

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 29, 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 FATHER HAROLD ZINK, St. Mary's Catholic Church.

MAYOR PALMER announced the Council would consider a request from the MONTOPOLIS COMMUNITY CENTER, INC., for a franchise for bus service from the Montopolis Area to connecting lines of the Austin Transit Company. MR. PAUL B. HARING, Attorney, presented witnesses to show the need for a bus for this area. FATHER UNDERWOOD of Delores Parish, Executive Director of the Montopolis Community Center, Inc., pointed out the need for bus service, and the efforts made by the Austin Transit Corp. to furnish this service, but the service was financially unfeasible and was discontinued. MR. CLYDE MALONE, Manager of the Transit Company, has been working closely with the Montopolis Community Center, and has encouraged them to apply for the franchise. FATHER UNDERWOOD expressed appreciation for the help MR. ESKEW, City Attorney, had been to them. They had applied for this transportation under Section 2 of the Economic Opportunity Act for two 72 passenger school busses on a lease-purchase basis. Regular runs would be made in the morning, noon and evening, connecting with the Austin Transit line at San Saba and 1st Street. Other bus runs as a part of the poverty program, will be free tours for the children in the area. The application to the government included a provision that children 16 and under would ride free, and others would be charged a token rate to the connecting line, but services to the various agencies, medical, etc., would be free. Full fees would be paid on the Austin Transit service. The City Attorney pointed out Mr. Haring would agree their proposed service would fall under the franchise provisions. Gross receipts tax and franchise tax were discussed. It was pointed out the franchise could not go into effect by September 1st, the date the bus operations were to begin. The City Attorney stated they may get their permit before September 1st, and services

that would not constitute the rendition of a public utility service might commence by September 1st. The Mayor asked if there were any conflict between the Montopolis Community Center in their proposal and the Austin Transit Corporation. FATHER UNDERWOOD stated they were working this out together. COUNCILMAN LaRUE stated he agreed, and moved that this be done as expeditiously as possible. Councilman Long moved that the City Attorney be asked to draw an ordinance and bring it in for the Council's approval next week, with the understanding that the 20¢ fare is a maximum charge for adults. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor asked if she wanted a rate schedule to be submitted. Councilman Long stated she thought so. The City Manager explained the rate schedule provided for the other transit company and for the taxicabs is the schedule-- not a maximum or minimum. Brief discussion was held on the franchise charge. The City Attorney stated this was a Council determination. The Mayor stated if the streets were being worn out and extra costs on police, etc., the franchise tax could be set at what would be a fair percent.

Councilman LaRue moved that the Minutes of the Meetings of July 15, 1965 and July 22, 1965, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

At 10:30 A.M., Mayor Palmer opened the hearing on improving the following streets:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Alexander Avenue	NPL East 19th Street	SPL Manor Road
Astor Place	A point 150' south of SPL Leslie Avenue	SGL Leslie Avenue
Cherico Street	NPL Lyons Road	SPL Govalle Avenue
Edgedale Drive	A point 246' west of WPL Reicher Drive	WPL Reicher Drive
Ferdinand Street	NPL East 18th Street	SPL East 19th Street
Guadalupe Street	NGL Northway Drive	SGL U.S. Highway No. 183 (Anderson Lane)
Prospect Avenue	NPL East 7th Street	A point 185' north of NPL Hamilton Avenue
East 11th Street	EPL Prospect Avenue	A point 200' east of EPL Swenson Avenue
East 14th Street	EPL Alexander Avenue	WPL Harvey Street
East 14th Street	WGL Waller Street (South)	WGL Navasota Street (South)
East 18th Street	A point 93' west of WPL Ferdinand Street	WPL Chestnut Avenue

No one appeared to be heard. The Director of Public Works briefly

described the improvements proposed to be constructed and briefly explained the method of apportionment of cost. The City Attorney then stated that a Notice of the Hearing had been published in the Austin American and Statesman on the 19th day of July, 1965 and in the American-Statesman on the 17th and 18th days of July 1965, and in the manner required by law. Councilman Long moved that the hearing be closed. 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 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. (Alexander Avenue and various 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 White, 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 White, carried by the following vote:

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

The ordinance was read the third time and Councilman Long moved that the

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ordinance be finally passed. 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 ordinance had been finally passed.

