

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 30, 1965
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

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

Invocation was delivered by MR. DAVID BARROW.

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

BEN H. ROBERTS &	4401-4403 Merle Drive	From "LR" Local Retail
JAMES F. FATHEREE	1809-1813 Ben White	and "O" Office
By C. T. Uelton	Boulevard	To "GR" General Retail
		RECOMMENDED by the
		Planning Commission

Councilman White moved that the change to "GR" General Retail be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor 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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IRVIN DOCHEN
By Jon Phillips

7911-7917 Burnet Road

From "GR" General Retail
6th Height & Area
To "C-1" Commercial 6th
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Shanks moved that the change to "C-1" Commercial 6th Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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M. B. VON ROEDER

Rear of 6000-6006 North
Lamar Boulevard

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

In answer to Councilman Long's inquiry, the Director of Planning explained the access to this property. Councilman Shanks moved that the change to "C" Commercial be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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A. P. LELEUX

7800-7804 North Lamar
Boulevard
800-810 Stobaugh Street

From "C-1" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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IRINEO BANUELOS
By Sam V. Quintanilla

1508 East 4th Street

From "B" Residence 2nd
Height & Area
To "D" Industrial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Long noted there was a 20' right of way required. Councilman Long moved that the change to "D" Industrial 2nd Height & Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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C. T. USELTON, Trustee 803 East 13th Street
(Flat Address 807 East
13th Street)

From "B" Residence 2nd
Height & Area
To "C-2" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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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C. T. USELTON, Trustee 1219 North Inter-
regional Highway

From "B" Residence 2nd
Height & Area
To "C-2" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial

2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN CREST VENTURES 93 Congress Avenue
By Houghton Brownlee,
Jr.

From "C-1" Commercial
4th Height & Area
To "C-2" Commercial
4th Height & Area
RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C-2" Commercial 4th Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 4th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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A. S. DUNCAN & 733-741 Shady Lane
E. W. CULLERS, JR.

From "A" Residence
To "D" Industrial
RECOMMENDED by the
Planning Commission

The Planning Director stated the required right of way was being dedicated. Councilman Long moved that the change to "D" Industrial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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SOPHIE WENDLANDT 1200-1204 East Avenue
ESTATES 708 East 12th Street
By Ted Wendlandt

From "BB" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission

Mayor Palmer stated this was within the Hospital Complex, and the City would need to acquire this property. The zoning is proper and should be voted however. He said before the Wendlandts made any plans or did any engineering on this tract, they should discuss them with the City. Councilman Shanks moved that the change to "LR" Local Retail be granted. The motion, seconded by

Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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JOHN V. FELTER	1020-1036 Clayton Lane	From "A" Residence 1st
	Additional Area	Height & Area
	934-940 Clayton Lane	To "B" Residence 2nd
	1000-1020 Clayton Lane	Height & Area
		RECOMMENDED "B" Residence
		2nd Height & Area for
		subject property and
		"C" Commercial 1st Height
		and Area for Additional
		Area by the Planning
		Commission

One citizen stated a street was scheduled to be opened from Broadview to Clayton Lane. He had a 24' x 24' garage which he would like to make into an apartment, live there and make some use of his property. He was unable to obtain a permit for an apartment there, but now this applicant is requesting zoning which would permit a three story building. The Planning Director stated this gentleman's problem was lack of access to his garage. He said the original unrecorded plan showed a continuation of Rosemont, but it had never been opened. Mr. Felter said they were planning a drive on their property. The adjoining property owner had indicated he would have to provide access on his own property to his garage apartment. The Planning Director stated apartments could not be built on this lot, because of inadequate lot area, and there may be some type of deed restriction or some form of covenant on this property. MR. E. C. OLLE, JR., owner of 1044 Clayton Lane, favored extending "C" Commercial on the five houses from 1038-46 Clayton Lane, as in the future this might be considered for commercial property and it would be right next to the "B" Residence zoning, which might keep the other property from going to "C" Commercial although on the south-west of the property proposed for apartment development there is "C" Commercial. The Mayor advised Mr. Olle he could make application for this type of zoning. The Director of Planning suggested Mr. Olle check his deed restrictions. He asked that before any final plans were made, the particular site plan should be reviewed with the City Building Official and Planning Department, because there may be some proposed future widening of Highway 290, which is proposed to be an expressway. After more discussion, Councilman White moved that the change be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area for 1020-1036 Clayton Lane and "C" Commercial for the additional area and the City Attorney was instructed to draw the necessary ordinance to cover.

