

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 23, 1962
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; Robert Beckham, Assistant Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. DONALD C. McLEAISH, Chaplain, Seton Hospital.

The Council greeted and welcomed MR. BILL LIVINGSTON, University of Texas, who had brought about 50 foreign students from South America and Central America, Turkey, Nigeria, India, Greece, and Africa. A representative from the group expressed gratitude for the opportunity to observe the Council meeting, and stated the group had found Austin extremely hospitable, and the students were enjoying their stay here in this very beautiful city.

Councilman White moved that the Minutes of the Meeting of August 16th and of the Special Meeting of August 20, 1962, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

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

Present but not voting: Councilman Armstrong (As he was absent at the August 16th meeting)

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated July 5, 1962, of record in Volume 2501, pages 518-520, of the Deed Records of Travis County, Texas, an easement, ten feet in width, for an enclosed storm sewer was granted the City of Austin, in, upon, and across that certain tract of land out of Outlot 27, Division C, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; which certain tract of land was conveyed to Manor Apartments, Incorporated, by warranty deed dated December 27, 1961, of record in Volume 2408, page 422 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of above described property have heretofore granted an easement in a more desirable location and have requested the City Council of the City of Austin to release the hereinafter described easement; and,

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

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

That the City Manager be, and he is hereby authorized, to execute a release of the hereinafter described easement, to wit:

A strip of land ten (10) feet in width, same being out of and a part of that certain tract of land out of Outlot 27, Division C, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; which certain tract of land was conveyed to Manor Apartments, Incorporated, by warranty deed dated December 27, 1961, of record in Volume 2408, Page 422 of the Deed Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at a point in the north line of said Manor Apartments, Inc. tract of land, from which point of beginning the northwest corner of the said Manor Apartments, Inc. tract of land bears S 79° 51' W 15.28 feet;

THENCE, S 55° 09' E 11.31 feet to a point in a line eight (8.00) feet south of and parallel to the said north line of the Manor Apartments, Inc. tract of land;

THENCE, with said line eight (8.00) feet south of and parallel to the north line of the said Manor Apartments, Inc. tract of land N 79° 51' E 100.33 feet to an angle point;

THENCE, S 50° 23' E 45.22 feet to a point in a line eight (8.00) feet west of and parallel to the east line of the said Manor Apartments, Inc. tract of land;

THERENCE, with the said line eight (8.00) feet west of and parallel to the east line of the said Manor Apartments, Inc. tract of land, S 00° 40' E 274.90 feet to point of termination in the most northerly south line of the said Manor Apartments, Inc. tract of land, same being the north line of that certain tract of land conveyed to Werner C. Waedekin by warranty deed dated November 4, 1955, of record in Volume 1658 at page 71 of the Deed Records of Travis County, Texas, and from which point of termination the most easterly southeast corner of the said Manor Apartments, Inc. tract of land bears N 80° 05' E 8.11 feet.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, easements for guy wire purposes were reserved in, upon and across portion of Lots 11 and 12, Block F, Allandale Park, Section 1, said Allandale Park Section 1 being a subdivision of a portion of the George W. Davis Survey, in the City of Austin, Travis County, Texas, of record in Book 9 at page 25 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of above described property has requested the City Council of the City of Austin to release said easements in, upon and across the following described portions of said property; and,

WHEREAS, the City Council of the City of Austin has determined that the hereinafter described easements for guy wire purposes are not now required and will not be needed in the near future; Now, Therefore,

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described easements for guy wire purposes; to-wit:

Two (2) strips of land, each being five (5.00) feet in width; the strip of land hereinafter described as No. 1 being out of and a part of Lot 11, Block F, Allandale Park, Section 1; the strip of land hereinafter described as No. 2 being out of and a part of Lot 12, Block F, Allandale Park, Section 1; said Allandale Park, Section 1 being a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, of record in Book 9 at page 25 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land five (5.00) feet in width being more particularly described as follows:

NO. 1 BEING the east 45.00 feet of the north five (5.00) feet of said Lot 11, Block F, Allandale Park, Section 1;

NO. 2 BEING the east 45.00 feet of the south five (5.00) feet of said Lot 12, Block F, Allandale Park, Section 1.

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 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 6TH DAY OF SEPTEMBER, 1962, 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. (Caney Street and Sundry other streets)

The ordinance was read the first time and Councilman Perry 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 Perry 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 Perry 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.

