

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 17, 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 REVEREND HARRY BAMBERGER, Shettles Memorial Methodist Church.

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

SIDNEY WHITE, JR.	1814 Walnut Avenue	From "A" Residence
By Sylvester Bradford	2605-2607 East 19th Street	To "O" Office
		RECOMMENDED by the Planning Commission

Councilman Shanks moved that the change to "O" Office 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 "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

June 17, 1965

J. D. ABEL
By B.P. Traynor

1120 East 52nd Street

From "O" Office
To "GR" General Retail
RECOMMENDED by the
Planning Commission

Councilman Shanks moved that the change to "GR" General 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 "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

REYES OLVERA

901-913 Cherico Street
3400-3402 Lyons Road

From "D" Industrial 3rd
Height & Area
To "A" Residence 1st
Height & Area
RECOMMENDED by the
Planning Commission

Mayor Palmer inquired if this land were in the flood plan. It was stated it was, and the finished floor level must be above the flood level, and this requirement is recorded on the plat. Councilman Long moved that the change to "A" Residence 1st 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 "A" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

CARL M. SMITH, et al
By Ralph J. Tippit

Tract 1
6707-6805 Riverside Drive
Tract 2
2007 Thrasher Lane
Tract 3
2009 Thrasher Lane
Tract 4
6701-6705 Riverside Drive
2001-2005 Thrasher Lane
Tract 5
2000-2010 Thrasher Lane
6609-6613 Riverside Drive

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

Councilman White moved that the change to "LR" Local 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 "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

MARY and CATHERINE HANKEY, By Truman H. Montandon	3300-3302 King Street	From "BB" Residence To "O" Office RECOMMENDED by the Planning Commission
---	-----------------------	---

Councilman White moved that the change to "O" Office 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 "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

FERRIS NASSOUR By Arthur E. Pihlgren	2812 Nueces	From "B" Residence 3rd Height & Area To "C-1" Commercial 3rd Height & Area RECOMMENDED by the Planning Commission
--	-------------	--

Councilman Long moved that the change to "C-1" Commercial 3rd 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 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

HOLIDAY REALTY COMPANY By Richard Baker	5814-5822 Berkman Drive 1510 Braes Ridge Drive	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission to be "O" Office for east portion located at 5814- 5822 Berkman Drive and "B" Residence for west portion located at rear of 5814-5822 Berkman Dr. & 1510 Braes Ridge Dr.
---	---	--

June 17, 1965

Mr. Paul Jones represented the applicant, stating the recommendation of the Planning Commission was acceptable. Councilman Long moved that the change to "O" Office for the east portion located at 5814-5822 Berkman Drive, and the change to "B" Residence for the west portion located at rear of 5814-5822 Berkman Drive and 1510 Braes Ridge Drive be granted as recommended by the Planning Commission. 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 as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

WESTERN TRAILS
INCORPORATED
By Bryant-Curington
Incorporated

2400-2524 Western Trails
4400-4468 Frontier Trail
2401-2411 Taos Boulevard
2400-2410 Taos Boulevard
2421-2431 Ben White Blvd.

From "A" Residence 1st
Height & Area
To "C" Commercial 6th
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "O" Office
1st Height & Area for
south 100' of Block B
parallel to Western
Trails Boulevard located
at 2400-2524 Western
Trails Boulevard & 4462-
4468 Frontier Trail; and
"C" Commercial 1st Height
& Area for remainder of
property

Mr. Buford Stewart stated the Planning Commission recommendation was acceptable to him. Councilman Long moved that the change to "O" Office 1st Height and Area for the south 100' of Block B parallel to Western Trails Boulevard located at 2400-2524 Western Trails Boulevard and 4462-4468 Frontier Trail be granted; and "C" Commercial 1st Height and Area be granted for the remainder of the property. 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 as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

THOMAS BLACK,
TRUSTEE
By Reuben Kogut

1813 (1809) Guadalupe
Street

From "C-1" Commercial
3rd Height & Area
To "C-2" Commercial
3rd Height & Area
RECOMMENDED by the
Planning Commission

Mr. Will Garwood, representing Mr. Reuben Kogut, described the location of this 871 square foot site in a well developed commercial area which is a continuation of downtown Austin. He reviewed previous attempts of zoning, stating one request was withdrawn before it reached the Planning Commission; the other was recommended by the Planning Commission by 6 to 1 vote, receiving a 3 to 1 vote in the Council; however due to a property owner's petition filed to required 4/5ths vote of the Council, the zoning was denied since one Council Member abstained from voting. He pointed out the advantages of a liquor store over operations in "C-1" Commercial stating beer and wine could be sold on Sunday and late at night. Adequate parking had been worked out for this 873 square feet, and there were 24 on-site parking spaces.

Opposition was expressed by MR. JOHN CAMPBELL, Attorney for four property owners filing a petition with over 20% signatures of the property owners in protest to require 4/5ths vote of the Council. He represented Miss Eunice Carmen, Dr. Greenwood Wooten, and his mother and Miss Fannie Wood. This particular application for the specific 873 square feet has never been before the Council. He outlined the recommendation from the Planning Commission which was based on the usual policy to grant "C-2" Commercial in well developed commercial areas; and then he pointed out a number of times this "iron-clad" policy had been overruled, and that the policy was not a conclusive one. It can be overcome. He quoted from a statement made in the commission on an application that the "C-2" Commercial zone was not proper in an area containing a large number of teenage students at a location near the High School. This was an area of a well developed commercial use, but it was denied. (812-814 West 12th Street) In 1962 the previous application of this property fronted on 19th, included the whole building, except the little garage area was denied.

Mr. Campbell said he was trying to point out this policy of creating these "C-2" Commercial zones in a well developed commercial area was not one that was conclusive, and that the Council had overridden a recommendation on this area once before. The City Attorney read comments of the committee's report on June 1, 1965.

Mr. Campbell said the Council recognizes "C-2" Commercial as more onerous and should be considered more carefully, and many "C-2" Commercial applications are zoned "C-1" Commercial instead. This one location is not in a well defined commercial area, as there are apartments across the street, and to the south and east of the site. The existing liquor store about 1/2 block down on 19th Street is there by non-conforming use, and should have nothing to do with this application for "C-2" Commercial. The "C-2" Commercial at this location is not compatible with the University neighborhood; and not in keeping with the State complex, and University expansion.

Mr. C. E. Alvis also pointed out from 11th Street past the 40 acres would be State and University areas; and there is no argument in putting in liquor stores adjacent to University property. The Council usually considers "C-2" Commercial zoning in "GR" General Retail or well developed retail areas. The Council

should consider protecting the University area from being circumscribed with liquor stores, which would detract from the culture of the University. He asked the Council to override the Planning Commission's recommendation and protect the University's effort to expand and have beautiful new buildings.

Mr. Charles Trenckmann, speaking in opposition, challenged the parking design as presented, stating cars in two spaces would back out on 19th Street; and another would cross the sidewalk area; and pointed out other discrepancies in the parking plans. A liquor store is a high traffic type of use. He stated 75-80% of the property owners or stores were against this change. No evidence had been offered where the liquor store would be to the public good or promote health and welfare.

Mr. Greenwood Wooten inquired where the nearest "C-2" Commercial zoning was at this time. It was stated the nearest "C-2" Commercial zoning was at Lavaca and 15th Street. Mr. Wooten said this zoning would be spot zoning, and asked why not make all of Lavaca "C-2" Commercial and at least a majority of Guadalupe. The Y.W.C.A. had a written protest against the change. The only reason this particular location has been pursued so often for "C-2" Commercial is because it is near the University. Miss Fannie Woods, 1802 Lavaca, stated her home was for University students, and this "Spot" was practically in her back yard. Mr. Trenckmann anticipated once this change is granted, the establishment will take over the entire Pizza Hut and ask for "C-2" Commercial which will mean a huge liquor store, and this will be a precedent making case in this area.

