

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 22, 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, 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 REV. LEE FREEMAN, University Baptist Church.

Mayor Palmer and the Council welcomed a group of students from the University Junior High School Political Science Class.

Mayor Palmer introduced MR. HARVEY DEAN and MR. EMORY THOMPSON, who had been invited to attend the Council Meeting today.

MRS. GLADYS INMAN and MR. E. V. CONNER made inquiry about the ordinance covering the selling of fruits and vegetables, water melons and cantaloupes. Both had paid \$20.00 license and had obtained health cards, but they had been prohibited from selling from property they had leased. The Sanitation Engineer explained the situation, stating last year there were complaints of unsanitary conditions on these lots generally; and each operator that could be located was notified if they were operating on private property, in this type of business, they became a grocery store and would have to comply with regulations covering grocery stores. He stated some of the operators were selling milk, bread and other items along with the fruit and vegetables. Mr. Hargis stated all the operators who were not equipped and where they did not have permanent stands and not meeting building requirements had been closed down. Mrs. Inman and Mr. Conner reported many other operators were permitted to continue. Mayor Palmer referred Mrs. Inman and Mr. Conner to Mr. Hargis, Sanitation Engineer.

MR. FRANK DENIUS, representing the Austin Transit Company, submitted the following:

"June 22, 1961

"The Honorable Mayor and
Members of the City Council
Municipal Building
Austin, Texas

"Gentlemen:

"As Manager of Austin Transit Corp., I respectfully request the City Council of Austin to call a public hearing at its earliest convenience for the purposes of:

- "(1) Authorizing certain modifications in routes presently served by Austin Transit and an extension of service to certain geographical areas; and
- "(2) Authorizing an adjustment in the rate structure; and
- "(3) Authorizing the acquisition of air-conditioned buses.

"Recently, by authorization from the Council, Austin Transit has modified its present service in Northwest Austin and extended service into certain parts of Allandale and Crestview Additions. In the event that my company is permitted to adjust its rate fare system, it will enable us to extend our present service to certain other geographical areas in the City and commence the air-conditioning of our system.

"Austin Transit's management has recommended that the present buses in operation be replaced with new air-conditioned buses as they become available. In fact, two 53 passenger General Motors buses have been acquired and will soon be available for regular service in Austin. Austin Transit further believes that the air-conditioning of its buses is necessary to provide Austin with better and more convenient bus service.

"The adjusted fare system would include the following bus fares:

<u>"Kind of Fare</u>	<u>Rate of Fare</u>
I. Regularly Scheduled Buses:	
1. Adults	
a. Cash fare	20¢
b. Tokens	2 for 35¢ (17½¢)
c. Transfer	2¢
2. Children and students through high school	
a. Cash fare	10¢
b. Transfer	2¢
II. Zone Fare:	
1. Adults	5¢ for each additional zone
2. Children and students through high school	3¢ for each additional zone
III. Special School Buses:	
1. Adults	Same as fare on regularly scheduled buses
2. Children and students through high school	10¢

"Respectfully submitted,
AUSTIN TRANSIT CORP.
s/ C. R. Malone
C. R. Malone, Manager"

After brief discussion of some financial data, which will be presented in detail at the hearing, Councilman White moved that the hearing be set at 10:30 A.M., June 29th. The motion, seconded by Councilman Perry, carried by the following vote:

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

MR. JOHN FLANAGAN, representing Mr. Claggett, asked the Council to make a statement that they would condemn only the property that would be needed out of Mr. Claggett's tract. The City Attorney stated that is the only authority the Council had. He stated the suit was filed yesterday. Mr. Flanagan stated he was not aware that it had already been filed, or he would not have been here this morning. The Mayor thanked him and Mr. Claggett for coming down.

Councilman White moved that the Minutes of the Meeting of June 15, 1961, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

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

No action was taken on the purchase of 5365 Creosoted Poles for the coming two-year period, as Councilman White had asked that this be postponed for another week.

The Council had before it the following zoning application:

A. M. RUNDELL	1501-1511 Sunnyvale Street	From "A" Residence
	1400-1410 Summit Street	To "BB" Residence
	1500-1506 Elmhurst Drive	NOT Recommended by the
	1405-1409 South Inter-	Planning Commission
	regional Highway	

Councilman White stated he believed Mr. Rundell would accept zoning of Lots 3 and 4 facing on Elmhurst, and Lots 1, 2, 3, and 4 facing on Sunnyvale Street. After discussion, Councilman Perry moved that the application be referred back to the Planning Commission for a decision on those six lots; Lots 1, 2, 3, and 4, Block 5; and Lots 3 and 4, Block 6. The motion, seconded by Councilman White, carried by the following vote:

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

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MRS. JNO L. MARTIN 1601-1603 North Congress
100-102 East 16th Street

From "B" Residence
To "IR" Local Retail
NOT Recommended by the
Planning Commission

Decision on the application was postponed until more information was received.

