

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 1, 1967
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

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

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

Invocation was delivered by REVEREND MALCOLM L. PURCELL, First Southern Presbyterian Church.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A 17,424 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7901-7923 U. S. HIGHWAY 183, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; (2) A 9,200 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1500-1506 BARTON SPRINGS ROAD AND 416-422 JESSIE STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (3) LOTS 1-A, AND 1-B, RESUBDIVISION LOT 1, RESEARCH BOULEVARD COMMERCIAL AREA, LOCALLY KNOWN AS 8550-8634 U. S. HIGHWAY 183 AND 1701-1725 OHLEN ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; (4) THE WEST 57.5 FEET OF LOT 6 AND THE WEST 57.5 FEET OF THE NORTH 65 FEET OF LOT 5, BLOCK 1 OF THE SMYTHE ADDITION, LOCALLY KNOWN AS 707 WEST 32ND STREET AND 3113-3117 KING LANE, FROM "BB" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (5) LOTS 20-25 OF THE FISHER ADDITION, LOCALLY KNOWN AS 2810-2816

SWISHER STREET AND 801-821 COMANCHE STREET AND 2813-2817 OLDHAM STREET; LOTS 1-4 AND 12-14, BLOCK 3 OF FELIMAN HEIGHTS, LOCALLY KNOWN AS 2708-2808 SWISHER STREET AND 2803-2811 OLDHAM STREET; AND ADDITIONAL AREA: LOTS 5-7 AND 8-11, BLOCK 3 OF FELIMAN HEIGHTS, LOCALLY KNOWN AS 2700-2706 SWISHER STREET, 800-820 WAHRENBERGER STREET AND 2701-2801 OLDHAM STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "O" OFFICE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA 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 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.

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 18.3 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 57, AND 69.1 ACRES OF LAND OUT OF THE JOHN APPLEGAIT AND J. C. HARRELSON SURVEYS 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.
(Portions of Interstate Highway 35 and an unplatted tract of land)

The City Manager stated it was desirable to annex this property, primarily the Interregional Highway north of town, as the City will be furnishing electricity for the lighting system the Highway Department is installing. There are two small parcels of privately owned land north of Fenelon Drive. One property owner is agreeable for his property's being annexed, but it has

been impossible to contact the owner of the other parcel yet; and rather than leaving his very small parcel out, it was included.

Councilman White moved that the ordinance be published in accordance with Article I, Section 6 of the Charter of the City of Austin and be set for public hearing on March 16, 1967 at 10:30 A.M. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Council had before it for consideration an application from Phil Mockford requesting permission to construct a wall, filling behind the wall with soil removed from the lake itself. The proposed wall connects on the West with the existing wall of Mr. A. T. Ray, Jr., constructed last year. He has 82.58 foot frontage on the lake and the west end of the proposed wall will extend some 16 feet past the existing eroded shore line and the east end approximately 20 feet.

Councilman White moved that the Council approve shore line improvements on Lake Austin for Phil Mockford - Lot 4, Bruton Springs Subdivision. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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The Council had before it for consideration an application for a permit to improve the lake front property in Aqua Monte Subdivision, lot #12. A five foot stone retaining wall is planned to run the width of the lot, following the bank, a distance of 51.28 feet, from G. R. Stanford.

Councilman White moved that the Council approve shore line improvements on Lake Austin for G. R. Stanford - Lot 12, Block A, Aqua Monte Subdivision. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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The Council had before it for consideration an application from Cullen Construction Co. for Mr. and Mrs. Whitehead to construct a retaining wall, the wall to be more than 10' from the property line and to be constructed of 8"x8"x16" concrete blocks, reinforced with steel both vertically and horizontally. The wall will be located approximately 2 feet from the existing bank, and will be built for the purpose of retaining the present yard fill.

Councilman White moved that the Council approve shore line improvements on Lake Austin for Mr. and Mrs. F.B. Whitehead at 3407 Westlake Drive. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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The Council had before it for consideration an application from George H. Huss to dredge from Lake Austin the fill to provide an extension of land. The proposed extension of land would extend into only a portion of a small recess in the present shoreline, within a line drawn from waters edge of an existing dirt fill to waters edge at his north property line. His shoreline as it exists does not have a ledge or survice available for access to or from Lake Austin.