Mr. Robert Sneed speaking in favor of the zoning application said the parking situation was subject to the building inspector's approval; and if it is inadequate, no permit would be issued. Mr. Sneed said the University was almost surrounded by liquor stores already; as within approximately 200' of this location was one liquor store; one on San Jacinto, and a series of "C-2" Commercial zoning. As to an economical or detriment to cultural development when the existing liquor store went in, there was a small University; now there are 26,000 students. Some of the greatest development in the City as far as economics and investments are concerned, is taking place. Within a block and a half from the existing liquor store on 19th Street, the Cambridge Tower was erected. The existing Liquor Store has had no adverse effect. Since the Planning Commission unanimously recommended this, that means this is in keeping with the plans and overall policy of the City. The Y.W.C.A. is closer to the liquor store on 19th Street than it is to this applied for location here; and knowing the liquor store was already established, the Y.W.C.A. made the largest investment it ever made in Austin, and leased the block as it exists now. Councilman Shanks moved that the Council sustain the Planning Commission and grant the requested zoning. 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 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

June 17, 1965

W. C. TREADWELL
By Malcolm D.
Cunningham

6440-6444 Burnet Road

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

Mr. Sam Perry represented Mr. Cunningham, who will purchase the property if the zoning is granted. It is in a well defined commercial area, and is a substantial distance from any schools or churches. This is a natural application for "C-1" Commercial zoning, and he urged the Council to grant it. Mr. Earl Podolnic opposed the change as it would affect the Burnet Theatre. He has a concession stand. His drive-in has been recognized as a fine theatre for years. The main trouble they have is beer drinking, and he was against the property facing the theatre having beer. He hated to see Burnet Road become "Beer Alley", as everyone is putting up a "beer joint", and the next stop is next to Lamar Junior High. Not one of the Drive-in Theaters in this State sell beer. People drink beer at the drive-in now; but with the Pizza Hut at the entrance, the problem would become more intense. This would be detrimental to his business; become more hazardous to people coming there. It is getting too close to an entertainment theatre. He said this was a good stopping place now, for this zoning, at the entrance of the theatre. Most of the disturbances are caused by beer drinking. Mr. Perry complimented Mr. Podolnic on the fine job he does at his theatre; but from the standpoint of zoning, his point is irrelevant. The Pizza Hut is not a beer drinking establishment, and the volume is set at 10% of total volume of sales at the Pizza Hut. They plan only draft beer, and this might alleviate some of Mr. Podolnic's problems. Councilman Shanks moved that the Council sustain the Planning Commission's recommendation and grant the zoning as requested. 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-1" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

Councilman Shanks commended Mr. Podolnic for running the type of theatre he does, stating it is quite different from some of the others.

- - - - -

VERNON W. SANDERS

Tract 1
Rear of 1503 Morgan Lane

From "A" Residence
To "C" Commercial

Tract 2
1503 Morgan Lane

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

Mr. Sanders represented himself stating he lived at this location and this area was a non-conforming use, as the commercial building was there before

annexation in 1960. The shop is used part time by him to supplement his income. He said the Planning Department told him he would have to have the access to the shop zoned "B" Residence to serve the commercial business. The access is only a paved drive. Councilman Long inquired if he had a petition from the property owners. Mr. Sanders said they had no objection to the change; one lives in the rent house. Councilman LaRue inquired about the access. Mr. Sanders said he could lease this 20' strip to serve his building. He explained his business as converting cars into race cars. Councilman White asked if he worked until midnight or 1:00 A.M. Mr. Sanders said only one time this year and that was the night before the races started. As he was employed, he closed down and the lights were out at 10:00 P.M. Mr. Ernest Puryear said there had been a tile shop at that location for years, and that there were three men working there full time. The tenant living in the rent house spoke in behalf of Mr. Sander's zoning request. He said at times he worked on night shifts and he was never bothered from any noise from the shop. At a few times there were extra employees. Mr. Sanders works on boats some also. Mr. Sanders agreed to leave a driveway through to take the traffic off of Morgan Lane. Mr. Puryear would have no objection to the shop if it were closed down at night. The Council wanted to make an on-site inspection of the area. Later in the afternoon meeting, Councilman LaRue moved that the change to "C" Commercial for the Rear of 1503 Morgan Lane be granted; and that the change to "B" Residence for 1503 Morgan Lane be denied. The motion, seconded by Councilman Long, 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 for the Rear of 1503 Morgan Lane and the City Attorney was instructed to draw the necessary ordinance to cover.

The Mayor announced that the change to "B" Residence for 1503 Morgan Lane had been denied. Mayor Palmer said this property was immediately adjacent to "C" Commercial, and access through the "C" Commercial area was to be worked out.

- - - - -

MRS. JOHNERWIN	4916 Woodrow Avenue	From "A" Residence
STULLKEN, By William	Additional Area	To "GR" General Retail
C. Montandon	4914 Woodrow Avenue	NOT Recommended by the Planning Commission

MR. DAVIS said he had finally acquired this property as he needed it badly for parking and for an addition to his store on Burnet Road. Councilman Shanks moved that the requested zoning 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 "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

June 17, 1965

MARY D. WHITE

906 Keith Lane

From "B" Residence 2nd
Height & Area
To "O" Office 2nd
Height & Area
NOT Recommended by the
Planning Commission

MRS. WHITE represented herself stating she was operating a beauty shop and wanted to expand it. She had additional land for parking. The Chief of Plan Administration stated Dr. Paris had to leave and asked him to report his opposition to this change of zoning. The Council wanted to make an on-site inspection of this area. Later in the meeting, Councilman Long moved that the change be granted to "O" Office 2nd Height and Area as requested. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman LaRue made the following statement regarding his vote:

"This is a neighborhood of very good homes and a good residential area, and I cannot vote for this."

Councilman Long made the following statement regarding her vote:

"Since it is right next door to a large apartment house and across the street from commercial, I think it is proper zoning; it is a logical extension of "C" Commercial and will make a good buffer zone, and I vote 'aye'."

Mayor Palmer made the following statement:

"Since it is immediately across the street from a well defined "C" Commercial and immediately adjacent to a large apartment house, I vote 'aye'."

- - - - -

MRS. GERTRUDE
SWENSON & NITA
BARRON
By M.L. Mansfield

3200-3208 Manor Road
2005-2017 Anchor Lane
3130-3138 Manor Road
3701-3703 Manorwood Road
3322-3330 Manor Road
2219-2227 Anchor Lane
Additional Area:
2109-2217 Anchor Lane
3222-3320 Manor Road

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

Mr. Frank Kerbo represented Mrs. Swenson. Mr. Nelson, 3505 Lafayette filed a petition of all the homeowners that live adjacent to this property favoring the change. The applicants have plans for a printing plant, which would require "C" Commercial. The land is no longer residential property, and the neighbors preferred one nice building rather than little cheap rental retail buildings.

which could be constructed now. The plans for the printing shop were displayed and it was brought out how this operation had grown from an office downtown, to a larger site on Duval; and now it is ready to expand into this nice development. Mr. Kerbo representing the applicant, stated the sale was dependent upon this zoning; and the new operation would mean about \$150,000 in construction for a clean business, closing down at night, and generating no traffic. Mr. Brock, interested in Lot 1, in the area zoned "O" Office had no objections to going to "C" Commercial. The Chief of Plan Administration stated the streets needed to be widened, and 15' were needed on Anchor Lane. The Architect stated the 15' would be dedicated on Anchor Lane. The City Attorney recalled the area study was made on the basis of "O" Office. The Council decided to postpone action on the additional area and the corner of Anchor Lane and Manor Road, and grant the request. Councilman Shanks moved that the Council grant the request of the applicant on the "L" shaped portion as shown on the map, and postpone action on all the rest of the area except the "L" shaped property. 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" Commercial on the "L" shaped portion and the City Attorney was instructed to draw the necessary ordinance to cover.

There will be a dedication for public use up to 15' on Anchor Lane. Councilman Long noted in the meantime it would be determined how much was needed to curve the corner on Anchor Lane and Manor Road.