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

ROGAN B. GILES & 4419 Airport Blvd. &
J. B. GILES, JR. 1201-1203 Fernwood Road

From "A" Residence
To "B" Residence 2nd
Height and Area
NOT Recommended by the
Planning Commission
Amended "B" Residence 1st
Height and Area
RECOMMENDED "B" Residence
1st Height & Area

O. CARL HAPPEL, et al, 1103-1113 Fernwood Road
& DANIEL KILLEN, et al, 4401-4423 Interregional
al, By Robert J.
Potts, Jr.
(Petition to Council)

From "C" Commercial
To "A" Residence
NOT Recommended by the
Planning Commission
RECOMMENDED "B" Residence
1st Height & Area

ADDITIONAL AREA 4401-23 Interregional Hwy.
initiated by City 1103-07 Fernwood Road
Council for hearing 4400-4402 Parkwood Road
4401-4419 Airport Blvd.

For appropriate zoning
RECOMMENDED "B" Residence 1st Height & Area
By the Planning Commission

The Mayor reported the application had been referred back to the Planning Commission after Mr. Giles had additional information to submit regarding the zoning.

MR. ROGAN B. GILES submitted the following:

"6/22/61

"City Council
City of Austin
Municipal Bldg.
Austin, Texas

"Re: Zoning application C14-61-59 and C14-61-86

"Dear Sirs,

"I hereby request permission to amend my applications above to request only "B" Residence 1st Height and Area, on the 100.0 foot area to the east of the existing "C" Commercial tract - The 100.0 foot area is described in full

in Zoning Application No. C14-61-86. This is my formal request for the amendment.

"Yours truly

Rogan B. Giles and J. B. Giles, Jr.

By: Rogan B. Giles"

The Director of Planning pointed out the hearing was called for the entire tract of land and the advertisement covered the entire tract, so the Commission could consider it as a whole. The Commission's recommendation was "B" Residence 1st Height and Area on the entire tract from the Interregional Highway to Parkwood Road, and to deny all the others. The Mayor read the amendment as filed by Mr. Giles. MR. BARROW, Chairman of the Planning Commission, stated the Commission did not recommend the 100' strip alone to be zoned "B" Residence 1st Height and Area.

MR. GILES displayed an aerial photograph of the area, stating across the Expressway were a 7-Eleven Store and a Motel. He filed pictures of a filling station and a home; and a fire station and a home in the immediate area on Airport Boulevard. He gave a history of the property listing the purchase date in 1940; the approval of the subdivision plat of Delwood 2 on August 22, 1946; the commercial zoning of the east 300' of the tract (which was shown on the plat as not being a part of the subdivision of Delwood 2) also on August 22nd, 1946; that, with the exception of three lots, everything in the subdivision came out after the plat was filed and the property was zoned. Mr. Giles gave a resume of the purchase of this commercial property on the west end of this tract for right-of-way for East Avenue, and the subsequent sales by the City of the excess property after the right-of-way had been established. He pointed out in every instance the price paid was at a commercial value. He said the tract of land had belonged to him and his brother since May 7, 1955, and they had paid commercial taxes on the entire tract during the entire time, and no revenue had been received from the use of the land.

Mr. Giles stated he now had a tenant who had signed and agreed to build a restaurant on the "C" Commercial area, and they needed the additional 100' "B" Residence for necessary off-street parking. He filed plans for the building, as drawn by MR. W. O. GUSTAFSON, Architect. The tenant is now the President of the Texas Restaurant Association.

Mr. Giles stated at the previous hearing, Mr. OSBORNE, Planning Director, had suggested residential development for the tract. He also stated when the matter was before the Council, he had asked the Council to refer the case back to the Planning Commission so that he could submit additional evidence on the potential use of the tract. He pointed out if this property were left for residential use, it would amount to confiscation, and he read different rulings on the meaning of confiscation.