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BOBBYE R. DELAFIELD	2206-2304 South 5th Street	From "A" Residence
	Additional Area	To "B" Residence
	2200-2204 South 5th Street	RECOMMENDED by the
		Planning Commission

The Planning Director reported right of way was being dedicated as required. Councilman Long moved that the change to "B" Residence be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

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

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W. A. ROSANKY	1611 Webberville Road	From "LR" Local Retail
By Charles R. Burton	(Flat Address 1609-1613)	To "C-1" Commercial
		NOT Recommended by the
		Planning Commission

The Planning Director stated this was an established grocery store in a residential area. The Planning Commission was concerned over the more intensive zoning, and the "LR" Local Retail was for a neighborhood type of facility. REV. HURLEY D. WILLIAMS objected to the sale of beer in this area. Objection was expressed also by IOLA TAYLOR, 1600 Meander Drive, that this was predominately a residential section with young children and should not be rezoned for the sale of beer, and the value of the property could be changed by rezoning of this section. The Council wanted to make an on site inspection of the area. Later in the afternoon meeting the Council considered the application again. Councilman White moved the zoning be granted as requested, "C-1" Commercial. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK SIFUENTEZ	503-507 Montopolis	From "A" Residence
By Johnson, Jones &	Drive	To "GR" General Retail
Sheppard		NOT Recommended by the
		Planning Commission

MR. PAUL JONES represented the applicant describing the area as run down, with piece meal zoning. He brought out that there are two pending applications for zoning on the north and south corners of Montopolis and El Mirando, one being postponed in the Planning Commission at the request of the applicant, and the other not receiving a favorable recommendation from the Commission since the right of way was inadequate. Montopolis Drive is scheduled as a

Councilman White moved that the Council grant the zoning of the following:

- The Mayor announced that the change had been granted "LR" Local Retail for 411-415 Montopolis Drive and 6003-05 El Mirando; and "GR" General Retail for 501 Montopolis Drive, 6301-6305 El Mirando and 503-507 Montopolis Drive and the City Attorney was instructed to draw the necessary ordinance to cover.

20 21 22 23 24 25 26 27

AUSTIN CORPORATION
By M.B. Braswell

3818-3824 Dry Creek
Drive

From "LR" Local Retail
To "C-1" Commercial
NOT Recommended by the
Planning Commission

It was noted this was a tie vote in the Planning Commission, and it was brought out that diagonally across the street from this location, but outside the city limits is a drive-in under construction. Councilman Shanks moved that the request be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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ELIZABETH M. JOHNSON 3305 Tom Green
By Mattie C. Park

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

An attorney from Sneed and Vine represented the applicant stating there are apartment houses across the street from this property. The dwelling on this lot is an army barracks with a rock front. Mrs. Johnson proposes to erect a four unit apartment unit. Councilman Shanks asked if "BB" Residence would be acceptable. It was acceptable and Councilman Long moved that this application be granted "BB" Residence 1st Height & Area. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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MARVIN A. BERGSTROM 1905-1909 Waterston
Street

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

The Planning Engineer stated this was referred back to the Planning Commission and it recommended denial on the grounds the streets were inadequate, it would be spot zoning, and there are a number of problems. The Council, after discussing the application, requested that Mr. Marvin A. Bergstrom be asked if he would like to withdraw his request.

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ERIC HOMANN

5103-5105 Depew

From "A" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission

Mr. Homann had a small TV shop on Depew which he operated as a hobby for a number of years. He quit his job and went strictly into the TV business. There were no objections from any of his neighbors, but he was advised by a City Department he was operating a TV Shop in a residential area. It had been suggested to him to make application for a commercial zoning change. No one had complained. The Council deferred action until it could make an on site inspection and could look into this.

