

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 23, 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, White, Mayor Palmer
Absent: Councilman Shanks

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

Councilman Shanks absent as he was out of the City.

Invocation was delivered by REVEREND DAVID STITT, Austin Presbyterian Seminary.

MAYOR PALMER publicly expressed sincere thanks and appreciation to all who had sent cards, letters and flowers.

The Mayor said in light of events that had happened in the past few weeks, it was time that an intelligent analysis and appraisal be made of the situation, and he asked for permission to announce that as soon and as early as the full Council is available, that it will attempt to have a work-session, and sit down with Mr. Volma Overton and his Committee and other interested parties, and try to assess the entire situation as it now stands. Mayor Palmer said he believed the area of agreement is greater than the area of disagreement. He stated the proposition that the Council's Committee recommended with perhaps a few changes could be analyzed, and he would like to have the Council meet with Mr. Overton and his Committee at the earliest possible time after Mr. Shanks returns. He asked the Council to recognize Mr. Overton at this time.

Councilman Long moved that MR. VOLMA OVERTON be granted five minutes in which to speak. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

Mr. Volma Overton, President of the N.A.A.C.P., asked when Mr. Shanks was to return. The Mayor stated it was his understanding he would be back some time Monday. Mr. Overton announced on the basis of Mayor Palmer's statement, the N.A.A.C.P. would suspend its demonstrations in the Council Chamber until it can be determined that the Council is not acting in good faith. Upon determination that the Council is not acting in good faith, he would like to say that the

N.A.A.C.P. would resume its demonstrations in the Chamber and elsewhere in the City with greater intensity. Mayor Palmer thanked Mr. Overton, stating perhaps in this spirit, they could sit down and resolve the differences. Councilman Long stated she thought this was a very healthy thing and she was happy to see it come about and was what she had tried to bring about.

Councilman White moved that the Minutes of the Meetings of April 9th and April 16, 1964, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White
Noes: None
Absent: Councilman Shanks
Present but not voting: Mayor Palmer

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.94 ACRES OF LAND, SAME BEING A PORTION OF BURLESON ROAD HEIGHTS, 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. (Burleson Road Heights)

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

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

The Mayor announced that the ordinance had been finally passed.

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 24.67 ACRES OF LAND, SAME BEING OUT OF AND A PART 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. (Community of Fairview, Section 1)

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

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

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL A PORTION OF THAT CERTAIN ALLEY WHICH EXTENDS FROM THE EAST LINE OF SPEEDWAY STREET EASTERLY 100.00 FEET, LOCALLY KNOWN AS EAST 26-1/2 STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 8.60 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NUMBER 28, 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.
(Riverbend, Section 2)

Councilman White moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing at 10:30 A.M. May 7, 1964. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL A PORTION OF THAT CERTAIN STREET, LOCALLY KNOWN AS EAST 17TH STREET, EXTENDING FROM THE EAST LINE OF SALINA STREET EASTERLY TO THE WEST LINE OF CHICON STREET; RETAINING IN THE CITY AN EASEMENT FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING BENGSTON STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY JACK A. MILLER, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 Long, carried by the following vote:

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

The ordinance was read the third time and Councilman LaRue moved that the

ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

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) ALL OF LOTS 15 AND 16, SUBDIVISION OF OUTLOT 57, LOCALLY KNOWN AS 313-317 EAST 18TH STREET AND 1706-1710 TRINITY STREET FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (2) A 3.239 ACRE TRACT OF LAND OUT OF THE JAMES P. WALLACE LEAGUE, LOCALLY KNOWN AS 6391-7011 NORTH INTERREGIONAL HIGHWAY, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; (3) AN APPROXIMATE 777 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 300 EAST RIVERSIDE DRIVE, FROM "D" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (4) A 3 ACRE TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE, LOCALLY KNOWN AS 2103-2205 ANDERSON LANE, FROM "A" AND "B" RESIDENCE DISTRICTS TO "GR" GENERAL RETAIL DISTRICT; (5) A 4,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 6209-6213 U. S. HIGHWAY 290 EAST, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) (A) LOTS 5 AND 6, BLOCK 11, FRUTH ADDITION AND (B) LOTS 7 AND 8, BLOCK 11, FRUTH ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (7) (A) LOTS 10, 11, 12, 13, 14, 15, 22 AND 23, BLOCK 10, GLEN RIDGE ADDITION, AND (B) A 16 FOOT BY 125 FOOT PORTION OF A VACATED ALLEY, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (8) LOTS 14 AND 15, BLOCK 4, SUBDIVISION OF OUTLOT 1, DIVISION A, CONNORS ADDITION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (9) A 6,177 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1406 FORT VIEW ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (10) LOT 1, GOODRICH AVENUE BAPTIST CHURCH ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (11) A 9,583 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1604 RIVERSIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (12) FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT (A) TRACT 1: TO "IR" LOCAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON 1.8 ACRE TRACT OF LAND LOCALLY KNOWN AS 1210-1326 BARTON HILLS DRIVE AND 2602-2612 TRAILSIDE DRIVE; (B) TRACT 2: TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A 3.9 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1004-1208 BARTON HILLS DRIVE; ALL OF SAID PROPERTY 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 second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: TRACT 1: (A) A 50 FOOT DEEP PORTION OF LOTS 4, 5, 6 AND 7, FRONTING ON SPRINGDALE ROAD AND A 50 FOOT DEEP PORTION OF LOTS 7, 8 AND 9 FRONTING ON OVERHILL DRIVE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (B) REMAINDER OF TRACT 1, FROM "A" RESIDENCE DISTRICT TO "IR" LOCAL RETAIL DISTRICT; TRACT 2: A 3,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 1805 OVERHILL DRIVE FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