Mr. Giles submitted a detailed study made by MR. M. O. METCALF, Developer, Engineer and Surveyor, on subdividing the land for residential purposes, with lots facing Fernwood as suggested by Mr. Osborne, and displayed his plat showing only eight lots, a 25' set-back, and a plan that would take care of the drainage, which would mean a 50' ditch down the tract. He discussed the drainage situation in detail, showed and filed 20 pictures taken the past week end during a heavy rain fall. He submitted estimates from the Public Works Department for a closed-box drainage at \$34,000; and estimates from Joe Bland for a 50' open ditch at \$9,000.

MR. JACK GUBBLES, City Planning Expert and Landscape architect, gave an estimate of the cost of lots subdivided as residential property, including drainage, engineering costs, and the usual costs of subdividing, and stated the lots if faced on Airport Boulevard would have to bring \$7,684; according to the other plan, they would have to bring \$6,480. He stated the average tax value of the lots across the way was \$3,500.

MR. STERLING SASSER, who has been in the real estate and insurance business for many years, in discussing the highest and best use of this land, stated it was his conclusion the tract was business property as this area was the largest and fastest growing area of the City with heavy traffic 24 hours a day. He said he did not believe lots in this area could be sold for \$7,000 to \$8,000 for residential purposes with all the traffic and noise, and with the average value of lots in the area at \$3,500 per lot.

MR. GILES summarized his presentation, in that the west end of the tract has been zoned "C" Commercial since 1946; the lots in the subdivision were sold after that zoning was put in; commercial taxes were paid on the entire tract; the City paid \$26,000 for one acre of this ground in 1949; paid \$25,800 for the triangle on a per acre basis in 1949; and later conveyed the piece of property at \$29,000 an acre with "C" Commercial zoning. The zoning had been undisturbed. The City bought and sold the property at commercial rates on the west end. He stated his request for "B" Residence 1st Height and Area in connection with the "C" Commercial zoning on the west end was a reasonable request. Residential use would amount to confiscation. There are drainage and filling problems; cost of residential development is prohibitive and could not be handled on a practical basis. He said he had asked only for "B" Residence the least he could ask for and he could use that in connection with the existing "C" Commercial. He pointed out the three divisions of zoning he would like the Council to consider: on the large tract east of the 100' strip he was asking to be zoned "B", Residence, he stated neither the neighbors nor he had requested that any zoning be changed, and he asked the Council to zone it "B" Residence 1st Height and Area or leave it "A" Residence as he had no plans at this time; the middle tract, the 100' strip, he was asking for "B" Residence 1st Height and Area; the west part of the tract was "C" Commercial, and had been for the entire time, and he expressed alarm if a policy of rolling zoning back from commercial to residential all over the city were adopted.

MR. ROBERT POTTS, representing those in opposition to the zoning change, and those who had filed petitions to change the Commercial Area to "A" Residence, stated in his opinion there would be no confiscation of property according to any evidence shown. He pointed out the holding of the Planning Commission and the Council that major thoroughfares were natural boundaries between zoning areas. He said Delwood II, bounded by East Avenue, Airport Boulevard and the Airport is residential, with the exception of the fire station; has been developed as residential, is now developed and solely used as residential property and is protected by real barriers from mercantile uses in all directions. He claimed that the existing "C" Commercial zoning or any mercantile zone on this tract is a pure case of spot zoning. As to the cost of drainage on this tract, Mr. Potts stated it should have been absorbed in the development of the Delwood II tract; but was avoided at that time as, according to a plat prepared by Mr. C. C. Pinckney, Mr. Giles' father had proposed to offer that block as a public park. He stated the Delwood II subdivision was developed without the cost of this drainage, which would be required under the subdivision ordinance now; and when the area is to be developed and this drainage expense is now to be incurred, Mr. Giles says it will be confiscatory.

Mr. Potts stated the \$34,000 cost, which Mr. Gubbles estimated to take care of the drainage in his area, is based on heavy industrial type development, or a culvert that would stand heavy traffic or heavy construction to be built upon it. He stated this cost of development which should have been absorbed when Delwood II was developed, was the only claim for confiscation. He said this property is admirably suitable for residential purposes.