- - - - -

JOE GILBRETH

2300-2316 Interregional
1335-1345 East Oltorf

From "GR" General Retail
1st Height & Area
To "GR" General Retail
5th Height & Area
NOT Recommended by the
Planning Commission

Mr. Gilbreth pointed out a right of way problem. He was under the impression the set back was on the Interregional, but the set back is 25' on the Oltorf side, and their plans were exactly backward and had to be revamped. On Oltorf 10' is needed. The Chief of Plan Administration stated the new traffic study showed Oltorf as a thoroughfare; and 10' would be needed, for right of way with an additional 5' set back which would give Mr. Gilbreth area for parking, until the 5' would be needed. Mr. Stevens said he would review this with Mr. Gilbreth and work it out for next week. Councilman Long moved that the Council grant "GR" General Retail 5th Height and Area subject to working the plans out. 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 "GR" General Retail 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

June 17, 1965

DICK HARDIN

Tract 1
3705-3711 Wabash Avenue
1007 West 38th Street
Additional Area
1005½ West 38th Street

From "C" Commercial 1st
Height & Area
To "C" Commercial 3rd
Height & Area
(Amended to 2nd Height
& Area)

ROBERT L. PARKS

Tract 2
3701-3703 Wabash Avenue
1008 West 37th Street
Additional Area
1006 West 37th Street

NOT Recommended by the
Planning Commission

A written request from Mr. Carl C. Hardin, Jr. and Mr. Richard Hardin to withdraw their zoning application on property at 38th and Wabash was received by the Council. Councilman LaRue moved that the Council grant their request to withdraw the application. The motion, seconded by Councilman Shanks, carried by the following vote:

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

- - - - -

ROBERTA P. DICKSON 12-20 Chalmers
By Sterling Sasser, 13-21 Chalmers
Sr.

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

The City Attorney had explained the City held an option to purchase the property and the applicant has no further interest in the zoning case. MR. CHESTER BROOKS was concerned about the closing of Chalmers Street as he had three houses adjacent to this property. Councilman Long stated if the City is purchasing this there would be no reason why it could not be developed and have the commercial zoning, and the Council might want to withdraw this request. Councilman Shanks moved that the Council sustain the Planning Commission and deny the change. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long stated she thought it was a mistake as the apartment houses would have been beautiful there, had the City not been able to purchase the land.

The Mayor announced that the change had been DENIED.

- - - - -

DICK & CARL C.
HARDIN, By Dick
Hardin

1609-1703 Evergreen Ave.

From "A" Residence 1st
Height & Area
To "C" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "C" Com-
mercial 1st Height &
Area

The Chief of Plan Administration referred to a resolution recommended to the Council pertaining to the alignment and location of West Annie Street as a secondary thoroughfare through this property in accordance with the Austin Development Plan; and that if it cannot be aligned that the zoning be postponed. Mr. Stevens said the Planning Department would like to have this application postponed until it could make a better investigation, and check with the Director of Public Works on crossing the railroad track and the creek, and crossing the Hardin property to tie into Evergreen Avenue. He thought this could be accomplished within a week or ten days. Mr. Hardin said they would be glad to work with the City; and 1st Height and Area would be satisfactory. The Mayor said this would be postponed.

- - - - -

VERA K. & JACK
McBRIDE

2913 San Gabriel
2915-2919 North Lamar Blvd.
911-913 West 30th Street
Additional Area
906 West 30 $\frac{1}{2}$ Street
907-911 West 30 $\frac{1}{2}$ Street
3001-3005 North Lamar
Boulevard
910-914 West 30th Street
2901-2911 San Gabriel
910-916 West 29th Street
909 West 30th Street

From "BB" Residence 1st
& 5th Height & Area
To "GR" General Retail
1st & 5th Height &
Area
NOT Recommended by the
Planning Commission
RECOMMENDED "O" Office
1st Height & Area ex-
cluding 909 West 30th
Street and 906 West
30 $\frac{1}{2}$ Street

MR. WOODROW PATTERSON asked that this be postponed. The Mayor read a request from the applicants asking for more time on this application due to the Planning Commission's recommendation of a different zone than the one they requested. Mr. Patterson said this zoning change was brought about by another zoning request in the area, in which it was called attention to the McBride's operating a unique gun shop. Mr. McBride was unaware he was in violation of the zoning ordinance, and that it would take a "GR" General Retail zone. Mr. Patterson said there was an entrance off of Lamar; there is sufficient parking area; the tax department treats this property as Lamar property, recognizing the Lamar commercial influence in the value. The Planning Department added additional area from 29th to 20 $\frac{1}{2}$ Streets, but his clients were interested only in the corner of 30th and Lamar. This gun shop has been in operation for about five years. This location has an entrance from San Gabriel, and it is not necessary that the cars enter or exit on Lamar. He pointed out the various commercial zones on Lamar from 29th all the way out to the City limits, with the exception of this short block separated by 30th Street, not zoned for commercial. Councilman White asked Mr. McBride if he worked on second-hand guns. Mr. Patterson said

this was primarily an antique and unusual gun shop. Since this has operated for a long time without creating any traffic problems, this would not upset the neighborhood in anyway, if the zoning were limited to this one block. The Mayor inquired if this would fall under an interior decorators use with antique guns, and classified under "O" Office. The gun shop would take a "GR" General Retail, and the Chief of Plan Administration said the operation could be permitted in "LR" Local Retail with a special permit. Opposition was expressed by MR. GARLAND BARCUS, 906 West 30th Street, who called attention to a petition filed protesting this change, and also to this shop's being in the Telephone Book's classified ad section listing what he had for sale. He had no objection to the way in which the place was operated, but that it had been operating without a license, and he objected to anything of that nature being in this locality. There is no public need nor public necessity. If all this property goes "GR" General Retail, the City will have to revamp 29th and 30th Streets. He pointed out the location of the stop sign which is set back 120-150' from the intersection where Lamar comes into San Gabriel Street. Something will need to be done about the traffic situation. DR. FRED BULLARD protested the zoning change, stating his neighborhood was one of the well kept older residential areas left in Austin, and the neighbors had constantly upgraded their homes. Any commercial would deteriorate the value of the area as a home area. Mrs. Barcus read an advertisement in the paper regarding the gun shop as such and not as an interior decorating advertisement. She too mentioned the stop sign location on San Gabriel, stating she could not see it because of the signs of the business. She wanted to continue living in her nice neighborhood where she has been living for 44 years, without any interruption. MR. L. P. LOONEY, 907 West 30th Street, asked if the need for a change influenced the Council's action. The Mayor answered that there were many things that influenced zoning. Discussion was held on this operation's having been called to the attention it was in violation, and the Building Inspector's finding this to be a fact and the necessity of filing for a change of zoning. Councilman Shanks said the Planning Department recommended "O" Office but this would not permit the continuance of the business; nor were Mr. Barcus and others agreeable to any change of zoning. Mayor Palmer said the Council would look at the area and give an answer at the earliest possible moment.

In line with this zoning, Councilman Long asked that the Traffic Department be requested to look into the stop sign situation mentioned to see if it is in the right location, and if it is not, have it adjusted so that it would be.

- - - - -

Mayor Palmer opened the hearing on improving the following streets:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Aransas Street	NPL East 1st Street	SPL East 3rd Street
Chalmers Avenue	NPL Holly Street	SPL East 3rd Street
Elkhart Street	NPL East 1st Street	SPL East 3rd Street
Garden Street	EPL Comal Street	A point 174' east of EPL Mildred Street
Hidalgo Street	EPL Pedernales Street	WPL Calles Street
Lynn Street	NPL Riverview Street	SPL East 1st Street

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
San Saba Street	NPL Canterbury Street	SPL East 5th Street
Shoal Creek Blvd.	NPL West 38th Street	A point 127' south of SPL West 45th Street
East 4th Street	EGL Chicon Street	WPL Canadian Street
East 4th Street	EPL Pedernales Street	WPL Linden Street

No appeared to be heard. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.
(Aransas Street and sundry other streets)

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 LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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 LaRue, carried by the following vote:

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

June 17, 1965

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

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

The Mayor announced that the ordinance had been finally passed.

