

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 7, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

MR. TOM PERKINS, Austin Aqua Festival, introduced MR. HUB BECHTOL. MR. BECHTOL listed events in the Aqua Festival, in which the City was being asked to participate as follows:

1. Aqua Festival Beauty Contest and Follies at Barton Springs.
2. Land Parade in the morning hours from 10:00 to 12:00, and request for a section of the Auditorium parking lot for staging area. (August 10)
3. Sports Car precision maneuvers - Area of Auditorium Parking Lot as permitted last year. (August 10)
4. Open water swim from Barton Creek to the Interregional Bridge. Requested permission to swim in the lake. He asked to have a patrol boat from the Police Department and Fire Department. (August 11)
5. Carnival - north of Riverside Drive to the Town Lake; west from Bouldin Avenue to the Railroad Bridge.
6. Small Fry Fishing Derby, in which the Recreation Department will participate. The Game and Fish Commission is being asked to stock Barton Creek, and Mr. Bechtol asked permission to stretch a net across Barton Creek near the Bridge. (August 10)
7. Highland Lakes Golf Tournament (August 10 & 11). Request to use either the Municipal Golf Course or the new one, with a green fee of \$2.00 or \$1.00 per person.
8. Water Parade - exclusive use of Town Lake during the Water Parade; permission to erect a fence on the Sand Beach Reserve to east of the Interregional Bridge. Also request was made for area north of the Town Lake, west of

Lamar Bridge on West 1st Street for staging area during the construction phase of floats. Permission was asked that this area be blocked off three or four days in advance.

9. Central Texas Swimming Championships (August 17) - Request for use of one of the olympic size city pools.
10. Aqua Festival Stock Boat Races - closed-muffler stock races. Request was made for use of Town Lake east of Interregional Bridge.
11. Street dances - Permission had been given to block off 7th Street Between Congress and the alley just east of Congress, conditioned upon approval of the Austin Hotel. Mr. Bechtol asked permission to block 7th Street during the festival, as each day at noon there was planned a show.
12. Street Decorations - Permission was requested to erect street decorations and banners, and to erect these two weeks prior to the events.
13. Ticket Booth - Requested permission for the location on Congress Avenue at 7th Street in front of the Austin Hotel for at least two weeks prior to the first event.
14. Concession Rights - Mr. Bechtol stated the Aqua Festival organization would like to have concession privileges on the sand beach reserve and all street concessions. Also they would like to have exclusive concessions on the small fry fishing derby and others. The Carnival will not come in unless it has all concessions on the carnival grounds.

Mr. Bechtol listed other events, and stated the community, with the Council's leadership, had shown much enthusiasm for this Festival, and everyone is backing it with their money, time and efforts, and he was pleased with the progress. The Mayor commended Mr. Bechtol on the success of the Festival last year stating it was fine that from 100,000 to 150,000 people came into Austin for this event. He said the Council would check with the various Department heads and work out some answers on these various items listed. MR. ED ST. JOHN stated the L.C.R.A. was participating wholeheartedly in the Aqua Festival this year.

The City Manager reported that a special permit was granted for construction of apartments on the south bank of the river, and the special permit provided that one condition was the floor of the first level of the building be at an elevation of 445' above mean sea level. There had been considerable fill placed on the land; and if more fill were put in, there would be more problems created than by not filling in more. At the present time the elevation is 442½ or 2½' below the elevation prescribed in the permit, and the 442½' is still 18" above the curb on Riverside Drive. He recommended that the permit be amended to set the grade at not less than 442.5', subject to waiver from the property owner. Councilman Shanks moved that the City Manager's recommendation be accepted. The motion, seconded by Councilman White, carried by the following vote:

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

MISS EMMA SCHWEPPE asked that the Council place a proposition on the ballot whereby the people could vote a payment for each Councilman, and suggested an annual amount of \$5,000. She suggested since the citizens accept services from the five councilmen, it would be an amount to take care of "out-of-pocket" expenses that have to be met. Also she said it would get more younger people of ability to volunteer for this service. She said Amarillo, Beaumont, Corpus Christi, Lubbock and San Antonio had a payment for their councilmen. MR. DAVID BARROW endorsed this suggestion, and stated a study should be made to arrive at an amount that would be adequate for the pay of a Councilman for his services. MRS. NANCY HAMILTON favored an annual amount of \$5,000 stating a half of that could go for expenses, and the remainder would not be too much for the Councilman's time. Councilman White said he and all the balance of the Council came on the Council knowing full well there was no salary, and no one was complaining. MRS. JULIUS FRANKE stated if the people had a chance to vote on it, they could vote a salary starting at \$5,000 and then maybe providing for a raise. The City Attorney stated this would require an amendment to the Charter, and said it would be impossible for this to be submitted at the April 6th election. Councilman Perry asked if the Law Department could make a research on this question, and Miss Schweppe and the Council would know and have the information. The Mayor stated the Council would take this under consideration and discuss it.