Mr. Potts then discussed the pending petition asking the zoning be changed from "C" Commercial to "A" Residence, stating the matter had been before the Zoning Committee twice, and the Plan Commission, and had been carefully considered and extensively heard and argued; and neither the Zoning Committee nor the Commission ever came up with the recommendation that "C" Commercial or any other mercantile use was appropriate on this tract of land. Although the "C" Commercial may have been appropriate 15 years ago before the tract was developed, the present development and the non-use of the zone has made this a case of spot zoning, and the proper application of the zoning law is to make this residential area uniformly a residential area. He opposed a "B" Residence zoning on the area, as an apartment zoning would do more for a bad traffic situation than anything else, and he asked that the area be left "A" Residence. MR. GILES answered Mr. Potts on the statements made. MR. POTTS again discussed the roll-back petitions, repeating at no time did the advisory Commission vote to continue the "C" Commercial zoning on the tract of land; and he stated in view of the traffic conditions, in view of the spot zoning situation, and in view of the advice received from the Planning Commission, he asked that the zoning be rolled back to either "B" Residence of "A" Residence.

Opposition was expressed also by MRS. MILTON H. WAGHALTER, 4401 Parkwood, and by another property owner stating when the tax payers purchased the tract, they paid to take of any damage to the land, and reporting there was a man-made dam across the area, and a number of trees lying over the ground blocking the flow of water through the land and causing the water to back up into Fernwood and Airport Boulevard. Opposition was also expressed by MR. HARRY BRANDT that the plat as recorded did not show the area as commercial, and that the area was dedicated verbally as a park; and by MR. CARL HAPPEL who stated if the tract were paved for parking, the water would not be absorbed, but would be carried across the way and add further burden to the people. He stated also that commercial property across the street would ruin the property value. MAYOR PALMER, in answer to the question about drainage, stated the Engineering Department would take into account the velocity along with the volume of water when the drainage is designed, and Mr. Giles would have to meet the requirements.

MR. DAVID BARROW made a statement with reference to the zoning roll-back in that the Commission did not recommend that as a matter of policy, but recommended to the Council what it thought was the proper zoning. MISS JANE SUMNERS, Attorney, stated certain property was sold relying on the "Pinckney" plat; and that these pieces of property were heavily restricted for residential purposes only, and anyone owning property in the 41 acres could file suit against any one of these people owning property if there were a violation.

The City Attorney made a statement of explanation of "confiscation" and "spot zoning."

Councilman Armstrong, in discussing the area zoning commercial on the map, stated if the Council were to establish a roll-back zoning policy, then nearly all of Austin would be affected; and anyone could come up and get a zone rolled back, and there would not be a firm foundation on which to operate. He stated if this

area has been "C" Commercial all of this time, whether known or not known to the buyers of the property out there, he would be of the opinion to leave it "C" Commercial as it has been all this time. Councilman White stated since this has been "C" Commercial since 1946, and since in his opinion the property could not be used for any other purpose, and since Mr. Giles has been paying commercial taxes all these years and has not received any revenue on the property, he did not feel that he would be doing the right thing other than to vote to leave it as it is. Councilman Perry stated he thought when this was sent back to the Plan Commission, it was taking unfair advantage of them as they had heard it once and spent a lot of time and had given it considerable thought, and they had to go through the same process again. He stated his natural inclination and desire was to support the Plan Commission in their decision, as they are in a position to spend a lot more time on each zoning issue than the Council can spend, so he said he thought he would like to vote the way the Planning Commission had recommended on this case. He stated in this particular situation, he found himself having to consider the advice and recommendations of the other members of the Council and give to that in this instance priority over the recommendation of the Plan Commission, and that advice is that there would be considerable danger involved in establishing a precedent in rolling the "C" Commercial zone back; and in this instance, he would abide by their feeling in the matter and vote to leave the Commercial property as "C" Commercial.

Councilman White moved that the petition requesting the roll-back of this tract of land from "C" Commercial to "A" Residence be DENIED. (4401-4423 Interregional Highway and 1103-1113 Fernwood Road - C14-61-59A and C14-61-86A) The motion, seconded by Councilman Armstrong, carried by the following vote:

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

Councilman White moved that "B" Residence 1st Height and Area be granted for the 100' strip (described in C14-61-86). The motion, seconded by Councilman Armstrong, carried by the following vote:

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

MR. ROBERT POTTS submitted a petition as follows:

The Mayor and City Council
The City of Austin
Austin, Texas

Gentlemen:

The undersigned, being at least 20% of the owner of all of the property located within 200 feet in all directions from the property described as follows, to wit:

Tract 1: A tract of land, presently in "A" Residential Use District, locally known and described in records of the Planning Department of the City of Austin as 1201-1203 Fernwood Road and 4419 Airport Boulevard in the City of Austin,

and being the same property the subject of certain pending zoning cases described as C14-61-59 and C14-61-86.