Councilman White moved that the Council approve shore line improvements on Lake Austin for George H. Huss - West side, downstream plus or minus from Ski Shores. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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The Council had before it for consideration an application from Mrs. W. W. Bennett, Sr., by Jim Bennett, for a permit to construct a concrete block wall approximately twenty-four inches high and eight inches wide. All of the land is existing, and any fill that might be required will be obtained from the lake bed.

Councilman White moved that the Council approve shore line improvements on Lake Austin for Mrs. W. W. Bennett - 2200 block of Westlake Drive adjacent to the Lakeshore Marina. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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The City Manager submitted the following:

"February 24, 1967

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, February 24, 1967, at the Office of the Director of the Water and Sewer Department for the installation of approximately 2242 feet of 8-inch CONCRETE SANITARY SEWER MAIN IN LITTLE WALNUT CREEK WEST - SOUTH BURNET ROAD EXTENSION (North of U.S. Highway 183 East of Southern Pacific Railroad to Burnet Road South of Polaris Avenue.) This project will provide sanitary sewer service to the commercial area on the Southeast corner of the intersection of U.S. Highway 183 and Burnet Road, and to the houses in Bowling Green, an existing subdivision in this area. The bids were publicly opened and read in the Council Room, Municipal Building.

"The following is a tabulation of bids received:

March 1, 1967

<u>"FIRM"</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter Schmidt Construction Company	\$24,569.10	60
Ford-Wehmeyer, Incorporated	26,901.00	65
Hland Construction Company	29,938.10	60
J. C. Evans Construction Company	32,063.70	55
Bill Tabor Construction Company	38,404.60	90
City of Austin (Estimate)	32,151.00	90

"It is our recommendation that the contract be awarded to the Walter Schmidt Construction Company on their low bid of \$24,569.10, with 60 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr.
Director Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 24, 1967, for the installation of approximately 2242 feet of 8-inch Concrete Sanitary Sewer Main in Little Walnut Creek West - South Burnet Road Extension (North of U. S. Highway 183 East of Southern Pacific Railroad to Burnet Road South of Polaris Avenue); and,

WHEREAS, the bid of Walter Schmidt Construction Company, in the sum of \$24,569.10, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Walter Schmidt Construction Company, in the sum of \$24,569.10, 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 Walter Schmidt Construction Company.

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

The Council had before it for consideration the construction of additions to Lake Austin City Park Restrooms. The City Manager stated some walls are being added to enlarge the rooms, and restroom facilities and showers are being added. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 28, 1967, for the construction of additions to City Park Restrooms; and,

WHEREAS, the bid of Gore Building and Plumbing Co., in the sum of

\$13,349.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Construction Engineering Division 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 Gore Building and Plumbing Co., in the sum of \$13,349.00, 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 Gore Building and Plumbing Co.

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

DESIGN ENGINEERS FOR TOWERS FOR 138 CIRCUITS

The City Manager reported when the 138 circuits are installed, it is necessary to erect towers rather than poles, and there are about eight types of towers which need to be designed. Five engineering firms which do this specialized design work were located and each was asked to indicate what it would charge for this work. Two firms reported they had so much work they could not handle it at all; and the other three gave quotations. ANCHOR METALS DIVISION of the Electric Specialty Company said they would ask \$54,000; BROWN & ROOT quoted \$40,400; and SPINOZA, INC., said they would do the work for \$24,000. The principle who will do the design work is MR. OSCAR LUNDELIUS. Councilman Long inquired if any thought had been given to placing these cables underground. The City Manager stated this high voltage would be far too expensive to put underground. He outlined the items taken into consideration on these high powered lines conditioned on local requirements. Councilman LaRue inquired about the L.C.R.A. facilities at Bastrop which might be comparable to Austin's. The City Manager stated these lines will be joint facilities of the L.C.R.A. and the City under the new contract, and the L.C.R.A. will pay a part of the installation costs of the towers as they are built. Councilman White moved that SPINOZA, INCORPORATED be selected as the design engineers for these towers for the 138 circuits. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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MR. KRUEGER asked if the City paid the meat inspector at the Night Hawk operation. The City Manager stated the City does not pay the candidate's inspector; it is a City inspector, and the City is reimbursed for the time he does the inspecting. Mayor Palmer said the Council could not pass upon a candidate's qualifications. Councilman Long stated this was out of order here; as when the candidate qualifies for public office, these things will have to be taken up and the City Attorney would be there to rule on it.

