

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 28, 1961
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, 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 REV. W. M. LOGAN, University Presbyterian Church.

Councilman White moved that the Minutes of the Meeting of September 14, 1961, and of the Special Meeting of September 18, 1961, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

MR. EDGAR JACKSON, President of the Austin Real Estate Board, stated at the request of the Texas Real Estate Association, the Board will start a Counseling service to the families of the 49th Division and all service people who are being called up to active duty. Two men will be sent to counsel with the families on what to do about their homes. It is not a service to secure listings, but to be of help to the families affected, and the services will be free. The Mayor stated these 400-500 families would have many problems, and expressed appreciation to the Real Estate Board for its assistance in helping these families with their decision as to what to do with their homes.

MR. M. L. MCGEE made several complaints on inefficiency in several of the Departments-about the length of time it took one of the clerks in the Tax Department to locate his tax statements; about the workmen cleaning a drain on Canterbury and Mildred, there being four men, but only one with a shovel; about the inefficient manner in which some trees, blown down by the recent storm, were removed; and about a meter reader having to make an extra trip to a house,

as he could not get near the meter due to a dog. The Mayor thanked Mr. McGee for coming down, and stated he would be reading some of the letters received, commending the Electric Department, and the Sanitary Division for getting power restored, and for getting the areas cleaned from blown down trees and limbs, respectively. He stated the City employees work hard and do as fine a job as any one in private industry. He read a letter from Dean Arno Nowotny, stating he was proud of his home town and the way it was governed, but particularly was he proud of his city government during the recent Hurricane Carla episode. The letter stated that Mr. Nowotny was amazed at the efficiency of the City Light Department that made so many repairs so rapidly and courteously, and the City Garbage Department that had a tremendous job in clearing and loading rubbish, broken limbs, etc. The Mayor thanked Mr. McGee for coming down.

MR. AL JOHNSON, San Antonio, Texas, wrestling promotor, asked permission to reserve every Tuesday night at the Coliseum for a year at an annual charge rather than the regular charge per night, and proposed \$100.00 per night or 10% whichever was greater, on an annual contract. Councilman Shanks inquired if he would give a signed agreement that these matches would not be rigged. Mr. Johnson stated definitely he would, as he is working through the National Wrestling Association. The Mayor stated the Council had asked for an investigation of financial background and reputation, and to see what could be done if he could pay six months in advance. Mr. Johnson stated he would pay one week in advance and guarantee three weeks in case it went under. Mr. Johnson also stated if some special event were scheduled at the Coliseum, he would move to the Auditorium and pay the price for that particular night. The Mayor asked that he leave his address, and the Council would do some further investigation and get in touch with him.

The Council greeted and welcomed MR. KALLADAYSECK, son-in-law of Councilman Shanks.

MRS. A. W. HARRIS, Library Commission member, stated not only could they come up and say "please" but they could come up and say "thank you", and expressed appreciation for the efforts that went into the preparation and adoption of the Budget.

MR. FRANK MONTGOMERY read his letter stating he had noted that Austin had received a federal grant from the Housing and Home Finance Agency in Washington for the purpose of conducting a "city wide study to determine the need for a community renewal program and how to meet the need." He stated the news dispatch inferred that the first objective, "to determine the need" had already been ascertained; and he hoped then, the majority of the money would be spent more wisely in trying to arrive at the second objective, "how to meet the need." In line with the news report from the Urban Renewal Office, that the study would develop a long range program for the elimination of slums and blight, Mr. Montgomery requested the Council to enlarge and expand the scope of this study, to specifically include the development of a long range program for the prevention of slums and blighted areas; in that it is not enough to eliminate blight, but take immediate steps to prevent its recurrence. Mayor Palmer stated the City's

share would be a little over \$16,000, and the Federal funds would be over \$32,000, totalling \$49,485. He stated the subdivision ordinance was one of the finest things the City had in line with Mr. Montgomery's suggestion, and that most of the development from now on will be orderly and possibly will eliminate some of the blight. He stated these blighted areas concern the entire community; and whether it is corrected by private enterprise or some other plan, it is something to be reckoned with. The Mayor thanked Mr. Montgomery for his offer to help out and suggested that Mr. GOLDEN, Director of the Urban Renewal Office, get with Mr. Montgomery and get his ideas.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement, for public utility purposes, was granted the City of Austin, in, upon and across the south five (5.00) feet of Lot 9 and all of the north five (5.00) feet of Lot 10, Block B, Alamo Heights, Section 1, said Alamo Heights, Section 1 being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, a map or plat of said Alamo Heights, Section 1 being of record in Book 6 at page 106 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property had requested the City Council of the City of Austin to release such easement for public utility purposes; and,