MR. RICHARD PETTWAY submitted a check representing voluntary contributions to the TOM MILLER MEMORIAL FUND, and stated the Committee felt that Mayor Miller deserves something as a permanent memorial. The Mayor said the Council would have a Committee formed and asked MR. PETTWAY to serve on it.

MR. LAWRENCE LEDBETTER complimented the City on its improved garbage pick-up and congratulated the garbage collectors for the nice work they are doing.

Councilman White moved that the Minutes of the Meeting of February 21, 1963, be approved. 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 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) TRACT 1: A TRACT OF LAND FRONTING 435.70 FEET ON THE NORTH RIGHT OF WAY LINE OF ANDERSON LANE, LOCALLY KNOWN AS 2700-2716 ANDERSON LANE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND (B) TRACT 2: A TRACT OF LAND FRONTING 862.4 FEET ON THE WEST RIGHT OF WAY LINE OF BURNET ROAD, LOCALLY KNOWN AS 7944-8106 BURNET ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT

AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (2) AN INTERIOR TRACT OF LAND 30 FEET BY 70.7 FEET, LOCALLY KNOWN AS 3002-3004 SOUTH CONGRESS AVENUE, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) A TRACT OF LAND FRONTING APPROXIMATELY 800 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTH INTERREGIONAL HIGHWAY, LOCALLY KNOWN AS 3515-3715 SOUTH INTERREGIONAL HIGHWAY, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (4) LOTS 7, 8 AND 9, BLOCK 121, THE ORIGINAL CITY OF AUSTIN, FROM SECOND HEIGHT AND AREA DISTRICT TO FOURTH HEIGHT AND AREA DISTRICT; (5) LOT 7, BLOCK 35, R. L. SWEETMAN'S ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (6) THE WEST 66.5 FEET OF LOTS 11, 12 AND 13, BLOCK 6, OUTLOT 4, DIVISION Z, SHELLEY HEIGHTS, NO. 2, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (7) A TRACT OF LAND FRONTING APPROXIMATELY 423 FEET ON THE NORTH RIGHT OF WAY LINE OF EAST 45TH STREET, 514.5 FEET ON THE EAST RIGHT OF WAY LINE OF BENNETT AVENUE AND APPROXIMATELY 216 FEET ON THE SOUTH RIGHT OF WAY LINE OF EAST 46TH STREET, LOCALLY KNOWN AS 1012-1028 EAST 45TH STREET, 4501-4525 BENNETT AVENUE AND 919-927 EAST 46TH STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (8) (A.) A TRACT OF LAND FRONTING 206.7 FEET ON THE WEST RIGHT OF WAY LINE OF MANOR ROAD, LOCALLY KNOWN AS 5710-5800 MANOR ROAD; (B.) TRACT 1: A TRACT OF LAND 260 FEET ON THE WEST RIGHT OF WAY LINE OF MANOR ROAD AND 200.82 FEET ON THE NORTH RIGHT OF WAY LINE OF ROGGE LANE, LOCALLY KNOWN AS 5700-5708 MANOR ROAD AND 2800-2808 ROGGE LANE; AND TRACT 2: A TRACT OF LAND FRONTING 150 FEET ON THE WEST RIGHT OF WAY LINE OF MANOR ROAD AND 150.25 FEET ON THE SOUTH RIGHT OF WAY LINE OF ROGGE LANE, LOCALLY KNOWN AS 5612-5618 MANOR ROAD AND 2803-2807 ROGGE LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (9) LOTS 1 AND 2, BLOCK 6, PLEASANT GROVE ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for public utility purposes was granted the City of Austin in, upon and across two (2) strips of land, each of said strips of land being five (5.00) feet in width, and being out of and a part of Lots 2 and 3, Block D, Delwood Section One, said Delwood Section One being a subdivision of a portion of the Thomas L. Hawkins Survey No. 9 in the City of Austin, Travis County, Texas, according to a map or plat of said Delwood Section One of record in Book 4 at page 253 of the Plat Records of Travis County, Texas; and,