The Council recessed until 3:00 P.M.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

Mayor Palmer noted receipt of a petition filed by MR. HOUGHTON BROWNLEE stating the signers of at least 50% of all the area situated within the area bounded by a line 200' in all directions from the below listed property, and asking the Council to change the zoning from "GR" General Retail 1st Height and Area to "A" Residence 1st Height and Area in accordance with Section 31(c) of the Zoning Ordinance:

2111-2139 Wheless Lane
2126-2208 Wheless Lane
2201-2219 Wheless Lane
2300-2312 Wheless Lane
2314-2404 Wheless Lane
2406 Wheless Lane
5909-5915 North Hampton

Councilman LaRue moved that this petition be referred to the Planning Commission. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH GEORGE G. MacDONALD, 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion,

seconded by Councilman LaRue, carried by the following vote:

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was retained in the City of Austin for drainage and public utility purposes by Ordinance dated July 30, 1964 of record in Volume 2825 at Page 455 of the Deed Records of Travis County, Texas, same being out of and a part of that certain portion of Willow Street and Neches Street as shown on a map or plat of the Original City of Austin, Travis County, Texas; and,

WHEREAS, the owners of the above described property have 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 should be released since it 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 described portion of said drainage and public utility easement, to-wit:

2,933 square feet of land, same being out of and a part of that certain portion of Willow Street and Neches Street as shown on a map or plat of the Original City of Austin, Travis County, Texas, according to a map or plat of said Original City on file in the General Land Office of the State of Texas, which was vacated by the City Council of the City of Austin by Ordinance dated July 30, 1964 of record in Volume 2825 at Page 455 of the Deed Records of Travis County, Texas; which 2,933 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the herein described tract of land, same being a point in the present west line of Neches Street and which point of beginning is at the southeast corner of Block 183 of the Original City of Austin;

THENCE, with the north line of said drainage and public utility easement, S 71° 02' E 21.11 feet to the most northerly northeast corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land with the following two (2) courses:

(1) S 14° 41' E 34.04 feet to a point;

(2) S 19° 00' W 51.67 feet to a point in the easterly prolongation of the north line of Block 184-1/2 of the Original City of Austin and which point is the southeast corner of the herein described tract of land;

THENCE, with said easterly prolongation of the north line of the afore-said Block 184-1/2, N 71° 02' W 40.00 feet to the northeast corner of Block 184-1/2 for the southwest corner of the herein described tract of land;

THENCE, N 19° 00' E 80.00 feet to 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)

WHEREAS, a certain easement was granted to the City of Austin for sanitary sewer purposes by an instrument of record in Volume 1473 at Page 448 of the Deed Records of Travis County, Texas, same being out of Block D, Herman Brown Addition Number 2, Section 4, a subdivision of a portion of the Daniel J. Gilbert Survey Number 8 in the City of Austin, Travis County, Texas, according to a map or plat of said Herman Brown Addition Number 2, Section 4, of record in Book 19 at Page 36 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 should be released since it 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 described portion of said sanitary sewer easement, to-wit:

All that certain portion of a sanitary sewer easement twenty (20.00) feet in width as described in an instrument of record in Volume 1473 at Page 448 of the Deed Records of Travis County, Texas, which traverses Block D, Herman Brown Addition Number 2, Section 4, a subdivision of a portion of the Daniel J. Gilbert Survey Number 8 in the City of Austin, Travis County, Texas, according to a map or plat of said Herman Brown Addition Number 2, Section 4, of record in Book 19 at Page 36 of the Plat Records of Travis County, Texas; which certain portion of

June 17, 1965

said sanitary sewer easement twenty (20.00) feet in width extends from the northeast line of Meadowbank Drive in an easterly direction to the east line of Lot 13, said Block D, Herman Brown Addition Number 2, Section 4.

The motion, seconded by Councilman White, 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 following described tract of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be and the same is hereby set aside and dedicated for use as a public street and throughfare in the City of Austin, said tract being described as follows:

Two (2) tracts of land, each being out of and a part of Lots 28 and 29 and the East 162.88 feet of Lot 27, Duval Heights, 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 Duval Heights of record in Book 2 at Page 189 of the Plat Records of Travis County, Texas; which Lots 28 and 29 and the East 162.88 feet of Lot 27 were conveyed to the City of Austin, a municipal corporation in Travis County, Texas, by warranty deed dated January 13, 1964, of record in Volume 2720 at Page 315 of the Deed Records of Travis County, Texas; the tract of land hereinafter described as Number One containing 0.22 of one acre of land, and the tract of land hereinafter described as Number Two containing 0.75 of one acre of land; each of the said two (2) tracts of land being more particularly described as follows:

Number One:

BEGINNING at the northwest corner of the said City of Austin tract of land, same being a point in the present south line of Clayton Lane, for the northwest corner of the herein described tract of land;

THENCE, with the said present south line of Clayton Lane, South 60° 08' East 737.88 feet to the northeast corner of the said City of Austin tract of land, same being a point in the east line of said Lot 29, for the northeast corner of the herein described tract of land;

THENCE, with the said east line of Lot 29, South 30° 04' West to a point in a line forty-five (45.00) feet south of and parallel to the centerline of Clayton Lane as established by the Department of Public Works of the City of Austin as of December 7, 1955, for the southeast corner of the herein described tract of land;

THENCE, with the proposed south line of Clayton Lane, same being said line forty-five (45.00) feet south of and parallel to the aforesaid centerline of Clayton Lane, North 60° 08' West 156.00 feet to a point;

THENCE, continuing with the proposed south line of Clayton Lane, North $59^{\circ} 38'$ West 581.90 feet to a point in the west line of the said City of Austin tract of land, for the southwest corner of the herein described tract of land;

THENCE, with the west line of the said City of Austin tract of land, North $30^{\circ} 04'$ East 10.00 feet to the point of beginning.

Number Two:

BEGINNING at a steel pin set on the east line of said City of Austin tract of land, same being the east line of said Lot 29, which point of beginning is also in the proposed curving east line of Sheridan Avenue, said curve having an angle of intersection of $48^{\circ} 08'$, a radius of 330.55 feet and a tangent distance of 147.66 feet, and from which point of beginning the southeast corner of said City of Austin tract of land bears South $30^{\circ} 04'$ West 348.66 feet;

THENCE, with the said proposed east line of Sheridan Avenue, along said curve to the left an arc distance of 219.18 feet, the chord of which arc bears South $49^{\circ} 04'$ West 215.17 feet, to a steel pin set at the point of tangency of said curve;

THENCE, continuing with the proposed east line of Sheridan Avenue, South $30^{\circ} 04'$ West 141.42 feet to a steel pin set on the proposed north line of Reinli Street, same being a line four (4.00) feet north of and parallel to the south line of the said City of Austin tract of land, for an interior ell corner of the herein described tract of land;

THENCE, with the said line four (4.00) feet north of and parallel to the present north line of Reinli Street, South $60^{\circ} 08'$ East 70.00 feet to a steel pin set on the aforesaid east line of Lot 29;

THENCE, with the said east line of Lot 29, South $30^{\circ} 04'$ West 4.00 feet to the southeast corner of the aforesaid City of Austin tract of land, same being the southeast corner of the herein described tract of land, which point is in the present north line of Reinli Street;

THENCE, with the present north line of said Reinli Street, North $60^{\circ} 08'$ West 737.88 feet to the southwest corner of the said City of Austin tract of land for the southwest corner of the herein described tract of land;

THENCE, with the west line of the said City of Austin tract of land, North $30^{\circ} 04'$ East 4.00 feet to a point in the aforesaid proposed north line of Reinli Street;

THENCE, with the said proposed north line of Reinli Street, South $60^{\circ} 08'$ East 597.88 feet to a point in the proposed west line of Sheridan Avenue;

THENCE, with the said proposed west line of Sheridan Avenue, North $30^{\circ} 04'$ East 141.65 feet to a steel pin set at the point of curvature of a curve whose angle of intersection is $48^{\circ} 08'$, whose radius is 400.55 feet and whose tangent distance is 178.90 feet;

THENCE, continuing with the proposed west line of Sheridan Avenue, along said curve to the right an arc distance of 336.50 feet, the chord of which arc bears North $54^{\circ} 08'$ East 326.72 feet, to a steel pin set at the point of reverse curvature between the aforementioned curve and another curve to the left

June 17, 1965

whose angle of intersection is $48^{\circ} 07'$, whose radius is 295.00 feet and whose tangent distance is 131.70 feet;

THENCE, continuing with the proposed west line of Sheridan Avenue, along said curve to the left an arc distance of 9.18 feet, the chord of which arc bears North $77^{\circ} 18'$ East 9.18 feet, to a steel pin set on the aforesaid east line of the City of Austin tract of land, for the most northerly corner of the herein described tract of land;

THENCE, with the said east line of the City of Austin tract of land, South $30^{\circ} 04'$ West 101.14 feet to the point of beginning.