The Mayor opened the hearing on the ordinances annexing HIGHLAND HILLS NORTHWEST, SECTION 2 and Proposed DEER PARK, SECTION 4. No one appeared to be heard. Councilman LaRue moved that the hearing be closed. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.95 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Highland Hills Northwest, Section 2)

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 White, carried by the following vote:

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

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

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

Mayor Palmer brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2.93 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Proposed Deer Park, Section 4)

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 White, carried by the following vote:

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

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

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

The City Manager submitted the following:

"July 29, 1965

"To the City Council  
City of Austin, Texas

"Re: Completion and Acceptance of Work Improving  
Portions of Certain Streets in the City of  
Austin Being Assessment Paving Contract  
Number 64-A-25

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract Number 64-A-25, dated January 14, 1965, between the City of Austin and Pat Canion Excavating Company, has been performed and completed by Pat Canion Excavating Company in full compliance with the contract and the plans and specifications therein contained:

<u>"Street</u>	<u>From</u>	<u>To</u>
Aggie Lane	A point 366' south of SPL Morrow Street	SPL Morrow Street
Burns Street	NPL Denson Drive	NPL Hammack Drive
Canion Street	WPL Guadalupe Street	WPL Shirley Avenue
Dale Drive	EPL Tisdale Drive	A point 134' east of EPL Gault Street
Depew Avenue	NPL East 51st Street	A point 130' north of NPL East 53rd Street
Evans Avenue	NPL East 53rd Street	SPL East 55th Street
Hammack Drive	WPL Burns Street	A point 168' east of WPL Burns Street
Mohle Drive	EGL Harris Boulevard	EGL Oakhurst Avenue
Oakhurst Avenue	SGL Mohle Drive	SPL West 29th Street
Raymond Street	A point 196' west of WPL Shirley Avenue	WPL Shirley Avenue
Shirley Avenue	A point 162' south of SPL Brentwood Street	SPL Gaylor Street
Shirley Avenue	NGL Raymond Street	A point 258' north of NPL Raymond Street
East 48th Street	EPL Rowena Avenue	WPL Avenue F

<u>"Street</u>	<u>From</u>	<u>To</u>
East 48th Street	EPL Avenue F	WPL Avenue H
East 48½ Street	EPL Rowena Avenue	WPL Avenue F
East 49th Street	EPL Avenue F	WGL Duval Street
East 50th Street	EPL Rowena Avenue	WPL Avenue F
East 50½ Street	EPL Rowena Avenue	WPL Avenue F
East 55th Street	EPL Duval Street	A point 125' east of EPL Evans Avenue

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,  
s/ S. Reuben Rountree, Jr.  
S. Reuben Rountree, Jr.  
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING AGGIE LANE AND SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY PAT CANION EXCAVATING COMPANY, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 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.

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The City Manager submitted the following:

"July 29, 1965

"To the City Council  
City of Austin, Texas

"Re: Completion and Acceptance of Work Improving  
Portions of Certain Streets in the City of  
Austin Being Assessment Paving Contract  
Number 64-A-10

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract Number 64-A-10, dated June 25, 1964, between the City of Austin and Pat Canion Excavating Company, has been performed and completed by Pat Canion Excavating Company in full compliance with the contract and the plans and specifications therein contained:

<u>"Street</u>	<u>From</u>	<u>To</u>
19th Street	EGL West Avenue	EPL East Avenue

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,  
s/ S. Reuben Rountree, Jr.  
S. Reuben Rountree, Jr.  
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING 19TH STREET, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY PAT CANION EXCAVATING COMPANY, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CAL MARSHALL 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 Shanks, 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 Shanks, 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 Shanks, 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH C.M.G. CORPORATION 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 Shanks, 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



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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, 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 Shanks, 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 City Manager submitted the following:

"July 27, 1965

"To: Mr. W. T. Williams, Jr., City Manager      Subject: South Austin & East  
Austin Service Centers

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, July 27, 1965 for the construction of chain link fence, gates and accessories for East Austin and South Austin Service Centers.