The City Manager submitted the following:

"August 17, 1962

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, August 17, 1962, at the Office of the Director of Water and Sewer Department for the South Austin Outfall Sanitary Sewer - Montopolis Area to Siphons. This project follows in general along Hergotz Lane starting at Thompson Lane and ending approximately 400 feet west of Bastrop Highway. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a Tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
J. C. Truehart	\$ 177,639.03	150
Austin Engineering Company	193,510.10	190
Karl B. Wagner	206,708.90	125
Joe Bland Construction Company	218,745.20	220

"It is recommended that the contract be awarded to J. C. Truehart on his low bid of \$177,639.03 with 150 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr., Superintendent
Sanitary Sewer Division
s/ Albert R. Davis, Director
Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 17, 1962, for installation of the South Austin Outfall Sanitary Sewer - Montopolis Area to Siphons; and,

WHEREAS, the bid of J. C. Truehart, in the sum of \$177,639.03, was the lowest bid therefor, and the acceptance of such bid has been recommended by the Director of the Water and Sewer Department, and by the City Manager; Now, Therefore,

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

That the bid of J. C. Truehart, in the sum of \$177,639.03, 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 J. C. Truehart.

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

The City Manager submitted the following:

"August 21, 1962

"To: W. T. Williams, Jr., City Manager Subject: Contract Number 62-D-9

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, August 21, 1962 for the construction of a reinforced concrete bridge on Trinity Street at Waller Creek - Contract No. 62-D-9.

"L. A. Turner Construction Company, Inc.	\$27,152.10
Ed H. Page	28,611.80
Norman L. Larson	28,862.40
Texas Bridge Company, Inc.	31,299.37
Ross C. Watkins, Inc.	41,587.00

"City's Estimate \$26,237.00

"I recommend that L. A. Turner Construction Company, Inc. with his low bid of \$27,152.10 be awarded the contract for this project.

"From: R. E. Beckham
Asst. Director of Public Works
s/ R. E. Beckham"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 21, 1962 for the construction of a reinforced concrete bridge on Trinity Street at Waller Creek - Contract No. 62-D-9; and,

WHEREAS, the bid of L. A. Turner Construction Company, Inc., in the sum of \$27,152.10 was the lowest bid therefor, and the acceptance of such bid has been recommended by the Assistant Director of Public Works and by the City Manager; Now, Therefore,

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

That the bid of L. A. Turner Construction Company, Inc. in the sum of \$27,152.10 be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with L. A. Turner Construction Company, Inc.

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

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in BURBANK STREET from Yates Avenue westerly 920 feet; the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BURBANK STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in HIGHLAND VIEW from a point 199.0 feet east of Highlandale Drive easterly 923.0 feet; the centerline of which gas main shall be 13.0 feet south of and parallel to the north property line of said HIGHLAND VIEW.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in HILLBROOK DRIVE from a point 124 feet east of Highland Pass easterly and northerly 705 feet; the centerline of which gas main shall be 13.0 feet south of and parallel to the north property line of said HILLBROOK DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

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

Mayor Palmer brought up the following ordinance for its second 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 28.50 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

*Whitcomb North
100 2*

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

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

Mayor Palmer brought up the following ordinance for its second 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 1.145 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY WARNELL SURVEY NO. 2, 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.

*King
100 2*

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

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

Mayor Palmer brought up the following ordinance for its second 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

Black 100

0.84 OF ONE ACRE OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18, 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.

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

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

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 5.73 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY NO. 15, 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.

*Attest to Jurisdiction
Sec. 2, Article 5*

The ordinance was read the third time and Councilman Perry moved that the ordinance be finally passed. 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 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: FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON A PART OF LOT 4, THEODOR LOW HEIGHTS, LOCALLY KNOWN AS 2414-2418 BLUEBONNET LANE, IN THE CITY OF 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 ordinance be passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

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: FROM "B" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT ON LOTS 13-22, BLOCK 9, WESTFIELD "A", LOCALLY KNOWN AS 2107-2615 BRIDLE PATH, 1508-1514 AND 1509-1515 ELTON LANE, AND 1507-1511 EXPOSITION BOULEVARD, IN THE CITY OF 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 Perry 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, Mayor Palmer
Noes: Councilman White

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

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

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

The Mayor announced that the ordinance had been finally passed.

