

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 30, 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 FATHER FREDRICH F. BARR, St. Mary's Catholic Church.

Councilman White moved that the Minutes of the Meeting of March 26, 1964, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 14TH DAY OF MAY, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE

FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Diane Drive and sundry other streets)

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 White, carried by the following vote:

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

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 White, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"April 30, 1964

"To the City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work
Improving Portions of Certain Streets
in the City of Austin Being Assessment
Paving Contract Number 63-A-18

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract Number 63-A-18, dated November 7, 1963, between the City of Austin and Lee Maners, has been performed and completed by Lee Maners in full compliance with the contract and the plans and specifications therein contained:

| <u>Street</u> | <u>From</u> | <u>To</u> |
|-------------------|---|--------------------------|
| Alta Vista Avenue | A point 285' south of SPL East Live Oak Street | SGL East Live Oak Street |

| <u>Street</u> | <u>From</u> | <u>To</u> |
|--------------------|--|--|
| Christopher Street | EPL South 5th Street | WGL Bouldin Avenue |
| The Circle | EPL Park Lane | EPL Drake Avenue |
| The Circle | EPL Park Lane | NPL East James Street |
| Clifton Street | NPL East Live Oak Street | A point 295' north of NPL East Live Oak Street |
| Drake Avenue | NPL Lockhart Drive | SPL East Monroe Street |
| Eason Street | NPL West 10th Street | SGL West 12th Street |
| Felix Avenue | A point 1011' west of WPL Montopolis Drive | WPL Montopolis Drive |
| Fernwood Road | EGL East Avenue | WPL Elwood Road |
| East Gibson Street | EPL South Congress Avenue | WPL Nickerson Street |
| Eriswold Lane | EPL Vista Lane | WPL McCall Road |
| Indian Trail | EPL Sharon Lane | WPL Winsted Lane |
| East James Street | EPL South Congress Avenue | WPL The Circle |
| Johnson Street | EPL Hearn Street | WGL Upson Street |
| Nickerson Street | NPL East Monroe Street | SPL The Circle |
| Park Lane | SPL The Circle | A point 131' west of WPL Drake Avenue |
| Ramona Street | EPL Dawson Road | WGL Bouldin Avenue |
| Rio Grande Street | NPL West 4th Street | SPL West 5th Street |
| South 3rd Street | NPL Fletcher Street | SPL West Live Oak Street |
| South 5th Street | NPL West Monroe Street | SPL Columbus Street |
| West 8th Street | A point 140' west of WPL Nueces Street | WPL Nueces Street |
| West 10th Street | EPL Wayside Drive | A point 276' east of EPL Possum Trot |

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING ALTA VISTA AVENUE AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY LEE MANERS, 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 first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman LaRue, carried by the following vote:

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

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, Shanks, White, Mayor Palmer
Noes: None

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, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Burnet Road and sundry other streets)

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 LaRue, carried by the following vote:

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

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, Shanks, White, Mayor Palmer
Noes: None

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, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement, fifteen (15.00) feet in width, was granted to the City of Austin for public utility and drainage purposes, in, upon and across a part of Lot 3, Block T, Royal Oak Estates, Section 3, according to a map or plat of said Royal Oak Estates, Section 3, of record in Book 13 at Page 60 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion from the drainage portion of the public utility and drainage easement provided for on said map or plat of Royal Oak Estates, Section 3; and,

WHEREAS, the City Council has determined that said hereinafter described portion of the drainage 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 drainage easement of the public utilities and drainage easement provided for on said map or plat of Royal Oak Estates, Section 3, to-wit:

A strip of land fifteen (15.00) feet in width, same being out of and a part of Lot 3, Block T, Royal Oak Estates, Section 3, a subdivision of a portion of the D. Simpson, Thomas Eldridge and A. B. Spear Surveys in the City of Austin, Travis County, Texas, according to a map or plat of said Royal Oak Estates, Section 3, of record in Book 13 at Page 60 of the Plat Records of Travis County, Texas; said strip of land fifteen (15.00) feet in width being more particularly described as follows:

BEING all of the west fifteen (15.00) feet of the east twenty-five (25.00) feet of said Lot 3, Block T, Royal Oak Estates, Section 3.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement, 4.70 feet in width, was granted the City of Austin, for public utility purposes, in, upon and across a part of Lot 1A, Allandale Park Resubdivision No. 1, a resubdivision of Block F, Allandale Park, Section 4, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Allandale Park, Section 4, of record in Book 9 at Page 77 of the Plat Records of Travis County, Texas; a map or plat of said Allandale Park Resubdivision No. 1 being of record in Book 9 at Page 99 of the Plat Records of Travis County, Texas; and,

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

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

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

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

A strip of land 4.70 feet in width out of and a part of Lot 1A, Allandale Park Resubdivision No. 1, a resubdivision of Block F, Allandale Park, Section 4, a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Allandale Park, Section 4, of record in Book 9 at Page 77 of the Plat Records of Travis County, Texas; a map or plat of said Allandale Park Resubdivision No. 1 being of record in Book 9 at Page 99 of the Plat Records of Travis County, Texas; said strip of land 4.70 feet in width being more particularly described as follows:

BEING all of the north 4.70 feet of the south ten (10.00) feet of said Lot 1A, Allandale Park Resubdivision No. 1.

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

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

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on maps or plats of Garden Oaks, Section 5-A, of record in Book 19 at Page 46 of the Plat Records of Travis County, Texas, a subdivision in the City of Austin, Travis County, Texas, certain streets are designated thereon as Donna Court and Christy Court; and,

WHEREAS, the existence of two previously existing streets with similar names will create unnecessary confusion in the delivery of mail, and it is deemed

to be desirable by the City Council that the above named streets so designated in said Garden Oaks, Section 5-A, be changed; Now, Therefore,

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

That the name of that certain street shown as Donna Court on the maps or plats of Garden Oaks, Section 5-A, of record in Book 19 at Page 46 of the Plat Records of Travis County, Texas, be and the same is hereby changed to Daphne Court; and that the name of that certain street shown as Christy Court on said map or plat of said Garden Oaks, Section 5-A, be and the same is hereby changed to Taffy Court.

