

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 13, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

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

Invocation was delivered by REVEREND LOYCE ESTES, First Cumberland Presbyterian Church.

MAJOR C. W. OATES presented GENERAL W. R. CALHOUN, Commander of the 8th Corps. GENERAL CALHOUN announced he had been asked by the Department of Army of the United States to present a Certificate of Appreciation to the City in recognition of faithful and cooperative spirits in release of employees for performance of military services on behalf of the Department of Army. He presented the token of appreciation for the splendid contribution being made by the City of Austin in the defense of the country. Mayor Palmer expressed appreciation for this citation, stating the City recognized the vital part that the Reserve Corps plays in the National Defense, and was happy that some of the city employees were members of the Reserve and were doing an outstanding job. He noted Austin's City Manager, COLONEL W. T. WILLIAMS, JR., is a member of the Reserve. The Mayor stated it was the feeling of the Council that the City employees would always be permitted to attend this training program.

MR. MARVIN KNIPPA, and a group of meat producers asked permission to go under the State Approved meat inspection. Although they were now under City inspection, they want to go under State approved inspection whereby they could go into other towns and sell. He said this was on a voluntary basis, and no one was opposed to it. Mr. Knippa stated the inspections would be supervised by the City of Austin, but the producers would have State approval, and they would have to pay for the inspection services. It would not cost the City any more, because all that used this inspection service would have to pay their pro rata share. He said the producers would guarantee 40 hours per week. MR. HERBERT HARGIS, Sanitary Engineer, stated this would require constant supervision during the processing of the meat. Councilman LaRue suggested that the City Manager study this and give the Council a recommendation.

MR. AMOS HEROLD presented the Council a Library Copy of the Traffic Investigation Manual. He said these books were scarce, and he asked the Librarian to order a copy. This copy is checked out to him, and he would return it the following week.

MR. E. C. JONAS appeared with 14 of his neighbors from Travis Heights, all of whom own property along East Riverside Drive. He submitted a petition that they be relieved of the financial responsibilities for the paving connected with the widening project now beginning on their street. "It has been firmly established that property within Travis Heights must remain residential. Because of the extra traffic noise, greater danger, and added inconvenience, we feel that our properties will all suffer a loss in value as residences. We are all aware of the necessity of widening the street and are willing to contribute this property devaluation in support of the project. On the other hand, we feel that it is altogether unjust that we should be required to contribute our money also because this project is promoted solely for the convenience of the public." He said this petition was signed by owners of 80% of the property along the 500, 800, 900 and 1000 blocks of Riverside Drive, and he questioned the moral justice for having to pay for something that would benefit them none. Mayor Palmer said this was one project in which there had been a lot of interest, and the City had been urged to try to do something about taking that hairpin curve out of Riverside Drive and to make this street safer for the people to use. It was pointed out that traffic was entitled to and would continue to use that street regardless of whether it is a narrow or wide street; and to the extent that heavy traffic is concentrated in a dangerous fashion in a narrow street, the values of properties would depreciate, wherein the values could be maintained if there were an adequate street. The street is being widened from 30' to 44' at a cost to the property owners of \$2.12 per front foot, and the City is paying the difference between this \$2.12 and what the actual cost is. Councilman Long stated they were not the only ones who were paying where the street was being widened; that this was a problem all over the City, and she did not see how the City could possibly not assess this group as it does every body else. The City could not get as much paving if it paid all the costs of paving, and there would have to be a tax increase. Councilman White inquired about the curbs as they are replaced. The Director of Public Works reported that all curbs and gutters in place are being relocated at no expense to the property owner. A long discussion was held with the property owners, and individual problems and questions were reviewed and answered. The Mayor stated Austin was trying to do now what many other Cities failed to realize in time, and that is to provide cross-town traffic patterns, and to improve circulation. Riverside Drive has been in the plan for many years for improvement. He asked the group not to look at their subdivision as an isolated island in itself, as when they left their subdivision, they wanted conveniences to travel through the City as safely and rapidly as possible. He said all were proud of the way the voluntary paving program had worked out. The City Attorney told the group it had up until March 9 to pay on the voluntary basis; if they have not paid by that date, the City's promise to pay the difference expires, and they will be assessed the full amount. Councilman White said he lived in Travis Heights; and when Woodland Avenue was widened, many people complained; but he told them if they would just wait until the project was finished they would be pleased. Some ten or twelve of those who had complained have told him now they had a beautiful street and were very happy about it. The Mayor stated improving East Riverside Drive and straightening it out, were some things that were very important, and he thought this improvement was something those people would appreciate. One lady reported the traffic on Friday nights was terrific, and

Riverside Drive was a race track. When they report this to the Police Department they are told there are only two policemen in South Austin. Councilman Long stated she did not believe the City Council was going to revise the paving policy now in effect; that it was fair and just; and in order to continue to get the streets paved, the City must have this kind of participation. The property owner at 802 Riverside Drive stated she believed there was an error in her case. The Director of Public Works stated he would check this; and if there is an error it would be corrected.