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T. & N.O. RAILROAD
By Duplex Advertising
Company

Rear of 4310-4318
Interregional Highway
Rear of 4305-4307 Clark-
son

From "A" Residence 5th
Height & Area
To "GR" General Retail
5th Height & Area
NOT Recommended by the
Planning Commission

The Council postponed action on the zoning application until the following week:

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Councilman White moved that the Minutes of the Regular Meetings of December 16, 1965 and December 23, 1965, and the Minutes of the Special Meetings of December 21, 1965 and January 15, 1965, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"December 28, 1965

"TO: Honorable Mayor and Members of the City Council.

SUBJECT: Bids on one High Pressure Sewer Line Cleaner.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. December 23, 1965 for one (1) High Pressure Sewer Line Cleaner for the Sanitary Sewer Division.

"Invitation to bid was advertised in the Austin American-Statesman on Sunday, December 5 and Sunday, December 12, 1965. Invitations to bid were mailed to the two known manufacturers of this type equipment, The F.E. Myers & Brother Company and T.V. Pipe Inspection Company. Girard Machinery and Supply Company was also sent an invitation to bid as they are distributors for F.E. Myers. The City's estimated cost of this equipment was \$12,000.00.

"The bids received are as follows:

	<u>Net Total</u>
T.V. Pipe Inspection Company	\$11,250.00
Girard Machinery & Supply Company	<u>10,619.10</u>

"The F.E. Myers & Brother Company responded that they were submitting a bid through their distributor Girard Machinery. The low bid by Girard Machinery & Supply Company meets all requirements and conditions of our specifications.

"RECOMMENDATION: It is recommended the award be made to Girard Machinery and Supply Company for one Myers Model PC-50-10 High Pressure Sewer Line Cleaner in the amount of \$10,619.10 as the lowest and best bid.

"W. T. Williams, Jr., City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 23, 1965, for one (1) high pressure sewer line cleaner for the Sanitary Sewer Division; and,

WHEREAS, the bid of Girard Machinery & Supply Company, in the sum of \$10,619.10, 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 Girard Machinery and Supply Company, in the sum of \$10,619.10, 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 Girard Machinery and Supply Company.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager submitted the following:

"December 28, 1965

"TO: Honorable Mayor and Members of the City Council.

SUBJECT: Bids on two (2) 1200 KVAR and thirteen (13) 900 KVAR, 7200 Volt, Pre-assembled, Cluster Mounted Capacitor Banks.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. December 22, 1965 for two (2) 1200 KVAR and thirteen (13) 900 KVAR, 7200 Volt, Pre-assembled, Cluster Mounted Capacitor Banks for Electric Distribution. This

equipment will be delivered as required prior to April 1, 1966. The bids received are as follows:

1200 KVAR, 7200 Volt, Pre- assembled, Cluster Mounted Capacitor Banks	2 Ea.	Net Total	Southern Electric Supply Co. (Allis- Chalmers)	Walter Tips Company (Westing- house)	Sterett Supply Company (Line Material)	Priester- Mell Company (Sangamo)	Graybar Electric Company (Ohio Brass)	Federal Pacific Electric Company (Cornell- Dublier)
			\$4,180.00	\$4,022.00	\$3,790.00	\$4,022.00	<u>\$3,344.00</u>	\$4,022.00

900 KVAR, 7200 Volt, Pre- assembled, Cluster Mounted Capacitor Banks	13 Ea.	Net Total	(Allis- Chalmers)	(Westing- house)	(Line Material)	(Sangamo)	(General Electric)	(Cornell- Dublier)
			\$22,100.00	\$20,878.00	<u>\$19,656.00</u>	\$20,878.00	\$20,878.00	\$20,878.00

"The low bid by Graybar Electric Company for 1200 KVAR Capacitors and the low bid by Sterett Supply Company for 900 KVAR Capacitors meet all requirements and conditions of our specifications.