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) (A) A TRACT OF LAND FRONTING 50 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 31ST STREET, LOCALLY KNOWN AS 1005 (1007) WEST 31ST STREET; AND (B) AN IRREGULAR SHAPED TRACT OF LAND FRONTING APPROXIMATELY 200 FEET ON THE WEST RIGHT-OF-WAY LINE OF NORTH LAMAR BOULEVARD, LOCALLY KNOWN AS 3010-3024 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (2) A TRACT OF LAND CONTAINING 3.53 ACRES AND FRONTING 208.45 FEET ON THE WEST RIGHT-OF-WAY LINE OF BURNET ROAD, LOCALLY KNOWN AS 8124-8140 BURNET ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (3) LOT 2, TEX-CON ADDITION NO. 1,

FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; (4) (A) LOT 4, BLOCK 143, ORIGINAL CITY OF AUSTIN, AND (B) LOT 3, BLOCK 143, ORIGINAL CITY OF AUSTIN, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (5) A TRACT OF LAND FRONTING 150 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE AUSTIN BOULEVARD, LOCALLY KNOWN AS 3001-3003 LAKE AUSTIN BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) LOTS 1-4, BLOCK 10, BELLVUE ADDITION, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; (7) LOTS 1 AND 2, WOOTEN PARK, SECTION 1, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND (8) A TRIANGULAR SHAPED TRACT OF LAND CONTAINING 3.91 ACRES AND FRONTING 666.24 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF OLTORF STREET, LOCALLY KNOWN AS 729-909 EAST OLTORF STREET, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF 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 Perry 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 Perry 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 Perry 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.

The Council postponed action on the following zoning application until MR. GIBSON RANDLE returned to the City to discuss right-of-way plans:

51ST STREET CORPORATION	1014-1022 E. 51st Street	From "IR" Local Retail
By Gibson R. Randle	5100-5102 Interregional Highway	1st & 5th Height and Area
		To "C" Commercial 1st & 5th Height and Area
		NOT Recommended by the Planning Commission

Councilman Armstrong moved that the City Manager be authorized to extend the lease of MR. HARRY G. ELLIS on 50 to 75 acres of land in the Williamson Creek valley, until June 1, 1963, at a total price of \$250.00. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Perry

The City Manager reported the Library had included in its budget money for rental of library space in the vicinity of Twin-Oaks Shopping Center. There is a branch library in the shopping center, but the patronage makes it mandatory that we enlarge the facilities. The space has been donated by the owner of the property, and there is a location available at 50% of the normal rental price, which would be \$100.00 a month. It is the recommendation of the Librarian that this space be rented and the branch library moved. Councilman White moved that the recommendation be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Noes: None

The City Manager stated a copy of the proposed Budget for next year had been filed with the City Clerk on August 22nd. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on August 22, 1962, W. T. Williams, Jr., City Manager of the City of Austin, did file with the City Clerk the proposed budget for the operation of the City of Austin for the fiscal year 1962-1963; and,

WHEREAS, on August 23, 1962, said budget was submitted to the City Council by the City Manager; Now, Therefore,

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

That the public hearing on said budget will be held in the City Council Chamber at the City Hall on September 11, 1962, at 10:00 A.M.; and,

BE IT FURTHER RESOLVED:

That the City Clerk shall, at least ten(10) intervening days before said hearing date, publish, or cause to be published, public notice advertising said public hearing.

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

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

Noes: None

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improving of Highway 183 in the vicinity of Montopolis Bridge by the construction of an additional bridge in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improving of said section of Highway; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

0.4988 of one acre of land, same being out of and a part of that certain tract of land, which lies partly within and partly without the corporate limits of the City of Austin, Travis County, Texas, out of the Santiago Del Valle Grant, which was conveyed to R. L. Wyatt, Sr. et al by the following two (2) warranty deeds; (1) dated February 9, 1954 of record in Volume 1454 at Page 110 of the Deed Records of Travis County, Texas; (2) dated October 30, 1954 of record in Volume 1529 at Page 195 of the Deed Records of Travis County, Texas; said 0.4988 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at the most southerly corner of the herein described tract of land, same being the most southerly corner of the said Wyatt et al tract of land as described in the aforementioned deed of record in Volume 1454 at page 110 of the Deed Records of Travis County, Texas, said point of beginning being also on the present east right of way line of U. S. Highway 183;