"Evans Metal Products	<u>\$14,434.86</u>
United States Steel Corporation	<u>\$15,293.76</u>
City's Estimate	\$15,626.25

"I recommend that Evans Metal Products with their low bid of \$14,434.86 be awarded the contract for this project.

"From: S. Reuben Rountree, Jr.  
Director of Public Works  
Signed: S. Reuben Rountree, Jr."

Councilman LaRue inquired about the number of linear feet just to get a comparison of the cost per foot. The Director of Public Works stated the fence was 7' with barbed wire on top, and this price, including the gates and everything would be about \$2.50 but he would get the figure for him.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 27, 1965, for the construction of chain link fence, gates and accessories for East Austin and South Austin Service Centers; and,

WHEREAS, the bid of Evans Metal Products, in the sum of \$14,434.86, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works 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 Evans Metal Products, in the sum of \$14,434.86, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager be and he is hereby authorized to execute a contract, on behalf of the City, with Evans Metal Products.

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 public utility purposes in, upon and across a part of Lot 8D, Cannizzo Subdivision, Section 3, a subdivision of a portion of the Henry P. Hill League in the City of Austin, Travis County, Texas, according to a map or plat of said Cannizzo Subdivision, Section 3, of record in Book 19 at Page 64 of the Plat Records of Travis County, Texas, same also being partly out of and a part of Lot 21 of a resubdivision of portions of Blocks B & C, Cannizzo Subdivision, Section 2, a subdivision of a portion of the said Henry P. Hill League in the City of Austin, Travis County, Texas, according to a map or plat of said Cannizzo Subdivision, Section 2, of record in Book 7 at Page 110 of the Plat Records of Travis County, Texas, a map or plat of said resubdivision of portions of Blocks B & C, Cannizzo Subdivision, Section 2, being of record in Book 8 at Page 58 of the Plat Records of 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 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 public utility easement, to-wit:

A strip of land ten (10.00) feet in width, same being partly out of and a part of Lot 8D, Cannizzo Subdivision, Section 3, a subdivision of a portion of the Henry P. Hill League in the City of Austin, Travis County, Texas, according to a map or plat of said Cannizzo Subdivision, Section 3, of record in Book 19 at Page 64 of the Plat Records of Travis County, Texas, same also being partly out of and a part of Lot 21 of a resubdivision of portions of Blocks B & C, Cannizzo Subdivision, Section 2, a subdivision of a portion of the said Henry P. Hill League in the City of Austin, Travis

County, Texas, according to a map or plat of said Cannizzo Subdivision, Section 2, of record in Book 7 at Page 110 of the Plat Records of Travis County, Texas, a map or plat of said resubdivision of portions of Blocks B & C, Cannizzo Subdivision, Section 2, being of record in Book 8 at Page 58 of the Plat Records of Travis County, Texas; the centerline of said strip of land being more particularly described as follows:

BEGINNING at a point in the east line of said Lot 8D, Cannizzo Subdivision, Section 3, same being the west line of said Lot 21 of a resubdivision of portions of Blocks B & C, Cannizzo Subdivision, Section 2, and from which point of beginning the northwest corner of said Lot 21 bears N 31° 19' E 19.05 feet;

THENCE, with the said east line of Lot 8D, same being the west line of Lot 21, S 31° 19' W 75.33 feet to point of termination in the north line of an existing public utility easement five (5.00) feet in width, from which point of termination the southeast corner of said Lot 8D, same being the southwest corner of said Lot 21, bears S 31° 19' W 5.00 feet.

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 PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 128 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE 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.  
(Kassuba Beach)

Councilman LaRue 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 August 12, 1965, at 10:30 A.M. The motion, seconded by Councilman White, carried by the following vote:

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

MR. FRANK MONTGOMERY expressed appreciation to the City Attorney and Director of Public Works for getting this annexation started today. The City Attorney reported a few years ago the Town Lake Study Committee recommended the annexation of a strip on the south side to protect the lake shore. Mr. Montgomery announced the present plans called for about 300 apartment units, and ultimately there would be about 896.

The Council had for consideration application for annexation of the following:

9.39 acres of land out of the  
T. J. Chambers Grant - Proposed  
HIGHLAND HILLS, SECTION 9, PHASE 1.