WHEREAS, the City Council has determined that said easement, in, upon and across the above described property, 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 W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the following described easement for public utility purposes, to-wit:

The South five (5.00) feet of Lot 9 and all of the North five (5.00) feet of Lot 10, said Lots 9 and 10 being out of and a part of Block B, Alamo Heights, Section 1, said Alamo Heights, Section 1, being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Alamo Heights, Section 1, of record in Book 6 at Page 106 of the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated October 4, 1955, of record in Volume 1633, Page 147, of the Deed Records of Travis County, Texas, an easement for drainage-way purposes was granted to the City of Austin, in, upon and across a part of Lots 4 and 5, Block B, Delwood 4 East, Section 2, said Delwood 4 East, Section 2 being a subdivision of a portion of the A. W. Canfield Survey, in the City of Austin, Travis County, Texas, according to a map or plat of said Delwood 4 East, Section 2, of record in Book 8 at page 8 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of said property have requested the City Council of the City of Austin to release the hereinafter portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of such 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, W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release, on behalf of the City, of the following described portion of the above described easement, to-wit:

A portion of that certain drainageway easement out of and a part of Lots 4 and 5 Block B, Delwood 4 East, Section 2, said Delwood 4 East, Section 2 being a subdivision of a portion of the A. W. Canfield Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Delwood 4 East, Section 2, of record in Book 8 at page 8 of the Plat Records of Travis County, Texas, which certain drainageway easement was conveyed to the City of Austin, Travis County, Texas, by instrument dated October 4, 1955 of record in Volume 1633 at page 147 of the Deed Records of Travis County, Texas, which portion of that certain drainageway easement is more particularly described by metes and bounds as follows:

BEGINNING at the most westerly corner of the herein described tract of land, same being a point in the east line of Berkman Drive, same being also the west line of the said Lot 4, and from which point of beginning the northwest corner of said Lot 4 bears North 29° 43' East 5.03 feet;

THENCE, with the west line of the herein described tract of land, same being the west line of that certain drainageway easement conveyed to the City of Austin by instrument of record in Volume 1633 at page 147 of the Deed Records of Travis County, Texas, South 19° 02' East 165.02 feet to the point of intersection of the west line of the herein-described tract of land with the west line of that certain drainageway and public utility easement as shown and dedicated by plat of said Delwood 4 East Section 2, said point of intersection being the most southerly corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land, same being the west line of that certain drainageway and public utility easement as shown and dedicated by plat of the said Delwood 4 East Section 2, in a northerly and northwesterly direction to the point of beginning.

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

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on a map or plat of Royal Oak Estates, Section Three, a subdivision of a portion of the A. B. Spear Survey No. 25, the Thomas Eldridge Survey No. 26 and the D. Simpson Survey No. 27 in the City of Austin, Travis County, Texas, a certain street extending southerly from Wheless Lane to Wellington Drive is designated as Northampton Drive; and

WHEREAS, the map or plat of said Royal Oak Estates, Section Three is of record in Book 13 at page 60 of the Plat Records of Travis County, Texas; and

WHEREAS, the present owners of property abutting following described street have requested that the name Northampton Drive be changed to North Hampton Drive; Now, Therefore;

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

That the name of the following described street now designated as Northampton Drive, as the same appears on the map or plat of Royal Oak Estates, Section Three of record in Book 13 at page 60 of the Plat Records of Travis County, Texas, be and the same is hereby changed to North Hampton Drive, said street being described as follows:

All of that certain street known as Northampton Drive as shown on a map or plat of Royal Oak Estates, Section Three, a subdivision of a portion of the A. B. Spear Survey No. 25, the Thomas Eldridge Survey No. 26 and the D. Simpson Survey No. 27 in the City of Austin, Travis County, Texas, according to a map or plat of said Royal Oak Estates, Section Three of record in Book 13 at page 60 of the Plat Records of Travis County, Texas, which Northampton Drive extends from the south line of Wheless Lane, southerly to the north line of Wellington Drive of said Royal Oak Estates, Section Three.