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 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 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, Shanks, White, Mayor Palmer
Noes: None

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 41.83 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Ianier Terrace, Section 3, and unplatted areas)

Councilman LaRue 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 10:00 A.M., May 14, 1964. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Long inquired if this were the area in which Ohlen Road would be opened, and if it would be developed before school started in September. The Director of Public Works stated the contractor was ready to start, and he had field notes ready to send to the Railroad Company regarding the crossing. Councilman Long noted this was a cross-over of the railroad, and is a short cut to the school, and would take a lot of traffic off Burnet and Anderson Lane.

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 and directed to execute a transfer and assignment of the following Special Assessment Certificate to Becker Properties, a partnership, of Austin, Travis County, Texas.

Special Assessment Certificate No. 6402-2950-63-44(d), P-2806(e) for the improvement of Gaylor Street, such certificate evidencing the special assessment of the sum of Five Hundred Eighty-Seven and 29/100 (\$587.29) Dollars for a portion of the cost of improving such street levied against all of Lot 5, Block G, Plaza Place, City of Austin, Travis County, Texas, according to the map or plat of said Addition in Volume 4, pages 84-85 of the Plat Records of Travis County, Texas, and against the owners thereof, including Mrs. Emma Vanlandingham, the apparent owner.

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

The City Manager submitted the following:

"April 28, 1964

"To: Honorable Mayor and Members of the City Council

"Subject: Bids for one heavy duty diesel powered motor grader for the Street and Bridge Division.

"Bids were opened at 2:00 P.M. April 24, 1964 in the office of the Purchasing Agent for one Heavy Duty Powered Motor Grader with one 1950 Caterpillar Diesel Motor Grader to be traded in. The City's estimated cost of this unit including trade-in was \$17,500.00.

"These bids are as follows:

| | Manufacturer | Net Difference |
|-----------------------------------|----------------|----------------|
| Anderson Machinery Company | Allis-Chalmers | \$15,930.00 |
| Jess McNeel Machinery Company | Galion | 16,351.00 |
| William K. Holt Machinery Company | Caterpillar | 17,600.00 |

"A bid submitted by Roy Klossner Company did not comply with the City of Austin specifications and requirements of information to accompany bids.

"The bid by Anderson Machinery Company meets all specifications.

"RECOMMENDATION: It is recommended that Anderson Machinery Company be awarded the contract with the low bid of \$15,930.00.

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

The Council had before it the awarding of a contract for diesel motor grader for Street and Bridge Division. Councilman Long inquired about the amount of the bidder who did not meet the specifications. The Director of Public Works stated their representative came in, and went over their problem and he said had they been in the City's place, they would have done the same thing. Councilman Long inquired what was the difference. The Public Works Director said part of their specifications were not sent in. A representative from the other company pointed out there were other factors that the machine did not meet specifications; one was their oversight; and the other was their machine had only two hydraulic brakes where the specifications called for four rear wheel hydraulic brakes. Councilman Long stated it would be well in the future to include the bid that was thrown out. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 24, 1964, for one heavy duty diesel powered motor grader for use by the Street and Bridge Division; and,

WHEREAS, the bid of Anderson Machinery Company, in the sum of \$15,930.00, 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 Anderson Machinery Company, in the sum of \$15,930.00, 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 Anderson Machinery Company.

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

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

Noes: None

The City Manager submitted the following:

"April 29, 1964

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

Contract No. 64-C-6

"Following is a tabulation of bids received at 10:00 A.M. Friday, April 24, 1964 for the resurfacing of eight tennis courts at Caswell Tennis Center

known as Contract Number 64-C-6.

"W. D. Anderson Company \$6,500.50

City's Estimate \$6,650.00

"I have checked with Mr. Sheffield and we both recommend that W. D. Anderson Company with their low bid of \$6,500.50 be awarded the contract for this project.

"S. Reuben Rountree, Jr.
Director of Public Works"

The City Manager discussed the resurfacing of the tennis courts at Caswell Tennis Center, stating this involves a type of surfacing that materials are manufactured by only one firm, and described the asphalt, stating this material is popular for resurfacing tennis courts and was used on the court when it was constructed. The Recreation Director asked several people to bid on it, and he had a quotation from W. D. Anderson and John Broad, both of whom were quoting an overall price. No provision had been made for performance bonds, etc., and the City Manager asked him to work up a formal contract arrangement to bid. Bids were sent out again, and only one was received and that was from Mr. Anderson, who had the lower quotation before. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 24, 1964, for the resurfacing of eight tennis courts at Caswell Tennis Center, known as Contract Number 64-C-6; and,

WHEREAS, the bid of W. D. Anderson Company, in the sum of \$6,500.50, 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 W. D. Anderson Company, in the sum of \$6,500.50, 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 W. D. Anderson Company.

