

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 16, 1961

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, 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 REV. HAYWARD R. BORGESON, Nazarene Church.

MRS. MODY BOATRIGHT presented a suggestion in the development of the new lake that would be practical and beautiful, in that a small replica of Anderson Mill be constructed on the lake. She stated this would not be an expense; that in towns many pounds of hand-ground corn meal are sold, and she believed there was a good sale for it; and if this could be done in this mill, she believed it would more than pay for its upkeep. If the sale of this meal were not included, the old mill would still be interesting and beautiful. The Mayor stated if something like this were considered, there was a lot of background that could be obtained from Mr. Anderson. He said this was a splendid idea presented, and that these suggestions would be submitted to the Chairman of the Town Lake Study Committee, MR. DAVID BARROW.

The City Manager read a letter from COLONEL F. C. McCONNELL, 8507th Air Force Reserve Recovery Group, stating the two buildings on the east side of the airport near the old Manor Road would serve his needs very well for the "recovery training program", even though additional area would be needed later when the program was further developed. He stated they hoped to have an opportunity to contract with the City for the use of these two residence buildings. The City Manager stated plans were made for permanent installation for this program, but these two residences could be used for temporary headquarters. The residences are on Lovell Drive. The City Manager stated the lease would be \$1.00 annually, but the Group would pay the utilities. Rather than pay on a meter basis they prefer to arrive at a flat rate basis for utilities rather than rental. The City Manager stated this Air Force Reserve Recovery Group would be a fine thing for Austin, and it was their opinion that

one of the first pieces of equipment they could obtain would be fire fighting equipment. Councilman White moved that the City Manager be authorized to enter into an agreement with the United States of America for the use of this property. The motion, seconded by Councilman Perry, carried by the following vote:

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

COLONEL McCONNELL explained the functions of the group, and stated their force of 225 would do everything it could to make the program worthwhile, and they wanted to cooperate with the City in every way they could.

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) AN INTERIOR PORTION OF ONE LOT HAVING AVERAGE DIMENSIONS OF 73 FEET BY 100 FEET, AND CONTAINING AN AREA OF 7300 SQUARE FEET, LOCALLY KNOWN AS REAR OF 405 ACADEMY DRIVE AND REAR OF 1200 NEWNING AVENUE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (2) AN INTERIOR PORTION OF TWO LOTS HAVING DIMENSIONS OF 101 FEET BY 114 FEET, AND CONTAINING AN AREA OF 11,514 SQUARE FEET LOCALLY KNOWN AS REAR OF 1408-1414 (1406) ROSEWOOD AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (3) (A) LOT 4, BLOCK 1, FOREST HILLS, LOCALLY KNOWN AS 2704 FRENCH PLACE, FROM "A" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT TO "B" RESIDENCE DISTRICT; AND (B) LOT 3, BLOCK 1, FOREST HILLS, LOCALLY KNOWN AS 2702 FRENCH PLACE, FROM "A" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND (4) THE WEST 625 FEET OF THE NORTH 150 FEET OF LOT 4, BLOCK 6, GEORGE L. ROBERTSON SUBDIVISION, LOCALLY KNOWN AS 1201 COTTON STREET AND 1187-1189 NAVASOTA STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOTS 1-12, BLOCK 6, AND LOTS 1-6, BLOCK 3, M. E. WILSON SUBDIVISION, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance has been finally passed.

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: TO ESTABLISH THE BOUNDARY FOR ORIGINAL USE DISTRICT AND HEIGHT AND AREA DISTRICT IN AREA ANNEXED TO THE CITY OF AUSTIN ON JUNE 6, 1957; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Perry moved that the Resolution approving a filling station site at 24th and Leon Street be tabled for six months. The motion, died for lack of a second. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast corner of Leon Street and West 24th Street which property fronts 112.60 feet on Leon Street and 166.53 feet on West 24th Street, being known as a portion of Outlot 41, Division D of the Government Outlots adjoining the original City of Austin, Travis County, Texas, and hereby authorizes the said Texaco Incorporated to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Texaco Incorporated has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"November 16, 1961

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

"Dear Sir:

"We, the undersigned, have considered the application of Texaco Incorporated for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southeast corner of Leon Street and West 24th Street which property fronts 112.60 feet on Leon Street and 166.53 feet on West 24th Street, being known as a portion of Outlot 41, Division D of the Government Outlots adjoining the original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Alice B. Holmes and is under lease to Texaco Incorporated. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "O" Office Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Texaco Incorporated be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building

Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pumps, islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1927.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1927 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works
s/ Dick T. Jordan
Building Official"

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

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: Councilmen Armstrong, Perry

Councilman Armstrong made the following statement regarding his vote:

"A long time ago I decided I would never speak to my vote. Austin, Texas is looking for industry, and the best industry we can have is headquarters for associations; and one of the most imposing and the only building of its kind in Texas, is the Federated Women's Club; and when they built that building, I do not think they anticipated a filling station behind it. There are many service stations in the city, and the applicant is not dependent on this one, and I want to justify my vote. There is a parking problem. Women who come from all over the State of Texas to this building, park up and down that street. When it is used as a commercial place, the parking is eliminated. I vote 'No'. They built an enormous filling station on Exposition Boulevard, and it took months to find an operator. They do not need a filling station here."

MAYOR PALMER stated the ladies never expressed any objection, although they were notified on all occasions, and there is a gasoline station across the street from this location.

After explanation by the City Manager and Director of Public Works, 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. (Frederick Street)

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"November 10, 1961

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, November 10, 1961 at the Office of the Director of the Water and Sewer Department for the construction of the Speedway 24-inch water main from 21st Street to 33rd Street. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
Wagner-Wehmeyer, Incorporated	\$123,390.70	150
Glade Construction Company	138,755.95	100
Austin Engineering Company	149,808.50	150
Bland Construction Company	190,264.90	160
J. R. Barnes Engineering Company	217,657.20	150

"It is recommended that the contract be awarded to Wagner-Wehmeyer, Incorporated on their low bid of \$123,390.70, with 150 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr., Superinten-
dent Water Distribution
s/ Albert R. Davis, 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 November 10, 1961, for the construction of the Speedway 24-inch water main from 21st Street to 33rd Street; and,

WHEREAS, the bid of Wagner-Wehmeyer, Incorporated, in the sum of \$123,390.70, was the lowest bid therefor, and the acceptance of such bid has been recommended by the Director of the 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 Wagner-Wehmeyer, Incorporated, in the sum of \$123,390.70, be and the same is hereby accepted, and 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 said Wagner-Wehmeyer, Incorporated.

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

The City Manager submitted the following:

"November 14, 1961

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

Contract Number 61-D-26

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, November 14, 1961 for the construction of a reinforced concrete culvert on the east roadway of Arroyo Seca between Ullrich Avenue and Thekkla Terrace - Contract Number 61-D-26.

"Texas Bridge Company, Inc.	\$4,537.32
Maufrais Brothers, Inc.	4,722.42
Ed H. Page	4,848.28
Acme Bridge Company, Inc.	5,082.96
Werneburg Construction Company	5,251.62
Raymond Wimberly	5,574.73
Larson-Pugh, Inc.	6,220.88
J. C. Trueheart	7,635.92

"City's Estimate \$5,150.00

"I recommend that Texas Bridge Company, Inc. with their low bid of \$4,537.32 be awarded the contract for this project.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 14, 1961, for the construction of a reinforced concrete culvert on east roadway of Arroyo Seca between Ullrich Avenue and Thekkla Terrace being Contract No. 61-D-26; and,

WHEREAS, the bid of Texas Bridge Company, Inc., in the sum of \$4,537.32, was the lowest 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 Texas Bridge Company, Inc., in the sum of \$4,537.32, be and the same is hereby accepted, and 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 said Texas Bridge Company, Inc.

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

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in FAIR OAKS DRIVE, from Manchaca Road to Kings Highway, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said FAIR OAKS DRIVE.

Said Gas main described above shall have a cover of not less than 2 1/2 feet.

- (2) A gas main in SAINT GEORGE'S GREEN, from Kings Highway, easterly and southerly 755.74 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said SAINT GEORGE'S GREEN.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

- (3) A gas main in CALAIS COURT, from Saint George's Green, easterly and southerly 367 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CALAIS COURT.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

- (4) A gas main in KINGS HIGHWAY, from a point 147 feet south of Fair Oaks Drive, northerly and westerly 967 feet more or less, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said KINGS HIGHWAY.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

- (5) A gas main in ORLEANS COURT, from Kings Highway, westerly and southerly 368 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ORLEANS COURT.

Said gas main described above shall have a cover of not less than 2 1/2 feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

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

FRANK REEDER

8333-41 Burnet Road
2307-15 Doris Drive

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

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

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

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.