"RECOMMENDATION: It is recommended the awards be made to Graybar Electric Company for two (2) Ohio Brass 1200 KVAR, 7200 Volt, Pre-assembled, Cluster Mounted Capacitor Banks in the amount of \$3,344.00, and to Sterett Supply Company for thirteen (13) Line Material 900 KVAR, 7200 Volt, Pre-assembled, Cluster Mounted Capacitor Banks in the amount of \$19,656.00, as the lowest and best bids.

"W. T. Williams, Jr., City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 22, 1965, for two (2) 1200 KVAR and thirteen (13) 900 KVAR, 7200 volt pre-assembled, cluster mounted banks; and,

WHEREAS, the bid of Graybar Electric Company, in the sum of \$3,344.00 for two (2) 1200 KVAR, 7200 volt, pre-assembled, cluster mounted capacitor banks and the bid of Sterett Supply Company, in the sum of \$19,656.00 for thirteen (13) line material 900 KVAR, 7200 volt, pre-assembled, cluster mounted capacitor banks, 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 bid of Graybar Electric Company, in the sum of \$3,344.00 for two (2) 1200 KVAR, 7200 volt, pre-assembled, cluster mounted capacitor banks, and the bid of Sterett Supply Company, in the sum of \$19,656.00 for thirteen (13)

line material 900 KVAR, 7200 volt, pre-assembled, cluster mounted capacitor banks, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City with Graybar Electric Company and Sterett Supply Company.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: None

Councilman Long moved that the bids of GRAYBAR ELECTRIC COMPANY be sent to the Attorney General and the United States Attorney General. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: Councilman Shanks

The City Manager stated the City was obligated to send these bids in at the request of the Attorney General.

The Council had before it for final passage the following ordinance:

AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY OF AUSTIN CODE OF 1954 BY ENACTING A NEW CHAPTER 7 DEFINING CUSTODIAL HOMES AND NURSING HOMES; PROVIDING RESPONSIBILITIES IN THE OPERATION THEREOF; PROVIDING MINIMUM STANDARDS OF OPERATION OF CUSTODIAL HOMES AND NURSING HOMES; REQUIRING INSPECTION OF SUCH HOMES; REQUIRING COMPLIANCE WITH OTHER APPLICABLE LAWS AND REGULATIONS IN THE OPERATION OR MAINTENANCE OF SUCH HOMES; REQUIRING PERMITS FOR THE OPERATION OF SUCH HOMES; REQUIRING APPLICATION FOR A PERMIT TO OPERATE SUCH HOMES AND PAYMENT OF FEES THEREFOR; SETTING FORTH QUALIFICATIONS FOR APPLICANTS FOR SUCH PERMIT AND THE ADMINISTRATOR OF SUCH HOMES, PROVIDING FOR THE ISSUANCE OF PERMITS, THE CONTENTS THEREOF AND THE DISPLAY OF SUCH PERMIT; RESTRICTING TRANSFERABILITY OF SUCH PERMIT; PROVIDING THAT VIOLATION OF SUCH CHAPTER SHALL BE A MISDEMEANOR; AND PROVIDING PROCEDURE FOR THE REVOCATION OR SUSPENSION OF THE PERMIT TO OPERATE SUCH HOMES AND APPEAL THEREFROM.

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

Discussion was held on the fee which was being considered at \$10.00 plus \$1.00 per resident capacity. Councilman Long asked that it be left at \$5.00 up to 10 patients and then use the sliding scale.

Councilman Long amended her motion to reduce the fee to \$5.00 instead of \$10.00 and let it be on a graduated scale thereafter. This motion died for lack of second.

Councilman White moved that the ordinance be finally passed as recommended

by the committee. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long made the following statement:

"I feel it should have been reduced to \$5.00; but overall, I think the Nursing Home Ordinance is a good one; and on this one small issue I would not vote against it."

