

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 6, 1966
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, White, Mayor Palmer
Absent: Councilman Shanks

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 ROBERT FINK, Pecan Springs Christian Church.

Councilman Shanks was absent as he was out of the City.

Mayor Palmer acknowledged and greeted the visitors present.

Councilman Long moved that MR. BILL CAMPBELL and MR. VIC EHLERS be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. CAMPBELL representing the Mayor's Commission on Mental Retardation, asked the Council, on behalf of this Commission to support its request for one of the two diagnostic facilities to be located in Austin. It would fit into the developing plan for the overall expanding medical, mental health and mental retarded services in this community. State land can be made available at this time. This Commission had met with other agencies interested, and all are in agreement that this center is much needed here and it would not duplicate other facilities that are being planned or that are now in existence. In answer to Councilman LaRue's question, Mr. Campbell stated funds were available for staffing this center. It is a State agency, but it will be available for community services. MR. VIC EHLERS stated there was a great movement to deal with the problem of mental health and mental retardation, and the State is taking a big step forward in this area. There are only two Centers planned for Texas, and communities are being asked to express an interest as the State wants some

assurance of the community's support. He pointed out advantages to include in the request--the availability of State land here and this Center's place in the long range plan in the community. Mr. Ehlers explained the difference in this Center and the other kinds of service which will be coordination and planning. The City Manager stated some work had been done on applying for this Center with the Chamber of Commerce and Community Council. Councilman Long moved that the Council indicate officially that the Council wanted to make every effort to try to obtain this diagnostic center in Austin, and that the City Manager be instructed to gather all available material and send to the Board. (Site Selection Committee, Mental Retardation Community Program, of the Texas Department of Mental Health and Mental Retardation) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

The Mayor thanked Mr. Campbell and Mr. Ehlers, stating this matter is very, very important, and since it is a local program as well as state wide the City wants to do all it can.

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) LOTS 7 AND 8, BLOCK D OF THE FORD PLACE, SECTION 1 ADDITION, FROM "LR" LOCAL RETAIL DISTRICT AND "O" OFFICE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (2) LOT 2 AND THE SOUTH 1/2 OF LOT 3, BLOCK A OF THE NORTH PLAINS ADDITION, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) A 15,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 6000-6006 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (4) LOTS 10, 11 AND WEST 1/2 OF LOT 12 OF THE DUVAL HEIGHTS ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND ADDITIONAL AREA: LOT 9 AND THE EAST 110 FEET OF LOT 8, SAVE AND EXCEPT THE NORTH 120 FEET OF THE SOUTH 195 FEET OF THE WEST 30 FEET OF THE EAST 110 FEET OF LOT 8 OF THE DUVAL HEIGHTS ADDITION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (5) LOTS 1, 2 AND 3, BLOCK D OF THE NORTHGATE ADDITION, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (6) A 11,326 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1611 WEBBERVILLE ROAD (PLAT ADDRESS 1609-1613), FROM "LR" LOCAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (7) WEST 47.4 FEET OF LOT 31 OF THE SUBDIVISION OF OUTLOT 41, FROM "B" RESIDENCE DISTRICT TO "C-2" COMMERCIAL DISTRICT; (8) LOT 32 OF THE SUBDIVISION OF OUTLOT 41, FROM "B" RESIDENCE DISTRICT TO "C-2" COMMERCIAL DISTRICT; (9) NORTH 50 FEET OF

LOT 1, THE NORTH 50 FEET OF THE WEST 62 FEET OF LOT 2 AND THE SOUTH 10 FEET OF THE WEST 134 FEET OF A VACATED ALLEY, OF BLOCK 8 OF THE GROOMS ADDITION, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; (10) A 860 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 93 CONGRESS AVENUE, FROM "C-1" COMMERCIAL TO "C-2" COMMERCIAL DISTRICT; (11) LOT 4, BLOCK 142 OF THE ORIGINAL CITY OF AUSTIN, FROM "BB" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND (12) THE NORTH 60 FEET OF LOT 9 OF THE RESUBDIVISION OF LOT 8, BLOCK F OF NORTHWEST HILLS, SECTION 4, FROM "LR" LOCAL RETAIL DISTRICT TO "C-1" 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 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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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

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

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 ONE ACRE TRACT OF LAND, LOCALLY KNOWN AS 2015-2019 BLUE BONNET LANE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

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

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 Long, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council had before it the following zoning application postponed from December 30, 1965:

T. & N. O. RAILROAD	Rear of 4310-4318 Inter-	From "A" Residence 5th
By Duplex Advertis-	regional Highway	Height & Area
ing Company	Rear of 4305-4307 Clarkson	To "GR" General Retail
		5th Height & Area
		NOT Recommended by the
		Planning Commission

No action was taken.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 28.34 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE S. Q. WHATLEY 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.
(Preswyck Hills, Section 4)

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

carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 20TH DAY OF JANUARY, 1966, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Bennett Avenue 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 White, carried by the following vote:

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

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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"January 4, 1966

"To: W. T. Williams, Jr., City Manager Subject: Miscellaneous Storm Sewers

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, January 4, 1966, for the construction of miscellaneous storm sewers in the following areas: Munson Street and Gunter Street Easement, Burnet Road South of Anderson Lane, Guadalupe Street Easement at Southern Pacific Railroad, Shirley Avenue Easement at Southern Pacific Railroad, and Oak Springs Drive Easement from Tannehill Branch East to Springdale Road.