MRS. MARION ROSS, interested in discussing the City owned property on Clermont Avenue and East Avenue, reviewed her connections with the real estate people interested in blocking the property and purchasing the city-owned property, stating she was one of the partners involved. She had this property on Clermont packaged with the exception of the City property. Mrs. Ross reviewed the Minutes of the various meetings in which this property, the closing of Clermont Street, the manner in which the appraisals were made and other matters were discussed. She stated she had guaranteed Miss Littman her property would be sold, and that she now had purchased the Littman tract. Mrs. Ross gave a complete review of her efforts to try to secure the City property, of the letters written from the City Attorney's Office and the property's being involved in the Town Lake Development. She said she had been informed by the Chairman of the Town Lake Study Committee that there were no plans for this particular piece of land in the lake development, and that she stood ready to purchase this property. She read Minutes of August 1, 1963, which pertained to the Clermont property owned by the City. The City Manager inquired who owned the property at this time. Mrs. Ross stated Miss Littman owned the property then, but she purchased it from Miss Littman on September 29, 1963. Mrs. Ross read a letter addressed to Mr. Kuykendall, from the Assistant City Attorney dated August 1st, 1963, regarding the Council's approval of the sale of the tract as described in Mr. Kuykendall's letter of January 26th. She stated she bought the Littman tract under the assumption this was the feeling of the Council. It was pointed out by Councilman Long that the Council had already rejected selling this tract before Mrs. Ross bought the Littman Tract. Councilman LaRue read the motion made regarding the sale of this lot. The City Attorney reported that Mrs. Ross had said her whole reliance in this matter stemmed from reliance upon a letter addressed to Mr. Kuykendall by the Assistant City Attorney and not on the Minutes which she said she had read only about two weeks ago. He said Mrs. Ross had not told the Council that immediately after the letter of August 1, 1963, she received a letter from the same man, Mr. Fowler, addressed to Mr. Kuykendall advising him of the fact a mistake had been made and the property was not to be sold upon that basis. The City Attorney gave a history of previously proposed sales of this very property, and the Council's interest in the use of the property in conjunction with the balance of the City property. He said Mrs. Littman had, at least, three different offers to sell her the property, but she never chose to buy. He said many different appraisals had been made on this property; but one of the problems of appraising lies in the question of how it should be appraised. Should it be appraised as one parcel; should it be appraised together with the back acreage, or be appraised with the entire city ownership of the tract. The last time the Council went out to look at the property, it finally decided to consider, but not to decide, trying to appraise this as an entity with the triangle south of Flores Street, assuming Flores Street would be closed, assuming the alley to be vacated and assuming all of that to be one city ownership, and the Council asked him to have appraisals made on that basis. He said he engaged appraisers, and one of the appraisals which was presented to him was not made upon that basis.

The Council was presented not even that appraisal, but appraisals which had been made previously to that time, but not made on the basis upon which the Council had ever said it would consider selling. He stated there was an interest in blocking the tract and purchasing the entire tract for a development which could be approved by the Council, and all of the property would be devoted to that purpose. The City Attorney explained how the mistake occurred in separating the properties, but said as soon as the Assistant City Attorney discovered this was not in keeping with the Council's intentions, he directed a letter to Mr. Kuykendall reporting to him that a mistake had been made, and if the previous letter could be construed by anybody to be an offer to sell, that it was thereby withdrawn. The City Attorney pointed out it was weeks later that Mrs. Ross purchased the Littman property and weeks after she knew that the offer had been withdrawn. Councilman White inquired about the motion, if it were to sell the property to Mrs. Ross. Councilman Shanks stated the motion authorized the sale. Councilman Long stated the Council did not sell it, but did vote to; however, it reversed its decision. Councilman LaRue read the motion again and said it did not say to whom the property would be sold or when; it just said that it be sold. MRS. ROSS read the letter to Mr. Kuykendall in which the offer was withdrawn. She said the matter was still left open, and she was told that certain facts were the Town Lake issue. The City Attorney stated this issue had been discussed by the Council, and at various times it had raised the serious question as to whether to sell or not. The Town Lake Committee's study is now complete and the Council may be in a position to decide whether it desires to dispose of the property or not. It does not have to if it does not want to. If it does want to dispose of it, it can, but the Council holds the property for all of the people. Mrs. Ross stated that was right, and she was not trying to force anybody but it was just that she felt she approached this in good faith and the commitment was made. The City Attorney reviewed the decision of the Council to advertise for bids to sell all of the property and set a floor of \$100,000. Subsequent to that the Council rescinded its action. He related his version of the telephone conversation with Mrs. Ross about this property. Mayor Palmer asked Mrs. Ross when she purchased the property from Miss Littman. He asked the date of the deed. Mrs. Ross stated it was the 29th of September. She said she had signed the contract back in May. The City Manager stated that was prior to the time the Council took action in August, and Mrs. Ross was already under contract with Miss Littman regardless of what the Council did. Much discussion was held. Mrs. Ross stated she would like for the City to reconsider all of this, as she intended to hold her property whether or not she had the opportunity to purchase this adjoining lot, and she would do her best to block it off, if she could; but if she did not get it, she would feel she had been treated unjustly. Mrs. Ross discussed the tax evaluation on this property along Clermont. She inquired if she could use the adjoining land. The Mayor stated he would not make a commitment on that. Councilman Long stated the Council may sell the whole thing as a package, and Mrs. Ross' land may be included in it; and there will come a time when the Council will make a decision on what to do with the land in there. Mrs. Ross thanked the Council for its consideration.