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

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

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utility easement, to-wit:

Two (2) strips of land each of the said two (2) strips of land being five (5.00) feet in width, the strip of land hereinafter described as Number 1 being out of and a part of Lot 2, Block D, Delwood Section One, the strip of land hereinafter described as Number 2 being out of and a part of Lot 3, Block D, Delwood Section One, said Delwood Section One being a subdivision of a portion of the Thomas L. Hawkins Survey Number 9 in the City of Austin, Travis County, Texas, according to a map or plat of said Delwood Section One of record in Book 4 at page 253 of the Plat Records of Travis County, Texas; each of the two (2) strips of land five (5.00) feet in width are more particularly described as follows:

NUMBER 1, BEING all the southeast five (5.00) feet of Lot 2, Block D, Delwood Section One;

NUMBER 2, BEING all the northwest five (5.00) feet of Lot 3, Block D, Delwood Section One.

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

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

Councilman Armstrong introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 34.29 ACRES OF LAND MORE OR LESS, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY NUMBER 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.

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 first time and Councilman Armstrong moved that the ordinance be 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

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 11.93 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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 Shanks, carried by the following vote:

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Robert C. McGinnis, through his agent, A.C. Warner, which is located below the Filter Plant, and being Lot 34, Tarrytown River Oaks Subdivision, Section 2, hereby authorizes the said A. C. Warner to

construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said A. C. Warner has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 7, 1963

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of A. C. Warner, agent for Robert C. McGinnis, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, located below the Filter Plant, and being Lot 34, Tarrytown River Oaks Subdivision, Section 2, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty-four (34) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if A. C. Warner is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

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

"Respectfully submitted,
Dick T. Jordan
Building Official"

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Hubbard S. Caven, located at 2806 Scenic Drive and being Lot 6, Block A, Herman Brown Subdivision No. 2, Section 1, Austin, Texas, hereby authorizes the said Hubbard S. Caven to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Hubbard S. Caven has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 7, 1963

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Hubbard S. Caven, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, located at 2806 Scenic Drive, and being Lot 6, Block A., Herman Brown subdivision No. 2, Section 1, Austin, Texas, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty (20) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Hubbard S. Caven, is granted his request by the City Council, that it be subject to the following conditions:

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

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine

supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

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

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

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Oscar E. Hughes as described in the Travis County Deed Records, and located on Lake Austin approximately twelve (12) miles west of the Dam on the north side of the Lake, hereby authorizes the said Oscar E. Hughes to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Oscar E. Hughes has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 5, 1963

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application

of Oscar E. Hughes, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, located on Lake Austin approximately twelve (12) miles west of the Dam on the north side of the lake, for permission to construct and maintain a boat dock projecting out into the lake approximately thirty (30) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Oscar E. Hughes is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Leslie Fox, known as the Fox Boat Docks in Bull Creek on Lake Austin, and hereby authorizes the said Leslie Fox to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement

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of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Leslie Fox has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 7, 1963

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Leslie Fox, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, known as the Fox Boat Docks in Bull Creek on Lake Austin, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-six (26) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Leslie Fox is granted his request by the City Council, that it be subject to the following conditions:

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

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

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

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

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

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

Councilman White moved that a shore line improvement for AUSTIN LAKE ESTATES be approved. (Joe C. Echols - retaining wall) 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:

"March 1, 1963

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M. Friday, March 1, 1963, at the Office of the Director of the Water and Sewer Department for the INSTALLATION of the SOUTH AUSTIN SEWER OUTFALL from BLUNN CREEK to APPROXIMATELY 650 FEET WEST of EAST BOULDIN CREEK. The bids were publicly opened and read in the Second Floor Conference Room of the Municipal Building.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>COMPLETION DATE</u>
Austin Engineering Company	\$134,583.00	July 1, 1963
Bland Construction Company	138,016.00	July 1, 1963
Ford-Wagner, Incorporated	246,585.00	July 1, 1963
Marvin Turner Engineers (Estimate)	116,000.00	

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$134,583.00, with completion July 1, 1963.