Bill Tabor	\$23,458.40
Austin Engineering Co.	\$25,522.45
Bland Construction Co.	\$28,428.35
Ford Wehmeyer, Inc.	\$28,436.85
Miller's Concrete Cont.	\$32,505.49
Ed H. Page	\$33,122.50
City's Estimate	\$27,965.28

"I recommend that Bill Tabor with his low bid of \$23,458.40 be awarded the contract for this project.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 4, 1966, for the construction of miscellaneous storm sewers at various locations in East Austin and North Austin - Contract 65-D-18; and,

WHEREAS, the bid of Bill Tabor, in the sum of \$23,458.40, 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 Bill Tabor, in the sum of \$23,458.40, 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 Bill Tabor.

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

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 Edward W. Cundiff as described in the Travis County Deed Records and known as Lot 19, a subdivision of a portion of J. E. Pearce 100 acre and Blanche Philips 320 acres and W. C. Philips 4 1/2 acre out of the Jas. Spillman Survey and Charles Tidings Survey, and hereby authorizes the said Edward W. Cundiff 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 Edward W. Cundiff has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 30, 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. Edward W. Cundiff, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot 19, a subdivision of a portion of J. E. Pearce 100 acre and Blanche Philips 320 acres and W. C. Philips 4 1/2 acre out of the Jas. Spillman Survey and Charles Tidings Survey, as recorded in the Travis County Deed Records for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Edward W. Cundiff 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

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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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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 Mr. Nat Goodfriend as described in the Travis County Deed Records and known as Lot 4, Block D, Herman Brown Addition No. 2, Section No. 4 as described on the attached plot plan and hereby authorizes the said Nat Goodfriend 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 Nat Goodfriend has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 4, 1966

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"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. Nat Goodfriend, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot 4, Block D, Herman Brown Addition No. 2, Section No. 4, as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Goodfriend is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

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 Dr. and Mrs. Ben Fruchter as described in the Travis County Deed Records and known as Lot 5, Block A, Aqua Monte Subdivision as described on the attached plot plan and hereby authorizes the said Dr. and Mrs. Ben Fruchter 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

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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 Dr. and Mrs. Ben Fruchter have failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 5, 1966

"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 Dr. and Mrs. Ben Fruchter, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot 5, Block A, Aqua Monte Subdivision, as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock and boathouse projecting out into the lake approximately twenty-eight (28) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Dr. and Mrs. Ben Fruchter are granted their request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

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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 Mr. Rudolf Kreil as described in the Travis County Deed Records and known as Lot 9, Rivercrest Addition as described on the attached plot plan and hereby authorizes the said Rudolf Kreil 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 Rudolf Kreil has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 3, 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. Rudolf Kreil, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot No. 9, Rivercrest Addition, as described on the attached plans and recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Rudolf Kreil is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

"(4) That all structures extending out into the lake be constantly kept

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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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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 Mr. J. S. Brown as described in the Travis County Deed Records and known as Abstract 21 Survey 1-W Sparks, 270 acres, 3111 West Lake Drive as described on the attached plot plan and hereby authorizes the said J. S. Brown to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. S. Brown has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 3, 1966

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

"I, the undersigned, have reviewed the plans and have considered the application of Mr. J. S. Brown, 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 Abstract 21 Survey 1-W Sparks, 270 acres, 3111 West Lake Drive as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately fifty (50) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Brown 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

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in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

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

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

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

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

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

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 Mrs. Paul B. Baker as described in the Travis County Deed Records and known as (legal description attached) as described on the attached plot plan and hereby authorizes the said Mrs. Paul B. Baker to construct, maintain and operate this boat dock subject to the 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 Mrs. Paul B. Baker has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 3, 1966

"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 Mrs. Paul B. Baker, 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 (legal description attached) as described on the attached plans recorded in the Travis County Deed Records, for permission to repair a boat dock projecting out into the lake approximately thirty-two (32) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mrs. Paul B. Baker is granted her request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

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 Mr. Arnold Schmidt as described in the Travis County Deed Records and known as Lot 10, Rivercrest Addition as described on the attached plot plan and hereby authorizes the said Arnold Schmidt 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, proper,

January 6, 1966

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 Arnold Schmidt has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 4, 1966

"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 Arnold Schmidt, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot 10, Rivercrest Addition as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Schmidt is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

January 6, 1966

Councilman White offered the following resolution and moved its adoption subject to his constructing the pier 10' from the property line, and the walls 18" above the normal water level in lieu of Mr. Wight's original plans which were not in compliance with the ordinance:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. Ed Wight as described in the Travis County Deed Records and known as Lot No. 1, Manana Subdivision No. 2 as described on the attached plot plan and hereby authorizes the said Ed Wight 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 Ed Wight has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 4, 1966

"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. Ed Wight, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as Lot No. 1, Manana Subdivision No. 2 as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Wight is granted his request by the City Council, that it be subject to the following conditions:

"(1) That the addition to the retaining wings to the present boat slip be not less than ten feet from the side property line; the top of the new wing be a minimum of eighteen (18) inches above the average level of the lake and that the pier be constructed of nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

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

extending into or above Lake Austin.