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer asked when other portions of the Code would be ready. The City Attorney reported the Child Care Ordinance was ready for consideration. Councilman Long moved the hearing for the Child Care Ordinance be set for Thursday, January 6th, at 10:35 A.M. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Later in the meeting the City Attorney filed copies of the proposed ordinance with the Council Members for study.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility and drainage purposes in, upon and across a part of Lot 37, Block C, Windsor Park, Section 3, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Windsor Park, Section 3, of record in Book 7 at Page 100 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following portion of said public utility and drainage easement, to-wit:

Six (6) square feet of land, same being out of and a part of Lot 37, Block C, Windsor Park, Section 3, a subdivision of a

portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Windsor Park, Section 3, of record in Book 7 at Page 100 of the Plat Records of Travis County, Texas; which six (6) square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at a point in a line 5.10 feet southeast of and parallel to the northwest line of said Lot 37, and from which point of beginning a steel pin at the most northerly corner of said Lot 37 bears North 60° 10' West 6.70 feet and North 66° 35' East 32.10 feet;

THENCE, South 60° 10' East 3.00 feet to a point in a line 7.50 feet southeast of and parallel to the said northwest line of Lot 37 for the most easterly corner of the herein described tract of land;

THENCE, with the said line 7.50 feet southeast of and parallel to the northwest line of Lot 37, South 66° 35' West 5.01 feet to the most westerly corner of the herein described tract of land;

THENCE, North 29° 50' East 4.01 feet to the most northerly corner of the herein described tract of land, same being the point of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Inez McFall and Elaine Peters as described in the Travis County Deed Records and known as Lot "B", Block "G", Aqua Verde Subdivision as described on the attached plot plan and hereby authorizes the said Inez McFall and Elaine Peters to construct, maintain and operate this boat dock subject 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 Inez McFall and Elaine Peters have failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 27, 1965

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION, BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Inez McFall and Elaine Peters owners of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot "B", Block "G", Aqua Verde Subdivision as described on that attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-four (24) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Elaine Peters and Inez McFall are granted their request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. F. L. McNamara as described on the attached plot plan and hereby authorizes the said F. L. McNamara to construct, maintain and operate this boat dock subject 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

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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 F. L. McNamara has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 27, 1965

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Mr. F. L. McNamara owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as a section of the William Brown Survey No. 2 as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty-six (36) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. F. L. McNamara is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper light which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. J. F. (Jimmy) Grove as described on the attached plot plan and hereby authorizes the said J.F. (Jimmy) Grove to construct, maintain and operate this boat dock subject 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 J. F. (Jimmy) Grove has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 28, 1965

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION, BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Mr. J. F. (Jimmy) Grove owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as a portion of River Hills as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Grove is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper light which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

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"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. Mel C. Kirk as described in the Travis County Deed Records and known as Lot "Q", Block "C", Aqua Verde as described on the attached plot plan and hereby authorizes the said Mel C. Kirk to construct, maintain and operate this boat dock subject 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 Mel C. Kirk has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 28, 1965

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION, BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Mel C. Kirk owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot "Q", Block "C", as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-three (23) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Kirk is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MR. A. S. HULL appeared in behalf of his request for a boat dock on Lot 26, Lakeview Gardens Subdivision. The Building Official stated this application covered part of the same property requested last week by MR. STERLING HOLLOWAY and MR. BILL COLEMAN, and he recommended that the same action be taken as was taken last Thursday. MR. HULL said he was making application for a longer boat dock along the wall which would possibly be 3' or 4' on the property Mr. Holloway, Mr. Moreland and Mr. Coleman claim. He wanted to build a dock as close to his line as a boat dock could go. He brought out as the matter stands now, the burden of proof of ownership would be his, although he had lived there 20 years and had his deeds and releases. These men now claim what he has had under fence for 20 years. The City Attorney stated the explanation given by the adversaries last week in requesting action by the Council, was in the absence of a showing that they could get a permit or might be able to get a permit, they might be prejudiced in the disposition of the law suit. Councilman Shanks moved that the Council favorably consider issuing a permit for a boat dock in this area when and if the Council has conclusive proof as to whom the rightful owners are. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Director of Public Works explained a request for shoreline improvements, where MR. OLEN HAGER wants to excavate an existing channel and an old gravel pit plus additional area for a boat basin for residents in his Mount View Harbor Subdivision. A plat of the area was shown. Mayor Palmer brought up and discussed the public's right to use this basin since it was inundated by public waters. He was concerned also about water pollution and wanted assurance the city or others could go in there if there were something causing pollution. The Director of Public Works stated Mr. Hager was going to construct a concrete wall around this boat basin. The Mayor asked that the City Attorney study this water angle and the use of the land by the public and report back. Councilman Shanks wanted the owner to understand what the situation was regarding the water and land. The City Manager explained the public had a right to walk on the bank on a navigable stream but a new right to walk along a new bank is not created, although the public would have right to use the surface water. He stated it should be made clear that all the owner has permission to do is to put in boat docks just as anyone else would do on the Lake. Councilman Shanks moved that this request be granted and at the same time, the City Attorney be asked to notify the applicant as to what the public's rights are so far as the use of the water is concerned so there will be no misunderstanding. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Later in the meeting, the City Attorney made a report on the rights of property owners where excavation occurs on the Lake. The public does have the right to use the surface of the water, fish, or engage in any other lawful use, but it does not have the right to anchor or tie a boat to the bank.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that circumstances are such that the maximum reasonable and safe speed for the operation of vehicles is thirty-five (35) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Riverside Drive	Congress Avenue	Summit Street