"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 March 1, 1963, for the installation of the South Austin Sewer Outfall, from Blunn Creek to approximately 650 feet west of East Bouldin Creek; and,

WHEREAS, the bid of Austin Engineering Company, in the sum of \$134,583.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Austin Engineering Company, in the sum of \$134,583.00, 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 Austin Engineering Company.

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:

"Sealed bids opened 2:00 P.M. Feb.28,1963
Tabulated by: O.G.Brush, Purchasing Agent

"CITY OF AUSTIN BIDS FOR NETWORK TRANSFORMERS

	Description	
	Three Network Transformers 1000 KVA 3 phase 12,500/277/480 Volts per City Spec. #EL-403	Manufacturer
Priester Mell	\$21,750.00	Moloney
Walter Tips Co.	20,598.00	Westinghouse
General Elec. Co.	20,658.00	G.E.
Williamson Distrib. Co.	20,610.00	Pennsylvania
Southern Electric Supply	18,735.00	Allis-Chalmers
Graybar Electric Co.	20,658.00	G.E.

"NOTE: All prices shown are net delivered in Austin.

RECOMMENDATION: Recommend low bidder, Southern Electric Supply Company of Austin be awarded contract to furnish Allis-Chalmers transformers.

"W.T. Williams, Jr.
City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received for the furnishing of three (3) 1000 KVA 3 phase 12,500/277/480 volts network transformers; and,

WHEREAS, the bid of Southern Electric Supply Company of Austin in the sum of \$18,735.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Southern Electric Supply Company of Austin, in the sum of \$18,735.00, 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 Southern Electric Supply Company of Austin.

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 ORDERING A GENERAL ELECTION TO BE HELD APRIL 6, 1963, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1963, DESIGNATING THE POLLING PLACES IN THE VARIOUS PRECINCTS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION; AND DECLARING AN EMERGENCY.

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

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

Noes: None

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

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

Noes: None

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Shanks moved that the request of MR. EDDIE SIMMONS to withdraw the following zoning application be approved:

SIMMONS MOTOR COMPANY 1205 Baylor Street

From "B" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

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

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: None

Present but not voting: Councilmen Armstrong, Perry

Councilman Armstrong stated he was concerned about the cost of \$150.00 to

hear each zoning case and that each case should have a decision.

MISS EMMA SCHWEPPE appeared again before the Council regarding the Council's providing for a straw vote for amending the Charter so that Council members could receive compensation. The Mayor stated the City Attorney would research this as Councilman Perry had suggested.

The City Manager called attention to the report on the Status of Water and Sanitary Sewer Contract Projects.

The City Manager reported a set of plans and specifications for the Garden Center to be constructed in Zilker Park were on the table in the Mayor's Office. Later in the meeting, Councilman White moved that the plans be approved and the AUSTIN AREA GARDEN CENTER be granted permission to proceed with their plans and advertise for bids. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Council had before it the recommendation of the Planning Commission that the tract of land from the Tracor site to East 19th Street and from the MK&T Railroad to East Loop Highway BE AMENDED on the Austin Development Plan from low density residential to industrial land use designation. (160 acres between the East Loop, East 19th Street, the MK&T Railroad, and the southerly extension of the Tracor 11 acre tract including the east portion of the Tracor tract.) Councilman Shanks moved that the Austin Development Plan be amended as recommended by the Planning Commission. The motion, seconded by Councilman Perry, carried by the following vote:

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

The Council deferred action on request to amend the Austin Development Plan to permit the development of approximately 75 acres of residential subdivision north of Ben White Boulevard immediately west of Assumption Cemetery to industrial, until after the meeting with the Economic Development Committee, the Planning Commission, and the Council.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLVED, That the City Manager, W. T. Williams, Jr., and the Director of Finance, Norman McK Barker are hereby jointly authorized to assign, or to sell, or to otherwise dispose of the following-described registered United States securities, or securities for which the Treasury Department acts as transfer agency owned by this corporation, and for such purpose to appoint one or more attorneys in fact with authority in turn to appoint one or more substitutes:

<u>LOAN TITLE</u>	<u>DENOMINATION</u>	<u>SERIAL NO.</u>	<u>REGISTRATION</u>
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2172	City of Austin, Texas Employee's Retirement Fund #1
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2173	City of Austin, Texas Employee's Retirement Fund #1
2 1/2% U.S. Treasury Bond due 8/15/1963	\$ 5,000.00	802	City of Austin, Texas Employee's Retirement Fund #1