The Council had before it for second reading the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS

AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," WHICH ORDINANCE WAS ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON APRIL 30, 1931, AND IS OF RECORD IN BOOK "I", PAGES 387-544 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING CHAPTERS 1 THROUGH 4 OF SAID ORDINANCE; PROVIDING FOR A BUILDING DEPARTMENT AND BOARD OF APPEALS; DEFINING THE POWERS, DUTIES, AND MEANS OF APPOINTMENT OF THE PERSONNEL OF EACH; REGULATING CONSTRUCTION, DEMOLITION, USE AND REMOVAL OF BUILDINGS; DECLARING NUISANCES, PRESCRIBING FEES, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DEFINING TERMS.

Councilman Shanks moved that the ordinance be passed through its second reading. The motion lost for lack of a second. MR. RICHARD BAKER asked to have an opportunity to review these chapters. He said the Association of Home Builders did not want to hold this up unduly, and he wanted to meet with the Building Official and he would be back before the Council next Thursday.

The Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

At 2:00 P.M., the Council resumed its business.

Councilman White absent.

The Council discussed the property next to the proposed Electric, Water, Street and Bridge Service Center in South Austin. After discussion, Councilman Long moved that the City Manager be instructed to negotiate to purchase the property on Center and South 1st Street. The motion, seconded by Councilman Shanks carried by the following vote:

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

Councilman Shanks moved that the Minutes of the Meeting of January 30, 1964, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager reviewed a plan for the development of a cross town thoroughfare from the Lake along Enfield Road, following the north boundary of House Park and going overhead on Lamar and the Creek. Then on the east side, it is planned to bring 15th Street back into East 12th Street, which would be a cross town thoroughfare from there on out to East Loop. The route was pointed out on a map. The City Manager stated this was a plan for the future, and the street ultimately would be extended on through, but there are no immediate plans nor finances for the development east of the Interregional Highway. He pointed out property that the City would need to acquire was mostly to the east of Lamar Boulevard and between the Creek and Parkway. The City Manager stated they were about to the point of staking those properties now and there was set up in this year's budget money for acquisition of right of way on the west side for this extension. The Director of Public Works submitted an overlay on the aerial photograph and showing property ready to be staked on the ground. The City Attorney pointed out there were three tracts on the east side that would be needed if the plan is carried through and they are now for sale. Councilman Shanks inquired about how those interested in making repairs on their property would know whether to do so or not. It was pointed out the overlay map would show the properties that were under consideration. The City Attorney explained in this case on the east side, normally the seller would be told that the City was not ready to go; but this is one where the property owners would be willing to take the improvements at 25% of their value and keep possession of the property and the City would not suffer the loss that it might when a building is wrecked out and moved off. After discussion, Councilman Shanks moved that the City Manager be instructed to start negotiation for these three lots on the corner of the Interregional and East 15th Street. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

Mayor Palmer inquired about the naming of Interregional Highway. The City Attorney stated it is still being called East Avenue; and signs say "Interregional Highway"; and it is being referred to as Interstate 35. The Mayor stated some day that should be straightened out.

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: (A) A TRACT OF LAND, LOCALLY KNOWN AS 4800-4810 SPRINGDALE ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND (B) A TRACT OF LAND, LOCALLY KNOWN AS 4812-5016 SPRINGDALE ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; SAID TWO TRACTS OF LAND BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue 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 LaRue, Long, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman LaRue 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 LaRue, Long, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: WEST 60 FEET OF LOT 3-A, SHOALMONT ADDITION RESUBDIVISION, LOCALLY KNOWN AS REAR OF 5516-5522 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman LaRue 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 LaRue, Long, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White

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

by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilman LaRue introduced the following ordinance and moved that it be published in accordance with Article I, Section 6 of the Charter of the City of Austin; and set for public hearing at 10:30 A.M., February 27, 1964:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.27 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ELDRIDGE SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Cherrylawn, Section 5)

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL PORTION OF SCENIC DRIVE AND WADE AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman LaRue 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 LaRue, Long, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White

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

by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"February 11, 1964

"To: W. T. Williams, Jr., City Manager Subject: Junior Swimming Pool at
Civitan Playground

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, February 11, 1964 for the construction of a Junior Swimming Pool at Civitan Playground known as Contract No. 64-C-2.

Maufrais Brothers, Inc.	\$19,463.20
Ed Page	\$22,548.00
City's Estimate	\$17,534.00

"I recommend that Maufrais Brothers, Inc. with their low bid of \$19,463.20 be awarded the contract for this project.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 11, 1964, for the construction of a Junior Swimming Pool at Civitan Playground, known as Contract No. 64-C-2; and,

WHEREAS, the bid of Maufrais Brothers, Inc., in the sum of \$19,463.20, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works, of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Maufrais Brothers, Inc., in the sum of \$19,463.20, 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 Maufrais Brothers, Inc.

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

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

It was noted the completion date was for May 20th.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Mr. Russell Roby for a building permit together with a site plan dated February 12, 1964, meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2310 Sabine, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of the erection of a tri-plex the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is nine (9) parking spaces; Now, Therefore,

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

That nine (9) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Mr. Russell Roby dated February 12, 1964, for use of the premises for the purpose of the erection of a triplex.