The City Manager pointed out the particular request would mean annexing a very narrow strip of land which would result in surrounding a considerable amount of land which would not be in the City, and which belongs to the subdivider. He could not recommend that this small area be annexed on this basis. MR. LANDEN BRADFIELD stated all requirements had been met, and he believed annexation of surrounding property was a separate matter. He asked if a policy had been adopted by the City covering a situation as this. He showed a map of the area and said it would be four years before they were ready to develop this large acreage. They are paying school taxes on this acreage, and would like to eliminate further taxation during the development period. Lengthy detailed discussion was held on this acreage. Councilman Long stated since all this property was under Mr. Bradfield's control and did not entail running any utilities through the area, she saw no reason for not leaving it out and letting him go ahead and annex the strip. The City Manager stated the practice had been when property was under the same ownership that they were required to bring in the property and not leave a "hole in the doughnut". Where there is separate ownerships and they were not ready to develop they were not required to be annexed but even in some of those cases the land was brought in. Discussion was held on utilities design. The City Attorney asked if the 38 acres were restricted to strictly residential development. Mr. Bradfield said this was what they had in mind. The City Attorney asked if Mr. Bradfield would have any objections to restricting this area for residential and placing that on the plat. Mr. Bradfield said he would not want to say now. The City Manager said the taxes the City would collect would be insignificant. Its concern was the fact the City would have no control over that area until it is annexed. Mr. Bradfield stated they intended to develop a 10 or 15 acre strip at a time. Councilman LaRue pointed out the fire and police protection that would be expected on this vacant 38 acres by the property owners. Councilman Shanks inquired if there were a policy regarding this annexation. Councilman Long said she did not have a policy and had not voted to bring in property where the owners were not ready. The Mayor stated looking at this from good planning, a logical extension would envision annexing the entire acreage. In speaking about taxation in cases like this where the subdivider is not ready to bring the property in the City, the City Attorney stated a subdivider could place restrictions on his plat and prevent the necessity of taxation and yet allow the kind of protection that the Council was discussing for the property owner. Councilman LaRue stated because of the size of this area, he believed it would be too much of a hazard to leave it unannexed. Councilman Long moved that the 9.39 acres--Proposed Highland Hills, Section 9, Phase 1, be annexed. Councilman White seconded the motion. Councilman Shanks suggested establishing some type of policy regarding this type of annexation so that it would be public knowledge to everyone and everyone would abide by it. MR. BRADFIELD suggested abandoning the policy of requiring the subdividers to wait for approval of their plats until annexation had taken place, and he asked that this delay be omitted. The subdivider has to wait for annexation before he can get approval of the plat and file it, and this brings about a delay which is costly. The City Attorney explained the purpose of this policy. After more discussion of the 38 acres under question, the taxation cost of \$300-\$400 annually, and an established policy, the Council decided to go look at this whole area. Councilman LaRue stated his feeling was that a tract this large could create too many problems. He said the City Manager pointed out some possibilities and

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there are many others, and it would be a disservice to people out there in the City, if that much area were left out, on a question of \$300 or \$400 taxes a year. Councilman Long withdrew her motion.

Later in the meeting, after the Council had made an on site inspection of the area, the Council brought the matter up for decision. Councilman Long moved that the ordinance be brought in annexing the 9.39 acres. The motion, seconded by Councilman White, lost by the following vote:

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

Councilman Shanks then moved that an ordinance be brought in next week to be introduced, ordered published and set for public hearing, to annex the 9.39 acres plus the intervening land. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long made the following statement:

"'No', and I state right here and now that regardless of the policy the Council votes, I shall still vote 'no' on taking peoples' properties in when they are not ready to bring them in. Only when it is requested am I willing to vote for it unless there are some very unusual and very difficult situations that might arise."

