the Council through the Planning Commission but Mr. Simmons had not talked with any of the City agencies. According to Mr. Simmons the Federal Government was going to pay 80% of the cost and he had every hope of coming up with a truly novel plan.

Councilman Long said that if it had anything to do with Model Cities, the Council would have to work through the City. She stated that the Council could not even think of adopting a part of the plan.

Councilman Nichols said he thought it was really worthwhile. The Council agreed to meet with Mr. Simmons and others at 3:00 P.M. Thursday, February 1.

## OPPOSITION TO MODEL CITIES

Mrs. Mary Ogden spoke in opposition to the Model Cities Program. Councilman Janes stated that at that time he was not on record as favoring the program either, and as a matter of fact he didn't know what the program was. Councilman Long said she did not think that any of the Council members were familiar enough with the exact plan to make any decisions on it. She wanted people to do something with their own property, to help people help themselves, and to provide vocational schools to train people. She did not envision the government taking private property and making it public.

Councilman Nichols stated that the Model Cities Plan had to do with the total environment, with the health, education and other city services.

## LAND ACQUISITION FOR MOPAC AND 15TH STREET

Councilman Janes offered the following resolution and moved its adoption:

## (RESOLUTION)

Winston F. Edwards et ux,  
(MoPac Blvd.)

680201.144  
2017 Sunset Avenue

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

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$9,500.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

Lots 1 and 2, Block 4, Sunset Heights, an addition to the City of Austin, Travis County, Texas, according to the map or plat recorded in Volume 3, Page 86 of the Plat Records of Travis County, Texas.

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

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

The City Attorney stated that one condition of the contract was that the seller would not have to pay the taxes on the property between this date and July 1970. Councilman Long did not think that contract was a good deal for the City. She did not think he should live in the house for a number of years and not pay taxes. Councilman Nichols was not satisfied with the tax angle, either.

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Regarding the property at 1011-1015 Winsted Lane, City Manager Tinstman stated that the City had a firm contract with the owner of this property and that the only option was that the City could buy at any time, but it would be committed to buy at the end of the contract. He said it would be a good idea to review where the City was on time warrants as well as any similar type of obligations that were not funded. Councilman Janes suggested that this consideration be continued.

Councilman Long inquired if the City would collect the rent for all the units. City Manager Tinstman informed her that at the time of purchase the rents would go to the City. She then added that she thought the City should purchase the property.

Councilman Janes asked if the City would have to borrow money or go to time warrants. Discussion of purchasing at that time, renting the apartments, and the ways of financing were held. The difference between the two appraisals was pointed out.

The City Manager said he would get a summary of the obligations assumed under the time warrants or any similar method of financing. No action was taken at this meeting.

## LAND ACQUISITION

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

Irene Meier  
(W. 15th St. Extension)

1507 Harrell Lane  
650515.41

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

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$23,000.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

SEE ATTACHED EXHIBIT "A"

(See original Resolution for Exhibit "A")


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

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


## ADJOURNMENT

The Council then adjourned.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

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