

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 17, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Shanks, White, Mayor Palmer
Absent: Councilman Perry

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

Mayor Pro-tem Perry absent, as he was out of the City.

Invocation was delivered by REV. H. MYRON BRAUN, University Methodist Church.

MR. HARRY BENGTON, President Austin Junior Chamber, announced that the Junior Chamber of Commerce would be celebrating JAYCEE WEEK in Austin observing the founding of the Jaycees in 1915. He introduced MR. HOWARD BENGTON, MR. SAM HOLLARD, and MR. BOYCE CAMPBELL. The Council in recognition of the fine work the Junior Chamber of Commerce does in Austin, by standing vote unanimously proclaimed the week of January 20-26, 1963 as JAYCEE WEEK. Mr. Boyce Campbell invited the Mayor, City Council, and City Manager to the "Old Timers Luncheon", Thursday, January 24th.

The Council greeted and welcomed MRS. LEONARD J. SAYERS, and MRS. JACK A. HILL, representing the Junior League, and MRS. HENRY O'NEILL, from Iowa.

Councilman Armstrong moved that the Minutes of the Meetings of January 3rd and of January 9th, 1963, be approved. The motion, seconded by Councilman White, carried by the following vote:

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 0.02 OF ONE ACRE OF LAND OUT OF THE T. J. CHAMBERS SURVEY, A PORTION OF RESUBDIVISION OF LOTS 7 AND 8, BLOCK I, NORTHWEST HILLS, SECTION 6, IN TRAVIS COUNTY, TEXAS; (B) 10.8 ACRES OF LAND OUT OF THE T. J. CHAMBERS GRANT, HIGHLAND HILLS SECTION 7, PHASE 1, IN TRAVIS COUNTY, TEXAS; AND (C) 16.35 ACRES OF LAND OUT OF THE T. J. CHAMBERS GRANT, NORTHMOOR PARK, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL A PORTION OF WEST 22-1/2 STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT FOR PUBLIC UTILITY AND DRAINAGEWAY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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 Armstrong, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Perry

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 Armstrong, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Perry

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 Armstrong, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Perry

The Mayor announced that the ordinance had been finally passed.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by the subdivision plat of Brinwood Section 3, an easement for drainage purposes was dedicated across a part of Lot 6, Block 10, Brinwood Section 3; said Brinwood Section 3 being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Brinwood Section 3 of record in Book 15 at page 22 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 a portion of said drainage easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said 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, to-wit:

A strip of land one and one-half (1.50) feet in width, same being out of and a part of Lot 6, Block 10, Brinwood Section 3; said Brinwood Section 3 being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Brinwood Section 3 of record in Book 15 at page 22 of the Plat Records of Travis County, Texas, which said strip of land to be released is more particularly described as follows:

BEING all of the east 78.00 feet of the north one and one-half (1.50) feet of the south five (5.00) feet of Lot 6, Block 10, Brinwood Section 3.

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

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

The City Manager submitted the following:

"Sealed bids opened 10:00 A.M. January 15, 1963
Tabulated by: O.G. Brush, Purchasing Agent

"BIDS ON WHITE LIME - FILTER PLANTS

TWELVE MONTHS - FEB. 1, 1963 - JAN. 31, 1964

"Invitations to bid were sent to suppliers who could serve the City economically, these are

Austin White Lime Company	- Plant at McNeil
Round Rock White Lime Company	- Plant at Round Rock
U. S. Gypsum Company	- Plant at New Braunfels - unable to bid this year but asked to be retained on vendors list.

Estimated Quantity	Austin White Lime Company	Round Rock White Lime Company	Low Bids Received Jan. 19, 1963
	Unit Total	Unit Total	
4800 tons	\$17.30 \$83,040.00	\$16.40 \$78,720.00	\$16.40 \$78,240.00
			Austin White Lime Co.

"Low bid this year same as last year, the white lime is used in filtration of water at Filter Plants.

"RECOMMENDATION: Recommend low bidder, Round Rock White Lime Company be awarded contract.

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

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 15, 1963, for the furnishing of 4800 tons of white lime for use at the filter plants; and,

WHEREAS, the bid of Round Rock White Lime Company, in the sum of \$78,720.00, was the lowest 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 Round Rock White Lime Company, in the sum of \$78,720.00, 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 Round Rock White Lime Company.

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

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

The Mayor brought up the following zoning application deferred from last week:

LUCILLE WELLS ESTATE	3120-3128 Guadalupe Street	From "C" Commercial
By Richard E. Chalmers	601-611 West 32nd Street	To "C-1" Commercial
		RECOMMENDED by the Planning Commission

Councilman Shanks moved that the Council sustain the recommendation of the Planning Commission and the change to "C-1" Commercial be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer
Noes: Councilman Armstrong
Absent: Councilman Perry

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

MR. WILLARD CONNOLLY, President of the Austin Real Estate Board, congratulated and commended the Council on the fine work it was doing, and asked that it call on the Real Estate Board either through him or MR. JOHN WINDSOR if there was anything the Board could do.

MR. RICHARD PETTWAY made a report on the TOM MILLER MEMORIAL FUND, which was being collected through donations for the purpose of commemorating one who had done more for Austin than any man living or dead. The Mayor commended Mr. Pettway and the Committee for this venture for one who had given so much of his time and money for Austin.

The City Manager called attention to a progress report from the Electric Utility Department on construction work done during the month.