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

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

Noes: None

Councilman White 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 Leroy Bednar as described in the Travis County Deed Records and known as Herman Brown Addition #2, lot #5, block D, section 4, and hereby authorizes the said Leroy Bednar 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 Leroy Bednar has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas

June 15, 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. Leroy Bednar 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 Herman Brown Addition #2, lot #5, block D, section 4 as recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-five (25) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Leroy Bednar 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 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 Long, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer 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 40.15 ACRES OF LAND OUT OF THE T. J. CHAMBERS GRANT, 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. (Northwest Hills, Section 7)

Councilman Long moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on July 1, 1965, at 10:30 A.M. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 33 OF THE AUSTIN CITY CODE OF 1954 TO ADD A PARKING METER ZONE 12 TO SECTION 33.43 OF SAID CHAPTER AND ESTABLISH CERTAIN TIME LIMIT PARKING METER ZONES UPON THE STREETS OF THE CITY OF

AUSTIN, AND AMENDING SECTIONS 33.46, 33.47, 33.49, AND
33.51, SO AS TO PROVIDE FOR ONE-CENT PARKING METERS IN
THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

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 LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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 LaRue, carried by the following vote:

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

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

The Mayor announced this provided for penny parking meters for 12 minutes. The Assistant City Manager stated the Traffic Engineer has placed the order for these penny meters and they should be delivered within ten days or two weeks, and installation would begin immediately.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions at the location and street below designated are such that an urgent need for enforcement of strict limits upon the time of parking of vehicles at this location upon this street makes it advisable to use mechanical devices in such enforcement, and has found that such location should be placed in the following Parking Meter Zone:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
30-60-90-120	West 6th Street	200	North

Now, Therefore,

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

That the location upon the street of the City of Austin as above described be and the same is hereby placed in Parking Meter Zone 30-60-90-120 and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 33.43 of the Traffic Register.

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:

"Sealed bids opened 10:00 A.M. June 11, 1965
 Tabulated by: B. J. Bonds, Purchasing Agent

"CITY OF AUSTIN, TEXAS BIDS FOR GASOLINE, KEROSENE, NAPHTHA, DIESEL, OILS &
 GREASES - ONE YEAR CONTRACT BEGINNING JULY 1, 1965

DESCRIPTION	ESTIMATED QUANTITY	MOBIL OIL COMPANY	CALHOUN- SMITH DIS- TRIB. CO.	HUMBLE OIL COMPANY	CONTINENTIAL OIL COMPANY
Gasoline:					
Regular-Transport	700,000 Gal.	\$66,735.90	No Bid	\$70,121.90	\$68,121.90
Regular-Tankwagon	40,000 Gal.	4,496.00	No Bid	4,812.00	4,784.00
Net Total		<u>71,231.90</u>		75,022.00	72,905.90
Low unit price by Mobil for Regular-Transport this bid \$.095337-Last bid \$.100188					
Low unit price by Mobil for Regular-Tankwagon this bid \$.1124 -Last bid \$.1229					
Gasoline:					
Premium-Transport	200,000 Gal.	<u>\$21,938.40</u>	No Bid	\$23,960.00	\$23,423.40
Low unit price by Mobil for Premium-Transport this bid \$.109692-Last bid \$.118998					
Kerosene	20,000 Gal.	\$ 2,500.00	No Bid	\$ 2,296.00	\$ 2,286.00
Low unit price by Sinclair for Kerosene this bid \$.1140 - Last bid \$.1160					
Naphtha	5,000 Gal.	\$ 875.00	No Bid	\$ 1,075.00	No Bid
Low unit price by Gulf for Naphtha this bid \$.1715 - Last bid \$.1750					
Diesel Fuel	60,000 Gal.	\$ 6,090.00	No Bid	\$ 6,042.00	\$ 6,018.00
Low unit price by Ritter for Diesel Fuel this bid \$.09306 - Last bid \$.1018					
Lubricating Oils and Greases	Net Total	<u>\$ 8,117.41</u>	\$ 8,795.28	\$ 9,773.33	\$10,460.29

DESCRIPTION	ESTIMATED QUANTITY	SINCLAIR REFINING CO.	JACK RITTER OIL COMPANY	GULF OIL CORP.	LOW BIDS-1964 USING PRESENT ESTIMATED QUANTITIES
Gasoline:					
Regular-Transport	700,000 Gal.	\$73,042.20	\$69,993.00	\$67,151.70	\$70,131.60 - Mobil
Regular-Tankwagon	40,000 Gal.	4,720.00	3,999.60	4,628.00	4,916.00 - Mobil
Net Total		77,762.20	73,992.60	71,779.70	75,047.60 - Mobil

June 17, 1965

"DESCRIPTION"	ESTIMATED QUANTITY	SINCLAIR REFINING CO.	JACK RITTER GULF OIL COMPANY OIL CORP.	LOW BIDS - 1964 USING PRESENT ESTI- MATED QUANT- ITIES
Gasoline:				
Premium-Transport	200,000 Gal.	\$23,720.40	\$25,641.00	\$22,453.20
				\$23,799.60 - Mobil
Kerosene	20,000 Gal.	\$ 2,280.00	No Bid	\$ 2,294.00
				\$ 2,320.00 - Gulf
Naphtha	5,000 Gal.	\$ 925.00	No Bid	\$ 857.50
				\$ 875.00 - Mobil
Diesel Fuel	60,000 Gal.	\$ 6,240.00	\$ 5,583.60	\$ 5,922.00
				\$ 6,108.00 - Mobil
Lubricating Oils and Greases	Net Total	\$ 9,449.00	No Bid	\$ 8,139.53
				\$ 8,192.64 - Gulf

"Note: All prices shown are net. Net total for all estimated products this bid \$110,008.81 compared with net total on bids taken in 1964 using present estimated quantities of \$116,342.84.

"RECOMMENDATION: It is recommended the award be made to the following as the lowest and best bids:

Regular Gasoline	- Mobil Oil Company	\$71,231.90
Premium Gasoline	- Mobil Oil Company	21,938.40
Kerosene	- Sinclair Refining Company	2,280.00
Naphtha	- Gulf Oil Corporation	857.50
Diesel Fuel	- Jack Ritter Oil Distributing Co.	5,583.60
Lubricating Oils and Greases	- Mobil Oil Company	8,117.41

W. T. Williams, Jr. City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 11, 1965 for the furnishing of gasoline, kerosene, naphtha, diesel fuel and lubricating oils and greases for one year period beginning July 1, 1965; and,

WHEREAS, the bids of Mobil Oil Company, in the sum of \$71,231.90 for regular gasoline, in the sum of \$21,938.40 for premium gasoline, and in the sum of \$8,117.41 for lubricating oils and greases; the bid of Sinclair Refining Company, in the sum of \$2,280.00 for kerosene; the bid of Gulf Oil Corporation, in the sum of \$857.50 for naphtha; and the bid of Jack Ritter Oil Distributing Company, in the sum of \$5,583.60 for diesel fuel, 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, as above set out, of Mobil Oil Company, Sinclair Refining Company, Gulf Oil Corporation and Jack Ritter Oil Distributing Company, be and

June 17, 1965

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 said companies.