THENCE, with the present east right of way line of U. S. Highway No. 183, same being the west line of the said Wyatt et al tract of land, N 25° 24' W at 48.92 feet passing an iron stake at the most southerly corner of the said Wyatt et al tract of land as described in the aforementioned deed of record in Volume 1529 at page 195 of the Deed Records of Travis County, Texas, in all a distance of 203.78 feet to the point of curvature of a curve whose angle of intersection is 4° 40', whose radius is 11,459.20 feet, and whose tangent distance is 466.96 feet;

THENCE, continuing with the present east right of way line of U. S. Highway No. 183, same being the west line of the said Wyatt et al tract of land, along said curve to the left an arc distance of 60.90 feet, the sub-chord of which arc bears N 25° 33' W 60.88 feet to the most westerly corner of the said Wyatt et al tract of land as described in the aforementioned deed of record in

Volume 1529 at page 195 of the Deed Records of Travis County, Texas;

THENCE, with the northwest line of the said Wyatt et al tract of land N 37° 45' E at 0.21 of one foot passing an iron stake, in all a distance of 89.85 feet to an iron stake on the proposed curving east right of way line of U. S. Highway No. 183, said curve having an intersection angle of 4° 38', a radius of 11,514.20 feet, and a tangent distance of 465.81 feet, said iron stake being also at the most northerly corner of the herein described tract of land;

THENCE, with the proposed curving east right of way line of U. S. Highway No. 183, same being the east line of the herein described tract of land, along said curve to the right an arc distance of 101.61 feet, the sub-chord of which arc bears S 25° 32' E 101.58 feet to an iron stake at the point of tangency of said curve;

THENCE, continuing with the proposed east right of way line of U. S. Highway No. 183, same being the east line of the herein described tract of land, S 25° 17' E, at 126.99 feet passing an iron stake on the common line of the said Wyatt et al tracts of land as described in the aforementioned Warranty Deeds in all a distance of 175.91 feet to the most easterly corner of the herein described tract of land, same being on the southeast line of the said Wyatt et al tract of land as described in the aforementioned deed of record in Volume 1454 at page 110 of the Deed Records of Travis County, Texas, and from which iron stake at the northeast corner of the said Wyatt et al tract of land as described in the aforementioned deed of record in Volume 1454 at page 110 of the Deed Records of Travis County, Texas, bears N 45° 28' E 848 feet more or less;

THENCE, with the southeast line of the said Wyatt et al tract of land, same being the southeast line of the herein described tract of land, S 45° W 84.66 feet to the point of beginning. (Capitol Feed & Milling Co., Inc.)

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improving of Highway 183 in the vicinity of Montopolis Bridge by the construction of an additional bridge in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improving of said section of Highway; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

0.5238 of one acre of land, same being out of and a part of that certain tract of land out of the J. C. Tannehill League in the City of Austin, Travis County, Texas, which was conveyed to Wade Roach and George Roach by Warranty Deed dated April 22, 1954 of record in Volume 1449 at Page 125 of the Deed Records of Travis County, Texas, said 0.5238 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the southwest corner of the herein described tract of land, same being the point of intersection of the west line as fenced of the said Roach tract of land with the proposed south right of way line of State Highway No. 71, and from which point of beginning an iron stake at the southwest corner of the said Roach tract of land bears S 22° 02' W 247.84 feet;

THENCE, with the west line as fenced of the said Roach tract of land, same being the west line of the herein described tract of land N 22° 02' E 50.00 feet to an iron stake at the northwest corner as fenced of the said Roach tract of land, same being the northwest corner of the herein described tract of land;

THENCE, with the north line of the herein described tract of land, same being the north line of the said Roach tract of land as described in the aforementioned deed of record in Volume 1449 at page 125 of the Deed Records of Travis County, Texas, with the following three (3) courses:

- (1) S 82° 33' E 123.46 feet to a point;
- (2) S 82° 50' E 14.02 feet to a point;
- (3) S 78° 15' E 96.97 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land, S 22° 00' W 206.80 feet to an iron stake at the southeast corner of the herein described tract of land, same being on the proposed south right of way line of State Highway No. 71, and from which iron stake another iron stake at the southeast corner of the said Roach tract of land bears S 22° 00' W 130.15 feet;

THENCE, with the south line of the herein described tract of land, same being the proposed south line of State Highway No. 71, with the following two (2) courses:

- (1) N 18° 21' W 139.27 feet to an iron stake;
- (2) N 68° 31' W 138.33 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improving of Highway 183 in the vicinity of Montopolis Bridge by the construction of an additional bridge in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improving of said section of Highway; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