The City Manager reported on a study made by the Manager of the Auditorium on rates charged for shows sponsored by promoters. The present charge is \$270.00 or 10% of the gross receipts whichever is greater. The 10% gross receipts charge seems to have lost a few engagements at the Auditorium. He said if an alternate could be made for a larger fee than the \$270.00 and no provision for the 10% gross receipts, the Auditorium would book some additional shows. It was the City Manager's recommendation that the \$270.00 fee or 10% of gross receipts be continued as an alternate, but that the promoters be allowed to pay a fixed \$500.00 fee in lieu of the \$270.00 or 10% of gross receipts. The promoter would be required to select his option before he held the show. This \$500.00 fee does not pertain to conventions, but only to commercially promoted shows. Councilman Armstrong

moved that this optional charge be approved as recommended. The motion, seconded by Councilman White, carried by the following vote:

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

After hearing the recommendation of the City Manager on the day-time charges for the Auditorium on commercially promoted shows, Councilman White moved that the following charges be approved:

Afternoon charge - \$210.00 or 10% of gross receipts
Alternate \$300.00

Morning charge - \$150.00 or 10% of gross receipts
Alternate \$200.00

All performances
morning, afternoon
and night - \$750.00

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

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

DR. PAUL BONER was commended on his work and time he spent in setting up a temporary sound amplification system for the banquet last week. The City Manager stated the Concessionaire at the Auditorium said the banquet was the largest seated banquet ever held in Texas.

The City Manager reviewed the policy for refund contracts with residential subdividers, stating these should be called purchase contracts, as the subdividers install the lines and pass titles to the City, which reimburses the subdividers over a period of years out of the water bills in the subdivision. The City pays up to 90% of the cost on a time basis. Another policy that applies to the subdivider concerns water and sewer. If those lines are not available at the boundary of the subdivision, an approach main refund contract may be made, and the City Manager explained provisions of this contract. He said both policies were applicable only to property within the city limits, and it applies to any kind of subdivision--residential, industrial, or commercial. The present policy provides that no refund contracts be made for any lines installed outside the city limits. He said he would like to propose and recommend one exception to that last rule, and the same kind of policy be applied to the industrial subdivisions outside the city limits that applies to all types of subdivisions inside the City, in order to encourage the location of industries in the fringe areas or immediately outside the city limits. He stated it would be very valuable to have a refund policy applicable to industrial types of development outside the City. He recommended that a refund policy similar to what is used in the city, be set up for approach mains and developments within an industrial subdivision outside the City, pointing out two limitations--that the lines which are being extended to an area being planned as an industrial area, it should be an area which under the Master

Plan is to be industrially developed; and if it involves an industrial subdivision, then the subdivision should be approved by the Planning Commission before the refund policy is approved. The only burden that would be placed on the industrial landowner is that if he proposes to make a development which is not shown to be a proposed industrial area under the Master Plan, he would be required to ask the Council to decide whether or not the area should be changed to industrial. Councilman Shanks moved to modify the policy to conform with the City Manager's recommendation. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Present but not voting: Councilman Armstrong

The Council recessed until 3:00 P.M.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

Councilman White 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 of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to Delma Spell and wife, Ozelma Spell, the following described property, to-wit:

197 square feet of land, a portion of Lot 3 of Block 1 of Banister Acres, a subdivision out of and a part of the Isaac Decker League Survey No. 20 in the City of Austin, Travis County, Texas, as shown on a map or plat recorded in Plat Book 4, Page 178, Travis County Plat Records conveyed by a warranty deed dated December 12, 1958 from Gertrude Scott et vir, Weldon E. Scott to the City of Austin, and recorded in Book 1991, Page 67 of the Travis County Deed Records, said 197 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set in the southeast corner of Lot 3 Block 1 of said Banister Acres, same being in the west line of Gillis Street from which an iron stake set in the southeast corner of Lot 4 of said Block 1 of Banister Acres bears S 30° 19' W 100.21 feet;

THENCE, with the south line of said Lot 3 N 59° 48' W 27.50 feet to an iron stake set in the proposed south line of Ben White Boulevard from which an

iron stake set in the southwest corner of said Lot 3 same being in the southeast corner of Lot 2, Block 1 of Banister Acres bears N 59° 48' W 45.19 feet;

THENCE, with the proposed south line of Ben White Boulevard S 87° 18' E 31.03 feet to an iron stake set in the west line of Gillis Street same being in the east line of Lot 3, Block 1 of said Banister Acres;

THENCE, with the west line of Gillis Street S 30° 15' W 14.32 feet to the place of beginning.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman White moved that Brown Schools be notified that the City feels it needs Lots 3 and 4, Block 12, Shoalmont Addition, and that it would not be interested in selling this property. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman White moved that the City Manager be authorized to purchase Lots 1, 2, and 3, Hill Estates, for right-of-way purposes on East 12th Street, and the Bethany Christian Church be permitted to occupy the premises for one year from todate at which time the City will need possession of the property. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman White moved that the City Manager be authorized to acquire the property at the corner of 35th Street and Funston from Mrs. Geraldine Smith, for the 35th Street grade separation. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman Armstrong moved that the property at 2003 Lake Austin Boulevard be acquired at a price not to exceed \$7500. (Kelly DeBusk property) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman White moved that the City Manager be authorized to negotiate with MR. H. G. WEST to acquire his Rosewood Avenue property. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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

The Council adjourned at 3:25 P.M., subject to the call of the Mayor.

APPROVED

L. E. Palmer
Mayor

ATTEST:

Elsie Hooley
City Clerk