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 ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
4.07 ACRES OF LAND, SAME BEING OUT OF AND A PART OF

THE GEORGE W. DAVIS SURVEY NO. 15, 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 ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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 24.74 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT 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 ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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 36.4 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER 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.

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 26.49 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.

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

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

Councilman Perry moved that the Council reset the tax appeal of MR. MORIN SCOTT, represented by MR. JIM MEYERS, CODEMAN & GAY, to be heard at 3:00 P.M., November 30th. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Armstrong made inquiry about Mr. John Ross' request. The Director of Public Works said this was being taken care of. Councilman Armstrong asked that he call Mr. John Ross and let him know.

The City Manager called attention to the Electrical Utility Monthly Progress Report.

It was noted the Council had scheduled an informal meeting with the Austin Housing Authority on December 7, at 2:30 P.M.

The City Manager said it had been found that the zoning ordinance was needing some renovation; and along with that, it would be appropriate to employ a zoning consultant to work with the Planning Commission and Department. He said it had been suggested that a restudy of land uses be made along the river, and this same consultant could advise also on the planning of the land uses of the river. The City Manager stated it was necessary to get started on this zoning study. MR. ERLING HELLAND of Tulsa, Oklahoma, had been selected, and the City Manager stated he would like for the Council to meet with Mr. Helland. The Council discussed briefly some items to be included in this zoning study: The "B" 2nd Height and Area Classification, and "C" classification as they pertained to efficiency apartments; the elimination of a stable with two horses in a residential classification; clarification of the "C-1" and "C-2" zones, in that if "C-1" is granted for off-premises consumption, that the owner could not operate

the property as a restaurant with on-premise consumption, without another zoning; and possibly some way to regulate the sale of beer and liquor other than through zoning. The City Manager reported that some cities had only one zoning map, placing the height and area uses along with the land uses. The Director of Planning stated the Zoning Consultant could point out many techniques to improve the methods used and it would be up to the Commission and Department, to achieve the results. He said the cost would be around \$7,000. MAYOR PALMER suggested that Mr. Helland be asked about the charges made for zoning changes in other cities. After more discussion on items to be studied--reciprocal zoning, and methods used for the zoning for beer and liquors, the Council decided to meet with MR. HELLAND, December 7, 1961.

COUNCILMAN PERRY submitted a letter to the City Manager from the Manager of Capitol Memorial Gardens regarding some suggestions regarding cemetery operations and he suggested that these ideas be studied with the thought of incorporating them in the City Manager's recommendation. The City Manager stated the recommendations would probably be ready next week.

The City Manager stated MR. FRANK RUNDELL informs him the Cerebral Palsy Center has been completed, and open house will be held on November 19, 1961, at 3:00 P.M., and Mr. Rundell requested that 28 $\frac{1}{2}$ Street between Shoal Crest and San Gabriel be closed for a two-hour period from 2:30 P.M. until 5:00 P.M. Councilman White moved that the City Manager be instructed to close 28 $\frac{1}{2}$ Street from Shoal Crest to San Gabriel as requested. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager made a report on the lot on Banister Lane given to the City by Mr. Nelson Puett, stating it was necessary to subdivide that area, since this is only a part of a lot, and listing three alternatives possible for this short-form subdivision: (1) Leave the sewer line in place and provide an easement for the sewer line now in place; (2) relocate the sewer line along the lot line on the south and east, which would cost a little over \$300; or (3) extend the line from Hank Street westerly to where it would serve the house, and this would cost \$990.00. He stated something would have to be done to get the property in shape to sell. If the sewer line were left in place and an easement were provided, the value of the lot would be reduced. Besides, a water line will have to be extended, and this will cost \$265.00; and there will be \$348.00 for paving Banister Lane. The Mayor suggested that the City Manager work out the most economical way as to the best route to go.

The City Manager reviewed the relocation of the Boss Thorp Little League Field, and the City's interest in purchasing some buildings on the former location. He was asked to find out about the value of the buildings, and he had them appraised. After much discussion, Councilman Shanks moved that the City Manager be authorized to pay to the AUSTIN POLICE ASSOCIATION \$3,500 for the improvements located on the sand beach reserve which will be used as Mr. Williams

pointed out in connection with any other events that might be on the lake. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman White moved that the SOUTH AUSTIN OPTIMIST CLUB, at the request of Mr. Ferguson, be granted permission to use the same lot as they did last year on South Lamar by the the bridge, to sell Christmas trees. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Assistant City Manager stated complaints had been received regarding the use of the lot on Lamar and Shoal Crest for selling Christmas Trees. It was pointed out the location should have been listed as Lamar and San Gabriel.