0.8107 of one acre of land, same being out of and a part of that certain tract of land, which lies partly within and partly without the corporate limits of the City of Austin, Travis County, Texas, out of the Santiago Del Valle Grant, which was conveyed to the Capitol Livestock Auction Co., Inc. by Warranty Deed dated September 1, 1956 of record in Volume 1741 at Page 438 of the Deed Records of Travis County, Texas, said 0.8107 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the present east right of way line of U. S. Highway No. 183 with the northwest line as fenced of Thompson Lane, same being at the most southerly corner of the said Capitol Livestock Auction Co., Inc. tract of land;

THENCE, with the present east right of way line of U. S. Highway No. 183, same being the west line of the said Capitol Livestock Auction Co., Inc. tract of land N 25° 16' W 416.78 feet to the most westerly corner of the said Capitol Livestock Auction Co., Inc. tract of land, same being the most westerly corner of the herein described tract of land;

THENCE, with the northwest line of the said Capitol Livestock Auction Co., Inc. tract of land, same being the northwest line of the herein described tract of land, N 45° 28' E 84.66 feet to a point on the proposed east right of way line of U. S. Highway No. 183, same being at the most northerly corner of herein described tract of land, and from which point the most northerly corner of the said Capitol Livestock Auction Co., Inc. tract of land bears N 45° 28' E 848 feet more or less;

THENCE, with the proposed east line of U. S. Highway No. 183, same being the east line of the herein described tract of land, with the following two (2) courses:

- (1) S 25° 17' E 351.32 feet to an iron stake;
- (2) S 78° 48' E 74.59 feet to an iron stake on the northwest line as fenced of Thompson Lane, same being the southeast line of the said Capitol Livestock Auction Co., Inc. tract of land;

THENCE, with the southeast line as fenced of the said Capitol Livestock Auction Co., Inc. tract of land, same being the northwest line of Thompson Lane, S 45° 27' W 148.45 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improving of Highway 183 in the vicinity of Montopolis Bridge by the construction of an additional bridge in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improving of said section of Highway; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

0.3750 of one acre of land, same being out of and a part of that certain tract of land out of the J. C. Tannehill League in the City of Austin, Travis County, Texas, which was conveyed to Cen-Tex Concrete Pipe Company by Warranty Deed; Dated January 27, 1960 of record in Volume 2140 at Page 210 of the Deed Records of Travis County, Texas, said 0.3750 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the southwest corner of the said Cen-Tex tract of land as described in the aforementioned deed as tract number 2 same being on the present east right of way line of U. S. Highway No. 183;

THENCE, with the west line of the said Cen-Tex tract of land, same being the present east right of way line of U. S. Highway No. 183, N 6° 22' W 68.06 feet to an iron stake at the northwest corner of the herein described tract of land, same being on the proposed right of way line of U. S. Highway No. 183;

THENCE, with the north line of the herein described tract of land, same being the proposed right of way line of U. S. Highway No. 183 N 83° 37' E 134.97 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land, same being the proposed east right of way line of U. S. Highway No. 183, S 7° 39' E at 18.40 feet passing an iron stake on the common line of the said Cen-Tex tracts as described in the aforementioned Warranty Deed, in all a distance of 171.99 feet to the southeast corner of the herein described tract of land, same being on the south line of the said Cen-Tex Tract of land as described in the aforementioned deed as tract number 1 and from which point an iron stake at the southeast corner of the said Cen-Tex tract of land described as Tract No. 1 in the aforementioned Deed of Record bears S 59° 37' E 303.83 feet;

THENCE, with the south line of the said Cen-Tex tract of land, same being the south line of the herein described tract of land with the following two (2) courses;

(1) N 59° 37' W 95.62 feet to an iron stake at the southwest corner of the said Cen-Tex tract of land as described in the aforementioned deed of record as Tract No. 1, same being the southeast corner of the said Cen-Tex tract of land as described in the aforementioned deed as Tract No. 2;

(2) N 59° 32' W 77.80 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

The Council had before it the following zoning application deferred from last week:

NELSON PUETT, JR.	3000-3104 Mohawk Road	From Interim "A" Residence
By Isom H. Hale & Associates	6801-03 Great Northern Boulevard	To "B" Residence
	6800 Lexington	RECOMMENDED by the Planning Commission