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

No action was taken on off-street parking requirements at 405 West 7th Street, for seven spaces. (Requested by Dr. Roy LeMond)

The Mayor offered the following resolution:

(RESOLUTION)

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

1. The Amendment to Cooperation Agreement between the City of Austin and the Housing Authority of the City of Austin, Texas is hereby approved.
2. The City Manager is hereby authorized and directed to execute the Amendment to the Cooperation Agreement in the name of , and the City Clerk is hereby directed to seal and attest the Amendment to Cooperation Agreement with the Seal of the City of Austin.
3. This Resolution shall become effective immediately.
4. The Cooperation Agreement Amendment referred to in Section 1 is in the following form, to-wit:

"3(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the Fiscal Year established for such project, and shall be in an amount equal to either
(1) ten percent of the aggregate Shelter Rent charged in

respect to such project during such fiscal year , or (ii) the amount permitted to be paid by applicable State law in effect on the date such payment is made, whichever is the lower."

The resolution was read in full, considered and discussed.

Mr. Shanks moved its adoption and Mrs. Long seconded the motion. On roll call the following vote was recorded:

AYE: Councilmen LaRue, Long, Shanks, Mayor Palmer
NAY: None
Absent: Councilman White

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin by resolution dated December 31, 1959, authorized the City Manager to enter into a contract for the acquisition of right of way on U. S. Highway 183 near the Montopolis Bridge in Austin, Texas; and,

WHEREAS, acting in compliance with the terms of this contract, the City of Austin has deposited the Special Commissioners Award and taken the fee simple title by a final judgment to that certain tract of land described in a condemnation cause of action in Travis County, Texas, styled as City of Austin vs. Lois D. Thrasher, et al; and,

WHEREAS, it is now necessary to transfer the fee simple title to the above referred tract of land and all improvements situated thereon to the State of Texas; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to transfer the fee simple title to the above referred tract of land and all improvements situated thereon to the State of Texas in compliance with the above described contract.

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

After discussion, Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City heretofore as of September 24, 1953, entered into an agreement (hereinafter called the "Agreement") with Travis County Water Control and Improvement District No. 5, (hereinafter called the "District"), pursuant to which the City, inter alia, sells water to the District, and in which the

District agreed that no bonds shall be sold by the District except for prices, interest rates, and redemption premiums approved by the City; and,

WHEREAS, the District has requested the City to approve issuance of refunding bonds, to be sold for par and accrued interest, equal to the aggregate principal amount of its presently outstanding bonded debt, for the purpose of refunding a like amount of outstanding indebtedness of the District; said refunding bonds to bear lower interest than the bonds being refunded; and said refunding bonds providing for redemption thereof at par and accrued interest, without premium, on August 15, 1964 or on any interest payment date thereafter; and,

WHEREAS, pursuant to the Agreement, the City desires to approve said prices, interest rates, and redemption provisions; but does not desire to otherwise affect any right or option exercisable or owned by City; Now, Therefore,

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

That the City hereby approves the issuance of refunding bonds by Travis County Water Control and Improvement District No. 5 in an amount equal to the aggregate principal amount of its presently outstanding bonded debt, said refunding bonds to be sold for par and accrued interest for the purpose of refunding a like amount of outstanding indebtedness of the District if said refunding bonds bear lower interest than the bonds being refunded and provide for their redemption at par and accrued interest, without premium, on August 15, 1964 or any interest payment date thereafter, and if said approval be not construed as otherwise affecting any right or option exercisable or owned by the City.

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

At this point COUNCILMAN WHITE entered the Council Room.

The City Manager discussed policies on refund contracts in city owned water district boundaries, referring to the Resolution which was adopted the same time the Subdivision Ordinance was passed, and which provided for certain forms of refund contracts which the City would make with developers who complied with the subdivision regulations. Councilman Long stated in conjunction with subdivisions, she would like to discuss and ask the Council that it require sidewalks in new subdivisions, and that it do away with the 3% interest on refund contracts. The City Manager stated this question of sidewalks was debated quite a bit when the subdivision ordinance was under consideration, and the subdividers felt that to put in a requirement that sidewalks must be constructed would be very objectionable. They worked on this for quite a while trying to set up a flexible requirement where if a sidewalk would not fit a terrain, or for any other reason where they were not practical, that sidewalks could be eliminated, but in other cases required. A workable plan was never able to be developed. It may be that sometime a way might be worked out to require the sidewalks. The size of the sidewalk was reduced to try to make it easier to provide. Councilman Long stated if sidewalks were required, within a year's time, the subdividers would applaud and would not think of developing without sidewalks. Mayor Palmer said

in some sections of Austin where sidewalks were constructed, and children tried to skate or ride on them, and they were 30 to 40% grade, more children would be hurt than helped. Councilman Shanks cited an example at Balcones Drive and Mt. Barker. The City Manager stated those were the things that created the problems. Councilman Long wanted to set a hearing on this and talk about sidewalks and work something up, as it would be an asset to the City to have sidewalks in new subdivisions. The Mayor stated he would be willing to go ahead on the voluntary plan but most people did not want sidewalks.