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

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

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA
AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANY-
ING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

(1) (A) A 13,040 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN
AS 501 EAST 13TH STREET AND 1207-1211 NECHES STREET, AND

(B) A 9,040 SQUARE FOOT TRACT OF LAND LOCALLY KNOWN AS 503-505 EAST 13th STREET, FROM "O" OFFICE DISTRICT TO "C" COMMERCIAL DISTRICT; (2) (A) A 15,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1147 1/2 - 1149 AIRPORT BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL; (B) A 12,750 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3313-3315 OAK SPRINGS DRIVE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; AND (C) A 3.43 ACRE TRACT OF LAND LOCALLY KNOWN AS 1143 1/8 - 1147 1/4 AIRPORT BOULEVARD AND 3317-3331 OAK SPRINGS DRIVE, FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; (3) AN APPROXIMATE 6.98 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1173-1189 1/4 HARVEY STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (4) LOT 11, BLOCK 5, CROW'S SUBDIVISION, OUTLOT 35, DIVISION "B" ORIGINAL CITY OF AUSTIN, FROM "IR" LOCAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (5) LOT 24 AND THE WEST 20 FEET OF LOT 25, DIXIE TERRACE SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (6) A 0.43 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3825-3835 SOUTH INTER-REGIONAL HIGHWAY, FROM FIRST HEIGHT AND AREA DISTRICT TO FIFTH HEIGHT AND AREA DISTRICT; (7) LOT 5, BLOCK 116, ORIGINAL CITY OF AUSTIN, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (8) (A) A 72,134 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1211-1217 HILLSIDE AVENUE AND THE REAR OF 1219-1221 HILLSIDE AVENUE, AND (B) A 24,276 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1207-1209 HILLSIDE AVENUE, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; (9) THE NORTH 138 FEET OF THE SOUTH 230 FEET OF LOT 5, BLOCK 4, WELCH SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (10) A 2.652 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2810-2818 MANOR ROAD AND 3301-3411 RANDOLPH ROAD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (11) (A) LOT 10, BLOCK 9, ROSEDOWN SUBDIVISION, AND (B) LOT 11, BLOCK 9, ROSEDOWN SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (12) (A) TRACT 1: BLOCK 8 AND 11, GLEN RIDGE ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE AND THIRD HEIGHT AND AREA DISTRICT; AND (B) TRACT 2: BLOCKS 12 AND 13, GLEN RIDGE ADDITION, FROM "A" RESIDENCE DISTRICT AND "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT; (13) (A) TRACT 1: A 22,623 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6809-6815 BERKMAN DRIVE AND 6825-6837 U. S. HIGHWAY 290, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "IR" LOCAL RETAIL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; AND (B) TRACT 2: A 16,408 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6801-6807 BERKMAN DRIVE, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; (14) (A) A 25,500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1200-1206 WEST 12TH STREET AND 1200-1204 WINDSOR ROAD, AND (B) A 29,100 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1208-1212 WEST 12TH STREET AND 1201-1205 SHELLEY AVENUE,

FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
AND (15) A 5,225 SQUARE FOOT TRACT OF LAND, LOCALLY
KNOWN AS 900-902 EAST 11TH STREET AND 1151-1157 BRANCH
STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL
DISTRICT; 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 first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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, Shanks, White, Mayor Palmer
Noes: None

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, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman LaRue moved that 11:00 A.M. May 14th, 1964, be set to hear the following zoning application:

FRANK C. BARRON

Tract 1
4907-5033 New Manor Road
2901-2905 East 51st Street

From "A" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission

Tract 2
2907-2917 East 51st Street
5000 Block Aspen Grove Circle
5000 Block Blue Spruce Circle

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

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

Mayor Palmer brought up the following zoning applications deferred from March 26, 1964:

| | | |
|---------------------|-----------------------|---|
| ANDREW & JOSEPHINE | 1202 West Lynn Street | From "C" Commercial |
| VISCARDI, By Robert | | To "C-2" Commercial |
| Sneed | | NOT Recommended by the Planning Commission |

Councilman Shanks moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Long, carried by the following vote:

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

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

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| M. K. HAGE, JR. | Tract 1 | From "A" Residence |
| By Hub Bechtol | 807-809 (805) East 32nd Street | To "O" Office |
| | | NOT Recommended by the Planning Commission |
| | Tract 2 | From "A" Residence |
| | 815-817 (813) East 32nd Street | To "O" Office |
| | | RECOMMENDED by the Planning Commission |
| | Additional Area | From "A" Residence |
| | 811-813 East 32nd Street | To "O" Office |
| | | NOT Recommended by the Planning Commission |

Councilman LaRue moved that the change to "O" Office be granted for 815-817 (813) East 32nd Street and 811-813 East 32nd Street. The motion, seconded by Councilman White, carried by the following vote:

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

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

No action was taken on Tract 1 (807-809 (805) East 32nd Street).

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|--------------|--|--|
| HOWELL FINCH | 1606 (1610) South Con- gress Avenue | From "C-1" Commercial 2nd Height & Area |
| | | To "C-2" Commercial 2nd Height & Area |
| | | RECOMMENDED by the Planning Commission |

Councilman LaRue moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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EDDIE SIMMONS

1205 Baylor Street

From "B" Residence 2nd
Height & Area
To "C" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission

Councilman Shanks stated Mr. Simmons was going to close the entrance into Baylor; and with that stipulation he was ready to grant the zoning. The Mayor stated there was a suggestion that the area he wanted to use for parking could be left as "B" Residence. Councilman Long suggested a study of the whole area. The Planning Director reported Mr. Simmons said he would agree to have a change only on the rear 50' of the lot and balance of the property would remain under "B" Residence which would permit parking. The basis of the denial by the Planning Commission that this leaves open the question of control of what kind of parking occurs. There is a tendency for most body shop operations to extend out in the open. The Mayor said Mr. Simmons promised there would be only employee parking in the area. He stated a letter could be obtained from him agreeing that it would be only for employee parking. The Mayor asked that Mr. Simmons be contacted and requested to come before the Council. Mr. Simmons appeared to answer questions by the Council. The Mayor said the Council would like to have resolved the question, concerning the distance off Baylor Street which he would accept "B" Residence zoning for employee parking. Mr. Simmons stated he understood the present shop facilities would just extend, and beyond that point would be "B" Residence--whatever the lines of the present paint and body shop would be agreeable. The Planning Director pointed out the lot line. Councilman White moved that the East 46' of the subject tract be changed to "C" Commercial 2nd Height and Area. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area for the East 46' of the subject tract and the City Attorney was instructed to draw the necessary ordinance to cover.

Mr. Simmons stated he wanted to proceed with his plans to close it off on Baylor.