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:

"June 15, 1965

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

SUBJECT: Bids on Radio Communications Equipment for the Civil Defense Department.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. June 14, 1965 for Radio Communication Equipment for the Civil Defense Department.

"Bids were advertised in the American-Statesman on May 30 and June 8, 1965 and sent to the following prospective bidders: Austin Communications, Radio Communications Engineering, Radio Corporation of America, Motorola Communications and Electronics, Inc., Becom Company, DuMont Fairchild Laboratories, Ragsdale Aviation, General Electric Company and Industrial Communications.

"The only bid received was from Motorola Communications and Electronics which is as follows:

"Total Radio Communications Equipment \$51,455.00

"RECOMMENDATION: It is recommended the award be made to Motorola Communications and Electronics, Inc. in the amount of \$51,455.00.

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

The City Manager stated this would have Federal participation on additions. The amount involved here would be \$20,000 Federal participation.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 14, 1965, for radio communications equipment for the Civil Defense Department; and,

WHEREAS, the bid of Motorola Communications and Electronics, Inc., in the sum of \$51,455.00, 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 Motorola Communications and Electronics, Inc., in the

June 17, 1965

sum of \$51,455.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Motorola Communications and Electronics, Inc.

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

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

Noes: None

Councilman Long inquired about the handling of the finances in this case. The Assistant City Manager explained the procedure. The City Manager said the participation was budgeted as income, and the other as expense.

The Mayor inquired about the Bethany Christian Church matter Councilman Long brought up last week. The Building Official had furnished a report to the Council before he contacted the officials of the Church. The Building Official gave a brief resume of the report he filed.

The Mayor brought up the matter of Mount Bonnell which had been before the Council for sometime, stating the Council did set up a committee from which to get a consensus of opinion, and the committee came up with a tie vote of seven to seven. From the information submitted, and the many, many hours that the committee spent in its study and report, the Council now in fairness to the developers and to the City should make a determination of what disposition the City wanted to make. Councilman Shanks said he wanted to make a motion, Councilman Long stated the subject should be discussed that the Council had not even discussed it since the hearing and Mr. Dave Barrow was working with Mr. Connolly on some ideas. Councilman Shanks moved that the City of Austin not purchase the much discussed Connolly tract. He stated that this motion was being made after due consideration of all the pros and cons submitted to the Council on this subject and after due consideration of what is good for the City of Austin as a whole. Councilman Long was not ready to turn the whole thing down, as she thought the City should purchase a part of this, if not all of it. Councilman LaRue seconded the motion that the City not purchase the Connolly tract. The City Manager said Mr. Barrow had scheduled a meeting with him, Mrs. Fagan Dickson and the Director of Recreation for next Monday, and the committee was apparently not through working, according to them. Councilman Long believed this would be a mistake and people would be terribly disappointed to ruin Mount Bonnell. People throughout the whole State are interested in preserving Mount Bonnell. It will ruin the whole character of the whole area and there will no longer be this great landmark. Councilman Shanks stated this had been reviewed and discussed. Councilman White said he understood Mr. Connolly was going to donate 200' and also build a \$50 or \$60,000 road. Councilman Shanks stated all of those details would be worked out. Mayor Palmer asked Councilman Long for an indication as to what extent she would be willing to go in acquiring the property; if she might be inclined to pay as high as \$600,000 or \$700,000. She said the property was not worth that much, particularly since the Connollys had such a little invested. The Mayor stated the committee was asked to determine whether or not public interest would best be served, paying what it would take to buy this land or against turning it loose for development; and the committee came up with a tie vote.

Councilman Long suggested putting it to a vote of the people. Councilman Shanks agreed with Councilman LaRue that this motion would not preclude future discussions. Councilman LaRue said if the further discussion was for the purpose

of buying the property, he was opposed to that anyway. The City Manager stated it was his duty to point out that further discussion had been requested. Councilman Long stated this could be put off a week until these people got together. Councilman LaRue stated the City should not spend 1/2 million dollars for this one piece of property when there is a necessity for expenditures in all areas of the City of Austin, and it just could not afford to put that much money in one place. The Mayor asked if it were Councilman LaRue's understanding that his vote on this motion would not preclude further negotiations. He said it would not, as they had been lead to believe they could get together. Councilman Shanks agreed. The City Attorney recalled the situation of the roadway; that if the City were to move the dedicated road, there is still the probability it may not be possible. The City Manager explained that if a subdivision were not disapproved within 30 days it is approved automatically; because it is impossible to get one completely improved and get all the fiscal arrangements made, they are always disapproved in 30 days, so they can later be reconsidered and approved. This one probably is in that category. Roll call on Councilman Shanks' motion that the City of Austin not purchase the much discussed Connolly tract, showed the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer

Noes: Councilman Long

Councilman Shanks' motion concerning referring the Connolly subdivision back to the Planning Commission with certain instructions for the commission to consider, and its acting on the tract in light of what would make a good subdivision rather than on points of controversy that had been brought up, was discussed at length. The City Attorney stated the Council had disposed of everything it had before it when it passed the previous motion on the Connolly property. The recommendation was made to the Council by the Planning Commission that all of or a part of the Connolly property be purchased, and the Council now has disposed of that. The subdivision is still in the Planning Department. Councilman Shanks wanted to see the commission lay out this subdivision to see how it would look from the best feasible standpoint; how an expert would lay it out if one had raw land to work on without a lot of argument. General discussion was held on the procedure of a subdivision in the Planning Commission. Councilman Shanks withdrew his motion in view of the detailed information given by the City Attorney.

The City Manager submitted a list of petitions requesting fogging. Streets included 300 block of Sheraton, Rowland; 3300-3400 Enfield Road; Bonnie Road; West Frances Place; Chalmers, Haskell, Willow, Garden; McCall Road, Horn Lane, Forest Trail, Griswold Lane; 2300 Block South 2nd Street; Highland Terrace West and Highland Terrace; Sharon Lane, Woodmont Lane, Bridle Path; 12 locations on Newton Avenue and one on Kinney Avenue. Councilman Long moved that all of these streets listed be fogged. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

The City Manager displayed plot plans of the Suburban Alcoholic Foundation Building that will be constructed on Shoal Creek. The City Attorney said the entrance to the building is 50 or 60' west of the bridge, and showed the parking layout. A beautiful plan had been worked out for this plot by MR. FRED WINFIELD DAY, the architect. The exterior is of field stone construction. MR. TRUEMAN O'QUINN, representing the foundation, estimated the cost at around \$70,000. The Mayor asked the City Manager about his recommendation. The City Manager stated this looked very good to him; that it appeared everything was in the right location, but the driveway may have to be shifted a little to get the best possible site. Councilman Shanks moved in view of the recommendation of the City Manager, that this plan be accepted subject to details of the exact site being worked out with the City Manager. The motion, seconded by Councilman White, carried by the following vote:

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

Mr. O'Quinn said the foundation was very eager to begin construction. He said the City Attorney deserves the highest praise and credit for having come up with the idea of this trade.

The City Manager announced that the Electric Department would like to have the Council consider opening bids on the intake pumps at 10:00 A.M., July 1st and on the vertical screens for the new Power Plant, at 10:00 A.M., July 8th. Councilman Long moved that these bids be opened on the dates as suggested. 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 that the Public Health Officer has suggested that a committee be appointed to make a study and recommendations for amendments or a revision of the Health and Sanitation Ordinances. He submitted a list of names of people who represent different types of activities which are regulated by these various health ordinances. The City Manager stated a copy of the suggested names and alternates would be furnished the Council. The Committee would break itself into subcommittees to make studies of certain fields.

Councilman Long inquired if the Council, through resolution could establish a policy requiring subdividers to place signs on their areas that have been zoned "LR" Local Retail, "GR" General Retail, or "C" Commercial, so that citizens buying property in the area would be alerted to the zoning. Enforcement of keeping the sign in place, and change of property owners' responsibility, were discussed. The Mayor stated the Council would give this further thought.