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 SIX (6) ACRE TRACT OF LAND BEGINNING 265 FEET SOUTH OF THE SOUTH LINE OF EAST LIVE OAK STREET AND FRONTING 840.14 FEET ON THE EAST LINE OF SOUTH INTERREGIONAL HIGHWAY, LOCALLY KNOWN AS 2321-2521 SOUTH INTERREGIONAL HIGHWAY, AND (B) A 1.38 ACRE TRACT OF LAND BEGINNING AT THE SOUTH BOUNDARY LINE OF TRACT (A) FRONTING 200 FEET ON THE EAST LINE OF SOUTH INTERREGIONAL HIGHWAY, LOCALLY KNOWN AS 2523-2535, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY 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 second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CARRINGTON'S UNIVERSITY HILLS, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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 Long, carried by the following vote:

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

The ordinance was read the third time and Councilman White moved that the

ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH SOUTHERN OAKS DEVELOPMENT COMPANY, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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 Long, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument of record in Volume 2133 at Page 93 of the Deed Records of Travis County, Texas, an easement for sanitary sewer purposes was granted the City of Austin, in, upon and across a part of Lot 12, Block F, Oak Lawn Section Three, a subdivision of a portion of the J. C. Tannehill League, in the City of Austin, Travis County, Texas, according to a map or plat of said Oak Lawn Section Three of record in Book 14 at Page 54 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described portion of such easement has requested the City Council of the City of Austin to release the hereinafter described portion of said easement for sanitary sewer purposes; and,

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

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of the above described sanitary sewer easement, to-wit:

96 square feet of land, same being out of and a part of Lot 12, Block F, Oak Lawn Section Three, a subdivision of a portion of the J. C. Tannehill League, in the City of Austin, Travis County, Texas, according to a map or plat of said Oak Lawn Section Three of record in Book 14 at Page 54 of the Plat Records of Travis County, Texas, which 96 square feet of land being also described in an instrument of record in Volume 2133 at Page 93 of the Deed Records of Travis County, Texas; said 96 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of said sanitary sewer easement, same being the southwest corner of the herein described tract of land, and from which point of beginning the southwest corner of said Lot 12, Block F, same being the southeast corner of Lot 11, Block F, bears South 33° 14' East 80.47 feet;

THENCE, with the west line of the herein described tract of land, North 25° 42' West 38.15 feet to a point in the east line of said sanitary sewer easement, same being the most northerly corner of the herein described tract of land;

THENCE, with said east line of said sanitary sewer easement, same being the east line of the herein described tract of land, South 33° 14' East 38.52 feet to the southeast corner of the herein described tract of land;

THENCE, with the south line of the herein described tract of land, South 64° 42' West 5.05 feet to the point of beginning.

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

Councilman Long moved that a public hearing be set on amendment of the Austin Development Plan to change an area from Industrial to Residential between Interstate Highway 35 and Nuckoll's Crossing Road and south of Ben White Boulevard at 10:30 A.M., May 14, 1964. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager submitted the following:

"April 22, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for Truck: Tractor - Filter Plant

"Bids were received in office of the Purchasing Agent at 2:00 P.M. April 20, 1964 for one Truck Tractor for the Filter Plant.

"This truck tractor will be used with a tandem hydraulic dump trailer to haul water softening plant sludge from Filter Plant No. 2 to disposal.

"Invitations to bid were sent to: Capitol Chevrolet, Armstrong-Johnson, Dependable Motors, Capitol Truck and Trailer, Austin Truck and Machinery, Longhorn Truck & Equipment Co. and International Harvester. Capitol Chevrolet stated they were unable to bid a unit this size as Chevrolet did not make one. Armstrong-Johnson stated they were unable to bid a unit that would meet the City's needs.

"The bids received are as follows:

International-Harvester	\$ 8,046.00	Net
Austin Truck and Machinery Co.	\$11,999.90	Net

"RECOMMENDATION: It is recommended that award be made to International Harvester for \$8,046.00 as the lowest and best bid.

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

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

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 20, 1964, for one truck tractor for use by the Filter Plant; and,

WHEREAS, the bid of International-Harvester, in the sum of \$8,046.00, 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 International-Harvester, in the sum of \$8,046.00, 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 International-Harvester.

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

Councilman Long moved that the Council postpone the report from the Planning Commission on study of zoning additional property in T. C. BARNES zoning application at 5516-5522 Burnet Road and 5509-5511 Montview, until the afternoon. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

Mayor Palmer announced the new procedure of the Council with reference to hearing those in the Council Chamber, in that they would state their name, announce their interest, and estimate the time they would need to speak.

Councilman LaRue moved that the Council grant MR. DOUGLAS W. BLACHLY'S request to be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. DOUGLAS W. BLACHLY, representing the Austin Garden Group, announced that the Austin Flower Show, would be held April 24th, 25th and 26th. Mrs. Alden Davis, Chairman of the Flower Show, presented hanging baskets of flowers to members of the Council and the City Manager. Mrs. Cecil Cabaniss presented tickets to the Austin Area Flower Show to the Council.

Councilman Long moved that MR. DONALD PETESCH be granted permission to be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. DONALD PETESCH, Sociologist, stated he understood from the rally that the City Council did not regard the N.A.A.C.P. the representative of the Negro, and he expressed his concern as to how the Council regarded this. He stated he had no relationship with the N.A.A.C.P. He had learned from the rally that the Council had met and had seen representatives from the negro community who were ministers and attorneys, and these ministers and attorneys were not representatives of the negro community. Then the N.A.A.C.P. was said not to be a representative of the negro community. Councilman Long stated the Council has not met with any negro group. She stated she wanted to answer that as it was not true, as the Council had not met with any negro group. As to the statement he mentioned, Councilman Long said she had not made that statement publicly, and she did not know that anybody had. The Mayor stated the Council had not made such a statement, as a Council. The City Attorney stated the Minutes reflect that the Council had taken no action. Mr. Petesch stated that was what they wanted to find out.