The City Manager discussed the Resolution (Adopted 10-22-53 and the amendment of 3-24-55) which set out the policy of city participation in the cost of construction and installation of streets, drainage facilities and utilities in subdivisions in the City or within five miles of the City limits. Councilman Long suggested that a charge be made for installation of electric lines in new subdivisions. The City Manager stated sometime ago a request was made to require subdividers to provide street lighting; but as to installing the service, he thought the City was in good balance with what is being required by the subdivider and what the City is doing. In most cities the Electric Utility is owned by private enterprise, and no charge is made to run the lines. The City Manager stated refund contracts were made for water lines and sewer lines in subdivisions, and he explained the policy in that if a subdivider puts in both water and sewer in a new subdivision, the City will reimburse him to the extent of 90% of his cost together with interest on the unpaid balance at 3% per annum payable out of 75% of the water bills. Those payments will be made until the subdivider has received his 90% with 3% interest on the unpaid balance, or for a period of 25 years, whichever first occurs. If it has not been paid out in 25 years, no further payments are made. Refund contracts will be made with developers of subdivisions inside the city limits, but no refund contracts are made for subdivisions outside the city limits. This policy brings property into the City in an orderly manner and helps with the development of the City. Councilman Long stated the policy was far too generous, and the 3% interest goes beyond the call of the City. It was pointed out the policy had been instrumental in getting cooperation and compliance with the subdivision regulations. Councilman Long stated the 3% interest should be looked into again. MR. DAVE BARROW stated there was some danger in going too far on making the subdivider pay for these utilities, when the City owns the utilities, and makes a considerable profit on them. The City Manager said the combined Water and Sewer System did not make any money, but ran at a loss, and the Electric System supported it. The City Manager explained the provisions for lift stations, for drainage, and for a reimbursement to the subdivider in the refund contract for paving of the intersections. The supplement to the refund policy pertaining to subdivisions traversed by existing streets and boundary streets was read and discussed.

The City Manager stated he had been describing the policy which has been in effect since 1953 where in the City pays for both utilities out of 75% of the water bills until the subdivider has received 90% of his money with three percent on the unpaid balance; or for a period of 25 years whichever first occurs. When water was sold to Water Districts that were created, there was a provision in each contract that permitted the District to make refund contracts with people in the water district. The situation was different in the Water Districts, and a plan was worked out and incorporated in the contracts made with the districts which provided at the end of the fourth year after the completion of the water line extensions, the District would refund to the subdivider an amount not to exceed one-half (instead of three-fourths) of the total amount of water bills of

customers for the preceding year, and such payments would continue for a period of ten years or until the total amount of the cost of such improvements had been refunded, whichever occurred first. The City Manager pointed out the problems under this contract in the event the City continued, such policy in the area. If there were a refund contract made on this 50% basis, and the territory were annexed, or not; and if sewer were made available, and city water rates were in effect the reduction of the Water Rates from District Rates would result in the developer's contract becoming worthless. Contracts pay out well at the water district rates. Another difficulty is if the area were brought into the city and sewers connected, the City would be paying 50% on the old water district contract plus 37.5% on the sewer and it would run the City's amount up to 87.5% instead of 75%. He recommended using the same form of refund contract in the areas where the City has purchased the system that is applied in the City - giving 37½% for water only, reimbursing the developer up to 80% of the amount of the cost of the water installation with 3% interest. Councilman LaRue stated this policy would protect the subdivider and the city both. This policy would apply to those subdividers coming in now and wanting refund contracts, and not to existing contracts, as those had been purchased at 50 cents on the dollar. The City Manager stated his proposal was to use the same refund contract as is used in the City for water only, at 37.5% of the water bill until the subdivider had received 80% of his money with 3% interest. This contract would apply in the area where the District had an obligation to provide a refund contract. Where the district did not have any obligation to provide a refund contract, this policy likewise would not apply. As the City is not authorized to make contracts outside the City, the District was not authorized to make contracts outside the district. If the area comes into the City the refund contract would be made. Councilman LaRue contended that if a section were within the geographical area of a district; it should be considered for a refund contract. The City Manager stated if refund contracts were made for territory not within the water district, it would not be consistent to say the City would not give refund contracts anywhere outside the City Limits. This item was discussed thoroughly. It was brought out that those people who first asked to be excluded from the water districts, and who came to the District later, asking to be taken in, were told by the District it would include them provided they would pay the equivalent of what they would have paid in taxes had they been in the district all along. About adding customers in the area, the City Manager stated the lines were not large enough to take care of the development. He pointed out a specific instance in Travis Williamson County District No. 1, where the planners had not anticipated the rapid development of that area to the south. As a result the City made an arrangement just two weeks ago, to take over some of those lines. The lines in place are good, but not large enough to take care of the development.

Councilman Long stated in going over this policy that she would like to see a study of taking part of the liberalization out of it, with particular reference to the 3% interest. She suggested making a survey from Dallas, Fort Worth, Houston, San Antonio, and Lubbock, and see what they are doing about refund contracts and going over this and seeing if the City's Policy could be stiffened somewhat. The Mayor stated it would be necessary to see if all of those cities owned their own water systems. He stated that when this study as suggested by Councilman Long was made, that it be enlarged upon to see what those cities charge for water in comparison to Austin.

The City Manager stated the immediate problem was there was one subdivider now, and there would be others, who would be asking for refund contracts in the subdivisions. There is the basic question of the kind of refund contract to give

those developers in the water districts that had been taken over. Following the discussion, the Mayor stated whatever was done about the refund contracts in the Water Districts, the City should be consistent with the policy it has now.

MR. DAVID BARROW came before the Council noting the TOWN LAKE COMMITTEE had submitted several weeks ago a recommended policy, and had discussed this policy with the Council, and amended it to include not only the land around the Lake, but the water itself. The Committee would like for the Council to adopt this policy. Mayor Palmer stated that the Council would review it and try to take some action on it the following week.