Councilman Armstrong made inquiry about the status of the Alcoholics Anonymous and their request for utilities at a different rate, in view of the fact they were rendering a service to the Police Department. The City Manager stated there was a long list of organizations who had made a similar request and had been turned down. The City Attorney stated the churches were on residential rates.

The Assistant City Manager reported that the down town merchants, through MR. WARREN BEAMAN, wanted the Council notified that this Saturday they would put the sacks over the meters, the wording on the sacks being the same as approved by the Council sometime back.

The City Attorney stated MR. LOUIS LAIBOVITZ had called and said he would accept the Council's offer on Rio Grande Street at \$3,910. The City Attorney stated he was not familiar with any offer other than the Council's expressing a willingness to sell the property for \$3,910; and he thought it would be better that this be made a cash transaction. Councilman Shanks reported that Mr. Laibovitz wanted to take 24 months. The City Attorney stated this would be at six percent. Mayor Palmer asked that the City Attorney be instructed to include the boundary lines in the zoning ordinance to include 27' for the "C-1" property and the 23' for the buffer zone between Mr. Laibovitz and his neighbor.

The City Attorney discussed the outfall line along the south side of the river stating all of the distances were not to be made by excavation, but part would be by tunnel, as that would be less expensive than excavating. The securing of tunnel easements for sewer lines is a new experience for the City. He stated the Council might be hearing suggestions from the contractors that this is an unusual set of specifications placing upon them certain responsibilities, and that the job might be obtained at less expense if they did not have certain obligations. He described one particular subterranean easement under

The R. D. Carr property (the old Norwood property), stating Mr. Carr was willing to grant the requested easement provided the City would guarantee him that his improvements would not be damaged; that it would not permit construction storage and parking of construction equipment on the portion of Edgecliff Terrace which passes through the R. D. Carr property; and provided his artesian well would not be damaged by excavation in which blasting will be used. The City Attorney stated an engineering report on the artesian well would be attached to the specifications and the bidders would take the responsibility of not disturbing the well. He stated in view of the location of Mr. Carr's property, his request for not permitting storage of construction equipment and parking of construction vehicles on Edgecliff, was a reasonable demand. The City Manager explained the advantages of tunnelling 2284 feet rather than by other means of getting the 54" pipe installed. He said this had been studied from every angle. He stated this has been advertised for bids, and the plans have been on the little Council Room table for two weeks. As to Mr. Carr's request concerning the storage of equipment, etc., the Mayor stated this would have to be worked out with the contractor.

The Mayor introduced MR. BOB LANDIS ARMSTRONG who presented MR. AHMAD ALIABDI, Assistant Prime Minister of Iran. Dr. Aliabdi expressed his pleasure in visiting one of the Cities of distinction and being with the gentlemen this morning, and stated he was overwhelmed with their hospitality. He stated America had given assistance to many people in the time of disaster; and without any political intention had given assistance to Iran, which left a very important and significant effect on the people. He stated the prayer factor was one of the important factors in the establishment of International relations.

The Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

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

The Council heard the tax appeal of the COMMODORE PERRY LAND COMPANY on the Tax Department's assessed value of the Commodore Perry Hotel, 800 Brazos. MR. FRANK DENIUS and MR. JOHN CROOKER, JR., Houston, represented the Commodore Perry Hotel.

COMMODORE PERRY LAND COMPANY - 800 Brazos, - S.E. 6 in. x 57.5', Lot 8; and all of Lots 9, 10, 11 & 12, Block 97, Original City, Parcel 2-0603-0914.

	Full Value by Tax Dept. 1960	Full Value by Tax Dept. 1961	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed By Board
Land \$	344,559	\$ 352,109	\$ 264,080	\$ 204,700	\$ 264,080
Imps. \$	1,188,422	1,661,530	1,246,150	1,106,752	1,246,150
Total	\$2,228,981	\$2,013,639	\$1,510,230	\$1,311,452	\$1,510,230