IT IS FURTHER RESOLVED, That any and all action as authorized herein previously taken by the above-listed officers is hereby ratified.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLVED, That the City Manager, W. T. Williams, Jr., and the Director of Finance, Norman McK Barker are hereby jointly authorized to assign, or to sell, or to otherwise dispose of the following-described registered United States securities, or securities for which the Treasury Department acts as transfer agency owned by this corporation, and for such purpose to appoint one or more attorneys in fact with authority in turn to appoint one or more substitutes:

<u>LOAN TITLE</u>	<u>DENOMINATION</u>	<u>SERIAL NO.</u>	<u>REGISTRATION</u>
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2174	City of Austin, Texas Employee's Retirement Fund #2
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2175	City of Austin, Texas Employee's Retirement Fund #2
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2176	City of Austin, Texas Employee's Retirement Fund #2
2 1/2% U.S. Treasury Bond due 8/15/1963	\$10,000.00	2177	City of Austin, Texas Employee's Retirement Fund #2
2 1/2% U.S. Treasury Bond due 8/15/1963	\$ 5,000.00	803	City of Austin, Texas Employee's Retirement Fund #2

IT IS FURTHER RESOLVED, That any and all action as authorized herein previously taken by the above-listed officers is hereby ratified.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

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

The Council recessed until 8:00 P.M.

RECESSED MEETING

8:00 P.M.

At 8:00 P.M. the Council resumed its business.

The Council publicly heard the following zoning request:

CLINT SMALL, JR. &
CHESTER L. WHEELS

Tract 1
3401-3411 Wade Avenue
3216 Warren Street
3412 Scenic Drive

From "A" Residence 1st
Height & Area
To "B" Residence 3rd
Height & Area
NOT Recommended by the
Planning Commission

Tract 2
3414-3428 Scenic Drive
3201-3221 West 35th Street
3413-3425 Wade Avenue

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

MR. FRANK ERWIN representing the applicants, described the eight acres covered under the application, and the areas in the close vicinity that were zoned "C" Commercial. He pointed out in 1960, Mr. Small made application for "C" Commercial zoning, but the Planning Commission studied the situation and made a finding that the highest and best use for this tract was for residential purposes. In adhering to that finding, the applicants requested a change of zoning to a residential classification which would permit a condominium structure on the lowest part of the land. He stated this was a vertical subdivision; and instead of dividing the land into lots with individual houses, they proposed to take the whole tract and construct one building. MR. WALTER WISZNIZ, Architect described and displayed the model. MR. SMALL described the operation and management of the condominium. He offered to set aside as much of this tract as necessary to give as much parking as possible, to cut the density to less than what he could have on it now under "A" Residence; to dedicate as much acreage out of this tract as necessary to make the density equal to what he could have under "A" Residence; and to enter into a binding commitment to insure that only the portion of the tract that is reasonably necessary to go into this project be used, and to leave the rest of the tract as "A" Residence and treat it that way from now on. He said the only thing he was asking for in reality was a variance in the height of the building, and he had designed this to be in the lowest part of the property surrounded by a bluff. He noted most of those protesting lived from 8 to 10 blocks away or more. MR. ERWIN stated from 35 to 56 families would be in this

building, whereas under the present zoning, 97 families could live on this tract. Mr. Erwin stated the applicant would donate a strip 10' x 400' to widen Scenic Drive to 70' and 10' x 575' on West 35th Street, and to work out the corner of Scenic Drive and Balcones Drive. They were willing to give this substantial amount of land even though their project would not create any more traffic than what they could create with the present zoning. He said this would not be a spot zone, but a new zone. He stated they were willing to give written assurance that they would do everything they promised--that they will build the condominium or apply to the City to rezone the whole property back to "A" Residence; that they would commit as much of the property as needed to the condominium and leave the rest "A" Residence, or devote the whole area to the condominium; they would agree upon the City's request to give 10'x575' on West 35th Street and 10'x400' on Scenic Drive.