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J. O. McCOY
By Don Buss

703-705 West 32nd Street

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

Councilman Long that MRS. LEON DONN be heard.
The motion, seconded by Councilman LaRue, carried
by the following vote:

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

MRS. LEON DONN believed the area change was wise, and it followed the Master Plan. However, there has been no building since this went into effect; and before the people build they ask for a spot zone in the area, which is not wise. She had brought out in the area hearing that the Council should wait for the new zoning code.

The Planning Director gave a brief progress report on the zoning ordinance. He explained how the new classification would affect this type of zoning with regard to reduction in density. After discussion, Councilman LaRue moved that this application for change of zoning be denied. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

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Mayor Palmer brought up the following zoning applications deferred from April 23, 1964:

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

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

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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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 a change to "LR" Local Retail. The motion, seconded by Councilman White, carried by the following vote:

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

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

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THE NICKELL CORPORATION 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

The City Attorney pointed out this was in the same area involved in the McCoy zoning application. The Director of Planning stated this was on a 55' street. The Commercial area fronts on 29th Street and fronts to the adjacent property, with a lot in between it and this application. The applicants want to build apartments. Councilman Long stated basically there was the same problem, but in this case the commercial backs up to this property.

Councilman LaRue moved that the Council hear MRS. LEON DONN. The motion, seconded by Councilman Long, carried by the following vote:

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

MRS. LEON DONN asked if the developer could give an easement so the street might be widened. The Planning director stated if additional right of way had to be acquired, there would be a considerable expense, as many of the houses are set back only 15'. The City Attorney stated most of the property in the block was in a good state of repair. Mrs. Donn asked since this was the first time that the area has been rezoned on an area basis that the Council have a little patience and wait until the zoning ordinance came out and see how it applies to sections such as this. The Mayor asked if West Avenue were paved out to its full 55' right-of-way would that be adequate to serve the area. The Planning Director stated it might be adequate for this particular street, but 29th Street is the basic starting point, and is totally inadequate in right-of-way. Councilman Long suggested that action would be withheld until the Council looked at the property again. The Council postponed action so that it could make another inspection of the area.

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Mayor Palmer brought up the following zoning application for public hearing:

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|------------------------|----------------------------|------------------------|
| 51ST STREET CORPORA- | 1014-1022 East 51st Street | From "LR" Local Retail |
| TION, By Gibson Randle | 5100-5102 Interregional | 1st & 5th Height |
| | Highway | and Area |
| | | To "C" Commercial 1st |
| | | & 5th Height and |
| | | Area |
| | | NOT Recommended by the |
| | | Planning Commission |

No one appeared in opposition. MR. RANDLE Represented the applicant of which he and Mr. Ned McDaniel are the owners. Mr. Randle pointed out the reason the zoning was not recommended was the Master Plan called for a 90' right of way, and 51st Street was an inadequate street. At this time the Interregional is also inadequate for its present use, and he asked since the streets on both sides were not adequate that development of the property should be held up. He explained his property fell under the airport zoning as it is within one of the approaches, and the height was limited to 25' to 36'. The "LR" Local Retail zoning has very few uses in this particular area, and the property has remained unleased or unsold for five years, and tenants are finding other property because they need "C" Commercial. As to the right-of-way on 51st Street, he said the Council had established that right-of-way as being sufficient as 51st Street was paved at a 40' width. Sometime in the future there will be a need to widen the street, as it had all the earmarks, and that is the reason they like this location. He said development would be placed on the rear of the tract and the 51st Street frontage would be used for parking. They would agree not to put anything on the 15' or would agree to a 15' setback. "C" Commercial zoning would permit building on the property line with the present 5th Height and Area on the East 170' and they would agree on a 15' setback on the East 170'. Mayor Palmer asked about establishing a building line of 20' but Mr. Randle said this could not be done. He stated a 15' building line through the block would do no harm. The Planning Director said the City acquired 15' across the street. Regarding the 15' setback agreement, Mr. Randle asked for a time limitation. Mr. McDaniel was concerned about the length of time for the setback, suggesting five, seven or ten years; but he did not want to put a permanent setback that is out of line with the rest of the area which might give them some disadvantages. If development does not occur within that length of time the property should be cleared so they could use it in the regular way. The Mayor asked if they could come back and request that the building line be reconsidered ten years from now. The City Attorney stated the building line plan would not be a practical solution; probably the most satisfactory both from their point of view and the City's would be to enter into an agreement at this time about the building line and pay whatever reasonable sum to be agreed upon as an agreement of a building line for that property together with an agreement that in the future if it became necessary to condemn the property for right of way there would be no severance damages. If the City made a contract with them now that the building be setback a certain number of feet from the right-of-way; and in any subsequent condemnation suit that there would not be any claim for severance damage, the builder would design a building so that a subsequent widening would not impair its usefulness on a wider street. That would accomplish the City's purpose and the owner's purpose. Mr. Randle said they could not agree to that as far as severance damages were concerned, as that might not be answered for ten years, and severance damages were down the line when the City does acquire the property. In that contract there should be something that should the city zone other property in this block

to a closer line that his contract should be considered as amended to come out to the same line.