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.40 of the Traffic Register.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman Shanks moved that the bid opening on Steam Generator for Plant X be reset at 11:00 A.M., January 27, 1966. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager had a report on murals and pictures to be placed on the U.S.S. AUSTIN. The Assistant to the City Manager, Mr. Frazier made the report, stating now a local concern could furnish the mural at \$110.00. The two pictures could be taken by the City's forces, but the 4' x 6' mural is the main thing in question. The City Manager stated there were two questions--(1) Who will decide what scenes to use and (2) Who will pay for these. Councilman LaRue moved that the amount be taken out of the funds authorized for the Council. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor stated the U.S.S. AUSTIN is a floating city, and it is Austin for whom this is being done. The Council discussed the scenes. Councilman Shanks suggested the panoramic view as is visible from the Interregional as one comes from the south. The Mayor suggested that the City take recent pictures of scenes, and that Mr. Walter Barnes take several shots for the mural and bring them to the Council.

The City Manager stated specifications had been prepared for a pump needed for the Sewer Lift Station and bids would be taken. The bids will be evaluated on the usual evaluation processes. He distributed specifications to the Council and explained how the bids would be evaluated. Separate specifications were drawn for each of two pumps, one to be at the mouth of Shoal Creek where that system in Shoal Creek is emptied into the North Austin Outfall; and the other located in the Montopolis Lift Station which is on the South Austin Outfall line. The Assistant Director of Water and Sewer explained the different operations of each of the pumps--one being a horizontal pump, and the other being a vertical pump. The City's engineering department wrote the specifications. Operating efficiency and one maintenance item will be evaluated. He explained the split case construction in detail. The Mayor asked if all of the manufacturers that are normally in this type of industry realize it is customary in the industry to evaluate the pumps and that the bidders understand this. The City Manager stated nearly every time bids are taken on pumps this type of evaluation is used. These are the evaluation procedures used in purchasing the original pumps. The Mayor was assured by Mr. Nicholson there would be competitive bidding and the specifications were not in any manner closed.

The City Manager reported the Planning Department included funds in its budget for updating the aerial mapping. The United States Geological Survey representatives say the topographical maps are ready also for updating. He wanted to discuss the need for both the topographical map and the aerial photograph. The Director of Planning showed the present topographical map, explaining the contour intervals, and pointing out the value of having these elevations