Councilman Shanks moved that the Council grant the request of Company B, First Battalion of the Marine Corps to place a quarter panel donated by Rollins Outdoor Advertising Company on City property on Barton Springs Road and South 1st Street in conjunction with the current recruiting program for the Marine Corps Reserve, from June 21st through July 5th. The motion, seconded by Councilman White, carried by the following vote:

June 17, 1965

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

The City Manager read a note from the Auditorium Manager stating the concession contract at the Auditorium, Coliseum and the area between the North Bridge and South 1st Street south of the lake would come up for renewal on December 1st. There are many commitments that need to be made now for future parties and conventions. Their arrangement with Mr. LaRocca have been very good, and it was recommended that negotiations be made for a new contract with him. Councilman LaRue moved that Mr. Vickers be allowed to negotiate with Mr. LaRocca for the new concession contract. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager reported two letters from individuals in Highland Hills area protesting some street name changes as had been suggested by Mr. Landon Bradfield. They were from Mrs. Samuel P. Ellison, Jr., and Mr. Del M. Fox. Mr. Fox protested the change of Highland Hills Terrace to Highland Hills Drive, as it would require name changes in legal papers, driver's licenses, insurance policies, etc. Mrs. Ellison objected to the changing of Lamplight Lane, as they had gone to considerable expense in getting stationary--both business and personal--printed using this street name.

The City Manager called attention to the filing of the Fiscal Information pertaining to Street Paving.

Councilman Long inquired about the change in water rate, stating they were told it would affect only about 48 large users of water, and there would be no appreciable difference in the others. She had a letter from a lady who has had the same rate over the years for her houses. She has a duplex which has been put on a commercial water rate, and her bill shows a consumption of 11,800 gallons. The regular rate would be \$4.20. She paid \$6.55, or a minimum of \$2.35. The City Manager stated he had reported to the Council there were 6,000 customers who would be affected, and there would be 48 customers who used 40 to 50% of the total water use of the City--and he had given spot examples of filling stations, duplexes, apartment houses, hotels, etc. Some would be lower and some would be higher. If this duplex has two meters the bill would be substantially the same as the new bill under the single meter now. The circumstances were discussed, and the City Manager stated the sewage rate was being over looked, in a two family dwelling over a single family dwelling, and pointed out the differences as pertained to the different rate.

Councilman White moved that the request for the Band Day Parade on October 2nd from 1:00 P.M. to 3:00 P.M. be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: None
Not in Council Room when roll was called: Councilman Shanks

June 17, 1965

The Mayor read a letter from WINFRED GUSTAFSON offering his services for architectural work which the City may have. The Mayor asked that his name be placed in line.

Mayor Palmer read a letter from VICE PRESIDENT HUMPHREY concerning the enthusiastic responses of the President's Youth Opportunity Campaign from various organizations and individuals over the country. Their support ranged from endorsement to actively involving local youth opportunity campaign committees, councils, and task forces. It was pointed out the necessity of a local drive by local people in this program. The Vice President said he was contacting not only the Mayor, but the City Managers, and County Board Chairmen, and had today requested the Secretary of Labor to have the State Employment Service Office contact this group about the next phase of the program. The Employment Service will be willing to establish a mutually agreeable schedule; and if it is feasible, an office be provided in the City Hall or wherever it would be most appropriate and convenient for youth and employer to get together. The Mayor asked if anyone had been contacted yet. As the letter was dated June 12th, probably the others had just received their letters about this time. The Mayor stated the City would try to cooperate all it could.

Mayor Palmer brought up for consideration the settlement of the electrical Anti-Trust Cases by Allis-Chalmers, McGraw-Edison, and others, stating Mr. Jim Wilson, the City's Special Counsel, would present to the Council what settlement or what his recommendations might be. Mr. Jim Wilson, Counsel for the City of Austin, reviewed the settlement on its electrical equipment anti-trust claim with General Electric and Westinghouse sometime ago basically under formula which provided a minimum of 7½% of the 1956-1959 purchases on heavy apparatus and 5% of purchases in shelf items. At the time of the recommendation of this settlement, on which the Council took action, the Council did not recommend acceptance of any other offers because they did not meet the General Electric and Westinghouse offers. Further negotiations have resulted in offers from Allis-Chalmers and McGraw-Edison which are at least as good as those which the City accepted from the other two companies. In the case of Allis-Chalmers, the City made purchases of \$985,169.50 between 1956 and 1959, and the offer of settlement is a total of \$82,545.12 which is better than 8% overall in settlement and is in each case as good as General Electric and Westinghouse.

In the case of McGraw-Edison, the City purchased \$312,329.00 all of which was in shelf items; and an offer of \$18,500.00, which is 5.92% of the purchases has been obtained and which is equally as good as the offers of General Electric and Westinghouse.

It was the recommendation of the City's Counsel, through Mr. Jim Wilson, that these offers be accepted.

In addition, in order to get the remaining cases principally against Federal Pacific, Maloney, and Sangamo in the posture where they could be prosecuted, Mr. Wilson recommended the City accept the \$1,000 in a total in settlement against five small companies in which the City had very small almost minimum purchases. These are Joslyn, Lapp Insulators, Southern States, A.B. Chance, and Ohio Brass. Mr. Wilson explained these were cases in product lines in which nothing had been accomplished in the way of pretrial discovery, since they were in lines which are in a deferred position as ordered by the Court. If the amount paid for the equipment were recovered of \$20,000, it probably would cost at least

June 17, 1965

\$100,000 to prosecute these cases. The paperwork involved would cost more than could be recovered, and his recommendation was that those be settled on a nuisance basis for a total from the companies involved of \$1,000. Councilman Shanks asked the City Attorney if he recommended the acceptance as set out. He stated he did.

The City Manager also concurred in the recommendation, stating he was not as familiar with the details of this litigation as the Special Counsel and as the City Attorney, but he was generally informed on the subject, and he thought it probably was a good settlement. Mayor Palmer asked for a recapitulation of the total recoveries now. Mr. Wilson stated it was about \$748,973.00. In answer to Councilman Long's question about the method of payment, Mr. Wilson stated the McGraw-Edison settlement would be a cash payment; but the Allis-Chalmers' offer is in the same nature as the Westinghouse offer which would be payable in installments at $4\frac{1}{2}\%$ interest; and at the time the Westinghouse settlement was made, this installment plan at the $4\frac{1}{2}\%$ interest was acceptable to the City administration. Councilman Long discussed the amount of interest rates which the companies paid.

Councilman LaRue read statements he had earlier made in the Chambers of the Judge of the United States District Court, Western District of Texas, San Antonio Division, Austin, Texas, 12 September 1964; from the Special Meeting of Austin City Council, September 1, 1964; and from an article from the American Statesman pertaining to the settlements with Westinghouse and General Electric.

Mayor Palmer said he wanted to be sure Councilman LaRue was quoting his own statements. Councilman LaRue said he was, and he would indicate when he was not. Councilman LaRue stated the Westinghouse and General Electric settlement would be a poor yardstick to be used in the settlement of the McGraw-Edison and the some half dozen other defendants, and that he would be certainly opposed to settling on the same basis with the rest of these companies. He stated that he thought the settlements obtained by San Antonio were better yardsticks for settlement than Austin's.

MR. JIM WILSON, Counsel for the City, said the Attorney for the San Antonio case, Mr. James Baskin, called him after he had talked to Councilman LaRue, saying he had reported to Mr. LaRue the reason San Antonio did not settle at the time Austin did was because San Antonio's offers by comparison were appreciably less than those to Austin; and that not only was Austin's offer better, but had San Antonio received an offer at that time as comparably good as Austin's he had no doubt but that San Antonio would have settled. Mr. Baskin told Mr. LaRue that the four months of trial was a tremendous drain not only on the law firm, but on the personnel of the City of San Antonio Public Service Board; on the financial resources of the Board, and that the additional settlement that they received was not sufficient in their judgment to compensate for the additional expense and trouble that was involved. He also stated that after the City of San Antonio tried their cases with Allis-Chalmers, General Electric and Westinghouse, they had settlement with McGraw-Edison on precisely the same basis that is being recommended to Austin today. Legal fees were discussed by Councilman LaRue, and Mr. Wilson said the only compensation they had received had been strictly in accordance with the contract on the basis of the settlement that was made, and substantial concessions were made; and technically on the basis of the 1961 contract they would have been entitled to more.