The City Attorney stated there was not much chance that the Council would have misunderstood, but there is a chance, that remarks earlier made by Mr. Randle to the effect that the Council had now officially established a street right-of-way line by virtue of having built a pavement within the right-of-way of only a given width. He said he did not agree to this; for if he did he would have to say in 1839 when there was nothing except a cow-path in the middle of a 200' wide right of way East Avenue that that officially established the width of East Avenue. The Director of Planning said the right-of-way should be dedicated out right before any zoning change occurs as 51st Street was designated a secondary thoroughfare prior to the application of a zoning change. He called attention to a possible interchange at 51st and the Interregional which would require all of this and adjacent property. He stated in all probability this property should not be developed at all; as the possible interchange at 51st and the Interregional would require all of this property and adjacent property. He stated property was not so badly restricted; as out of 15 uses within the two block area, 11 of them would go in "LR" Local Retail. If a zoning change is made, it should be done in terms of adequate right-of-way, and this right-of-way is normally acquired in advance of a zoning application. The Planning Director stated when the widening did occur, there would be a higher cost of right-of-way. After more discussion, Councilman Long moved that "C" Commercial zoning be granted with the understanding that there will be a 15' setback for a period of 15 years; and if within that period the line should be established nearer the street that it be amended to coincide with it. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced 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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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: (A) A TRACT OF LAND LOCALLY KNOWN AS 5214 MANCHACA ROAD FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (B) A TRACT OF LAND LOCALLY KNOWN AS 5216-5220 MANCHACA ROAD, 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 first time and Councilman LaRue 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, Shanks, White, Mayor Palmer
Noes: None

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 White, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council had before it for consideration an ordinance vacating NORTH CONGRESS AVENUE from the State Capitol Grounds to 14th Street. The City Manager explained this was a very short segment of Congress Avenue and the Attorney General had requested that it be vacated. This was a part of the original Capitol Plan. An inquiry was submitted to the City if it would close the street if the State purchased the property on both sides, and this is the entrance to the Capitol on the north side. Councilman Long was opposed to closing this section stating it is hard enough to get down Congress Avenue; and if this street is closed off so that one cannot get around the Capitol, there will just be another avenue down the main street that is closed. She suggested a public hearing to hear some of the people of Austin. Councilman Long moved that a public hearing be set on whether or not to vacate Congress Avenue from the Capitol to 14th Street. The motion lost for lack of a second. Councilman LaRue wanted to drive by and see what was involved. She stated the Capitol already had control and were regulating traffic. There was no immediate need for this, and she asked the Council to hold a public hearing. Mayor Palmer stated the Council was not considering closing Congress Avenue, but were vacating it as a public street as it did on Brazos and San Jacinto. Later in the meeting the Council discussed this again, and postponed action until the following week.

Councilman Long moved that MRS. MAUDE PRIDGEN be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MRS. MAUDE PRIDGEN reported her lights had been cut off after having received a notice why they were cut off. She said she had been paying her water and light bills all the time, and had a receipt for her last payment but there was a claim of \$25.90 back dues, which she did not owe, and she asked that the lights be restored. She said she had been deducting that amount because she did not owe it, and paid only the water and light. It was claimed this \$25.90 was over two-years' past due, and she did not know why it was claimed she owed it. She said there was an apartment house built next to her that used electricity that was unknown to her, and perhaps it was put on her bill. Councilman Shanks inquired if it were a build up of penalties over a period of a long time. Mrs. Pridgen said she was to see Mr. Harrison at 3:00 P.M., but she wanted the Council to restore her lights. The Mayor referred her to Mr. Harrison, and see if she could work something out satisfactorily.

Councilman Long presented a letter from MRS. DON L. LANFORD, 1713 Schief-fer, protesting the flying of these miniature airplanes in Patterson Park, and

suggested setting a policy that these planes not be allowed to be flown in Patterson Park. From time to time there are these disturbances in various parks and there is a special area for these miniature planes in Zilker Park. The Mayor explained that Zilker Park had a special place marked off with barricades, etc., for safety measures. Councilman Long read the letter, and it pointed out these planes were not flown by little boys, but by adults. Councilman LaRue asked if another place in the City could be set aside, in addition to Zilker Park. Councilman Long pointed out a large open area back of Bartholomew Park might be available. The Recreation Director stated efforts had been made to stop the use of Patterson Park for this activity. Councilman Long moved that model airplanes be prohibited in Patterson Park. 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 MR. RICHARD BAKER be heard on the matter of a refund contract to MR. WALTER CARRINGTON in UNIVERSITY HILLS, SECTION 2, PHASE 3. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. RICHARD BAKER said all through the area there are a number of creeks and drainage areas. The particular problem arose in November 1962 at the time Mr. Carrington filed a preliminary subdivision plat with the Planning Department. Shortly thereafter, the Engineer of the University Hills wrote a letter requesting the waiving of requirements as far as drainage was concerned, particularly that drainage pipe be installed in a specific section of a creek approximately 700' in length. Subsequently, the Director of Public Works wrote a letter to the Planning Department stating it was his recommendation that they not waive the drainage requirement in this area and that the 21" pipe be installed. There was a notation at the time the request had been made for a variance as far as drainage was concerned, and the matter was considered on May 7, 1963. He read an excerpt of Section 23.47 of the Code; stating it was on this basis that this matter was taken to the Planning Commission to determine the necessity of installing the 21" pipe. At the meeting considerable evidence was submitted by Mr. Gerald Hart, Engineer from Marvin Turner Engineers. As a result of the hearing, the Commission voted it was of the opinion that the cost was greater than the enhancement of the lots, and it was therefore voted to approve the plat granting a variance from the drainage construction requirements in the Subdivision Ordinance. On that assumption, the subdivider thought the problem relating to the drainage had been solved. May 14, 1963, they received a letter from the City Manager advising that it was necessary that these improvements be made before the City would accept the subdivision for maintenance. On October 1963, the Federal Housing Administrator was advised through the Public Works Office that this subdivision had not been accepted. Since there was a dispute between their engineer, and the Public Works Department's Engineers, and the Planning Commission's concluding that the cost of improvements would not justify such improvements and the drainage pipe need not to be put in or the ditch not be lined, Mr. Baker stated the only other place was to go before the City Council for determination.