MAYOR PALMER, regarding Town Lake, stated the immediate concern was Council action on the Town Lake Committee's or Consultants' detailed plan around the Auditorium, and of the general plan for the rest of the Lake. Councilman Long moved that the Council adopt the general plan for the development of Town Lake and the specific plans for the development around the Auditorium as recommended by the Consultants, MR. STEWART E. KING, MR. ALAN Y. TANIGUCHI, and MR. S. B. ZISSMAN, and the Town Lake Committee; and the Consultants and Committee be commended on the good job they did. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

MR. DAVID BARROW stated a number of people had responded to their requests for contributions of funds and trees, and he wanted to ask the City Manager or Council to arrange to do the work in specific cases where trees had been donated for planting this year. He suggested that the consultants be contacted to assure the plantings would fit in with the plan. The City Manager stated the Consultants had made a plan for the planting of trees immediately around the Auditorium, and they are developing specifications for furnishing the trees and planting, and bids will be taken shortly. Those trees would be paid for at City expense. That would be one place private donations could be applied if they fit into the plan. For the rest of the Area there is no specific plan. He stated there were areas to be graded, and areas to be designated as picnic grounds, ball fields, etc., but the plans were not yet specific. Mr. Barrow asked if the consultants could be contacted now, and if the City could accept these gifts of trees and plant them now. He suggested if someone wanted to contribute 150 trees it would be well to come to the Council and present the money. Councilman Long suggested using the new horticulturist assigned to the Recreation Department to work along with the Consultants. Councilman LaRue suggested that someone in the Administration be selected where a person who wanted to make a donation for landscaping could be shown where the planting would be. The City Manager stated if there were a more detailed plan of the area, the City would be in a better position to do what Mr. LaRue had suggested. Mayor Palmer said the Council had asked that a specific plan be made between Congress Avenue Bridge and Lamar, and that a working detail plan be submitted. He suggested that this specific area have priority, as this would have the greatest impact on getting the whole program started. He suggested if some individuals want to contribute enough money to purchase 150 redbuds that the Committee or City Manager be authorized to accept this; and the consultants should be in a position to say where they could be planted. Councilman LaRue said if Mr. Sheffield had the authority, he could tell those who came to him and wanted

to plant trees, where they could be planted. Mr. Barrow suggested that people be encouraged to contribute funds rather than donating a particular tree. Councilman LaRue said individuals would get more pleasure of giving a favorite tree and planting it than making a monetary donation. After discussion, Councilman Long moved that the City Manager be instructed to designate the Director of Parks and Recreation to coordinate the program for landscaping and planting on the Town Lake Area and cooperate with the Town Lake Committee and Consultants. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager inquired while the Town Lake Development was under consideration if the consultants should do detailed planning all the way from Tom Miller Dam to the other dam, or should the City do some of the planning itself. Councilman Long stated the new Horticulturist in the Recreation Department could do some of it.

Mr. Barrow stated in the conduct of taking care of the Parks and the Town Lake Area that the actual work should be placed under the Recreation Director and his Assistant, and that the people who do the work should be under them. He said this would require a different type of people who knew something about landscaping. The City Manager stated this was considered some six or seven years ago, but the Recreation Director did not feel he was prepared to undertake it at that time; however, he now has recommended that he take over the maintenance of parks and public lands, and a study was made as to how this transition could be made. It was found Mr. Sheffield did not have the supervisory people he would need, as there were several that would have to be employed that could not be moved from the Public Works Department, because in the Parks Division of that Department takes care of alleys, creek beds, street rights of way, etc., in addition. It was decided to make this transition gradually, and the personnel relations would be considered and worked out.

Mayor Palmer discussed the various phases of development on Town Lake noting that the Auditorium was the first phase. Mr. Barrow suggested as the second phase the area on the east side. The City Manager stated the Recreation Director could develop some plans on the area east of the lagoon as his Parks man would be capable of working that out. Mr. Barrow said the Committee felt the Lake in that area would be of tremendous use to the people in that vicinity.

The Council discussed the final shore line as it will be from the Drake Bridge to Lamar on the south side. The Director of Public Works made a report on the dredging. The agreed boundary line of properties was discussed. The City Manager displayed the aerial photograph of the Lake, showing the excavation line and the line that would be hand worked. The Mayor suggested that the City Attorney and all check the whole file on this boundary and shoreline.

The Mayor announced that TEXAS had gained its STATEHOOD 118 years ago on February 19th. The present Municipal Building location was the site of the State Capitol; and on February 19th 118 years ago, the flag of the Republic of Texas

was lowered and the flag of the United States of America was raised, special recognition is being called to this event by the Governor. Councilman LaRue moved that February 16-22, 1964, be declared as TEXAS STATEHOOD WEEK, and that appropriate ceremonies be held to commemorate this occasion. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

After further discussion, Councilman Long moved that a ceremony be set for Thursday morning at 11:30 A.M. in recognition of Statehood Week, and that Mr. Garland Adair be invited down on Thursday, February 20th, and possibly someone from the Governor's Office. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman Shanks moved that the Council proclaim DON CARPENTER'S MEMORIAL DAY, Wednesday, March 4, 1964. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

(Initiated and sponsored by the Latin Community of Austin.) The Mayor asked that an official proclamation be sent to the Carpenter family.