Tract 2: A tract of land, presently in "A" Residential Use District, locally known and described in records of the Planning Department of the City of Austin as 1103-1199 Fernwood Road and 4401-4417 Airport Boulevard in the City of Austin, and being the additional area added by the City Council or by the Planning Commission to the above numbered pending zoning cases.

respectfully protest the recommendation of the City Planning Commission that the subject properties be removed from "A" Residential Use District and placed in "B" Residence Use District, all as provided in Section 31 "b" of the Zoning Ordinance of the City of Austin."

The Mayor stated the Council believed the rest of the tract at this time should be left as "A" Residence, until such time as a site development plan was brought in showing the type of units or apartment house that may be built there. He stated without any vote on this property, the property beyond the 100' strip just zoned "B" Residence, would remain "A" Residence.

The Mayor stated the Council had listened to the facts presented, and in its best judgment, the zoning had been voted, and the area of the remaining part of the tract will remain "A" Residence by not voting. He thanked the group for coming down.

Action by the City Council summarized is as follows:

ROGAN B. GILES & J. B. GILES, JR.	1103-1113 Fernwood Road 4401-4423 Interregional Highway	To remain at its present zoning "C" Commercial 5th Height and Area
	4419 Airport Boulevard 1201-03 Fernwood Road	From "A" Residence 1st Height & Area To "B" Residence 1st Height & Area
	Remainder of the tract	To remain as "A" Residence

The Mayor read the following certificate from the City Clerk:

THE STATE OF TEXAS |
 |
COUNTY OF TRAVIS |

Pursuant to the provisions of Article IV of the Charter of the City of Austin, Texas, I hereby certify that I have completed examination of those certain petitions styled "Initiative Petition for Adoption of a City Ordinance" filed in my office on June 1, 1961; that 4,540 equals ten per cent (10%) of the qualified voters of the City; that said petitions appear to have been signed by the requisite number of qualified voters; that there were on said petitions the

names and residences of 7,650 persons who were found to appear qualified to vote; and that there were on said petitions the names and residences of 8,967 persons who were not found to appear qualified to vote.

Given under my hand and seal of office at Austin, Texas, this 21st day of June, 1961.

s/ Elsie Woosley
Elsie Woosley, City Clerk

The Council recessed until 4:00 P.M.

RECESSED MEETING

4:00 P.M.

At 4:00 P.M. the Council resumed its business.

The City Manager submitted a Memorandum from the Director of Recreation inviting the Council to the Annual Bathing Beauty Review at Oak Springs District Park Swimming Pool, Friday, June 23, at 8:00 P.M.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its buried telephone cable in the streets in the City of Austin hereafter named and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its buried telephone cable in the following streets:

(1) A buried telephone cable in PLEASANT VALLEY ROAD, said buried telephone cable to extend from the north line of East Riverside Drive northerly to the south end of Town Lake Dam, the centerline of which buried telephone cable shall be five (5.00) feet east of and parallel to the west line of PLEASANT VALLEY ROAD.

THAT the work and construction of said buried telephone cable, including the excavation of the streets and the restoration and maintenance of said streets after said buried telephone cable has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Ayes: Councilmen Armstrong, Perry, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

The City Manager submitted a letter from MR. TOM PERKINS, Chamber of Commerce, dated June 20, 1961, regarding the National Water Ski Show, as follows:

"June 20, 1961

"Mr. W. T. Williams
P. O. Box 1169
Austin, Texas

"Dear Bill:

"On behalf of the sponsoring organizations for the 1961 National Water Ski Championships I would like to request the following use of the Town Lake.

"In our initial request to the City Council we could not give them the exact number of days that we would need the exclusive use of the water. We now have this firmed up and would like to request exclusive use of the Town Lake from the Interregional Bridge East to an area below the bend approaching the dam from Saturday, August 12, through Tuesday, August 22. The reasons for the use on these days are as follows: The actual days of competition are August 17-20. August 15 and 16 are official practice days. Officials of the American Water Ski Association will arrive on August 12 to check out the course and make sure that everything is in order; therefore, the jump and slalom courses have to be in permanent position by this time. It would be necessary for the sponsoring organizations to have permission to use motorized craft on the lake during the week of August 7th in order to start laying out the equipment although exclusive use of the property would not be required.

"In connection with the National Championships will be selection of a 7-man team to represent the United States in the World Water Ski Tournament. We have been requested by the American Water Ski Association for permission of this team to practice on the site Monday and Tuesday, August 21 and 22, before they depart by plane for the World Tournament.