AMENDMENT TO ZONING ORDINANCE TEXT - "O" OFFICE DISTRICT

Mayor Palmer announced it was 10:30 A.M. and opened the hearing on amending the "O" Office District Text of the Zoning Ordinance. The Director of Planning reviewed the proposed amendment, reading Section 12 and the recommendation of the Planning Commission that Section 12 be reworded, "Offices or headquarters for associations of businesses, trades, professions, industries, or social service groups." He pointed out the difficulties encountered under the present wording. There was also a problem that the general category of social service groups was not included. This amendment would clarify Section 12 where the proper interpretation of any kind of an office that constitutes a professional, business, industrial, social service or association as opposed to a business concern could be made. Section 15 permits business machines, display, sales and rentals; in accessory uses the ordinance is liberalized to include service and repair of office or business machines; storage of equipment, products and supplies in connection with offices or those retail uses permitted in "O" Office. He listed the other retail uses and other activities permitted in "O" Office and discussed accessory uses in detail giving examples. Councilman Long inquired about the parking requirements. The Planning Director explained parking requirements would be the same as those in the "B" Residential District, and public or semi-public parking areas are permitted. No citizen appeared in opposition. MR. LLOYD LOCKRIDGE, stated this amendment would be helpful not only to the I.B.M. development, but to others who will have similar types of installation.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 5-A, SUBSECTION A
OF CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 SO
AS TO ALLOW CERTAIN ADDITIONAL USES IN THE "O"
OFFICE USE DISTRICT, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Shanks 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 Shanks 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 Shanks 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.

REQUESTS FOR BOAT RACES ON TOWN LAKE

Mayor Palmer read the request of the Austin Ski Club to use Festival Beach for the week end of May 6th and 7th, to conduct the Texas Spring Invitational Water Ski Tournament, prior to the National Tournament to be held as a part of the Aqua Festival in August. They plan to put in a permanent anchor system in the bottom of the lake, and request permission to work in the water the week end and week preceding the requested dates. The tournament will be free to the public and the Ski Club wanted the right to have the concession sales. The Recreation Director stated their request should be worked in with that of the Austin Boat Club.

Mayor Palmer read the letter from the Austin Boat Club, requesting the use of Festival Beach area on Town Lake for Drag Boat Races, on March 18-19; April 29-30; May 28-29, July 4; July 29-30; August 12-13; October 7-8, all under the sponsorship of the Austin Boat Club. Open stacks on outboards would be prohibited. They would like to charge for all racing events during the 1967 season with the percentage of each race going to the Police Athletic League Fund. Admission and concession proceeds for all events held in conjunction with the Aqua Festival would go to the Festival Organization. It was pointed out these races would not only bring visitors from out of town, but aids in projecting the fact Austin is the Water Sports Capital of the Southwest. Councilman LaRue inquired if this would conflict with the Fiesta Gardens operation, and asked where the entrance gates would be located. MR. JACK HOWELL, answered that last year tickets were sold at the gate for both events. The Austin Boat Club had met the request of Fiesta Gardens not scheduling events on dates on which they expected their largest crowds--Labor Day Weekend and nothing scheduled in June. Their July 4th event was scheduled on Tuesday so there would be no conflict with Fiesta Gardens. They had worked together on these schedules. Councilman Long noted this would close off the lake to other people on these dates. In answer to Councilman LaRue's question about the location for sale of tickets, Mr. Howell explained it would be the same set-up as that of the Aqua Festival.