Councilman Long moved that MR. GERALD HART, Engineer, be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. GERALD HART showed on a map the two drainage areas in the area, and

discussed the cost, stating usually drainage costs per lot ran about \$50.00. Disregarding the cost of this 21" pipe, the other storm sewer amounted to about \$80.00 per lot. This subdivision was involved in the construction of the bridge across Little Walnut Creek. With the City's participating and the prorating of the costs of the subdivision on both sides, the cost per lot is \$100.00 totalling \$180.00 per lot in this particular section of 74 lots. Those 14 backing up to this particular section where the pipe was to be installed, at perhaps \$3.75 per foot, would have a payment of \$200.00 per lot additional cost. If it were spread out throughout the subdivision, it would be \$35.00 per lot; so the \$80.00, \$100.00, and \$35.00 would be \$215.00 per lot. Mr. Hart discussed the esthetics of this drainage ditch and saw no distress as far as erosion was concerned. He believed there would be less water in the creek now than before, as some would be diverted down the streets. Councilman Long asked if water stood in this ditch. The City Manager stated there was some standing there now, north of the Drive. Mr. Hart said there was a little spring north of North East Drive, and there was a little water running down the creek most all of the time. At Councilman Shanks' request, Mr. Hart discussed the pipe and differences in sizes required, and the size in which the City participated; open ditches; and lining of ditches. Councilman Shanks discussed the two ravines in which there was a 48" pipe and 30" pipe. The City Attorney stated the Planning Commission performed a function of design which the Subdivision Ordinance requires it to perform; on the other hand, the Drainage Engineer, and the City Manager perform the functions which the subdivision ordinance requires them to perform; that the City will not go into the subdivision business to the extent of giving a refund contract on a subdivision that will be a source of trouble and expense to the City. The fact the Planning Commission authorized a particular lay out of lots does not automatically saddle the City with the obligation of accepting maintenance of problems created by that approval. It is not until the City accepts and becomes obligated to maintain that an obligation arises. The Subdivision Ordinance not only makes a provision, but it declares it to be unlawful for any city employee to do otherwise.

The City Manager explained the Planning Commission had nothing to do with the refund contracts, and it is a different matter from how the streets should be laid out, etc. The refund contract is being held, just as in every case where the subdivider has failed to put in pipe which the Public Works Department has required. Where at the time the refund contract was worked out and the subdivider had not already installed the pipe in accordance with the requirements of the Public Works Director, this provision was inserted in the contract: "The customer agrees to construct or cause to be constructed at his own expense without a refund from the City, all necessary drainage improvements in accordance with plans and specifications for such improvements prepared by the Director of Public Works of the City of Austin." The contract further provides his failure to do that, all further refunds are cut off. This is a uniform policy that has been applied for 11 years. Councilman Shanks asked if the difference was that the Director of Public Works said they needed a pipe and their Engineer differed? The City Attorney stated the property owners have already insisted on pipe being installed, complaining that otherwise the water will stagnate. Councilman White asked if all of them were insisting. The City Attorney stated four communications had been received. Councilman White said he and Councilman LaRue had been out there, and he would have to say from what he observed there would have to be something done with that ditch sooner or later. The City Manager said everyone would rather have it done now. Councilman Long agreed. Councilman White said if it were going to be done he would suggest putting it in now, and getting through with it.

MR. BAKER disagreed, stating no erosion had occurred in the past year; and that when the spring runs, it goes all the way through and there is no

stagnation. There is a misunderstanding by some of those writing letters; some preferred leaving the ditch as is, and some were concerned with the timing of the installation. Developers bought this land with the knowledge the creek was going through. If there were areas where it was not necessary for the pipe then it should not be placed. He realized the separation of powers between the Planning Commission and Department of Public Works. The City Attorney again explained the Subdivision Ordinance and the Fiscal Policy which was established at the same time the Subdivision Ordinance was written. Upon Councilman Long's inquiry about how a subdivider would know what was to be required, and how the subdivision got to the point of development that it did, the City Manager explained the procedures of filing the plans and working on the plans for the physical development and making estimates for drainage, water and sewer lines, etc. Before the subdivision can be approved by the Planning Commission some fiscal arrangements must be made of the payment of the developments costs. The usual manner is through a letter of credit from a bank stating the subdivider has made arrangements, and the bank will guarantee that these costs will be paid when the work is completed. In this particular case, the letter of credit has been filed, and the amount involved in the letter of credit was adequate to take care of that drainage. Councilman Shanks inquired if the people buying these lots were told that there would be a different set up on the drainage. Mr. Baker reviewed his understanding of it that the salesmen were advised that additional restrictions had been placed on this subdivision and that there would be no drainage pipe, and it was suggested by one member of the Planning Commission that the restriction be placed that the pipe could not be installed. Mr. Baker then read the restrictions he had drawn up prohibiting structures of any kind in the creek bed, and requiring maintenance of creek bed and banks by the property owners, and the developers' maintaining the area and charging the owner for the expense incurred, should the owner not maintain the creek bed and banks.

Councilman Long moved that Mr. Baker's time be extended. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. BAKER discussed the F.H.A.'s refusal to finance the property until the City advises them it had accepted the subdivision, and the City will not accept until the subdivider has complied with the policy set up in the refund contracts. The F.H.A. has been advised that the refund contract has not been accepted; but yet the subdivision has been approved by the Planning Commission, and they have houses which the F.H.A. is refusing to finance. Mr. Baker asked where did one go to get the answer and who makes the final decision? The City Attorney said Mr. Baker received notice within a week after the problem arose which was over a year ago, and Mr. Baker had never discussed it with him until March 31, 1964. The City Attorney had assumed the subdivider did not care about a refund contract, or the matter was being carried out in such a manner he was working on one. He said the F.H.A. is not surprised by this, because ever since 1953, they have refused to issue commitments until they received an additional letter from the City. They do not accept the filing of a plat, but have required a notice from the operating department that the City had accepted the permanent maintenance of the streets and other facilities. This has been going on for years and years. He discussed the inquiry of one of the property owners about the drainage and his being told there would be covered drain required of the builder. Mr. Hart discussed the City Manager's overriding the Planning Commission with respect to the refund contract; and stated some of the statements in the subdivision ordinance were misleading; as when one takes one route, there is another policy or regulation to the opposite. The City Manager explained the Planning Commission had authority to waive certain requirements in the Subdivision