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

ROY BRAUN	1207-1211 Neches	From "O" Office 2nd
By W. R. Hudson	501 East 13th Street	Height & Area
	Additional Area	To "C" Commercial 2nd
	503-505 East 13th Street	Height & Area
		RECOMMENDED by the Plan-
		ning Commission

Councilman White moved that the change to "C" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman Long, carried by the following vote:

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

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

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MRS. N. J. HIRSH
By John J. McKay

Tract 1
1147 $\frac{1}{2}$ -1149 Airport Blvd.

From "C" Commercial 6th
Height & Area
To "C-1" Commercial 6th
Height & Area

Tract 2
3313-3315 Oak Springs Dr.

From "A" Residence 1st
Height & Area
To "C" Commercial 6th
Height & Area

Tract 3
1143 1/8-1147 1/4
Airport Boulevard

From "C" Commercial 6th
Height & Area and
"A" Residence 1st
Height & Area
To "C" Commercial 6th
Height & Area

RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C-1" Commercial 6th Height and Area for 1147 $\frac{1}{2}$ -1149 Airport Boulevard; to "C" Commercial 6th Height and Area for 3313-3315 Oak Springs Drive and 1143 1/8-1147 1/4 Airport Boulevard be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-1" Commercial 6th for Tract 1 and to "C" Commercial 6th Height & Area for Tracts 2 and 3 and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHARLES and WALTER
WENDLANDT

1173-1189 1/4 Harvey
Street

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C" Commercial be granted. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial and

the City Attorney was instructed to draw the necessary ordinance to cover.

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NET R. BATEMAN
By James W. Miller

1811 Poquito Street
2001-2007 East 19th
Street

From "LR" Local Retail
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C-1" Commercial be granted.
The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-1" Commercial
and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS.A. E. FRANZETTI

2207 Ohlen Road
8217-8219 Bowling Green

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

Councilman White moved that the change to "O" Office be granted. The
motion, seconded by Councilman Long, carried by the following vote:

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

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

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DAVID BARROW
By Raymond Ramsey

3825-3835 South Inter-
regional Highway

From "GR" General Retail
1st Height & Area
To "GR" General Retail
5th Height & Area
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "GR" General Retail 5th Height
and Area be granted. The motion, seconded by Councilman Long, carried by the
following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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STERLING SASSER, SR.

709 East 10th Street
906-910 Interregional
Highway

From "B" Residence 2nd
Height & Area
To "C" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

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

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

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CURTIS D. QULSENBERY
By Herbert Smartt

1211-1217 Hillside Avenue
Rear of 1219-1221 Hillside
Avenue
Additional Area
1207-1209 Hillside Avenue

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

Councilman Long asked if in lieu of the "B" Residence that this is good zoning. She inquired what attitude did the Planning Department take? The Director of Planning stated there should be consistent zoning one way or the other in the area. He stated most of this should be "BB" Residence zoning. Councilman Long moved that the Council accept the recommendation of the Planning Commission and the "BB" Residence zoning be granted. The motion, seconded by Councilman White, carried by the following vote:

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

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

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E. E. NAUMANN

900-902 East 11th Street
1151-1157 Branch StreetFrom "C" Commercial 2nd
Height & Area
To "C-1" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

The Council wanted to make an on site inspection.

Later in the afternoon meeting, Councilman Long moved that Mr. Naumann be granted permission to be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

Mr. Naumann stated this was to be a barbecue place, and the lessee wanted to serve beer with food only. Councilman White moved that the change to "C-1" Commercial 2nd Height and Area be granted as recommended. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-1" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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THOMAS BLACK

Tract 1
6809-6815 Berkman Drive
6825-6837 U.S. Highway
290From "A" Residence 1st
Height & Area
To "LR" Local Retail 5th
Height & Area
RECOMMENDED by the
Planning CommissionTract 2
6801-6807 Berkman DriveFrom "A" Residence
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Councilman Long moved that MR. THOMAS BLACK be granted permission to be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

Mr. Black stated he had entered into a contract to sell the property, contingent upon the zoning change of the front 100' of the property to "LR" Local Retail for a service station, and the back part on Berkman Drive for "C-1" Commercial, for a drive-in grocery store. The land is on a heavily travelled highway and will never be suitable for residential purposes. Councilman Long asked if there were deed restrictions, and Mr. Black stated not any that would prohibit these uses.

Councilman Long moved that MRS. RUBY TARTER be granted permission to be heard. The motion was seconded by

Councilman White. Roll call showed a unanimous vote.

MRS. TARTER, representing herself and mother, opposed this change of zoning in this residential area of home-owners stating there is a high school and another school in the vicinity; and the sale of beer would be detrimental to these young people who have a tendency to buy beer. She stated it was not even a good location for a grocery store. The Planning Director stated much of the land did not have public access, nor utilities except water. Building permits are not issuable on many of the tracts. He stated on this particular tract there will have to be a 5' dedication and short form subdivision and the question of access into the Patton Tract. He said if there is no way of putting a public street in there, much of this land will remain vacant. Mr. Black stated there was a letter in the file where he had agreed to give 5' on Berkman Drive which the Planning Commission felt was necessary for the zoning. Councilman White moved that the change to "IR" Local Retail 5th Height and Area for Tract 1 and to "C-1" Commercial for Tract 2 be granted. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the change had been granted to "IR" Local Retail 5th Height and Area for Tract 1 and to "C-1" Commercial for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHNNY ESCOBEDA
and E. C. KIEKE

62-66 Comal Street

From "A" Residence
To "IR" Local Retail
NOT Recommended by the
Planning Commission
RECOMMENDED "O" Office

Mr. Paul P. Castaneda appeared in person and presented his letter in opposition. He did not want businesses in the area, nor the sale of beer. After discussion, Councilman Long moved that the Council sustain the recommendation of the Planning Commission and grant "O" Office zoning. The motion, seconded by Councilman White, carried by the following vote:

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

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

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WALTER CARRINGTON
By Richard Baker

2810-2818 Manor Road
3001-3411 Randolph Road

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

RECOMMENDED "B" Residence 1st Height and Area

Mr. Baker appeared representing the applicant, and stated the "B" Residence 1st Height and Area was agreeable. Councilman Long moved that the change to "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman White carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

BURKE MATTHEWS
By Bradley Bourland

5005 Lynnwood Street
Additional Area
5007 Lynnwood Street

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

Councilman Long moved that the change to "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

A. F. DELONEY, ET AL
By Robert Sneed

Tract 1
3701-3735 Alamo Boulevard
3700-3726 Bailey Lane
1300-1314 West 37th Street
1301-1419 West 38th Street

Tract 2
3501-3519 Mills Avenue
3500-3534 Lakeside Boulevard
1400-1422 West 35th Street
1401-1421 West 37th Street

From "A" Residence 1st
Height & Area and
"B" Residence 1st
Height & Area
To "O" Office 3rd
Height & Area
RECOMMENDED by the
Planning Commission

Withdrawn at Planning
Commission

Tract 3
3500-3734 Alamo Boulevard
1421-1435 West 38th Street
3509-3733 Lakeside Blvd.

From "A" Residence 1st
Height & Area and
"B" Residence 1st
Height & Area
To "O" Office 3rd Height
& Area
Planning Commission
Recommended Acceptance
of Withdrawal

Councilman Long moved that MR. ROBERT SNEED be granted permission to be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. SNEED, on maps and plans, showed the property which had been acquired and an architect's design, locating a hospital on the west side of the tract. On Tract 1, there will be the doctors' office buildings, and there may be further development to the south for a convalescent hospital. Tract 3 is to be worked out, but the proponents contemplated dedicating Tract 3 as a public park, retaining the right to plan and maintain it for beautification purposes. Their development allows for a continuation of the development of the tract area for the "Hike and Bike" Club. Councilman Long asked about the dedication of the streets shown. Mr. Sneed planned to come back later on this part. Councilman Long stated there was a lot of public interest on this, and she would like to have a public hearing. Mr. Sneed said there would be a public hearing, as the Hospital would have to be approved by special permit. Mr. Sneed said 26 doctors will own this project together with MR. M. K. HAGE, and they have as much interest in the beautification as does the Hike and Bike Club; and the convalescent approach is a place to walk and be out doors. He stated private funds would take this vacant land area and develop it into something beautiful, useable and in keeping with the desires of everyone. MRS. BOB OGDEN and MRS. A. F. DELONEY represented themselves as applicants as being in favor of the change. Councilman Long moved that the Council accept the recommendation of the Planning Commission and grant the change to "O" Office 3rd Height and Area for Tract 1 and Tract 2 and accept the withdrawal of Tract 3. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office 3rd Height and Area for Tract 1 and Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROBERT C. LEECH
By J. O. McCoy

1200-1206 West 12th Street
1200-1204 Windsor Road
Additional Area
1208-1212 West 12th Street
1201-1205 Shelley Avenue

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

Councilman Long moved that MR. J. O. McCOY be granted permission to be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

Mr. J. O. McCoy representing the applicant, stating extra nice apartments with one parking space for each bedroom was planned. The cost of the property is too high for 17 units; and unless they could get a happy medium, it would not be economically feasible. He did not plan to build 32 units if it were zoned 2nd Height and Area, but would like to build 24.

Councilman Long moved that MR. W. M. KNUDSON be granted permission be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

Opposition was expressed by Mr. W. M. Knudson. The Director of Planning cautioned against zoning this "B" Residence 2nd Height and Area, as other property in the area, where there are parking troubles, would want 2nd Height and Area. He stated this area was flexible, and two bed-room apartments could be constructed. Councilman Long pointed out "B" Residence 2nd Height and Area would be a spot zoning. Councilman Long moved that the Council sustain the Planning Commission and grant the change to "B" Residence 1st Height and Area. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White

Noes: None

Absent: Councilman Shanks

Not in Council Room when roll was called: Mayor Palmer

Mayor Pro-tem LaRue announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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NELSON PUETT, JR.

1208-1216 Anderson Lane

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

Councilman Long moved that the Council grant MR. NELSON PUETT, JR. three minutes to be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. NELSON PUETT, JR. represented himself. Mr. Puett wanted to bring a portion of his retail lumber yard in, and wanted "IR" Local Retail, but was told he would have to have "C" Commercial. It was brought out Anderson Lane had inadequate right-of-way for this type of zoning. He stated if it were zoned he would give 10' right now. He suggested that all of Anderson Lane be zoned rather than each individual coming up time and time again for changes. All but one who lives on Anderson Lane wanted it changed he stated. His property on Anderson Lane is of no value as he could not build houses on it. He would accept "IR" Local Retail on this tract. He understood the Highway Department plans to build the East Loop over to Balcones, and those living on Anderson Lane want to hold their property not for residential, but because of its potential value.

Councilman Long moved that MR. DICK TISDALE be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. DICK TISDALE opposed "C" Commercial, but would be in favor of "B" Residential zoning.

Councilman Long moved that MR. ALVIN STEUSSY be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. ALVIN STEUSSY expressed opposition to change of zoning, stating garages were as bad as lumber yards, and he was opposed to the commercial zoning.

MR. RAY CORBIN, 1111 Anderson favored the change, as did MR. HOMER SHAW and MR. WARREN HASTINGS.

Councilman Long moved that MR. CHARLES PETERSON be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. CHARLES PETERSON, 7810 Gault, opposed the change, stating only those who lived on Anderson Lane stood a chance to gain by Commercial Zoning. He lived adjacent to it, and Commercial would not enhance his homestead.

Councilman White moved that MR. MILTON PANKRATZ be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. MILTON PANKRATZ stated he could not sell his house, because no one would want a lumber yard or service station in front of his house.