"This is an excellent opportunity for Austin and the lakes to receive additional publicity because the major sporting magazines will be shooting publicity shots of the U. S. team on these days.

"Beginning Tuesday afternoon we would start removing all equipment from the water and would complete this task by Wednesday morning. We would start removing the shore facilities starting on Monday and would have this completed by Wednesday. We hope that this is not an unreasonable request, but it is the minimum amount of time needed to set up and conduct an event of this magnitude.

"We would like to make one additional request - that weed cutting operations on Lake Austin be suspended at least one week prior to the Tournament and preferably more if it could be arranged. We had a serious problem last year with floating weeds continually stopping up the aqua-meters on the tournament boats and resulting in a complete shut-down of the tournament for 3 hours. This would be disastrous in a national tournament since time is so critical.

"Bill, if you feel this should be an official request before the City Council, we will be happy to do so.

"Sincerely,
s/ Thomas
Thomas H. Perkins"

The Council discussed these requests and noted the exclusive use of the lake for 10 days, and suggested that the fishermen not be denied the use of the lakes when the show is not in progress. It was noted also that the fishermen be advised they could not run their lines at any time during this period. After discussion, Councilman Armstrong moved that the requests as outlined in the letter be granted. The motion, seconded by Councilman Perry, carried by the following vote:

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

The City Manager read the recommendation by the Hospital Board regarding the policy of credit and collections at the Hospital, as appeared in the Minutes of the Board Meeting of May 26th, as follows:

"1. That all patients be required to pay an advance minimum deposit of \$75.00 at the time of admission with the following exceptions:

- a. Those with satisfactory insurance coverage
- b. Those who have established credit
- c. Medical emergencies such as obstetrical patients, accidents cases, and such others that may be approved by Administration.

A person earning more than the minimum allowable income for charity services will be responsible to pay towards in-patient services in proportion to the amount that monthly earnings exceed the approved scale for eligibility. (Maximum liability - twelve times the monthly excess). Approved by the Hospital Board August 12, 1960, and the City Council August 18, 1960.

- "2. That patients coming from outside Travis County for admission be required to pay an advance payment of \$125 for minor surgery, medical and/or obstetrical cases, and \$200 for major surgery, or present an acceptable hospitalization insurance policy before being admitted.
- "3. Since hospitalization insurance rarely covers the entire hospital bill all patients will either pay the balance due at the time of dismissal or sign a legal installment note for the balance. This note will provide for payment of reasonable attorney's fee in the event of forceable collection. This note will also call for a 6% interest at maturity if no payment has been made on the note whatsoever.
- "4. If no payment has been received within 15 days after the date the payment was due then a regular employee in the credit collections section will then be authorized to make a personal contact with the patient. A letter will be sent by the credit office to precede the personal call informing the patient that his account is 15 days past due.

If no payment is received within another 15 days and after the personal contact has been made a final letter from the hospital will be sent to include the following statement, "If payment or satisfactory arrangements are not made within 5 days your account will be turned over to the City Attorney for collection." A list of these accounts will be immediately turned over to the City Attorney as soon as the final letter had been mailed to the patient.

That since City Finance does not carry revenue reserve for more than one year, our accounts considered bad debt should be charged off at the end of each fiscal year. However, the hospital will hold these accounts in a special account and bill the individual patient periodically until the statute of limitations runs out.

- "5. Those patients who do not come within either the eligibility scale or the collectable private patient account category shall be placed in a special allowance account."

Mayor Palmer suggested that the Council take this matter up the following week. Councilman Armstrong inquired about the Financial statement dated March 1961, and received on June 20th. The City Manager explained the purpose of this statement, and the statement he receives each month on each account for his close check.

The City Manager stated he had a note from the Law Department regarding the 88 acre tract of land purchased from J. W. Tabor, which land the city purchased and paid for, and is now ready to bill the schools for their share of the cost. He asked how the Council wanted to proceed. In the policy of the neighborhood playgrounds, the schools made the purchase and designated a certain portion which would be occupied by the building and an area around the building, and that land was theirs exclusively. The remaining part that could be used for playground would be owned one-fourth by the City and three-fourths by the Schools, with the City participating only one-fourth of the cost of the land that is used for playground and not the whole tract. In this particular case, the City intended to buy a 40 acre tract. He inquired if the area should be separated and each pay half. He suggested that the Schools might want full title to half of the property rather than one half interest in all of the property. The Mayor suggested that Mr. Sheffield, Recreation Director, select the area most suitable for a district park and the Director of Public Works flag it and the Council and Schools can look over it. Mayor Palmer and Councilman Perry stated they preferred having distinct ownership of each tract rather than an undivided half interest in the whole tract. The Director of Public Works stated after it was decided on how the tract would be separated, he could survey it and flag it.