After discussion, Councilman Shanks moved that the Council accept the offers of ALLIS-CHALMERS MANUFACTURING COMPANY of \$82,445.12, and of McGRAW-EDISON COMPANY of \$18,500.00 to settle the City's electrical equipment anti-trust claims against such companies, and that the claims against five other suppliers (JOSLYN MANUFACTURING & SUPPLY CO., LAPP INSULATORS COMPANY, INC., SOUTHERN STATES EQUIPMENT CORPORATION, A. B. CHANGE COMPANY, and OHIO BRASS COMPANY) which do not justify further litigation expense necessary to prosecute them, be settled on a nuisance basis of a total for all five of \$1,000.00; and that the City Manager and City Attorney be authorized to execute settlement agreements necessary to effect such settlements. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: Councilmen LaRue, Long

Councilman Long made the following statement regarding her vote:

"In view of my vote in the beginning where I felt that we settled for too little, I feel that this is just the same type of thing; that this is just a paltry sum, and I cannot vote for it. I think our lawyer has done his best and I have no criticism of him, but I do feel we should have gone to court with this. I think he could have won it; he is a great lawyer; we had a good case and still do."

Mayor Palmer made the following statement regarding his vote:

"I want to say in voting 'aye' on this, as one member of the Council that was on the Council back in 1961, when you were confronted with a decision looking at purchases that may or may not have been involved in a conspiracy, and you were looking at perhaps the expenditure of good City dollars against a very, very questionable chance at that time in the judgment of the Council that even anything would be recovered; and in view of the fact that we did work out a very fine, I think, from the City's standpoint, an arrangement with a firm that had been experienced in anti-trust cases; and in view of the fact that we have now recovered some \$748,000, I, as one member of the Council want to compliment the firm that we did select and I do feel that they have done an excellent job with a very, very difficult problem because you read the history of many, many anti-trust cases that can drag on for 10, 15 years and then maybe something is settled and maybe something is not. So, with my vote for the acceptance of this settlement I also want to commend our Counsel for the fine job they have done, and thank you so much."

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing at 10:00 A.M. on July 15, 1965:

THE NICKELL CORPORATION
By Franklin Kohutek

2909-2913 West Avenue

From "BB" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area

June 17, 1965

HENRY WIRE	2034 South Lamar Boulevard	From "C-1" Commercial 2nd Height & Area & 6th Height & Area To "C-2" Commercial 2nd Height & Area and 6th Height & Area
MRS. SHIKREY JOSEPH By Harold Joseph	211-215 (207) East First Street	From "C-1" Commercial 4th Height & Area To "C-2" Commercial 4th Height & Area
CITY OF AUSTIN	Rear of 1000-1030 Reinli Street	From "A" Residence 1st Height & Area and "C" Commercial 5th Height & Area To "GR" General Retail 2nd Height & Area & "B" Residence 2nd Height & Area
C. T. USELTON, Trustee	1219 North Inter- regional Highway	From "B" Residence 2nd Height & Area To "C-2" Commercial 2nd Height & Area
HAROLD BYLER, MICHAEL I. DAVIS & JAMES HOLLOWAY By Kelly Debusk & Co.	400-404 East 34th Street 3401-3403 Tom Green Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
H. WARREN SMITH	1500-A West 35th Street 3502 Mills Avenue	From "GR" General Retail To "C-2" Commercial
MRS. BERTHA C. REICHERT By John O.Yokie, Jr.	909 Anderson Lane	From "A" Residence To "C" Commercial
JOHN M. PAVER By John T. Ross	1606-1608 (1612) Rio Grande Street 701-705 West 17th Street	From "O" Office 2nd Height & Area To "C" Commercial 2nd Height & Area
JOE E. McGEATH, et ux E. M. SHERRIL, et ux By Maurice Cohn, M.D.	3907-3911 Alice Avenue 1007-1011 West 39 $\frac{1}{2}$ Street	From "A" Residence To "IR" Local Retail
MRS. J. L. JOSEPH, SR. By W.E. Timberlake, Jr.	915-919 (905-909) Barton Springs Road	From "C-1" Commercial 2nd Height & Area To "C-2" Commercial 2nd Height & Area
B. J. McADOO	2904 (2906) South 1st Street	From "B" Residence To "GR" General Retail

GEORGE SLAUGHTER By Arthur Pihlgren	3213-3217 (3213) Red River Street	From "C" Commercial To "C-1" Commercial
ANDREW L. KIVLIN & SYLVION KIVLIN	2515-2601 Wheless Lane	From "A" Residence To "B" Residence
ANDREW L. KIVLIN & SYLVION KIVLIN	2101-2107 West 7th St. 613-615 Upson Street	From "A" Residence To "B" Residence
J. E. SULLIVAN	2201-2203 Manor Road 2207-2217 Coleto Street	From "C-1" Commercial 2nd Height & Area To "C-2" Commercial 2nd Height & Area
MARJORIE ANNE DELAFIELD	1219-1221 (1207) Hill- side Avenue	From "A" Residence To "BB" Residence
NORMAN W. ECKHARDT	700-704 West 23rd St. 2300-2302 Rio Grande Street	From "B" Residence 2nd Height & Area To "LR" Local Retail 3rd Height & Area
MRS. ORA T. BOOTH By Arthur E. Pihlgren	2413 Rio Grande Street 613-615 West 24 $\frac{1}{2}$ Street	From "B" Residence 2nd Height & Area To "C" Commercial 2nd Height & Area
RICHARD D. & CARL C. HARDIN, JR.	710-900 West 23rd St. 801-911 West 24th St.	From "B" Residence 1st Height & Area To "C" Commercial 4th Height & Area
D. R. WALKER By Charles W. Harrell	8617 Burnet Road 2307-2315 Polaris Ave.	From "C-1" Commercial 6th Height & Area To "C-2" Commercial 6th Height & Area
CLARENCE FLOURNOY	1001-1003 East 10th St. 907-911 San Marcos	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
FRANK MEECE	204-306 Crockett 2007-2011 Wilson St.	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
H. G. LINSOMB By Metcalfe Engineer- ing Company	3404-3506 Lyons Road 900-1010 Gunter Street	From "D" Industrial 3rd Height & Area To "A" Residence 1st Height & Area
C. E. FAULKNER By Barton D. Riley	Rear of 1204-1206 West 33rd Street	From "A" Residence To "B" Residence

June 17, 1965

JOSIE MAE FERGUSON
By R. B. Smith

1509-1511 (1505) East
7th Street

From "C" Commercial 2nd
Height & Area
To "C-2" Commercial 2nd
Height & Area

ADELINE EHRHARDT
By Sam R. Perry

1001-1003 (1007-1009)
East 16th Street

From "A" Residence
To "LR" Local Retail

RICHARD HOOPER

Tract 1
4800 North Interregional
Highway

From "C" Commercial &
"GR" General Retail
1st & 5th Height &
Area
To "C" Commercial 2nd
Height & Area

Tract 2
4804 North Interregional
Highway

From "C" Commercial &
"GR" General Retail
1st & 5th Height &
Area
To "C-2" Commercial 2nd
Height & Area

BETHEL BAPTIST
CHURCH, By Richard
Hooper

3401 Manor Road

From "A" Residence
To "LR" Local Retail

ROANE H. PUETT &
MICHAEL A. WASH

2913-2915 East 12th
Street

From "A" Residence
To "C" Commercial

There being no further business Councilman Shanks moved that the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

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

The Council adjourned at 2:20 P.M. subject to the call of the Mayor.

APPROVED

Leota E. Palmer
Mayor

ATTEST:

Oliver Mosley
City Clerk