MR. DENIUS stated the figures were not too far apart, the controversy involving slightly in excess of \$8,000. MR. JOHN CROOKER, JR. reviewed some

of the negotiations of the purchase of the hotel in 1959 by a willing buyer from a willing seller, and referred to a formula on which the purchase was made. He discussed the factors entering into this purchase and stated the hotel was bought at \$2,468,000 on a pay-out basis; but had it been a cash transaction the price would have been \$2,077,000. Mr. Crocker discussed his opinion of the ratio generally used by the City between assessed valuation and fair cash market values. His company, as well as the Telephone Company, had made ratio studies, and he explained the techniques used in his study which showed a ratio figure of 58.96% based on 991 sales. He said if this case should go to Court, it would be his position to take this figure as a going ratio of assessed value as to cash market value instead of the City's 75% figure. He made a comparison between the Commodore Perry Hotel and the Driskill Hotel and the Austin Hotel, pointing out the Commodore Perry Hotel was charged with a "newness factor"; that the Tax Department had considered 40% of its space as being used for sub-leasing purposes, while his contention was, according to his survey, only 17 $\frac{1}{2}$ % space was used for tenants other than the Club, which uses 8.2%. He said the figure should be 25.7 rather than 40%. He did not see where the Tax Department had even indicated the Austin and Driskill had space for clubs. As to the newness factor, Mr. Crocker suggested that possibly 5 or 10% might be considered. Mr. Denius went into detail in arriving at figures based on the three ways to determine value. MR. MARSHALL, Tax Assessor, explained the methods used by the Department. MR. JACK KLITGAARD gave details on the assessment. He pointed out \$125,000 adjustment was allowed on this property for 1961 only, due to the fire damage which occurred the first of the year. MR. CROOKER stated he thought the City was \$58,000 off on the land, and that the Tax Department was \$178,000 too high on the improvements. He stated he would urge the Council to take the land value, and take \$178,000 off the building; then 1960, 1961 and 1962 would be solved. When Mr. Klitgaard reported the \$125,000 fire adjustment, Mr. Crocker stated if this special allowance were made for 1961, that they were farther apart from their long range thinking than he thought. COUNCILMAN PERRY discussed the valuation of the Commodore Perry Hotel in comparison with the total valuations of the whole city in that the total taxes paid on all the property in the city was \$5,000,000, and he could not see the relationship of the value of the building to all the property in the city. MR. HARRY PRUETT, Member of the Board of Equalization, stated the Board went over this a year ago very carefully and took off a sizeable amount, and took every approach to the matter, figuring it from all angles, and came up 100% with the Tax Department figures. MR. WIDEN, Member of the Board of Equalization, said the Board had checked from every angle, and asked the Tax Department for a lot of information so that it could weigh all factors to see if the Department were correct. MAYOR PALMER stated the Council would do a little checking with the Tax Department; that Mr. Denius and Mr. Crocker had come up with some additional information.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the application of American National Drive-In Bank to construct and maintain the hereinafter described underground improvements:

A basement under the following described street area, to wit:

A tract of land, same being a portion of Lavaca Street,
said Lavaca Street being a street in the Original City

of Austin, Travis County, Texas, as shown on a map or plat of the said Original City of Austin on file in the General Land Office of the State of Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the east line of Lot 6, Block 53 of the Original City of Austin, Travis County, Texas, same being the west line of Lavaca Street, and from which point of beginning the southeast corner of the said Lot 6, Block 53 bears S 19° 00' W 40.0 feet;

THENCE S 71° 00' E 10.0 feet to a point on the face of the existing west curb on Lavaca Street;

THENCE with the said existing west curb of Lavaca Street S 19° 00' W 8.0 feet to a point;

THENCE N 71° 00' W 10.0 feet to a point in the west line of said Lavaca Street, same being the east line of the said Lot 6, Block 53;

THENCE, with the said west line of Lavaca Street N 19° 00' E 8.0 feet to the point of beginning.

be and the same is hereby granted and the Building Inspector is hereby authorized to issue a permit for the construction of such improvements, said grant and permit to be subject to the following conditions:

(1) The improvements shall be constructed and maintained in compliance with all ordinances relating thereto.

(2) The permit shall be issued and accepted subject to all reasonable police, traffic, fire, and health regulations of the City of Austin, now existing or hereafter adopted.

(3) The repair or relocating of any and all utilities in the vicinity due to those improvements shall be done at the expense of the American National Drive-In Bank.

(4) The American National Drive-In Bank will indemnify and save the City of Austin harmless from any and all claims against said City growing out of or connected with the construction or maintenance of said improvements.

(5) The City of Austin may revoke such permit at any time and upon such revocation the owner of the building will construct the necessary walls and footing to separate such space from any buildings or other improvements and pay all costs and expenses attendant therewith.

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

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer

Noes: None

There being no further business, the Council adjourned at 5:00 P.M.,
subject to the call of the Mayor.

APPROVED

Sam E. Palm
Mayor

ATTEST:

Elsie Mosley
City Clerk