RECOMMENDED POLICY ON TOWN LAKE BOAT RACES

The Recreation Director stated last year he had called attention to the fact there were clean-up charges and maintenance of restrooms, etc., on the big weekends, and a \$35.00 service fee was set up for the big events. Last year, the City waived its concession rights for any free events, and the service charges for the paid events keeping the concession rights. He recommended this year that the City retain the concession rights and have no service fees at all, except during the Aqua Festival when the City would waive all concession rights. He stated the area east of the Interregional would be barricaded. Councilman Long asked if the whole area would be fenced off unless people paid to see the boat races. Mr. Jack Howell stated the charges varied for the different events--\$1.00 for adults; \$.25 for children; and perhaps some events at \$.50 for adults and \$.10 for children. These two events are part of the Aqua Festival July 29-30 and August 12-13. The Recreation Director stated there are 30 weekends between March 18th and October 8th, and there would be six weekends requested by this Club and one only by the Ski Club. Mayor Palmer asked if they had checked with Fiesta Gardens and if all were working together; and if not, if they would get together. The Boat Club representative stated they had met with the Fiesta Gardens group, and their club was cooperating by not scheduling anything in June or on Labor Day. Councilman Long asked about the sailing group. The Recreation Director stated the Austin Sailing Club had made no reservations at this time.

MR. KRUEGER asked if these motor boats, in creating the tremendous wake, would cause erosion of the banks and contribute to the destruction of Town Lake. Mayor Palmer stated the Lake must be able to move 8500 square feet of water. The Director of Public Works reported there is a small amount of erosion caused by wind, and other factors, but it is not enough to cause any alarm. Councilman White moved that the requested dates for the use of Town Lake be accepted with the recommendation of Mr. Sheffield about the City's retaining the concessions as follows:

May 6 and 7	Texas Spring Invitational Water Ski Tournament
March 18 and 19	Spring Drag Boat Races
April 29 and 30	Lone Star Drag Boat Races
May 28 and 29	Memorial Drag Boat Races
July 4th	Independence Day Drag Boat Races
July 29 and 30	Southwest Championship Drag Races
August 12 and 13	250 Mile Enduro
October 7 and 8	Texas Drag Boat Championships

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

Mayor Palmer made the following statement in regard to his vote:

"Based on the information I have today that all of this has been coordinated and acceptable to all parties concerned, I vote 'aye'."

Councilman LaRue suggested that Mr. Rountree make a study of the erosion problem and give the Council a little more detailed information at his convenience. Councilman Long stated erosion by boats was no more than that caused by wind and rain.

APPOINTMENTS

The Council went into Executive Meeting to discuss appointments to two Boards.

The Council returned to the Regular Council Meeting. Councilman Shanks moved that the Council appoint the following:

MR. JIM WOODMANSEE as a member of the Building Standards Commission to fill the vacancy created by the resignation of Mr. Leo Herzog.

MR. M. J. ANDERSON as a member of the Planning Commission to fill the unexpired term of Mr. S. P. Kinser, resigned, the term extending to June 1, 1967.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on January 7, 1955, the City Council appointed MR. S. P. KINSER as a member of the Planning Commission, and

WHEREAS, Mr. Kinser during these many years has devoted his time and efforts in many meetings, and his studies of individuals' requests for various phases of development, extensions of the City, and

WHEREAS, throughout his tenure he was elected Vice Chairman of the Planning Commission, Chairman of the Zoning Committee, the Subdivision Committee, the Austin Development Plan Committee, and was a member of the Vacant Land Committee, and

WHEREAS, his interest and enthusiasm in the many phases of Planning have resulted in an orderly growth of Austin; Now, Therefore

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

That the City Council express its highest regards to MR. S. P. KINSER for his valuable contribution in making Austin a greater City; and that the City Clerk be directed to record this Resolution in the Minutes of the City Council, and to send a copy to Mr. Kinser as a token of the Council's gratitude.

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

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

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

The Council adjourned at 12:15 P.M. subject to the call of the Mayor.

APPROVED

L. C. Palmer

Mayor

ATTEST:

Grace Monroe

Asst. City Clerk