MR. TISDALE stated he owned three acres in back of Mr. Puett's property as well as adjoining property. This Commercial Zoning would decrease the value of his land. He had tried to keep the area residential. He would be in favor of "B" Residence but not "C" Commercial. The Director of Planning discussed the area pointing out there were many acres of undeveloped land. The problem that will occur on Anderson Lane is there will be commercial zoning on the existing residences, and there will be a business on one lot and a house on an adjoining lot. He suggested some reasonable zoning which would help with the development of those lots and have some commercial and at the same time protect the homes that will remain there for some time, would be necessary. The Council wanted to make an on site inspection of the area and action was deferred.

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FRANCES L. WHITE
By A. F. White

407-411 Cumberland Road

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

Councilman Long moved that MR. A. F. WHITE be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. A. F. WHITE, represented the applicant. Mr. White stated there was a 30'x40' commercial building on this property existing before the property was

annexed. It was used for a carpenter's shop. His daughter redeemed the property in 1956 from her brother. Practically no income has been derived from the property. He displayed pictures of the building, and other developments in the vicinity. They wanted to improve the building and to put a different front on it or sell it.

Councilman Long moved that MRS. C. H. DAILY be heard.
The motion was seconded by Councilman White. Roll
call showed a unanimous vote.

Mrs. C. H. Daily, 2701 Stacy Lane, owned her home just across the creek, and behind them is a new duplex building. She did not think this plumbing shop would look good among the residential homes, and it would be the only commercial building within several blocks in any direction. She bitterly opposed this plumbing shop in front of her home, and suggested that Mr. White tear the thing down and put in a duplex. Mr. A. F. White stated there was a transformer vault belonging to the City in front of this building. He stated Mrs. Daily lived several miles from the property, and she uses her property in this area for rental purposes. The new duplex of which she spoke is in an entirely different subdivision. The Council wanted to make an on site inspection of the area and action was deferred.

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THE NICKELL CORPORA-
TION

2909-2913 West Avenue
Additional Area
2907 West Avenue

From "BB" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area
NOT Recommended by the
Planning Commission

Councilman Long moved that MR. NICKELL be granted
permission to be heard. The motion was seconded by
Councilman White, Roll call showed a unanimous vote.

MR. NICKELL represented himself and his partner, Mr. Pendleton, stating it was necessary to have more density to make this property feasible for investment. They planned one bedroom apartments for married couples, and plan one parking space per bedroom. They want to construct 20 units. The Director of Planning stated two cases on Rio Grande had been denied and two were postponed, but later modified to "BB" Residence 2nd Height and Area. The City Attorney stated this would be spot zoning in view of the area study recently. Mr. Nickell stated this study was in 1961, and the neighborhood had gone down. The City Attorney said the Council might want another study of part of the area. The Council wanted to make an on-site inspection of the area, and give an answer later.

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T. C. BARNES
By A. B. Beddow

Rear of 5516-5522 Burnet Rd. From "A" Residence
Rear of 5509-5511 Montview To "C" Commercial
(As amended)
(Granted W.60' of 3-A
5516-22 Burnet Road
February 13, 1964)

The Council had the report from the Plan Commission of the restudy for

zoning a 90' strip adjoining the present "C" Commercial zone on the west throughout the entire block. It was believed the public welfare could best be served by a resubdivision of the entire block which would deepen the commercial lots. Rezoning could then be accomplished on the rear of those lots, and access would continue to be limited to Burnet Road. The recommendation was that no commercial zoning be granted on lots fronting on MONTVIEW STREET between Northland Drive and Shoalmont Drive. The Council took no action. Councilman Long moved that the Council thank the Planning Commission for its restudy and recommendation. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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After considering the Suggested Schedule for Golf and Tennis Annual Fees, Councilman Long moved that the following fees be set:

GOLF

<u>Annual Fee</u>		\$75.00
1st Six months	\$50.00	
2nd six months	\$25.00	
(rather than on a quarterly basis)		
Family 2 people		\$110.00
1st six months	\$75.00	
2nd six months	\$35.00	

TENNIS

<u>Annual Fee</u>		\$60.00
1st six months	\$40.00	
2nd six months	\$20.00	
Family		\$85.00
1st six months	\$60.00	
2nd six months	\$25.00	

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

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

The City Manager brought up another matter related to golf pertaining to tire sizes of golf carts. The Council generally approved the idea of permitting those people who already had the light weight golf carts to use 850 size tires instead of the 950. Councilman Long moved that those who now have carts of that tire size, 850, be allowed to continue to use them; but that no more be allowed to be brought or used in the future. The motion, seconded by Councilman LaRue,

carried by the following vote:

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

The Director of Recreation inquired about the use of the lighter weight carts with 850 tires at Hancock Golf Course as this was a different situation, as the fairways were not watered. Mr. George feels that the carts with the smaller sized tires could be used on Hancock. Councilman Long suggested that not be done as they would want to move over on the other courses. She said if they have them, let them use them, but if they do not, do not let them use them in the future, as that is the policy.

The City Manager called attention to the fact two members of the Hospital Board will have terms expiring May 25th; and sometime before May 25th; those vacancies should be filled. The Mayor suggested that Councilman White discuss with these members if they are willing to serve.

The City Manager submitted the request of MR. MARION FINDLEY to use the Tarrytown Fire Hall for the Republican Primaries on May 2nd. There are only two public buildings in that precinct, and the other is the school. Councilman Long moved that the Council grant the use of the Fire Hall as requested. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long moved that the Council recess until 3:00 P.M. The motion, seconded by Councilman LaRue, carried by the following vote:

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

RECESSED MEETING

3:30 P.M.

At 3:30 P.M. the Council resumed its business. Mayor Palmer was absent. Mayor Pro-tem LaRue presiding.