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

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

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

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

Councilman White moved that the Council approve construction of shore-line improvements on Lake Austin for the following:

- a. Mrs. Frances Duff - Construct retaining wall on Lots 6 and 7, Bruton Springs Subdivision.
- b. P. P. Cooper - Construct concrete boat ramp (12' x 25') downstream and adjacent to low water bridge below Mansfield Dam.
- c. City of Austin - Consideration of boat ramp at Walsh Landing.
- d. Dr. Ben Fruchter - Construct retaining wall on Lot 5, Block A, Aqua Monte Subdivision.
- e. Rudolf Kreil - Construct retaining wall on Lot 9, Rivercrest Addition.
- f. Herman H. Mack - Construct retaining wall on Lot 23, Section 1, Block A, Rivercrest Addition.
- g. Ernest F. Gloyne - Extend shoreline on Lot 1, Aqua Verde Subdivision.
- h. J. M. Wyatt - Extend shoreline on Lot 12, Block C, Aqua Verde Subdivision.
- i. Gene Naumann - Extend shoreline on Aqua Verde Subdivision.
- j. Hugo F. Kuehne, Jr. - Dredge out boat slip on Lots 88 and 89, Lakeshore Addition (3617 West Lake Drive).

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

MAYOR PALMER commented on the work that is being done on Lake Austin

since it has been lowered, and he was glad so many people were getting their applications in early. It was agreed to lower the Lake beginning December 27th and to start raising it at the end of January. He urged anyone who had any type of work to be done on the lake to file applications to do so; and those who had begun construction to complete their work before the water is raised. The City Manager stated the L.C.R.A. had work planned downstream that makes it imperative to restore the lake by the middle of February or earlier, and it takes more than a week to refill the lake.

At 10:30 A.M. Mayor Palmer opened the hearing on annexing 34.21 acres of City property. 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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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 ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
34.21 ACRES OF LAND, SAME BEING OUT OF AND A PART OF
THE JAMES ROGERS 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.
(City Property)

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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

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, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks

At 10:35 A.M. the Mayor opened the hearing on the Child Care Ordinance, as proposed by the Health Code Citizens Committee. MR. JOHN E. SIMPSON, Chairman, introduced MRS. HARRIET DILLON Chairman of the sub-committee on the Child Care section, and other members of this sub-committee. MR. HERBERT HARGIS, City-County Health Department, stated this ordinance was prepared by the Citizens Committee appointed by the City Council in cooperation with the State Department of Health, City Health Department, Child Welfare Division, Fire Marshal, and

other agencies in upgrading, checking and making certain the children in these facilities were given adequate and proper care. The existing ordinance provides an inspection fee of these facilities, and the Health Department's part was a recommendation to the Child Welfare Division before these centers were licensed. The proposed ordinance will give the Health Department control in cooperation with the Welfare Department and the Fire Marshal Department. Most of the provisions are taken from the regulations of the Child Welfare Department or some other similar agency. Councilman Long inquired if operators of nurseries had been supplied with copies of the ordinance or attended public hearings. Mr. Hargis stated they were supplied copies of the draft by the Citizens Committee, and they were notified of the hearings. Mr. Hargis reviewed the ordinance in its entirety.

Suggestions and discussions covered the following:

The exclusion of public schools, private or parochial, and kindergartens which are a part of regular education programs of at least six grades. REVEREND CARL SHANNON, Church of the Resurrection Day School, expressed interest that those exempt should be included and he asked if the requirements for the school groups were as stringent as this Ordinance would require in regard to toilet facilities, personnel, etc. MISS MARY LEE TAYLOR, State Welfare Department, explained a School System with six grades or more would have its own rules and regulations, and the Public Health Nurses and Inspectors did cover the Public Schools. One suggestion was to strike "at least six grades" in Exception A.

The requirement of cots for all day care centers regardless of hours. REVEREND SHANNON inquired if all parochial schools would be required to provide cots, even though the children are kept only for three hours. One citizen noted the ordinance made no difference between the number of hours of day care centers where children are housed for ten hours or more, and from kindergartens where they are kept for three hours. REVEREND SHANNON said it would not seem reasonable to expect the same physical facilities for these two types of care. MR. GENE ALLEN REEVES, representing St. George Episcopal Church, which is building an addition for establishing a kindergarten and pre-kindergarten operation, stating their operation would be on a three hour basis; and cots for four and five year olds for three hours would not be necessary and would be only a matter of investing money in cots which would never be used. REVEREND JOS. A. DIRADDIO representing the Church of the Resurrection Day School stated they would have to furnish storage just for the cots, as their children are kept only three hours and would need no cots. MRS. WILLIAM MITCHELL pointed out that public schools are not required to provide cots; and they use spreads or pads on the floor for the children. MISS MARY LEE TAYLOR, Consultant, said if naps were offered, there should be cots; if the children are there only three hours, they would not need cots. The Committee was trying to get away from the pads on the floor.