The City Manager reported that about 50 people in the Police Department investigate crimes for the State; and the question has arisen if it is necessary to get some professional examinations, who should pay for them. The District Attorney, members from the Police Department, people from the Hospital, and members of the Medical Society held a conference regarding the handling of examinations of alleged rape cases. The Medical Society made a recommendation that the County Physician make the examinations and a fee of \$15.00 be paid to him. The City Manager stated in his opinion, he did not think the City

should pay the \$15.00, as this type of case was in the jurisdiction of the District Court. Mayor Palmer suggested that the City Manager discuss this charge with the County officials.

The City Manager stated he had a letter from MRS. FAGAN DICKSON, asking that the planning and development of the lake shore be placed under the direction of the Recreation Department and Parks and Recreation Board and remove the Director of Public Works of that obligation.

Mayor Palmer stated two ladies from Mumford, Texas, want to have the Democratic meeting at Wooldridge Park on July 12, and inquired as to what permission was necessary. The City Manager stated the park could be reserved through the Recreation Department. The matter was turned over to the City Manager.

The City Manager stated he had a letter from Cook Funeral Home, Weed-Corley Funeral Home and Wilke-Clay Funeral Home asking that the zone system for emergency calls for ambulances be approved, and that the nearest ambulance service available be called by the Police Department. The letter stated since Cook Funeral Home had been more vigorous in this request, and since its rotation period would begin July 1, 1961, the decrement of a change to a zoning system would be to the disadvantage of Cook Funeral Home, and it would perhaps be proper that the zoning system begin at a period of time that would normally be Cook's -- July 1st. The matter was discussed briefly, and the Mayor stated that it be postponed until next week.

Councilman Armstrong moved that the FOURTH MISSILE BATTALION, BERGSTROM AIR FORCE BASE be granted permission to display a mobile unit of the Nike Zeus missile on July 17, 18, and 19th, in front of the Austin Hotel. The motion, seconded by Councilman White, carried by the following vote:

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

The Assistant City Manager stated the traffic study on Avenue "G" and 51st Street had been made and would be presented next week.

MAYOR PALMER read a letter from the Austin Chamber of Commerce regarding the Greyhound Corporation's request through the Railroad Commission to change from twenty (20) schedules through Austin to twenty-two (22). No action was required by the Council nor Chamber of Commerce.

Mayor Palmer stated the Council had a policy concerning the little league baseball, that if they were operating under the jurisdiction and approval of the Recreation Department then the electricity for lights would be furnished by the City. He stated Mr. Mac Hull had this Optimist Little League operating on a piece of ground that the School Board owned outside of the City. The Austin Independent School District owns the land, but have no idea of building a school, and the West Lake Hills Club is using it as an Optimist ball park. Mr. Hull

asked if the City would furnish the electricity for that little league ball team. No action was taken by the Council.

The Mayor read a letter from MR. & MRS. JAMES C. EVANS to COUNCILMAN BEN WHITE, asking the advisability of closing the community swimming pools until 1:00 P.M. on Sundays, and the report from BEVERLY SHEFFIELD, Director of Recreation. The letter and report are as follows:

"1106 Algarita Avenue
Austin 4, Texas
June 8, 1961

"Honorable Ben White
City Councilman
1107 Fairmount Avenue
Austin, Texas

"Dear Sir:

"Although I feel quite certain that this matter has heretofore been discussed by the City Councilmen of our city, it might be well to again consider its effects, especially where our youths are concerned.

"With the ever-increasing problem among our juveniles and the laxness on the part of many parents to supervise their children in Christian faith, would it not be possible for the Council to instruct the Recreation Department to close our community swimming pools until 1:00 P.M. on Sundays? Did you ever pass one of these pools on Sunday morning and see how well attended it was by youngsters who should be dressed in their "Sunday Best" instead of swimming togs? Surely the whole Sunday afternoon and evening should provide sufficient time for this recreation, plus the fact that the pools are opened all but one day the remainder of the week and there is no school. We pass such a pool - Stacy's - on our way to Sunday School and Church each Sunday, and each Sunday we cannot help but comment on the attendance at this facility by so large a crowd.

"Of course, there will always be those who would not attend God's House on Sunday regardless, but it would be wise that our City Fathers consider the welfare of our youth and encourage Christian education on Sundays by not opening the community swimming pools until after Sunday School and Church hours. Surely the matter would warrant consideration.