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to file or cause to be filed a certified copy of this resolution with the Deed Records of Travis County, Texas.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL ALL OF THAT CERTAIN ALLEY TWENTY (20) FEET IN WIDTH WHICH TRAVERSES BLOCK 15 OF RAYMOND AND WHITIS ADDITION, AND EXTENDING FROM THE NORTH LINE OF EAST 27TH STREET, NORTHERLY TO THE SOUTH LINE OF EAST 29TH STREET; RETAINING AN EASEMENT FOR PUBLIC UTILITY PURPOSES IN, UPON AND ACROSS ALL OF THAT CERTAIN PORTION OF SAID ALLEY WHICH LIES CONTIGUOUS TO LOTS 8 AND 4, BLOCK 15, RAYMOND AND WHITIS ADDITION, AND IN, UPON AND ACROSS THE EAST TEN FEET OF THAT PORTION OF SAID ALLEY CONTIGUOUS TO LOT 11 OF SAID BLOCK 15, RAYMOND AND WHITIS ADDITION; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, 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 Armstrong, Perry, 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 Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Armstrong moved that the appeal of the JIM WALTER CORPORATION, by Metcalfe Engineering Company, from the decision of the Planning Commission in failing to approve the "J. BROWN SUBDIVISION" be set for hearing at 11:30, October 12, 1961. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Action was deferred on the ordinance vacating a portion of West 22nd Street until the Council could make a personal inspection of the area, and study the parking situation.

The Mayor announced the request of LEM SCARBROUGH that his zoning application on Duval and East 51st Street from "C" Commercial to "C-1" Commercial be withdrawn. Councilman Perry moved that the Council allow the withdrawal of the following zoning application as requested:

LEM SCARBROUGH	5012-5014 Duval	From "C" Commercial
By Marvin Braswell	405-407 East 51st St.	To "C-1" Commercial

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

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

PLANNING COMMISSION AREA STUDY	1100-2100 Blks. Ben White Blvd. 1101-1109, 3900, 4000-4200 and 4300-4318 Banister Lane; 1400-2100 Blks. Fort View Rd.; 4200 Blk. Clawson Road; 4200 Blk. Valley View Road; 4103-4105, 4200, 4300 Blks. & 4400-4424, 4401-4407 Manchaca Rd.; 2000 & 2100 Blks. Ivy Trail; 4400 Blk. Pack Saddle Pass; 2100-2124 Redd Street; 4400-4406, 4401-4407 Merle Drive; 4300 Blk. & 4400-4406, 4401-4407 Russell Drive; 4308-4314 & 4307-4311 Gillis St.
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The Chairman of the Planning Commission reported after hearings were held, the last one at Jerry Joslin School, it was decided that the Commission would like to have time for more study on this area before making a recommendation, and he requested the Council to extend the time until after the Planning Commission met again and made its recommendation. The group present was told notices would be sent letting them know when this would be heard before the Council. The Council postponed action.

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HENRY ALFF	2420-2422 East 1st Street	From "C" Commercial
By Eleuterio Nuncio	100-108 Pedernales	To "C-1" Commercial
		RECOMMENDED by the Planning Commission

No one appeared representing the applicant. MR. L. E. NOE, 2501 East 2nd Street bitterly opposed the change of zoning in order to keep his neighborhood

as respectable as possible; and that this place is now a meat market and there are a few groceries sold, and barbecue. He stated this neighborhood suffered enough now from the people who buy beer, sit out in the street and drink it. He asked that this zone not be permitted, and cause his street to get the reputation that East 7th Street has. MR. SAM JONES, 2410 Willow spoke in opposition. MR. JOHN NORDVALL, 2500 Willow Street, representing himself and MR. KITFREDGE, 2412 Willow, asking that the Council not permit this operation in their neighborhood. MR. E. K. SMITH and others expressed protests to this zone. The Mayor explained the legality of the sale of beer in properly zoned areas. Councilman Perry stated the people who have to live around a place like this do not want it, and he did not see any justification in having it pushed on them. Councilman Shanks wanted to make an inspection of the area. The Council postponed action on this application until it could make a personal inspection of the location.