MR. LONNIE ZWIENER represented himself personally and other property owners in opposition, stating his view would be affected by this condominium; that people who purchase in an area have a right to rely on the particular zoning; that in connection with density and the statement 96 units could be placed on the area, it would be economically unfeasible to do that and explained the development. He said the Condominium itself does not have much to do with this hearing, but it is the request to change the zone from "A" Residence to "B" Residence, as there was quite a bit of undeveloped land to be considered, and the neighbors are anxious about what will happen to this vacant land. MR. WALTER CAVEN, 2800 Scenic Drive, stated although he lived out of the 200' notification distance, he believed this matter was one that concerned all of Austin. He pointed out a condominium was a type of structure in which high density was afforded, and he objected to this in this very fine high class residential area. He was personally concerned with what Mr. Nalle would be entitled to on the $3\frac{1}{2}$ acre tract next to him. MR. W.Y. FERRICK, 3300 Scenic Drive, said he lived next to seven acres of undeveloped land in this area, and this zoning change would bring forth other requests for "B" Residence. He objected to the change of zoning as he believed it would decrease the value of land; that traffic would be another problem, and he said there was a lack of law enforcement now. If the zoning is to be changed he would like to capitalize on his property.

Objection was expressed by MR. CARL GATLIN, 3406 Taylors Drive. MR. and MRS. LESTER REED opposed not the condominium but the change of zoning to "B" Residence. Inquiry was made about the pending application for changing the commercial property back to "A" Residence. The Planning Director reported on this application, stating the Planning Commission made no recommendation. DR. B. F. SIMMS, 3811 E. Ledge Drive said most of the land is in the \$50-\$60,000 bracket, and real high taxes are paid for a prime residential area, and the homeowners are interested in having the Wendlandt property reverted from "C" Commercial to "A" Residence. MR. BILL LUEDECKE opposed the change of zoning under the Small application, stating all had purchased in "A" Residence and expected it to remain in this category; that Mr. Small bought in "A" Residence and he knew what he could put on it at the time. MR. W. M. LOGAN, 3212 West 35th, said this one zoning change would change the character of the whole area--a very lovely area from "A" Residence to something less desirable. The Director of Planning pointed out on the map the locations of zoning other than "A" Residence in this vicinity.

MR. ERWIN explained his rights in this matter, as all knew the "C" Commercial zoning was there when they purchased their property; and when a person buys next to Commercial, he is entitled to make application to have his property changed. They were asking for "B" Residence zoning next to Commercial. He said there was no vested right in a zone, as it was subject to being changed. He

pointed out the natural barriers of this property from the rest of the neighborhood, and noted the Water Plant was in this neighborhood. He pointed out again the conditions they would provide, and asked the Council to take this matter under advisement to see if there were ways upon which the building could be conditioned so that they could proceed, and to work out a way for them to build this structure where there is no present zoning tailored for it.

After discussion, Councilman Shanks moved that the Council sustain the recommendation of the Planning Commission and the application be DENIED. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

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Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 17, 1959, the City Council of the City of Austin passed an ordinance declaring the necessity for and ordering the improvement of Palo Duro Road, in the City of Austin by grading and paving the same and constructing curbs and gutters where necessary; and,

WHEREAS, on March 31, 1960, the City Council of the City of Austin passed an ordinance levying special assessments for a portion of the cost of the improvement of such street, payable to the City of Austin, such special assessment being hereinafter more particularly described; and,

WHEREAS, the Northwest National Life Insurance Company of Minneapolis, Minnesota, through its attorney, has expressed a desire to obtain the certificate and the rights accruing thereunder by means of a transfer and assignment from the City of Austin, in consideration of said Northwest National Life Insurance Company paying to the City of Austin the full amount due under said certificate; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a transfer and assignment of the following special assessment certificate to the Northwest National Life Insurance Company of Minneapolis, Minnesota.

Special Assessment Certificate Number 6004-498-59.10(g), P-2665(h) for the improvement of Palo Duro Road, such certificate evidencing the special assessment in the sum of \$199.34 for a portion of the cost of improving Palo Duro Road levied against all of Lot 11, Block A, Vallejo, City of Austin, Travis County, Texas, of record in Book 4, Page 286 of the Plat Records of Travis County, Texas, and against the owners thereof, including Henry Walter Wilkes, Jr., and wife, Delia G. Wilkes, the apparent owners thereof.

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

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

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

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

The Council adjourned at 10:00 P.M., subject to the call of the Mayor.

APPROVED

Leota E. Palmer
Mayor

ATTEST:

Elis H. Massey
City Clerk