The City Manager discussed a situation in University Hills stating the subdivision was laid out a year or so ago and presented to the Planning Commission for approval. The usual arrangements were made for the development of the subdivision for installation of water and sewer lines, paving, etc. Among other things, it was noted that a deep ravine extended easterly from Northeast Drive paralleling Loyola Drive and should require some sort of pipe or a concrete lining of the ditch to prevent erosion, ponding of water, and creation of stagnant pools. When the subdivider made the fiscal arrangements, he made arrangements for the Bank to furnish the City a letter guaranteeing payment of all the costs of development including enough money to put pipe in this particular creek. He says now, at

the time he presented the matter to the Planning Commission he presented data that pipe should not be required, and the Commission waived the requirement that the pipe be installed, and approved the plat without seeing that the pipe was installed. Councilman Long asked if the Planning Commission usually exercised supervision to that extent. The City Manager stated the Administrative Departments usually supervised the development of subdivisions. The letter of credit from the Bank covered not only sewer, water and street paving, but also this drainage line. One of the property owners purchased his property last summer and was told a pipe was to go in this ditch and the money was in escrow or that arrangements for the pipe had been made. He verified that finding to be correct. Mayor Pro-tem LaRue asked when the bank had guaranteed that the work would be done, if it were stated specifically that this pipe would be included. The City Manager said it was included in the estimate of cost. Mayor Pro-tem LaRue asked who told the subdivider about the pipe? The City Manager stated this person was told by the developer perhaps the salesman, and he then checked with the City and was told that a letter of credit was on file. When the Planning Commission decided the pipe was not necessary, the subdivider took the view he would not have to spend the money, and has not installed the pipe. His refund contract was refused for this reason. The F.H.A. made its usual inquiry if this particular subdivision was developed to the extent the City was willing to assume the maintenance of the subdivision. The matter was explained to F.H.A. that all was in shape, except the pipe had not been installed and the City was not ready to assume the maintenance of the subdivision. F.H.A. loans have been turned down in this area, and this is what creates the critical situation. Councilman Long inquired if it were not ridiculous to hold up all that property over that small amount of \$3,080. The City Manager said it was a matter of principle with the subdivider, as the Planning Commission said he did not have to put the pipe in, therefore he should not have to. The City Attorney explained the Subdivision Ordinance as passed in 1953, pointing out the function of the Planning Commission to authorize the division of land, and the provision that disapproval of a plat by the Commission would constitute a refusal by the City to become obligated to maintain the streets; but the approval of a plat by the Planning Commission would not be equivalent to an acceptance by the City of the responsibility to maintain the streets, and that duty would not be imposed upon the city until the proper authorities of the City had appropriated the funds and had accepted the maintenance responsibilities. Councilman Long noted most of the subdividers assume responsibility of the drainage.

The City Manager said the subdivider takes the view that the open creek or ditch is all that is needed; but the property owners have a different view as does the Public Works Director, and Mr. Morgan, the Hydraulic Engineer, who believe there will be erosion taking place that would necessitate the pipe later. The City Manager said all refund contracts had a standard provision that even after the contract is signed, no payment would be made to the subdivider under the contract unless the subdivider had done all the work in the way of drainage as required by the Director of the Department of Public Works--not by the Planning Commission. The City Manager said the Attorney, Mr. Richard Baker, is trying to clear the F.H.A. loans. Mr. Baker had suggested that a provision be placed in the refund contract that if it is found the pipe is to be needed later, that the amount of the cost of the pipe that the City would install, be deducted from the amounts otherwise refunded. The City Manager said the Public Works Director determined the pipe was needed, and at least four of the property owners indicated they think it is needed. The Director of Planning stated some of the property owners want the pipe installed now so they could go ahead with improvements they might want to make. It was suggested that MR. RICHARD BAKER be asked to come before the Council.

MR. RICHARD BAKER said he had been working on this matter since May, 1963, and pointed out the immediate problem was clearance with the F.H.A. He gave a background of the problem stating the Director of Public Works and Mr. Morgan determined that the drainage ditch needed to have a 21" pipe and be covered. Mr. Carrington's engineers disagree with Mr. Morgan as to whether or not there should be any pipe. Mr. Baker was of the impression if this went to the Planning Commission, that it had the right to overrule the Public Works Department as to whether or not it was necessary to install pipe in the drainage ditch. He said this provision was in the Subdivision Ordinance. The Planning Commission had concluded it was unnecessary to put the pipe in. He listed restrictions the Commission wanted placed on the property in that owners themselves could not install individual sections of pipe; that there was not to be any pipe unless they all put it in at their own expense. The Planning Commission approved the plat that no pipe be installed and these restrictions be placed on the property. The subdividers proceeded to develop; but shortly thereafter they received a letter from the City Manager advising that the Department of Public Works had determined the pipe should be installed, and the City would not accept the subdivision and no refund contract would be executed until the pipe was put in. The F.H.A. advised Mr. Carrington they could not approve the subdivision for F.H.A. financing until the City had accepted it. Mr. Carrington's Engineer felt the pipe did not need to be installed. Mr. Baker said since there was a dispute between the engineers and Planning Commission that something could be worked out where the City could be protected, where, if in the event property owners raised an objection and wanted a pipe put in, Mr. Carrington would be willing to do this. He suggested that a provision be included in the refund contract that Mr. Carrington would be responsible for any costs incurred in this line up to \$3,080, if it had to be laid, and it would be a charge-off against the refund contract.

Mr. Baker discussed the varied opinions of the property owners concerning the installation of the pipe, or leaving the ditch open and sodded; or if the pipe were to go in that it be installed now rather than later. He did want to discuss this with these property owners to find out what they wanted worked out; but this issue is not resolved at this point. What he needed now was an agreement whereby the subdivision could be released for F.H.A. loans, and work out this other problem later. The City Attorney stated the Subdivision Ordinance would have to be amended, and he read Section 23.7 of the Subdivision Ordinance and Mr. Baker and the City Attorney discussed this at length.