MR. NELSON PUETT, JR., represented himself, stating he wanted this two acre tract zoned for a neat clean convenient neighborhood shopping center, and this would be the establishment of the initial zoning of this property. He discussed zoning in general. MR. DON BAKER, representing the opponents to the change displayed a map showing the established commercial centers on Burnet Road, and the present residential neighborhood that was affected by the proposed spot zoning. He pointed out this zoning was not in the interest of health, safety, morals, general welfare and preservation of historical landmarks. He asked the Council not to permit apartment units to be built in an area that would deteriorate a well established residential neighborhood. He stated about 600 people had petitioned against this change of zoning, and did not want an apartment area or commercial district in their residential district. He mentioned the two other zoning applications scheduled for hearing, requesting "C-1" Commercial and "B" Residence. MR. LEONARD PARVIN, the only property owner within 300', stated he did not believe 400 people could be wrong about the effect of this shopping

center on their homes and property values. He asked why something that would enhance the value of property required buffer zones, as this apartment development had been defined. He opposed the zoning change on the basis of increased traffic in an area heavily restricted by deed restrictions. DR. WAYNE SHAW was concerned about the traffic increase to Gullett School, and opposed the change of zoning. He stated the P.T.A. was also deeply concerned about this. MR. VERNON LOOPER opposed the zoning change, as it would affect the value of his property, that there was no need for a shopping center in this area, and that his school children's safety would be jeopardized by increased traffic. DR. DAN ZIEGLER, Shoal Creek Boulevard, stated he checked into any proposed zoning through his agent, Mr. Paulson who contacted Mr. Puett, and Mr. Puett had assured him he was developing the area "A" Residence. DR. RAMON BURSTYN expressed opposition based on the safety angle for the many school children in the area, and on the fact his home was built with deed restrictions and he wanted to keep the area residential. MR. JACK GAREY, attorney also representing the opposition, stated there had been a serious misunderstanding about the deed restrictions in this subdivision, and pointed out the Allandale Terrace, Section 2, had been developed in phases, and in this particular location there were no restrictions. He asked Mr. Puett to reconsider and withdraw his applications. MR. JACK DINGLOW, recently moved to Austin, expressed opposition to the change of zoning in this extra nice residential area. MR. DAVID BARROW, Chairman of the Planning Commission, explained the recommendation of the Planning Commission. The Director of Planning explained the zoning, and the planning of thoroughfares, and the development and futures of various types of shopping centers. Opposition was also expressed by MR. L. J. BURKE based on overcrowding the school, extra traffic which would be created, and safety of the school children. MR. S. VAN-DEBURG, 3004 W. Terrace Drive, was concerned over having to oppose the changing of Treadwell and Great Northern Boulevard into thoroughfares to provide access to this shopping center. MR. PUETT spoke in behalf of the change and answered the opposition, stating most of those speaking were 1600-2000 feet from the property, and that he wanted to bring this in and put everybody on notice that it was to be a shopping center development. Finally, after hearing all that wanted to be heard, Councilman Shanks moved that the application for "B" Residence be DENIED. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Armstrong stated he cast his vote based on terrain, location, dollars invested, education and safety. The Mayor stated the Planning Commission had given some very serious study on this and had voted on what they thought was good planning.

The Mayor announced that the change had been DENIED.

The Council recessed until 3:30 P.M.

RECESSED MEETING

3:30 P.M.

At 3:30 P.M. the Council resumed its meeting.

Councilman White absent.

The Council discussed briefly the specifications for tires. The Mayor asked that Councilman Armstrong investigate further and make his recommendation next Thursday.

The City Attorney reviewed his discussion regarding the purchase of property at 819 West 10th Street, stating an appraisal had now been made. Councilman Perry moved that the property be purchased in accordance with the recommendation of the City Attorney. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

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

The City Manager stated the firemen held an election, and had voted that their pension payments be increased by $3\frac{1}{2}\%$ to make their pension plan sound, and it was his recommendation that the City match the fund by the same amount. The Mayor stated this was also his recommendation, as a member of the Pension Committee. Councilman Perry moved that the City Manager be authorized to include in the budget an amount to match this $3\frac{1}{2}\%$ increase. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

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

The City Manager discussed amending the Electric Regulations whereby the City would run lines for establishments built where all buildings would be in the center of an area and had "all fronts", and had central air conditioning provided they would use electricity to drive their compressors. Councilman Perry moved that the general policy proposed by the City Manager be adopted. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

There being no further business, the Council adjourned at 7:00 P.M.,

subject to the call of the Mayor.

APPROVED

Levin E. Patena
Mayor

ATTEST:

Elmer Hoosley
City Clerk