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MYLES H. SCHUTTE,
Trustee, By E. H.
Smartt

512-516 Dawson Road
1100-1110 Post Oak Street

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

No opposition appeared. Councilman Shanks moved that the change to "B" Residence be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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W. A. DARTER

713 West 38th Street

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

No opposition appeared. Councilman Perry moved that the change to "O" Office be granted. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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DR. MILTON TURNER

1015-1017 East 32nd
Street

From "B" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

No opposition appeared. Councilman White moved that the change to "O" Office be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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W. M. DAY

4910-4918 South Congress
Avenue

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

No opposition appeared. Councilman White moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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A. E. SMITH

6807 Guadalupe Street
507-513 Kenniston Drive

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

No opposition appeared. Councilman White moved that the change to "LR" Local Retail be granted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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JOE M. TEAGUE

810-904 East 12th Street
1201-1205 East AvenueFrom "B" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

No opposition appeared. Two letters in opposition were received. Councilman Perry moved that the change to "C" Commercial be granted. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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STRIPLING-BLAKE
LUMBER CO., INC. et al
By Robert C. Sneed5504 & 5510-5602 Clay Ave.
Additional Area
5506-5508 Clay AvenueFrom "A" Residence &
"C" Commercial
To "C" Commercial
RECOMMENDED by the
Planning Commission

MR. SNEED represented the applicant. He stated MR. S. E. REA'S property was included in the consideration by the Planning Commission, and Mr. Rea did not want his property zoned, as he felt the tax factor would be applicable. The Director of Planning explained the recommendation to include this additional property as everything surrounding these lots was commercial. Mr. Rea finally agreed to his property being zoned along with the rest. Councilman Perry moved that the change to "C" Commercial be granted as recommended. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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

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MRS. C. W. POLVADO

3400 Neal Street
1107-1109 Cherico StreetFrom "A" Residence
To "LR" Local Retail
NOT Recommended by the
Planning Commission

On the request of the applicant, Councilman White moved that the withdrawal of the application be permitted. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

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MR. HUB BECHTOL made inquiry about the lease of property on Barton Springs Road to the United Fund. The Mayor stated the only question was the area involved, and the City Attorney stated he was working on the lease. Later in the meeting, the Mayor stated it had been agreed that a 55 year lease be made on the 300x300' and a lease on the other property be made separately. He suggested that the building site be squared out and that will be taken care of, and the rest of the property on Barton Springs Road discussed, will be leased on a month to month basis.

The City Manager stated MR. DAVE BARROW had property west of Balcones Trail between Spicewood Road and Highway 183, which is land that cannot be served by the City's low level water system. It needs to be served from the same sort of level that Travis-Williamson County Water District No. 1 has, which is 1035. He stated to serve this area, the City could put in a booster pump; however, the Water District has a booster now to take care of the pressure in this water system and to pump it into a reservoir. The City Manager showed on the map the lines in the Water District System, and the lines which the city has acquired from the District. Mr. Barrow was interested in developing his land between the Water District line and Balcones Trail, and in its being annexed after he develops it. He asked the City Manager if a temporary arrangement could be worked out which the City could ask the district to agree to serve the area through its pipe. The Water District wants a letter from the City Manager. After discussion, Councilman Shanks moved that the City Manager be authorized to negotiate to work out the arrangement with the District to serve Sections 5 and 6, Northwest Hills. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

The City Attorney stated a press release had been made from the Land Commissioner stating it appeared that the City of Austin was using two tracts of land owned by the State, where the water treatment plant No. 1 is located. The City Attorney stated the City has had possession since the 1850's, and explained the status.

The Mayor read the personnel record of the Director of Public Works, MR. REUBEN ROUNTREE, who was graduated from the University of Texas, with a B.S. Degree in Civil Engineering, and who started to work for the City of Austin as Chief Draftsman in 1936 and is now Director of Public Works, having been with the City for 25 years as of September 29th. The Mayor thanked Mr. Rountree for the many contributions he made in the City and expressed gratitude for the fine work he is doing in his Department.

There being no further business, the Council adjourned at 12:30 P. M.,

subject to the call of the Mayor.

APPROVED

Louis E. Polivka
Mayor

ATTEST:

Chae Hoosley
City Clerk