for drainage studies, sewer development, bridge construction and establishing street grades. On an overlay he pointed out the Electric Service Area, the subdivision control area, the Water District areas, City owned districts, and City control districts; and in this connection the obsolescence of this 10 year old topographical map. MR. DAVID HOUSTON, Development Engineer, explained the U.S.G.S. method of locating areas for priorities for funds for mapping. Since the outlook was optimistic that Austin would receive priority they were preparing a statement of needs, what would be proposed, the areas, and the reasons for needing this updated map coverage. It would cover all of the City jurisdictional boundaries except one portion of the electric service. The Director of Planning stated the Planning Department would like to have this additional mapping. It had been cited that the City might pay 50% of updating the four quadrants not to exceed \$15,000, even though the total mapping costs ran up to \$45,000. If it ran \$25,000 the City would pay only \$12,500. The City is guaranteed 50% of the cost not to exceed \$15,000 if it gets that priority. There will be about six to 12 months' delivery on the advance sheets; and three years' delivery on the color sheets which are very, very helpful. MR. HOUSTON pointed out another area had been mapped recently; and if the City requested an extension of these boundaries, that would fill in what they were suggesting and what is now available. After discussion, Councilman Long moved that the City Manager be instructed to request the U.S.G.S. to do this mapping, and that the City participate in 50% of the costs not to exceed \$15,000. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer stated the Planning Department had needs for this mapping--the Water and Sewer Departments, Drainage Division, and Electric Utility all had need of this service.

The City Manager brought up for discussion the aerial photographing which was necessary. The Planning Director referred to previous aerial photographing, stating they obtained mosaics, and the atlas sheets. They received the transparency, and prints could be made from that. He reported between \$6,000 and \$7,000 worth of prints and sets had been sold. Nearly every department needs a complete set. The Planning Director proposed that an extended coverage be ordered so that the Decker Lake area and all of Lake Austin up to Mansfield Dam could be included. He recommended mapping the center area as well as the outlying areas, and the basic cost would be around \$14,000 but this would not include a mosaic. For \$1,700 additional, a mosaic could be included and is valuable to the City, and they had received many requests for them. Four sheets would cost an individual \$100.00. It was recommended that the International Aerial Mapping Service do this work and selected on a professional basis rather than putting the mapping out on bids. He reviewed past experience with this Company as being of high quality. Delivery could be made in 90 days.

After discussion, Councilman LaRue moved that the City Manager be authorized to enter into a contract with the INTERNATIONAL AERIAL MAPPING SERVICE to include the mosaic. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long moved that the Council recess until 2:30 P.M. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Councilman White moved that MR. ROD KENNEDY be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. KENNEDY said the Longhorn Jazz Festival had asked to lease a large area in Zilker Park on April 15th and 16th. Due to conflicts in this date, they had to find another time and location. They were able to get permission from the Austin Braves to use Disch Field on April 2nd and 3rd and it is a much better place for the festival as there are seats in place, paved parking, box office, restrooms, concessions, etc. The City Attorney stated the arrangement between the Austin Braves and the Longhorn Jazz Festival would require the consent of the Council. Councilman Long moved that subject to the lessees' approval that the City Manager be asked to work out this plan with the Jazz Festival. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated MR. FRANK BARRON was required to pave St. Johns Avenue along a small subdivision he had between the old St. Johns Subdivision and the campus of the new High School. Since his subdivision has been opened, and St. Johns Avenue cuts through, it had become a heavily traveled highway, and Mr. Barron asked that St. Johns Avenue be paved. They had reported to the Council it might be necessary to widen St. Johns Avenue. The Director of Public Works had a strip map, showing the street from the west line of St. Johns Subdivision to the Interstate to be of sufficient width. St. Johns Avenue is only 50' and 20' additional will be needed. A reverse curve has been designed to miss improvements in that location. He showed the strips of property that would have to be acquired, to line up with St. Johns Avenue from the Interregional on over to Lamar. The Mayor noted this would be a cross-town street in this area. The Director of Public Works showed the lots and the partial lots that would be purchased. Estimated cost was about \$20,000. Councilman LaRue moved that the City Manager be authorized to acquire this right of way. (900-1100 Blocks of St. Johns Avenue) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long asked when would East 2nd Street be started. The Director of Public Works stated it was under contract now.

The City Manager reported specifications and plans for the enlargement of the Coliseum Barn were in the next room. Councilman White asked how far back was the Coliseum enlargement going to be. The City Manager stated the enlargement was going farther south. Bids are called for on January 11th and will come before the Council on January 13th. He said the Stock Show people would like to take charge of the building about March 8th.