The Council had before it for consideration a Resolution authorizing the City Manager to execute contract with Housing and Home Finance Agency for Community Renewal Program Grant. Councilman Long's motion that the Resolution be adopted lost for lack of a second. The Mayor asked for extra copies of the provision of this program so that each Council Member would have an opportunity to review it. The Director of Planning referred to the local Public Agency Letter which is presented by the Housing and Home Finance Agency as a guide. The Planning Director reviewed the program and discussed it in lengthy detail. Also he referred to the Executive Order issued in November of 1962. The Mayor stated it looked as though the City were on the right track, and he listed the requirements (a) adopt an up to date building code requirement; (b) review plumbing and fire prevention code and submit recommendation for Council action; (c) continue to expand plans for city wide housing code compliance activities. He read the five requirements for the comprehensive community renewal plan, and they were discussed briefly. The Director of Planning stated with reference to Item No. 5 - Citizen Participation, that he would come to the Council for suggestions for enlarging that Committee, because that same committee should be the Committee to work as a Citizen group on the Community Renewal Program. There is more emphasis on questions of mortgages, home building, financing. The Mayor stated the Council should be thinking about from three or four additional people, and he asked that this be brought up again, as this was important. The Mayor asked the Planning Director to get the Council copies of this information he had just reviewed so the Council could look it over.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That, W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a quitclaim deed, on behalf of the City of Austin, conveying all of its rights, title and interest to the State of Texas, in and to the following described tract of land, same being more particularly described as follows:

0.048 of one acre of land, more or less, being out of and a part of the H. T. Davis Survey in Travis County, Texas, being all of that land conveyed to Fred C. Morse by deed dated January 14, 1964, of record in Volume 2717, Page 496, Deed Records of Travis County, Texas, which 0.048 acres of land, more or less, is more particularly described by metes and bounds as follows:

BEGINNING at a point in the curving south right of way line of present U. S. Highway 290, said point bears South 28° 59' West 76.50 feet from Survey Station 153/04.42 present U. S. Highway 290, said point of beginning being South 83° 38' West 590.48 feet from a concrete monument being at right angles to and 60.0 feet from Survey Station 158/54.00 present U. S. Highway 290, said concrete monument being South 86° 33' West 40.80 feet from the east corner of the adjacent 2.28 acres of land as conveyed to George D. Taylor and Mattie K. Taylor by deed dated September 8, 1955, of record in Volume 1611, at Page 525, Deed Records of Travis County, Texas;

THENCE, with the east line of said 19.5 acre tract of land South 28° 59' West 52.70 feet to a point in the south line of said 19.5 acre tract of land;

THENCE, with the south line of said 19.5 acre tract of land North 69° 02' West 80.11 feet to a point in the curving south right of way line of the present U. S. Highway 290;

THENCE, with the curving south right of way line of the present U. S. Highway 290 along said curve to the right having a radius of 5669.65 feet an arc distance of 101.85 feet, the subchord of which bears North 80° 09' East 101.85 feet, to the point of beginning.

(Right of way for Loop 111.)

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor read a Memorandum from the Parks and Recreation Board concerning the desire of Mrs. Brooks Oakley to give the City a greenhouse for Zilker Gardens in memory of her late son, COLONEL GERALD K. HANNAFORD, who was shot down in East Germany, as follows:

"At the Parks and Recreation Board meeting February 11, I told the Board that Mrs. Brooks Oakley wishes to give the City a greenhouse for the Zilker Gardens in memory of her late son, Colonel Gerald K. Hannaford, who was recently shot down over East

Germany. The City Council wants a recommendation on the acceptance of this memorial. The greenhouse is about 8' x 10' and is constructed of wood and glass, hence it is not a very durable structure. However, a definite use can be made of this greenhouse in carrying out the functions of the Garden Center, and it does have a great sentimental value to Mrs. Oakley as her son used it to raise orchids. I also pointed out to the Board that the overall plans for the grounds were not developed, so the greenhouse could not be moved immediately to the Gardens.

"It was the consensus of the Board that the City gratefully accept this gift when the development of the Gardens and the operations of the Center have reached the stage when it can be fitted into the overall program. Acceptance should also be made on the basis that the greenhouse be used until such time as it can be replaced by a more permanent or complete structure. However, a plaque to honor Col. Hannaford for giving his life in service of his country should be placed on the small greenhouse and at the proper time be moved to another appropriate place at the Garden Center. Do you wish me to contact Mrs. Clare Ogden Davis to inform her that the City is willing to accept this memorial and to contact Mrs. Oakley on the details of the gift?"

Councilman Long anticipated a problem if the building were not to be permanently located there, and that this be discussed with Mrs. Oakley. Councilman LaRue moved that the greenhouse be accepted under the conditions stated herein, and any other conditions suggested by the City Manager. The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager stated he assumed that Mrs. Oakley had expected to get the building moved on the site herself. Councilman LaRue stated that was right and that the City would not assume any responsibility at all.

The City Manager stated MR. MIKE BUTLER had been contacted regarding the naming of the Butler Tract and several suggested names were submitted. He said he would like to give the matter some thought and talk to some of the family for recommendation.