After discussion, Councilman LaRue moved that the Council accept the recommendation of the Building Standard's Commission concerning the standard house at 6103 Felix - Mrs. Felicia LaFuenta, as follows:

6103 Felix

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner be given 90 days from July 13, 1965 to bring the structure to requirements of the Minimum Housing Code, and that while bringing the structure to the requirements of the Minimum Housing, the owner be allowed to occupy the structure; that before occupation the owner be required to clean the premises of trash, debris, weeds and tall grass, to replace or repair all torn or missing window and door screens and to repair and make operatable all plumbing fixtures; that after expiration of 90 day period if the owner has failed to bring the structure to requirements of the Minimum Housing Code, the Legal Dept. be instructed to seek judicial determination that the above structure is a public nuisance in a court of competent jurisdiction; that upon a termination of the legal proceedings in favor of the City the failure of the defendant to abate the nuisance, the forces of the City, with permission of the

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court, be empowered to demolish the structure, and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:  
(1) THE EAST 45 FEET OF LOT 4 AND THE WEST 47-1/2 FEET OF LOT 5, BLOCK B OF CHANDLER AND CARLETON'S SUBDIVISION OF A PORTION OF OUTLOT 42, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (2) LOTS 14, 15 AND 16, BLOCK 4 OF THE D. L. BROWN SUBDIVISION, AND ADDITIONAL AREA: LOT 17, BLOCK 4 OF THE D. L. BROWN SUBDIVISION, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; AND (3) LOT 3, BLOCK 2, OF THE SUBDIVISION OF OUTLOT 4, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman 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, White, Mayor Palmer  
Noes: None

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, White, Mayor Palmer  
Noes: None

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, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 62,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2913-2915 EAST 12TH STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks 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, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the second time and Councilman Shanks 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, Shanks, White, Mayor Palmer  
Noes: Councilman Long

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

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

The Mayor announced that the ordinance had been finally passed.

The Council considered repealing Section 31.45 of the Code, which required that the Chief of Police should give four hours of instruction to every taxicab driver in Austin every six months. The Chief of Police stated he did not believe that was a proper police function.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1954 BY REPEALING SECTION 31.45 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 Shanks, 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 Shanks, carried by the following vote:

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

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

The Chief of Plan Administration gave a report on petitions referred to the Planning Commission, filed by property owners asking for a change of zoning from the present classification to "A" Residential, as follows:

The petition filed on the Gene Naumann property at 1911 Anita Drive does not have enough area in the property owners petition to meet the 50% required by the ordinance, and the report was the petition was not sufficient, did not comply with the ordinance requirement, and the Planning Commission did not take any consideration of the petition.

Councilman Long moved that the City Manager inform the attorneys filing this application, (McGinnis, Lockridge, Kiblgore, Hunter and Wilson, represented by Mr. William F. Turman) that the Council will act on it later after they have been informed on this lack of sufficient number of signatures. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The petition regarding changing the Safeway Stores property, 2111-2412 Wheless Lane, did not have the signatures acknowledged and did not meet the requirements of the ordinance.

Councilman LaRue moved that the Attorneys, Sneed and Vine, who are representing these people, be notified that the petition is insufficient. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman LaRue moved that MR. AMOS HEROLD be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. HEROLD was concerned about the building standards and discussed the article appearing in the newspaper about the number of substandard housing. He



believed the 50,000 homeowners in Austin were capable of looking after their own property; and if repairs are needed, they can make them. He believed the homeowners should continue to manage their property and make their repairs, stating homeowners in Austin had been doing a good job for over a century.

Councilman LaRue moved that MR. JOE MATTINGLY be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. MATTINGLY was interested in the paving hearing on Alexander Avenue and was unable to attend the hearing. He lived between Manor Road and 19th Street on Alexander. Mr. Mattingly said he was glad to see it being paved, and that he was included.

Councilman LaRue moved that the Council grant the request of the Tax Assessor that the Council Room be reserved for the Board of Equalization every day except Thursdays until the first week in September. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Council recessed at 12:00 noon to meet at 2:00 P.M.

RECESSED MEETING

2:00 P.M.

At 2:00 P.M. the Council resumed its business.