Councilman Long inquired if the property for the New Holiday Inn had been cleared up. The City Attorney reported the instruments had been executed by the City Manager and Mr. Wolf, but not yet by Holiday Inn.

The City Manager reviewed a transaction made with MR. CECIL WARREN in which the City sold him some of the right of way acquired by the City and which was under contract with the Highway Department for right of way for the Inter-regional Highway. Since some of the property was not being used for the Highway, it was sold to the Gondolier Hotel for \$8,000 or \$9,000 with the understanding if the land were ever needed for highway purposes it could be reacquired at the same price. The lawyers for the mortgage company say they may lose some of their security if the City takes the property back because it is a substantial part of the parking lot and could affect the operation of the business. Mr. Warren had suggested that the City continue its right to repurchase the land with the assurance it would not buy it back within a given number of years suggesting 15 or 20 years. The Highway Department Engineers indicate they do not think such assurance could be given. The Planning Director has been working with the Highway Department, but has not been able to contact Mr. Warren with the latest information. The City has a Minute Order from the Highway Commission to sell the property, but this is what is creating the problem as it gives the City the right to move in any hour, any day. The Transportation Study calls for an expressway running east and west, but it might be 1985 before that is done. The City Manager suggested that some assurance might be given on part of it, but not all of it. The Director of Planning said Mr. Tom Woods, Engineer of the State Highway Department, indicated he would be doubtful that the Commission would consider anything over and above what they have at the present. The Director of Planning displayed the plans of the Highway showing the future development in this particular area. The Mayor suggested that the City Manager and Mr. Osborne visit with Mr. Warren in light of all of this information from the Highway Department to see if there is any possible way to satisfy the objections the Insurance Company has.

The City Attorney stated the right of way for opening 9th Street into Lamar is being acquired, and Mr. Steve Price represents the owner of the property which they propose to acquire. On the map he showed a 14' strip of land on Lamar owned by the City. The Planning Department does not believe the City could lose any of this right of way because of a left turn storage lane for south bound traffic headed east. Mr. Price would like to have the strip dedicated as street purposes. Mr. Price preferred adding this strip to their lots. The owners paid taxes on this strip of ground until 1963 when it was taken off the tax records and their land evaluations reduced. The City Attorney suggested it might be worth while to explore the possibility of buying the entire property for the likelihood that a sufficient amount of it will be needed, and that would interfere with Mr. Price's plans. Finally, after much discussion, Councilman Long moved that the City Manager be instructed to purchase the property. (Shown

in green on the map, and the possibility of dedicating the part of the other) (S. 100' of Lots 4 and 5, Block 9 of Silliman Subdivision - 901-907 North Lamar Boulevard) The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated the City Attorney had an ordinance required by a recent Court decision dealing with a conflict between the State Law and the City Ordinance on "Penalties". The City Attorney explained the general Penalty Provision in the City Code called for the penalty to be the same as the penalty for the same or similar offenses where the maximum amount is fixed by the State, but it does not fix a minimum amount. The Code of the City fixes the penalty not to exceed \$200, but the State Statute fixes a penalty of not less than \$1.00 and not more than \$200.00. The ordinance had been attacked because it did not have a floor on its penalty. Councilman White wanted to study this for a week, and had asked that these ordinances be brought in earlier for study. After discussion, Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1.5 OF CHAPTER 1
OF THE AUSTIN CITY CODE OF 1954 PRESCRIBING THE
SAME PENALTIES FOR VIOLATIONS OF THE CODE AS IS
PRESCRIBED FOR THE SAME OR SIMILAR OFFENSE UNDER
THE LAWS OF THE STATE OF TEXAS; AND DECLARING AN
EMERGENCY.

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer asked that the Pending List be reviewed especially pertaining to the zoning requests and that the applicants be contacted to see if they are still interested so the Council could dispose of some of these cases.

Councilman Shanks moved that the Council adjourn to go into Executive Session to discuss the proposed Night Court. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: None

The Council adjourned about 4:30 P.M. to go into Executive Session.

APPROVED

Lutw. E. Palmer
Mayor

ATTEST:

Elin W. Morley
City Clerk