Discussion on educational centers and day care centers. MRS. INEZ JEFFREY stated it was impossible to define what was educational and what was not, and they had never been able to get together health, education, and welfare. She read a statement stating the

ordinance set no minimum qualification for those who do child care, nor did it provide screening or supervising for those who did child care for four hours or less. On the other hand those who are qualified with degrees are classified as "day care". The ordinance was fine as far as it went, but it did not go far enough. MR. LYLE PETERSON stated there were no standards for kindergarten teachers as far as the State was concerned and Mrs. Jeffrey's point was well taken, but this is an initial step, then more could be done later. REVEREND JOS. A. DIRADDO said their established school had a Board of businessmen, professional men and interested people. The standards are high; all of the teachers have degrees and attend work shops regularly. They built a school building some years ago; but some of the facility requirements of a day care center would put them out of the day school business, if they are classified as a day care center. There should be a distinction between a true school and a child care center; as some centers call themselves a school, but are not doing educational work. The Director of the Church of the Resurrection Day School stated those who had School Boards would solve the problem as to whether or not they were supported by an organization. Their Day School was governed by both the National and the Texas Episcopal Association, and certain qualifications had to be met.

One citizen suggested distinguishing between child care centers and educational programs by stipulation of the qualification of the teacher. Mrs. Jeffrey suggested setting up a program for pre-school children, and listed many such approved programs--experimental programs, research programs, etc.

MRS. RAY BOLTON'S opinion was if these operators take care of children 30 minutes a day, they need supervision. MRS. J. T. BLOOMER, all day school operator and registered nurse, stated the ordinance was very good and was not different from what they had been doing for many years. The Health Department had been very good in working with her. She suggested perhaps some of the schools do not want to be covered; but whatever regulations are good for all day should be good for a half a day. This ordinance should cover all places where children are being housed.

MAYOR PALMER asked if the Council were concerned primarily with the health, safety, and welfare of the child, leaving the education supervision under another governmental entity. The City Attorney stated the primary authority here was not regulating education. MRS. HARRIET DILLON, member of the Committee, reported the Committee was charged with study of health and sanitation only, and there were no stipulations about education qualifications. MR. SIMPSON expressed regrets that the education factor came into the picture, as this committee was concerned strictly with health and sanitation. MRS. JEFFREY said some felt the laboratory kindergartens should be included in this health code, as they are dealing with the same age children. MISS TAYLOR brought out again these kindergartens attached to schools are already inspected by the Health Department, Nurses and Sanitarian. At request of Parochial Schools, the Health Department gives them inspections also.

Fees. MR. REEVES said the \$5.00 plus \$.50 per child did not consider the difference in hours a child is retained--three hours or twelve. Also if a Church kindergarten asks for a permit for

100 children, but enrolls only 50, it would be paying for something it might not have. He suggested this fee be rescaled or put on a graduated basis.

Ratio of Employees. MR. REEVES suggested for four and five year olds that the employee be one to 20 children rather than one to 15. A teacher they would employ could handle 20 children.

Toilet Facilities. MR. REEVES said the area where toilet facilities are to be located is not set forth in the ordinance. It is not stated if they should be in one building, two, on the premises or in adjoining premises. He suggested for the three hours of care, the number of children should be raised as to the number of toilet facilities required. REVEREND SHANNON brought out those who were taking care of infants up to two years of age would have no need for toilet facilities as prescribed under this ordinance.

MRS. LYNN JORDAN stated there was no need for this as all day care people are already licensed by the Welfare Department, and this is just a repetition of what is already being done. She thought the Church Schools should be included.

MR. HARGIS explained it was brought out that many of these operations are strictly institutions, and certainly they have to have child care; but others, in order to get away from Welfare Regulations were using "school" as a dodge to keep from having to go under the regulations. The Committee was told many of these were kindergartens on paper only.

Age. The City Attorney inquired about the qualification of the age of the Director that there be no director above 65 years of age. Councilman Long did not believe a director should have to cease their operation at 65. MRS. LOUIS STEINBACK, "Little Red School House", inquired about the 19 year age limit. Many times a girl with one year of college could be employed to help in the Nursery, but she could not be if she were only 19. The Mayor ascertained there would be no objection from the Committee to change this particular requirement to 18 years of age for an employee, but not for the director who would have to be at least 21 years of age.