The Mayor brought up the following zoning application deferred from last week:

MRS. BERTHA C. REICHERT	909 Anderson Lane	From "A" Residence
By John O. Yokie, Jr.		To "C" Commercial
		RECOMMENDED by the
		Planning Commission

Mr. Yokie stated his clients would agree to a sufficient setback, such that if the property were ever needed, the City would not have to buy any improvements, but would have to buy the land. Councilman Shanks suggested that he be given until next week to discuss this with his client. Mr. Yokie stated the best route would be to withdraw the application. Councilman LaRue moved that the Council grant the request of Mr. John O. Yokie, Jr., Attorney for the applicant, to withdraw the zoning application. 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 zoning had been WITHDRAWN.

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Mayor Palmer read a letter from the U.S. CONFERENCE OF MAYORS announcing a series of four consultations of three days' duration on all aspects of the planning and operation of the Community Action Programs under the Economic Opportunity Act, for the purpose of offering information, direction, exchange of ideas, and experience among and between local officials responsible for Community Action Programs, and Federal Officials responsible for administration of the Economic Opportunity Act, to be held in Washington on August 8th-11th. It was asked that an official representative from Austin participate in the scheduled consultation. A per diem travel and living expense of not more than \$16.00 will be paid by the conference. After discussion, Councilman Shanks moved that MR. VICTOR EHLERS, JR. be designated as the official representative of the City of Austin and that he attend this particular conference in the Council's behalf. The motion, seconded by Councilman White, carried by the following vote:

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

The Council discussed briefly the suggestion made by MR. WALTER E. LONG that a grist mill be constructed at Barton Springs. Councilman Long suggested including an amount in the budget to do this. The Mayor stated he thought Mr. Long's suggestion had a lot of merit and asked the City Manager to explore the possibility, engineering wise and money wise and for any other reason.

At 2:30 P.M. the Council heard a report from the National Safety Council by Paul Dixon, District Director. Mr. Dixon distributed copies to the Council, stating this was a very good report. There would have been four awards to Austin, had there been a Local Safety Council, and that kept the City from winning. On "Traffic Records", Austin was 98%, the highest in the country. The major recommendation Mr. Dixon made was the reactivation of the Official Coordinating Committee, which contains those who have the responsibility for safety and traffic to come up with an official program policy, and procedure to be supported publicly by the civic leadership through a Local Citizens Council, a professional staff financed by local business and industry.

The National Safety Council recommends that attention be directed to assuring that persons arrested on driver-intoxication charges be tried on them unless there is valid reason to do otherwise. Mr. Dixon pointed out in the driver intoxication trial rate per 100 DWI arrests, based on 30% of the top cities of the 58 in this population bracket, that 95 out of 100 find their way before the Judge. In Austin, 20 out of 100. The conviction rate of the 95 is 99%. The drunken driver situation was a national problem, and 85% of the people involved in fatal accidents have been drinking. The Mayor stated Austin had been rated down because it did not have a Citizens Committee. Mr. Dixon explained the creation and organization of such a Committee, as set out on page 25 of the report. It was his recommendation that the Council reactivate the Official Coordinating Committee; then the citizens themselves will work toward organizing a local safety council, which would hire a professional staff, recruiting members of business and industry and making charge for membership.

The report disclosed "Traffic Engineering" rated 93% and the officials are to be commended for their very good progress in the engineering program. Mr. Dixon read the recommendation on Page 9.

The Police have won an award from the International Association of Chiefs of Police for "Police Traffic Supervision". There are very few of those awards this year. It is an outstanding Police Program. This was achieved in the face of the Police Department's being 88 men under the criteria for cities of this size, and \$100 a month less money per man as recommended for cities the size of Austin. This covers only the top 30 cities in this population group of 58 cities.

Mayor Palmer noted that the City of Austin had a good report and the City had made a good record; and had there been a Citizens Committee, it would have had an excellent record. Mr. Dixon stated the Police in apprehending DWI's were doing an excellent job. Councilman LaRue expressed appreciation for the manner in which Mr. Dixon had submitted this excellent report. The Mayor thanked Mr. Dixon for this report and stated the City would study it and try to follow through on some of the suggestions.