"Sincerely yours,
s/ Mr. & Mrs. James C. Evans"

"June 20, 1961

"To: Councilman Ben White

"There are many ramifications to the matter of closing the swimming pools on Sunday Mornings. It would be easy for me to make a recommendation to close all recreation facilities on Sundays, if I felt this would put more people in churches. However, I believe that the matter of going to church is a personal decision that must be made by each man and woman. I do believe that it is

necessary for parents to make this decision for their children. I also believe parents should attend church school with their children.

"It might be that we can close all free neighborhood pools on Sunday mornings and let the pay municipal pools, golf courses, Lake Austin Park, etc. remain open. At a specific request of the Austin Clergy we have postponed our learn-to-swim program until the fourth week in June so it would not be in conflict with the Church Vacation Bible Schools. This was not the best program planning from the view point of the Recreation program, but I thought we should cooperate with the churches. I also agreed not to open Patterson playground swimming pool until 1:00 p.m. on Sunday because it was adjacent to the church. I received no complaints in doing this.

"If the City Council would set a policy that the neighborhood pools be closed on Sunday mornings, it would be agreeable with me. However, it seems to me that if this feeling was wide spread, the request would come from either the Council of Churches or the Ministerial Association.

"There will be some complaints from the neighborhood served by Westernfield, Ramsey, Reed, Shipe, Patterson, and Stacy Pools. Many parents feel that this is the best opportunity for them to swim with their children.

"If we should decide not to open the pools until 12 noon or 1:00 P.M. it still would be necessary to staff the pools with lifeguards. We cannot shut a gate at our pools and keep people from entering. Any morning the lifeguard is late and people want to swim they just climb the fence and swim without supervision. The most notable example of this is over at Westernfield.

"I would be happy to discuss this matter further with you and if you so desire I will discuss it with the Parks and Recreation Board.

"From: AUSTIN RECREATION DEPARTMENT
Signed: Beverly Sheffield"

MAYOR PALMER stated MR. HUBERT JONES, Austin Housing Authority, wanted the Council to drive down to San Antonio on June 27th, 8:00 A.M. and go through the apartments that San Antonio has built for elderly people under the Housing Authority project. He asked the Council members to let him know if they could go and he would report to Mr. Jones.

The Director of Public Works made a report on the East 2nd Street Paving, stating the area under question was the area where right-of-way was needed, and this is being worked on now, and very shortly, they can go ahead and acquire the property, and pave the two or three blocks, and work out the rest of it later.

In regard to the resurfacing program, the Director of Public Works stated in order to expedite the program the work should be done in August or early September, and he would like to call for bids by August 1st, and the contractor could proceed with the work on or before the middle of August. He recommended that the time period be 30 days instead of the usual 45. He stated he would go ahead and send out the letters giving the property owners until the 31st of July to take advantage of the cash payment; and if they do not come in, they will come under the assessment program. The Director of Public Works stated several streets had been added to the list he submitted on May 25th. He stated he would bring in the list of streets that the Council needs to declare the necessity for paving, next week.

Councilman Armstrong reported the request of MR. L. L. CLICK, 3202 West Avenue to have the dead tree in the alley cut down and the area fixed up. The matter was referred to the Director of Public Works.

Councilman Armstrong reported a call from MR. L. W. BROCKENBUSCH, 1103 Allegria, regarding drainage. The City Manager stated he had reported it to him also.

Councilman Armstrong stated Mr. James Phillips, 2322 Waldine, had high water problems. The City Manager stated he was in the Boggy Creek Area, and he had a report to make. He said very few houses were actually flooded; although many people moved out during the past rains, but they told him there was no water in the house. He said he did not know how many houses were flooded last fall. He stated most of the houses would not have the value of \$500.00 and they occupy a part of the creek; and if the creek were ever cleaned out, the houses would have to be moved. He stated the only solution was to acquire the property sometime and clean it out and call it a green-belt; and when there was no water, it could be used as a playground. Mayor Palmer inquired about the area around Lyons Road. The City Manager stated this was a natural lake. If and when easements could be obtained, a drain can be put in that will relieve the area. He explained the plans for the drain which will relieve the area which is now flowing into Boggy Creek.

There being no further business, the Council adjourned at 6:00 P.M., subject to the call of the Mayor.

APPROVED

Las to E. Palmer
Mayor

ATTEST:

Oliver Thosley
City Clerk