MAYOR PALMER stated the education area could be explored further by which ever governmental body would have the authority. He would hate to see this ordinance held up, and it could always be amended to include other areas. It was the Sanitation Code that is under hearing today. He suggested each one put in writing the suggestions and particular area in which each is involved, and let the Council have the benefit of their written suggestions. The Council would pass this ordinance through its first reading, and hold it until it could consider all of these suggestions, and perhaps incorporate some into the plan.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY
ADDING THERETO A NEW CHAPTER PERTAINING TO THE REGULA-
TION OF CHILD-CARING FACILITIES, DESIGNATED CHAPTER 41;

DEFINING TERMS; REQUIRING PERMITS FOR THE OPERATION OF A CHILD-HEARING FACILITY; PRESCRIBING PROCEDURE FOR OBTAINING PERMITS, INSPECTIONS, AND PAYMENT OF FEES; RESTRICTING TRANSFER OF PERMITS; SETTING FORTH MINIMUM OPERATIONAL STANDARDS; MAKING VIOLATION OF SUCH CHAPTER A MISDEMEANOR; PROVIDING A PROCEDURE FOR THE REVOCATION OR SUSPENSION OF PERMITS ISSUED UNDER SUCH CHAPTER AND APPEAL THEREFROM; AND DECLARING AN EMERGENCY.

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

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

Mayor Palmer thanked everyone for being present, and again invited each to send his written suggestion into the City Manager who would distribute copies to the Council Members. Councilman White expressed pride that so many came to this hearing as when the Council calls hearings, it is pleased to see a large group of interested people present, and the Council would review all of these suggestions.

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

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

RECESSED MEETING

2:30 P.M.

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

The City Manager had word from the architects of the Hospital stating at an earlier date they had indicated to the Council it might be possible to rush up the structural features that are planned now to the extent that later four additional floors might be added, making 17 floors instead of 13. The architects now have concluded it might not be worthwhile due to extra cost involved for increasing the structural members, etc. They wanted to mention to the Council now that after further review they recommended proceeding with the original plan of construction the basement and four floors. There will be no change between now and what was planned in 1982. Councilman Long asked if the architects had done anything about placing the lavatories in the room, and stated she hoped they would not do that. Councilman LaRue stated it was good that the architects had looked into this extra construction possibility.

Councilman Long brought up for discussion the request of the Austin Braves that they be permitted to move the fence back and that more lighting be installed. If the City is going to participate and help them out on this program

a decision should be made so they can get their turf ready for the season. The City Manager stated it was his understanding that the Milwaukee Braves agreed if the City did the work asked for last year they would take care of it themselves henceforth. An estimate of what this requested work would cost on the fence and other work would be around \$4,800 and the lighting was about \$3,900. The Manager wants a new lighting system rather than repairs. The Director of Public Works showed a sketch of the field, fence, etc., describing what was requested to be done, and stated the total cost would be \$3,819.00. Mayor Palmer suggested that the Council go down to Disch Field next Thursday and see what all was included.'

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

MR. STELFOX discussed the wrecker ordinance pointing out it had been 12 or 14 years since they had an increase in fees which went from \$3.00 to \$4.00. The wrecker companies do not mind making the pound hauls for the City, but they cannot handle it at a loss. About 550 cars are impounded by wrecker services. The City Manager explained the fees are set by ordinance, and the authority to impound is set by ordinance, which calls for a reimbursement by the owner when the car is claimed. The Chief of Police recommended an increase, and stated now no one was required to haul these cars. Some will still haul the cars in; however if they all refuse to do this the City would have to provide the wrecker service itself. The person who owns the impounded car eventually pays the fee, and the money goes into the General Revenue Fund. The Chief stated there were cases where a \$10.00 fee is paid where cars are turned over, or in a creek bed; but when more than \$4.00 is paid that is at City expense as the ordinance sets the fee at \$4.00. Mr. Stelfox stated the wrecker representatives met and suggested that pound hauls be \$10.00 and "dead hauls" be \$7.50--somewhere between \$7.00 and \$10.00 could be agreed upon. The companies are not making any money on this type hauls. Mr. Stelfox mentioned that some cars were being impounded, and 99% have insurance, and their wrecker fee would be covered; as it is now, the wrecker company makes the pound haul for \$4.00 and the insurance company gets the benefit of that. MR. DOUG SCALES suggested that the person on rotation should take the pound calls; if they refuse they should be taken off the list. The Chief of Police agreed. After discussion, Councilman White moved that the City Manager be instructed to bring in an amended ordinance providing a \$7.00 fee for pound calls and providing that any company on the rotation list which refuses to make pound hauls be removed from the rotation list until he complies. The motion, seconded by Councilman LaRue, carried by the following vote:

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

MR. TRUEMAN O'QUINN appeared before the Council asking for a session regarding Mr. Moton Crockett's property on 19th Street and Trinity including the alley, a proposed bridge, etc. The Council decided to meet Mr. O'Quinn and Mr. Crockett on the site next Thursday after lunch, notifying Mr. O'Quinn approximately of the time.

Councilman White moved that MR. DAVE SHIPWASH be reappointed as an Alternate Member of the Board of Adjustment for a term to extend to December 31, 1967. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager gave a report on his and Mr. Frazier's tour to locate a vantage point from which to take pictures of the City of Austin for the mural for the U.S.S. AUSTIN. They found a viewing point on the west on top of a high hill, and they believe very nice pictures could be taken at this site.