MR. SAM WINTERS discussed a different boundary line in connection with the Maurice Duke zoning application. He had been in touch with Mr. O'Quinn but he could not get in touch with one of his clients. Mr. Winters thought the most of the people were not particularly interested in the apartment development as their primary concern was the proposed sky ride. He reviewed the proposal to build 72 units with the 3rd Height and Area, and said they would limit that to 80 units. He suggested instead of having the whole lot under water, to rezone 200' from the property line of Scenic Drive. The Mayor asked if the 200' designation following the meander of Scenic Drive would at any point be out into the water farther than the City's loading ramp. The plans called for docks in the lake; and above an apartment house. He was now asking that the height and area zoning and the fill line be the same, so they would not have the problem of building above the boat docks. Councilman LaRue stated 40' had been authorized already, and now 68' more would give an additional of 110' fill. The City Attorney stated the point the Council acted on before was they were not extending the shore line any farther than it was before, that area had been excavated; it was merely permitting refilling an area, and it was not interfering with the natural shoreline. The matter now being considered is to allow the lake to be filled out from the natural shoreline an additional 65'. The Building Official suggested if the Council saw fit to permit this fill designate such so that it be parallel with the property line. Councilman LaRue suggested that the Navigation Board look at this, as they may be talking about the same amount from the property owner on the other side of the Lake thus narrowing the lake by 140'. He thought the Navigation Board should discuss this. The Mayor suggested that the Council go and look at this again.

The Mayor brought up the following zoning application:

GENE NAUMANN

3111 West 35th Street

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

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

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

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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.

The City Attorney submitted an ordinance for consideration as an emergency matter, stating people were driving automobiles on the runways at the Airport. The Chief of Police gave a report of the incidents, and it was found there was no ordinance covering the operation of motor vehicles on the runways. Councilman Long inquired if this prohibited delegations from going out on the runways to meet people coming in on a plane. The City Attorney explained this allowed people in the Control Tower to control vehicular traffic as well as aviation traffic.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO TWO NEW SECTIONS DESIGNATED 21.27-1 AND 21.27-2 PROHIBITING THE GOING UPON ANY AIRPORT, HELIOPORT OR OTHER AVIATION FACILITY OWNED, OPERATED OR UNDER THE CONTROL OF THE CITY OF AUSTIN, PROVIDING EXCEPTIONS THERETO 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

Councilman Long made the following statement regarding her vote:

"I am assured the present policy of allowing people to go out and meet the plane like they do now, and this is only for the safety of keeping people from running out on the field when they are not supposed to; but our present policy of allowing people to meet the planes will not be changed."

The Mayor announced that the ordinance had been finally passed.

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Reading from the afternoon paper, Councilman Shanks noted that the City Attorney said Thursday "His department would begin research as soon as formal request was received from the Planning Department as concerned the relocation of the road at Mount Bonnell." Councilman Shanks made a motion that the City Council instruct the City Attorney not to wait on the City Planning Commission or Planning Department and proceed with his legal research immediately. The City Manager explained the Planning Commission had asked for a legal decision, and that could be reached only in the court. Councilman Shanks asked for a legal research.

Councilman Shanks moved that the City Manager be instructed to instruct the City Attorney to brief this question and give the Council a legal opinion. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Councilman Shanks explained he was asking for a research on the question of the legality of relocating Mount Bonnell Road. The Mayor stated this opinion related to whether or not this Council could vacate Mount Bonnell Road without losing title to the park and road; as the City Attorney formerly reported there was a serious doubt that this could conceivably affect the park and the road, and this request was for a legal opinion covering the Council's authority to relocate Mount Bonnell Road without jeopardizing the park and roadway. Councilman Shanks suggested that the City Attorney meet with Mr. Harry Whittington and show him some of this information. The City Attorney reported that Mr. Whittington, representing Mr. Connolly, had asked to review the title with him. Mr. Connolly later told him he was working with the Planning Department on a replatting of the land without changing the location of the road whatever. The City Attorney reviewed what had developed in the meantime and when he tried to contact Mr. Whittington he found he was out of the City not to return until today. Councilman Shanks just wanted the two attorney's to meet and get some real good information on this. Councilman Long wanted to see this put up to the vote of the people and see if the Council should buy the property and maintain it for posterity.

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 4:30 P.M. subject to the call of the Mayor.

ATTEST:

APPROVED

*Lester E. Palmer*  
Mayor

*Cliff Mosley*  
City Clerk