Ordinance, so far as the layout of a subdivision is concerned, but the City Council has not given the Planning Commission authority to bind the City regarding its fiscal policy or refunds. The City Council is the ultimate body that decides all questions of finances of the City, and they cannot delegate that to the Planning Commission. The Council has the authority to decide no pipe is needed. Mr. Baker stated they had nine people who said unanimously the pipe was not needed, and yet they have to argue the same issue before another body on the same point. Mr. Baker discussed Mr. Carrington's interest in property owners' satisfaction over the subdivision, in order to be able to sell the other properties; and Mr. Carrington's financial interest in the subdivision. Councilman Long stated the Planning Commission made its decision on an odd reason, saying this drainage pipe did not enhance the lot to the extent of the cost. If they did that on all of the development what would the City's position be? Would the City have to bail out all of these subdivisions? Mr. Baker stated the subdividers went through all of these problems in great detail.

The City Attorney stated Mr. Baker said all of these things were considered by the Planning Commission but the Planning Commission is forbidden from giving any concern to the question of what the subdivider is willing to risk and what the City is willing to risk. The question the Council is considering is whether the City wants to risk its capital. Councilman Shanks asked that the Council all go out and look this over and see what the Engineers are talking about. The Planning Commission did not recommend to the Council that the City risk its own capital. The Planning Commission waived this requirement leaving the subdivider to take his own risk. At this point the Council recessed.

RECESSED MEETING

4:00 P.M.

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

The Council continued its detailed discussion of the University Hills matter. The City Attorney pointed out a civil liability the City might have to the property owner who contends upon the strength of the assurance of the City which it had received from the subdivider that a storm sewer would be installed in this easement, that he purchased his land. He said there could be a question of civil liability. Councilman LaRue asked whether a certain specific amount of money was mentioned, or the fact that the drainage problem in this area would be taken care of, or did it specifically state this covered drain would be placed on this particular piece of property. The City Manager stated normally the letter of credit specify that the work which the City has said is necessary, will be done in the amount of so many dollars. The City Manager said there is one document that says there will be a covered drain; another document says how much it will cost, and another document which says there will be a guarantee of payment for the same. Councilman Long stated after looking at it she was convinced that a drain was necessary, and there was going to be a serious problem with growth, debris, ditches that clog up and create slush ponds where there will be mosquitoes. The City would be doing this subdivider an injustice by not requiring this improvement. The City Attorney read the letters from the property owner who had verified the statement about the covered drain. The Council discussed the possibility of a lined ditch, but the lined ditch will be as costly as pipe. The Director of Public Works stated they could work up a plan and estimate for the lined ditch. The Council discussed requesting that Mr. Carrington either line the ditch or put in the 21" pipe or get a statement from all of the abutting property owners that made requests for the pipe to rescind that statement. The Assistant City Manager asked if the signatures of all the property owners were

obtained, would that mean no improvements were to be made. Various ideas were expressed, the Mayor stating in this case, the matter would go the route of installing the pipe whenever it became necessary, and taking the expense from the refund contract. Mr. Baker said his thought was if the people said "No", this would be fine and they would agree to it. Councilman Shanks was of the opinion if the City decided the pipe had to be laid, that the City would install it and charge it to the refund contract. Councilman Long expressed the idea it would either be now or later. Mr. Baker said if this were the feeling of the Council, that would be what they would do; and he would like to work out all of the three and in relation to the other problems Mr. Eskew brought up about the other drainage problems pending out there, of which he was not aware. He said he apologized to the Council for these problems, and he would guarantee that these matters would be discussed with Mr. Rountree in an effort to resolve some of the problems, as the decision the Planning Commission would make would be of no force and effect. The City Manager said he had been trying to get this over to the subdividers for years. Mr. Baker said he had gotten it over to him.

Mayor Palmer summarized the suggestion that the 21" pipe or a concrete lined ditch would go in; or if all of the abutting property owners rescinded their requests, it would be left as it is; then, in his opinion, the subdivider had agreed that the public would be taken care of as far as any cost was concerned over a period of 10 years, or whenever the Council thought it was necessary to put the pipe in, then that money would be taken. He asked if an agreement was reached by all of the people that they did not want the pipe in, would the Council then forget about the \$3,000. Councilman Long stated the City would put it in and take the payment out of the refund contract. Councilman White said the Council all agreed that something had to be done. He said if that money was going to be held, it is known the drainage would have to be put in sooner or later, so why not go ahead and get it in now. Councilman Long moved that the Council request that the subdivider either line the ditch or put in the 21" pipe, or get a statement from all of the abutting property owners that made requests for the pipe to rescind that statement. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long asked that the appointments to the Boards (The Plumbing Board and Hospital Board) be deferred until the following week.

The City Manager reported that the City acquired from the School a tract of land between Reinli and Clayton Lane just to the west of the extension of Sheridan Lane, and one of the purposes for acquiring the property was to extend Sheridan Lane down to the Shopping Center. He showed the former plan on an aerial photograph, but pointed out a revised plan which would be a better alignment of the street, extending it along the property line of the land immediately to the east of City owned property, so at that point it would enter the parking lot across the street from the Theatre, which is quite a traffic generator. The new plan would locate the street on the other property. The Planning Director described the area, stating recently proposed development would block the street, and he asked if the connection should be made; and if so, where should the street be located. Ultimately the street will be necessary. Finally after discussion, Councilman Shanks moved that SHERIDAN LANE be extended south. The motion, seconded by Councilman White, carried by the following vote:

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

The Council discussed the annexation of property out on Rogge Lane. The Director of Public Works showed on a map the properties owned by the people who wanted to be annexed and of those who did not want to be annexed. Mr. John Luke was opposed to the annexation of his property. Councilman Long stated the policy had been when people asked for annexation that it would be annexed, but there was getting to be a departure from that, and she did not think this little peninsula would hurt anything by being left out. The City Manager explained customarily when property was completely surrounded, as was this, that it be included. The Planning Director pointed out the dangers of leaving a strip out in a position of this one, where there was no control through building permits or zoning. Councilman Shanks moved that this property be annexed. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long voting against the motion with the statement she had no personal feelings on this, but when there was a policy that had been working fine, it should be continued.