Councilman Long read one of the letters concerning this open ditch and stated there had been so many problems with these stagnant creeks and ditches, and getting them cleaned out and made healthy, that she would not like to see this kind of thing started, much less perpetuated. She said the \$3,080 was a very small sum of money, and it would cost the City that much in five years, if it had to clean and drain this ditch. The City Manager stated the main concern was that no situation be created that would cost the City money to do a corrective job later, or that no problem be created for the property owners. Councilman White wanted to make an on site inspection of this area with Mr. Baker. Mr. Baker said it was his understanding that there would be an agreement that in the event the pipe had to be put in, this would take the first draw from the refund contract up to the \$3,080. The procedure was to determine that this needed to be done after this agreement were entered into; that the Department of Public Works, as the matter developed, realizing there was a difference of opinion, would from actual experience gained within the area, determine if it were necessary that the pipe be put into the drainage ditch; then the problem would be submitted to the Council for determination, and the decision of the Council

would be binding to all parties involved. If the Council, after experience, and Mr. Rountree and Mr. Morgan say there is erosion, and the pipe has to be installed; and if the Council says the pipe must go in, it would be installed. If the Council concludes it does not need to go in, then it will not be installed. This was basically the compromise as he understood it. The City Manager stated the refund contract form which has been used for 11 years, provides that payments would be withheld under the refund contract upon the failure of the subdivider to do any of the work which the Director of Public Works says needs to be done. The City Attorney pointed out two things to be changed if Mr. Baker's recommendation is approved. (1) Amend the Subdivision Ordinance, and (2) Amend the Fiscal Policy on the type of refund contract.

Mayor Pro-tem LaRue asked if this \$3,080 could not be placed in escrow, and the problem resolved within 30-90 days. The City Manager said the only question was the refund contract under which there would be money payable, and there is no need to put up additional money. The question with the escrow agreement would be--who would decide when to put the pipe in with the escrow money?

Mr. Baker said he was making an appeal to the Council from the decision of Public Works Department. He displayed a plat of the subdivision, and discussed it in detail. The City Attorney read the language to be inserted in the refund contract to the effect that the subdivider agrees to construct at his own expense without refund from the City all necessary drainage improvements according to the plans and specifications as prepared by the Director of Public Works, and the City may at its exclusive discretion construct this pipe at a cost not to exceed \$3,080, and withhold it from the contract. The City Attorney stated the F.H.A. needed a letter from the Director of Public Works stating the City assumes the maintenance of the public facilities in this subdivision; and under the Subdivision Ordinance, he cannot write that letter. F.H.A. needs an unqualified commitment; and if there is a qualification, F.H.A. will not accept it. Mr. Baker stated the question was whether to put the pipe in now or to wait until there is experience in the area whether or not it should be installed at all. The City Attorney said this would be establishing a precedent. Councilman Long suggested deferring this until next week, and perhaps getting a third engineer. The City Attorney said Mr. Baker would tell the Council that his engineer had merely expressed the opinion to the Planning Commission that the value of the property would not be enhanced as much as it would cost to put the pipe in. He did not say to the Commission that it would not be desirable to have the pipe in. Mayor Pro-tem LaRue asked the City Attorney to continue to work with Mr. Baker to see if something could be done before the next Council Meeting.

Councilman Long moved that the City Manager be authorized to proceed in the sidewalk project on San Jacinto between 7th and 8th and that block and a half across the street on 7th Street, and between 7th Street and the Alley on San Jacinto. (West side of San Jacinto from 7th to 8th Streets; and the south side of 7th Street from Brazos to San Jacinto; and on San Jacinto to the East 6th Street Alley). The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager inquired if something in writing should be submitted regarding the development on the Becker Tract. Mayor Pro-tem LaRue expressed concern over whatever is developed there would not appear to the average individual that it is not a part of the commercial development on the hill; and that one might feel hesitant about entering upon these premises. Councilman Long suggested that this be submitted to the Parks and Recreation Board so that they would be aware of it, and that the Town Lake Committee Chairman be advised of this proposed landscaping. The City Manager stated that members of the Council had suggested there be a requirement for a walk-way on the river front. The City Attorney stated the question of whether to lease or not or whether or not to sell was something generally that had not been sent to the Town Lake Committee. Councilman Long suggested anytime anything was done with the Sand Beach Reserve, the Parks and Recreation Board, as well as the Town Lake Committee should be notified. Mayor Pro-tem LaRue said he would like to have the landscaping plan of this area and how it is going to be tied into the other development submitted to the Council. It might be tied in so closely that it would appear it belonged to the developers rather than the city.

Councilman Long brought up for consideration the idea of the Parks and Recreation Board's having a representative to sit with the Planning Commission so that anytime there is anything to do with Parks and Recreation, planting and planning they would be informed. They would like for the Council to stipulate that one of their members be an ex-officio member of the Planning Commission. The City Attorney discussed the Charter requirement of the Planning Commission. Councilman Long stated they would be only ex-officio members present for information and to pass on information. Councilman Long moved that the Parks and Recreation Board appoint a member to sit as an ex-officio member of the Planning Commission at its meetings. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long submitted the request of MRS. SCOTT that the people at the Confederate Home have a banner across West 6th Street, beginning tomorrow for the Homecoming. They do not have any money for the fee to have the banner put up. Councilman Long stated last year Councilman Shanks donated the money to put this up. No action was taken.