The City Manager stated MR. C. B. SMITH had inquired about the possibility of leasing the property at 3rd and Lamar, on a 10 year lease with an option of five additional years, on the basis of \$100.00 a month. This is based on the existing lease which he has on 13,871 square feet at 5th and Lamar at \$125.00 a month. The area on 3rd and Lamar is 11,734 square feet. The City Attorney stated the Council might want to consider the trade on this tract for some other land that may be needed, and suggested the property on the south side of Lake Austin Boulevard, west of Deep Eddy Avenue. It was decided to explore this trade, and the matter of leasing was deferred for a week or two.

Mayor Palmer read a letter from MR. CHESTER SNYDER, regarding appointments on the Urban Renewal Board of Commissioners, and on the Advisory Hospital Board.

Councilman Long read a letter concerning dogs and unsanitary conditions. The Chief of Police had this report and stated he was checking that out.

The Mayor read a letter from Congressman J. J. Pickle, "that the Federal Power Commission ruled it had no jurisdiction over sale of natural gas in Austin, Texas, area by an intrastate subsidiary of Coastal States Gas Producing Company. The Commission dismissed part of a formal complaint by United Gas claiming that Coastal and its affiliated companies were trying to usurp the Austin Gas Market from it. The FPC deferred action on rest of complaint pending certain court and commission rulings. Am sure this will be welcome news to the City of Austin because of tremendous savings resulting to everyone in Austin. Commissioner O'Connor wired you today."

Mayor Palmer stated several years ago the majority of the Council voted as far as having a "Key to the City" that more and more cities were discontinuing this token. He had a letter from Salt Lake City inquiring about a "key". The Assistant City Manager stated they were looking now for a small bust statue of Stephen F. Austin as a paperweight for a token welcoming.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improving of Windsor Road and Winsted Lane at the intersection of such streets in conjunction with the construction of an overpass on Windsor Road in order to provide for the free and safe flow of traffic in such area within the City of Austin; and,

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

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

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

Exhibit "A"

Mattie Lee Smith, Martial status unknown
to
The City of Austin
For Street Purposes
(Windsor Road and Winsted Lane)

FIELD NOTES

FIELD NOTES FOR 867 SQUARE FEET OF LAND, SAME BEING
OUT OF AND A PART OF LOTS 9-A AND 9-B IN A RESUBDIVISION

OF LOT 9, BLOCK 2, T. C. STEINER RESUBDIVISION OF WESTFIELD "A", SAID WESTFIELD "A" BEING A SUBDIVISION OF A PORTION OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT OF SAID WESTFIELD "A" OF RECORD IN BOOK 3 AT PAGE 107 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; A MAP OR PLAT OF SAID RESUBDIVISION OF LOT 9, BLOCK 2, T. C. STEINER RESUBDIVISION OF WESTFIELD "A" BEING OF RECORD IN BOOK 8 AT PAGE 110 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; WHICH LOTS 9-A AND 9-B WERE CONVEYED TO MATTIE LEE SMITH BY WARRANTY DEED DATED JANUARY 19, 1962 OF RECORD IN VOLUME 2407 AT PAGE 440 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 867 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the north line of said Lot 9-B, same being the intersection of the present south line of Windsor Road with the proposed curving south line of Windsor Road, which point is also the most westerly corner of the herein described tract of land, and from which point of beginning the northwest corner of said Lot 9-B bears N 73° 00' W 10.31 feet;

THENCE, with said present south line of Windsor Road, same being the north lines of Lots 9-B and 9-A, S 73° 00' E 103.79 feet to the point of curvature of a curve whose angle of intersection is 13° 09', whose radius is 697.91 feet and whose tangent distance is 80.44 feet;

THENCE, along said curve to the right an arc distance 35.75 feet, the chord of which arc bears S 71° 32' E 35.74 feet to the northeast corner of said Lot 9-A, same being the point of intersection of the present south line of Windsor Road with the present west line of Winsted Lane, and which point is at the northeast corner of the herein described tract of land;

THENCE, with said present west line of Winsted Lane, same being the east line of said Lot 9-A, S 23° 25' W 86.13 feet to a galvanized steel pin set at the most southerly corner of the herein described tract of land, same being on the proposed curving west line of Winsted Lane, said curve having an angle of intersection of 8° 59', a radius of 369.87 feet and a tangent distance of 29.06 feet;

THENCE, with said proposed west line of Winsted Lane along a curve to the left an arc distance of 57.99 feet, the long chord of which arc bears N 18° 55' E 57.93 feet to a galvanized steel pin set at the point of compound curvature between the aforementioned curve and another curve to the left whose angle of intersection is 77° 46', whose radius is 20.00 feet and whose tangent distance is 16.13 feet;

THENCE, along said curve to the left an arc distance of 27.15 feet, the long chord of which arc bears N 24° 27' W 25.11 feet to a galvanized steel pin set at the point of compound curvature between the aforementioned curve and another curve to the left whose angle of intersection is 9° 40', whose radius is 686.39 feet and whose tangent distance is 58.04 feet;

THENCE, along said curve to the left an arc distance of 115.80 feet, the long chord of which arc bears N 68° 10' W 115.67 feet to the point of beginning.

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

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

The City Manager reported the five year operating Program No. 4 had been completed, and he distributed copies of the summary.

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

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

The Council adjourned at 6:40 P.M. subject to the call of the Mayor.

APPROVED

L. H. E. Palmer
Mayor

ATTEST:

Elsie Massey
City Clerk