The City Manager reported they had the opportunity to rent more space in the building at 8th and Lavaca where the Building Official's Office is. The remainder of the first floor will become available about May or June, and if the Traffic and Transportation Administration moves to this location both this Department and the Department of Public Works would have more space. The amount for the total space rent would be \$950.00 per month which would include the entire ground floor plus 20 parking spaces, plus the basement, and a room upstairs. The amount of the space for the Traffic and Transportation alone would be \$350.00 including six parking spaces. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council has found a need for additional space for certain City Departments in order that they may provide service to the citizens of Austin in a more efficient manner; and,

WHEREAS, after an investigation, the City Council has found that it would be in the best interest of the City of Austin to enter into an agreement for additional office space in the office building situated at 800 Lavaca Street in Austin, Texas, adjoining the leased premises now occupied by the City of Austin; Now, Therefore,

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

That the City Manager is hereby authorized and instructed to execute and enter into the attached lease amendment on behalf of the City of Austin.

(Attached Lease Amendment)

"THE STATE OF TEXAS }

COUNTY OF TRAVIS }

"WHEREAS, a lease agreement was entered into between the Estate of Ben H. Powell, deceased, and the Estate of Frank W. Woolsey, deceased, as Lessor, and the City of Austin, Travis County, Texas, as Lessee for the lease of office space and parking space situated in and on the following described property:

Lots 6 and the East 30 feet of Lot 5 of Block 100,
Original City of Austin, Travis County, Texas, also
known as 800 Lavaca Street;

and,

"WHEREAS, the parties to such lease agreement do hereby intend by this instrument to amend such agreement to include the property and conditions shown below.

"1. This lease amendment shall be in addition to and made a part of the original lease agreement stated above and shall be on the same terms and conditions and with the same rights and privileges as stated in the original instrument with the exception however of the amount of property to be leased and the amount of rental to be paid by Lessee to Lessor which shall be stated herein.

"2. Lessor, for and in consideration of the rental terms and covenants set below and stated in the original lease agreement by these presents does demise, lease and let unto the Lessee all that certain portion of the office building situated on the property stated above and as shown and described in Exhibit A attached hereto and made a part hereof for all purposes and the parking spaces situated on such property and described in Exhibit B attached hereto and made a part hereof for all purposes. The intention of Lessor being to lease to Lessee the remainder of all space on the first floor of the building and basement space as shown.

"3. As rental for such premises, both office and parking space, Lessee agrees and obligates itself to pay to Lessor the sum of \$350.00 per month for each month of the term of this lease payable monthly in advance on or before the 15th day of each and every month during the term of this lease. Such rental payments shall be in addition to the amount set forth in the original lease agreement and shall be made with such payment to Sterling Sasser & Son, P. O. Box 1685, Austin, Texas, as agents of Lessor, for the period of this lease term or until otherwise notified of any change by Lessor.

"4. The term of this lease amendment shall begin as of June 1, 1966, and shall extend for the same length of time and be entitled to the same options and method of termination and period of time as stated in the original lease agreement between the parties.

"5. Lessor agrees to pay the real estate broker negotiating this lease the customary leasing fee of 5% on this lease amendment and all renewals or extensions hereto.

"EXECUTED this the _____ day of _____, 19____.

ESTATE OF BEN H. POWELL, SR.,
DECEASED

By _____
Ben H. Powell, Jr.
Independent Executor

ESTATE OF FRANK W. WOOLSEY,
DECEASED

By _____
Olivia M. Woolsey
Independent Executrix

"CITY OF AUSTIN

BY _____

W. T. Williams, Jr.
City Manager

"ATTEST:

City Clerk

(Notary acknowledgments attached)"

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

The City Manager called attention to the filing of the Electric Progress Report and the Water and Sewer Contract Progress Report.

Mayor Palmer read a petition from property owners on and near Lake Austin expressing interest in backing the City Council on passing laws to stop pollution of the water of Lake Austin. The petition had about 25 signatures.

The Mayor read another letter from W. D. Barrow asking that an appropriate law be enacted that circulars, magazines, newspapers, and other types of publications be placed in the mail box at the door or any place the homeowner desires. Many of these items are delivered at vacant houses, and become nuisances.

Another letter was read concerning home ownership and rental property in the same area, suggesting that when a home was vacated, it should be sold to another homeowner rather than being turned into rental property.

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 Manager be and he is hereby authorized and directed to enter into an Agreement, on behalf of the City of Austin, with Southern Pacific Company for the installation of an 8-inch cast iron gravity flow sanitary sewer pipe to cross under Railroad's tracks (3) in Fifth Street, just west of Canadian same to be installed in accordance with Railroad's standard plan and specifications (as shown on Standard Drawing C.S. 1741, dated April 20, 1953, revised July 24, 1961) and also in accordance with the terms and provisions of a certain agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said agreement

in the permanent records of her office without recordation in the Minutes of the City Council.