Councilman Long moved that MR. TRUEMAN O'QUINN be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. TRUEMAN O'QUINN said on December 13th, the Council rezoned a strip of land about 600' on Manchaca Road for Mr. Puett. MR. TOM TALLEY acquired a portion of that land from Mr. Puett, and Mr. O'Quinn stated he had been before the Council before regarding a short form subdivision for 125' frontage x 140', from which Mr. Talley is going to give 20' for widening Manchaca Road. Mr. O'Quinn reviewed the matter. Mr. Talley has a tenant and a building plan and is ready to go. He suggested that maybe the Council would like to break the zoning authorization into pieces and start with Mr. Talley's and zone it with the understanding that a formal ordinance would be passed when the rest came in with the plat, street dedication, etc. He asked if the City Attorney would bring in an

ordinance next week, and get Mr. Talley's part zoned, all except the 30' which would be left residential--but the next 95' would be zoned. The Council discussed again the street to be dedicated through the area. Mr. O'Quinn stated Mr. Bill Milburn told him the street would differ some in the residential area, but it would come on out on Manchaca Road for the last 200' as planned. The Director of Planning stated the street should be put in; everybody agrees on that. The second thing was the drainage ditch, and the other was dedication of right of way on Manchaca Road. The Director of Planning said assuming the zoning were granted on this one tract, and a building permit were issued, there could be no other buildings until appropriate arrangements were made by the owners of the balance of the property. It would be necessary for the dedication of the right-of-way for widening Manchaca Road, and the third item is the question of improvement of the drainage ditch on the north side of the property at such time the whole ditch is put in. This would be something that Mr. Talley would have to agree to. Once the subdivision occurs, this drainage ditch would have to connect out to Manchaca Road across the Talley property; and that Mr. Talley would need to agree to enter into whatever subdivision was ultimately required. The Director of Planning asked if Mr. Talley assumed an obligation to improve the drainage ditch. Mr. O'Quinn said there were 65 lots in the residential subdivision, and they had one lot, and they might pay 1/66 of it, but not one-half of it. Mr. O'Quinn explained the plan for the development of the ditch on the 30' strip. After discussion, Councilman Long moved that the City Manager instruct the City Attorney to draw up an ordinance covering only the Talley Property and the zoning as all had voted to do, and that he proceed from there about his permit. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, White, Mayor Pro-tem LaRue

Noes: None

Absent: Councilman Shanks, Mayor Palmer

MR. O'QUINN complimented the Council on its wisdom and restraint it had shown the past weeks.

The City Manager displayed a plot plan of the CREST HOTEL on 1st Street and the River (the Becker Property). He showed the City owned property, and described the location of the structures on the Becker Property, pointing out parking spaces and driveways between 1st Street and building. Parking spaces will be provided for 302 cars and the building will have 310 units.

Councilman Long submitted a matter, stating a woman really had a problem created by the increased swimming charges. Some of the mothers take their small children into the swimming pools--perhaps an 18 months old baby, and a four months old baby, and an eight year old child. She has to get in to supervise her children, but she is not going to swim, but just hold her baby in the water; yet she has to pay 35 cents, and she feels this is not a legitimate charge in cases like hers. This takes a lot of supervision off the life-guards. Councilman Long stated this was something to consider.

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing at 11:00 A.M. on May 21, 1964:

NASH PHILLIPS By Bryant-Curington, Inc.	7012-7044 U.S. Highway 290	From "GR" General Retail 6th Height & Area To "C" Commercial 6th Height & Area
WALTER E. LONG	1013-1023 Lamar Boulevard 907-915 West 11th Street	From "C" Commercial To "C-1" Commercial
ROBERT H. BOWMAN	2201-2203 Hancock Drive 5006-5012 Lynnwood Street	From "A" Residence To "C" Commercial
ALEXANDER S. HISBROOK	2517 East 7th Street	From "D" Industrial 2nd Height & Area To "C-1" Commercial 2nd Height & Area
JOE GILBRETH	117 Lightsey Road	From "A" Residence To "C" Commercial
MRS. SOPHIE STOCKTON By Vida Lee Anderson	Tract 1 2101-2103 Redwood Avenue	From "A" Residence To "O" Office
	Tract 2 Rear of 2101-2103 Redwood Avenue	From "A" Residence To "C-2" Commercial
J. B. BRANTON By J.D. Tannehill	2600 Rosewood Avenue	From "C" Commercial 2nd Height & Area To "C-1" Commercial 2nd Height & Area
MRS. MAE MINETTE BRYANT, By Jack Cook	2813 Rio Grande Street	From "A" Residence To "O" Office
MAYDELLE DAVIS GROTE	5303 Westminster	From "A" Residence To "O" Office
S. L. DAVIS and WILLA CORA DAVIS By Robert C. Sneed	1197 3/4-1199 3/4 Cedar Avenue 2605-2617 East 12th Street	From "GR" General Retail To "C-1" Commercial
RUBEN A. GREINERT By Truman R. Ray	7021-7039 U.S. Highway 290	From "A" Residence To "GR" General Retail
JAKE J. FRY	1426-1502 Ben White Blvd.	From "GR" General Retail To "C-1" Commercial
E. M. MacPHERSON By Richard Baker	1045-1117 Clayton Lane 1052-1110 Reinli Street	From "A" Residence 1st Height & Area To "C" Commercial 2nd Height & Area

April 23, 1964

CITY OF AUSTIN, TEXAS

MRS. GENE HOWARD, et al By Walter Wendlandt	3008-3014 South 1st Street 600-610 Oak Crest Avenue	From "A" Residence To "LR" Local Retail
R. H. GLISMANN and HARDY HOLLERS	1604-1606 and 1610-1612 West 5th Street	From "B" Residence 2nd Height & Area To "C" Commercial 2nd Height & Area
GOPHER CONSTRUCTION By Bryant-Curington, Inc.	Rear of 1911-2015 River- side Drive	From "A" Residence To "B" Residence
ROBERT C. AMMANN, JR. By Robert Sneed	912-1012 Peyton Gin Road	From "A" Residence To "LR" Local Retail

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

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

The Council adjourned at 5:15 P.M. subject to the call of the Mayor.

APPROVED

LaRue E. Palmer
Mayor

ATTEST:

E. H. Long
City Clerk