The City Manager brought up for consideration the concession for the paddle boats which Mr. Kenneth Wallace had been operating in Barton Creek. Two years ago the Wendlandts also were interested in operating a paddle boat concession there, and both gave quotations. Mr. Wallace quoted 33 1/3%. He says now he can not give as good service and as good an operation if he has to pay that high percentage, because he would like to stay open longer hours and he cannot afford to do it under that percentage. His proposal now is 25%. The Recreation Director reported that the Wendlandts were not interested in this concession at this time. Councilman LaRue moved that KENNETH WALLACE'S contract be extended for a two year period at 25% as recommended. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Long inquired if this fit in with the Town Lake Program. The City Manager stated this was an operation as distinguished from an improvement. The contract provided it was subject to cancellation anytime it was determined by the City that improvements for Town Lake or any activities in Town Lake required cancellation. He stated this particular location was in Barton Creek as distinguished from Town Lake.

The City Manager submitted a letter from Roy Miller who has had a zoning application pending at 3400 Manor Road and Anchor Lane. The City had an offer from him to sell the property but the Council decided his price was too high. There is a letter asking for his zoning case to be brought up and disposed of. If the property is not to be acquired, the matter should be set for a public hearing. Mr. Miller says he is planning a Centerette for a washateria, or drive-in or filling station. The Mayor asked that an appraisal be made, and the Council would look at it again. He suggested that an area study be made. After discussion

Councilman Long moved that the following zoning application be referred back to the Planning Commission for restudy in connection with the area study:

| | | |
|--------------------|-----------------------|------------------------|
| ROY MILLER | 3400-3500 Manor Road | From "A" Residence |
| By Edward M. Horne | 2200-2228 Anchor Lane | To "C" Commercial |
| | | NOT Recommended by the |
| | | Planning Commission |
| | | RECOMMENDED "GR" |
| | | General Retail |

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

The City Manager stated last week members of the Council went by the river bank to see the tract of land between the Crest Hotel and the water front, and wanted to get something ready to review with the Town Lake Study Committee, but the contract was not yet finished. The developers want to work out an arrangement by which they will agree to maintain the river front. Councilman Long stated they were going to send this to the Town Lake and Recreation Board. The Council had made some suggestions that certain other ideas be incorporated into the contract--approval of their plans and including sidewalks along the river.

The City Manager discussed the Kenmore Street Extension, stating several years ago Tom Graham laid out a subdivision called Tarrytown River Oaks. One of the lots included Scenic Drive but Scenic Drive was vacated and rededicated at a location which comes across Taylor Slough instead of circling around as it does now. A bridge was to be constructed across the slough and illuminate the street which is crossing the property owner's rear yard. The right of way on the south side of the slough has not been acquired. The financing of the bridge was included in the bond program of 1960, so funds are available. The City Manager said if the bridge is constructed across slough and feeds the traffic into narrow Scenic Drive down to Stevenson Street, it would serve no real purpose. It has been suggested if the bridge is constructed across the creek, that a new street be developed which would tie into Kenmore Court which in turn goes into Windsor Road which would be a meaningful street pattern. Discussion was held as to whether this street would be a collector street going into Windsor, or a scenic drive. The Director of Planning pointed out there was undeveloped land, and if it were developed in single family homes there would not be any more problems than at present. He mentioned there might be some condominiums. Finally after discussion, the Mayor stated that subject to the City Manager's checking with the Traffic Engineer and the Planning Department, that the Council feels the bridge should go in there, and the roadway be developed as a scenic drive.

The City Manager inquired about the lease of the property at 3rd and Lamar to MR. C. B. SMITH. Councilman Long moved that MR. C. B. SMITH be leased this property for ten years at \$125 a month and he keep his own improvements. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the people of this, "The Friendly City, have been enabled to enjoy the benefits of wholesome and bountiful water through tireless efforts of men like Walter W. Pollan; and,

WHEREAS, honorable men everywhere have been encouraged and upheld in their duties by the example of faithful integrity, and invariable precision, which has been the dominant goal of Walter W. Pollan as Meter Shop Supervisor for Water Distribution, who is now retiring; Now, Therefore

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

That the fine example of Walter W. Pollan who has shown us the eternal value of consistent dependability in one's daily work, be publicly recognized and that a page be especially set apart for that purpose in the official minutes of the City Council, and that a copy of this resolution be presented, with the best wishes of the people of the City of Austin, to the said Walter W. Pollan.

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

The City Manager stated there was a lot with a house on the south side of 10th Street and west side of West Avenue which had been offered to the City and listed the amounts of the two appraisals. Councilman Long stated she would like to go by and look at this property. The Council deferred action until the following week.

Action was deferred on the purchase of property for the extension of East 15th Street. The City Attorney stated there were two options to buy, and they would expire Friday of next week.

The Mayor announced Tuesday at 10:00 A.M., May 11th, the Council would have a work session and go into a discussion of establishing a Commission. (Human Rights)

The City Manager asked when the Council wanted to meet to reach a conclusion about location of Brackenridge Hospital and related activities. He stated the Chief of Staff had submitted a report from the Staff, recommending that the Council plan to leave the Hospital generally where it is and expand it from that location. Councilman White stated he agreed.

The City Manager stated another discussion was necessary regarding relieving the manpower shortage in the Police Department.

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

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

The Council adjourned at 7:00 P.M., subject to the call of the Mayor.

APPROVED

L. E. Palmer
Mayor

ATTEST:

Elsie Hordley
City Clerk