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

The Council reviewed the pending list and took action as indicated:

H. G. LINSOMB	2519-2707 Thornton Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission
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ROY F. BEAL	2317-2409 Thornton Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission
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After a report from the Planning Director, Councilman Long moved that the applicants be notified that if the Council does not hear from them within three weeks from today, their cases will be denied. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

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BEN WHITE BOULEVARD MANCHACA ROAD AREA	Section 2 - 11 lots on Manchaca Road & Ben White Boulevard	From "C" Commercial To "GR" General Retail RECOMMENDED by the Planning Commission
	Section 5 - 2 lots on Fortview Road	From "GR" General Retail To "A" Residence RECOMMENDED by the Planning Commission

The Director of Planning reviewed the area zoning on Ben White Boulevard - Manchaca Road Area stating the recommendation of the Commission was to make the area north of Ben White Boulevard and to the west of Manchaca Road, Section 2, "GR" General Retail. Two lots off of Manchaca Road have been zoned "C-1" Commercial and the filling station on the corner is "C" Commercial. The owners prefer that their zoning be left "C" Commercial and "C-1" Commercial. This would leave the other seven lots north of Ivy Trail to Fortview "C" Commercial. As to Section 5 the two lots on Fortview Road are already "GR" General Retail and the owners want it left as it is. Councilman White moved that the zoning be left exactly as it is now. (Section 2 - 7 lots north of Ivy Trail to Fortview as "C" Commercial and Section 5 - 2 lots on Fortview Road as "GR" General Retail) (See zoning file in 1961) The motion, seconded by Councilman LaRue, carried by the following vote:

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

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C. R. FOLLETT	1200-1312 Oran Street	From "A" Residence
	4900 Grover Avenue	To "O" Office
	4901 Woodrow Avenue	NOT Recommended by the Planning Commission

The Planning Director gave a review of the Follett zoning application for "O" Office zoning on Oran, Grover and Woodrow Avenue. The reason for the Commission's not recommending the zoning was due to inadequate streets and inadequate lot sizes and depth. No action was taken by the Council and it was requested that this file be brought before the Council Meeting next Thursday. The Director of Planning stated he would try to contact Mr. Follett and get a complete report. The Mayor stated the Council may have an opportunity to drive by this location.

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WILLIAM CARTER	1145E-1147E Springdale Road	From "A" Residence
	1146E-1148E Webberville Road	To "B" Residence
		NOT Recommended by the Planning Commission

The Planning Director was asked to bring this file in next Thursday.

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THEO P. MEYER, JR.	4204-4212 Red River Street	From "A" Residence
		To "B" Residence
A. E. COCKE	4305-4307 Caswell	From "A" Residence
		To "BB" Residence
		NOT Recommended by the Planning Commission

The Planning Director reported the Council had referred these cases back to the Planning Commission for an area study. The Mayor stated since the Hancock Shopping Center was there, the area had changed. The Planning Director stated he would bring this up before the Planning Commission again. Councilman Long stated the whole area had changed definitely. The Mayor asked that the Commission come in with some kind of a recommendation.

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MRS. GERTRUDE SWENSON	3320-3330 Manor Road	From "GR" General Retail &
& NITA BARRON	2219-2227 Anchor Lane	"A" Residence
By Frank Kerbo	Additional Area	To "C" Commercial
	2109-2217 Anchor Lane	NOT Recommended by the
	3222-3320 Manor Road	Planning Commission

The Planning Director pointed out the portion of the property of Mrs. Swenson that was granted. Additional right of way had been requested at Anchor Lane and Manor Road. Councilman LaRue moved that the property owners be notified that unless all conditions are satisfied within the next three weeks, the request for zoning will be denied. The motion, seconded by Councilman White, carried by the following vote:

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

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J. H. TOUCHSTONE, JR.	Tract 1	From "A" Residence 1st
JOHN J. McKAY	4301-4317 Springdale	Height & Area
	Road	To "GR" General Retail
	4600-4616 Farm Highway	2nd Height & Area
	969	NOT Recommended by the
		Planning Commission
		RECOMMENDED "LR" Local
		Retail 1st Height & Area
	Tract 2	From "A" Residence 1st
	4319-4323 Springdale	Height & Area
	Road	To "C-1" Commercial 2nd
		Height & Area
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "C-1" Com-
		mmercial 1st Height & Area
	Tract 3	From "A" Residence 1st
	4401-4501 Springdale	Height & Area
	Road	To "GR" General Retail
		2nd Height & Area
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "LR" Local
		Retail 1st Height & Area

The Planning Director reported the need of the 250' right of way on 19th Street which would come off the east side as none could be taken from the golf course on the west. The City Attorney stated it would be trapping a property owner to approve a zoning where it was known the use of the property was to be public. He reported both the attorneys with whom he had discussed this, had said they were not interested in the zoning if the expressway was going through. The attorney for the purchaser had turned the property down. After discussion, the Council suggested that the City Attorney discuss this matter with the two attorneys and see what they want to do.

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ELIZABETH PATERSON	2703-2707 Swisher Street	From "A" Residence and
	Additional Area	"B" Residence 1st
	2701 Swisher Street	Height & Area
	900-902 Wahrenberger	To "O" Office 2nd Height
	Street	& Area
		NOT Recommended by the
		Planning Commission

The Director of Planning stated there was right of way, paving and drainage involved and the Attorney for the applicant has not indicated acceptance of these problems and they have not been worked out yet. Councilman Long suggested leaving this application in abeyance, as the University may need this area. After discussion, Councilman White moved that the applicants be asked to come in within three weeks and notify the Council whether or not they want them to proceed so the Council may dispose of the case. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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E. O. QUINN	9001 East Drive	From "A" Residence
		To "B" Residence
		NOT Recommended by the
		Planning Commission

The Planning Director stated this was pending an amendment to the ordinance where it would permit a barber shop where a beauty parlor would be permitted. The Director of Planning stated he would take this application before the Planning Commission again.

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AL SACHS	121-129 Krebs Lane	From "A" Residence 1st
	3801-3807 Wadford	Height & Area
		To "C" Commercial 2nd
		Height & Area
		NOT Recommended by the
		Planning Commission

Hearing had been postponed on this application. The Planning Director reported there was a right of way question. Mr. Sachs wants to proceed with the zoning but they had not heard from him since 1963. Councilman LaRue moved that Mr. Sachs meet the requirements within three weeks or the application will be denied. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, White, Mayor Palmer
Noes: None
Absent: Councilman Shanks
Present but not voting: Councilman Long

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Councilman LaRue moved that the following zoning application be set for hearing at 11:30 A.M. on January 27, 1966:

MRS. CHARLIE TOD ARMSTRONG, ET AL	Tract 1	From "B" Residence 2nd
	1213-1215 Baylor Street	Height & Area
	1212 Parkway Street	To "C-1" Commercial 2nd
	Tract 2	Height & Area and
	1205-1211 Baylor Street	"C" Commercial 2nd
	1210 Parkway Street	Height & Area
	Additional Area	NOT Recommended by the
	1201-1203 Baylor Street	Planning Commission
	1016 West 12th Street	RECOMMENDED "O" Office
	1206-1208 Parkway	

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

Where ordinances covering zoning changes were pending, the Planning Director stated he was not prepared to make a report today.

Concerning the amendment to the zoning ordinance text covering carports, the Mayor asked the Planning Director be requested to meet with the Building Official and bring this up to date.

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

AN ORDINANCE GRANTING A FRANCHISE FOR THE OPERATION OF
MOTOR BUSES ON CERTAIN STREETS OF THE CITY OF AUSTIN
TO MONTOPOLIS COMMUNITY CENTER, INC., OF AUSTIN, TEXAS;
PROVIDING MAXIMUM RATES TO BE CHARGED AND REPEALING
ANY ORDINANCE WHICH MAY BE IN CONFLICT TO THE EXTENT
OF THE CONFLICT.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long inquired about taking bids on Southwest Swimming Pool. The City Manager stated they anticipated letting the contract in the late spring or summer. They were still exploring the various suggestions made on ways of saving money on this construction, but they had not come up with anything that they wanted to change. There is a meeting of Swimming Pool experts in Houston the latter part of this month, and some of the Recreation people will attend to have a conference.

The Planning Director stated he had talked to representatives of groups of second hand dealers. All represented dealers outside of the downtown area. It appears an amendment to the ordinance for these "outside the downtown area" dealers is acceptable. The Mayor suggested leaving the Red River Street area alone for the time being, and that is in an area encompassing Red River in the Urban Renewal. Councilman LaRue stated he was willing to leave Red River area as it is, but he would not want to see the rest of the downtown area do what is being done on Red River. The Mayor asked that the Planning Director do more studying on this suggestion.

The Council set 10:35 A.M. Thursday, January 13th, 1966, to hear the Private Detective Ordinance.

The City Attorney discussed the purchase of property on 9th Street and Lamar Boulevard, which was brought before the Council last week by MR. STEVE PRICE, stating they were pretty close to an agreement on value, and they had a signed contract on the property for \$18,900 for 100' x 100' at 9th and Lamar. Councilman Long moved that the Council authorize the purchase of this property up to \$18,000. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer asked if the contract on the property on Interregional had been signed by the Holiday Inn yet. The City Attorney stated it had not been returned and he would call Mr. Wilson.

Mayor Palmer inquired about the dates for taking bids on the Hospital expansion. The City Manager stated bids would be taken in May or June, in time to let the contract by July 1st.

Councilman Long inquired when the Decker Lake construction would begin. The City Manager reported plans would be ready by the latter part of this month. It would take a year to build the dam, and the initial plan was to allow two years to fill it. A larger pipe is being installed, and the lake should be filled in about 1969.

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

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

January 6, 1966

The Council adjourned at 4:30 P.M. subject to the call of the Mayor.

APPROVED

Leath E. Palmer
Mayor

ATTEST:

Essie Woolley
City Clerk