

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 14, 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. DAVID F. COOPER, Messiah Lutheran Church.

MR. PAUL MILLSBERG, and a group submitted a petition signed by 235 model airplane enthusiasts asking that the Model Airplane grounds at Zilker Park be improved according to the following specifications: Article 1. The first or paved circle shall have two paved areas; one of these areas shall be a ten (10') ft. diameter circle for the flyer, the second paved area will be a circle having an inner diameter of one hundred feet (100') and an outer diameter of one hundred forty (140') feet. The paving should be of an all weather material such as commercial asphalt. Article 2. The second circle shall be a grass circle one hundred forty feet (140') in diameter. The only stipulation covering this circle is that it receive adequate periodic care to insure green grass at a proper level. Article 3. A fence six feet (6') in height to encircle the flying area for the protection of the spectators. This fence should allow for the passage of persons but allow no unauthorized vehicles to enter. Gate(s) for the entrance of maintenance equipment should be secured by padlock or similar device. A V-type gate would be best for passage of persons. There should be a minimum of ten feet (10') between the fence and the outermost reaches of the circles described above. Article 4. Sufficient water for the maintenance of all grass areas. The petition was referred to the City Manager to clear through the Public Works Department to check into the request.

MR. GEORGE MARSHALL representing citizens living in the rural area submitted a request by petition as follows:

"Austin City Council,
Austin, Texas

"Gentlemen:

"Since the explanation of the proposed Austin Metropolitan Telephone Service Plan provides, on page 3, for the approval of the Austin City Council, among others, we, the following telephone users and property owners in the Lake Travis Exchange, respectfully petition the Council to request the telephone company to revise it's list of "first tier zones" to include the Lake Travis Exchange and eliminate the proposed NEW zone of "Marshall Ford". We think these reasons justify it:

"1. The Lake Travis Exchange is NOW and has been since its installation "contiguous" to Austin. It is being removed from this status only by the creation of a NEW buffer zone, Marshall Ford.

"2. The Lake Travis Exchange is entirely within Travis County and all of Travis County is included in the "First Tier Zones" with the exception of the northwest corner. The free call zone extends to the Travis County line in all other directions.

"3. The Lake Travis Exchange building is located in Travis County and is about the same air line distance from the Greenwood Exchange that the Round Rock exchange is, altho the latter and its entire area served by it, is in Williamson County. No NEW buffer zone has been created to keep Round Rock from being a "contiguous" area.

"4. Although the Lake Travis Exchange is on the north side of the lake, ostensibly cutting it off from the city of Austin, this was surmounted a couple of years ago by the installation of a submarine cable under the lake going directly to the Greenwood Exchange. The Lago Vista Properties, next door to the Exchange building, has a direct line into Austin with a Greenwood number.

"5. The buying power of the residents of the Lake Travis area is the equal of most of the other zones, at least, and is just as valuable to the Austin Merchants as that of the other zones. It should have equal consideration at the hands of the telephone company if the cooperation with the merchants is to be equal and fair.

"6. The "lake" areas are very important to the progress of Travis County and particularly the City of Austin merchants. Their expansion and improvement in the last 15 years has been phenominal but "free" phone service on the south side of Lake Travis and a "toll" service on the north side definitely puts a severe handicap on the further development of the Lake Travis Exchange area and prevents the residents from giving the Austin merchants the benefit of their maximum potential. Additional residents would be attracted by a free service into Austin!"

The petition was signed by approximately 195 persons. Mr. Marshall discussed the request in detail, and stated he had already contacted the Telephone Company. The Mayor stated Austin was interested and concerned about the Austin Trade Area, and that the Council would talk with the officials of the Telephone Company. The City Manager distributed some booklets that MR. TOM BROWN, District Supervisor, had left with him just this morning, not realizing this request was coming before the Council. The Council discussed its meeting with the Telephone Company on the Austin Metropolitan Plan. Councilman Armstrong stated it would not be well for the Company to spend a lot of money, and then come back and the Council have to raise rates all over the city to take care of this situation; and in looking into this matter, the Council would have to look

out for all of the people, although it was hoping that this service could be provided. The Mayor stated the Council would get in touch with MR. TOM BROWN and present this request to him.

The City Attorney explained in detail the provisions of the lease with the UNITED FUND as it pertained to a schedule for repaying the United Fund for its invested equity if the lease had to be terminated prior to 1970 by the Council. This was based on \$5,000 a year. Since the lease was to become effective January 1, 1962, and since the United Fund would not have use of the property for the most part of 1962, 1963 would be the first year they would have use of their building. Then if the lease were terminated the following year, there would be a \$5,000 deduction for the United Fund's capital investment of \$35,000 and \$5,000 a year until the amount were paid. Their \$35,000 would be deducted from the total amount invested in improvements, and the depreciation schedule which was in the lease would then be applied to the remainder after deducting the \$35,000 from the total value of the improvements. This provision pertains to the City's terminating the lease. The City Attorney explained the provisions covering the United Fund's terminating the lease, or in case of its default in the payment of the indebtedness. Former Councilman Hub Bechtol was present in the discussion, as a member of the Site Selection Committee. After discussion, Councilman Perry moved that the City Manager be authorized to execute this lease with the United Fund for a 55 year period, with an option for renewal of five years. (An approximately 300' square tract of land at Barton Springs and Bouldin) The motion, seconded by Councilman White, carried by the following vote:

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

MRS. GERALD LANGFORD introduced MRS. KIRSTI MANNELINN, from Finland, MISS de la ROSA, Peru, and MR. HASAN YURTSEVER, from Turkey. The Council greeted and welcomed the visitors, who are English teachers in their countries.

Councilman White moved that the Minutes of the Meeting of November 30, and of December 7, 1961, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Armstrong

MR. LESLIE G. PHARES, President, Austin Fire Safety Board, stated a year ago the Council directed the Board to work on the feasibility of two items: (1) the revision of the Fire Code, and (2) the selection of an emergency reporting system for the City. He read the following report:

"December 8, 1961

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

"Dear Mr. Williams:

"After being asked to do so, by the City Council, the Austin Fire Safety Board has, for many months, conducted a survey of the need for and the benefits accruing from the installation of a municipal emergency reporting system.

"Several systems have been considered and investigated by the board, including the "Gamewell" type system which consists of the red fire alarm code boxes at various locations. This system was found lacking for several reasons, among which are:

- "1 Very high initial cost due to the City having to install circuit wire throughout the city.
- "2 Lack of flexibility, inasmuch as fires only may be reported.
- "3 The ease with which false alarms may be transmitted and the culprit remain undetected.

"The system we found to be most satisfactory and to offer the most to the citizens of Austin, is the one offered by the Southwestern Bell Telephone Company, due to the flexibility of the system. This type incorporates the following advantages:

- "1 Existing Bell System cable pairs are used, the Bell System is responsible for their upkeep and maintenance, hence no large initial capital investment.
- "2. PHONES are used, rather than a coded telegraph box, which enables the dispatcher to get a more accurate account of the exact nature of the emergency.
- "3 When the phone is lifted from the hook upon which it rests, a light flashes at the dispatcher's board, giving the exact location of the alarm. If the person attempting to give an alarm is unable to speak due to fright or for some other reason, the dispatcher can still send equipment to the location.
- "4 The phone stations may incorporate a small switch inside the box, with which the citizen may call the POLICE dispatcher if he wishes, rather than the FIRE Dispatcher.
- "5 The light mentioned in paragraph #3 may also be made to appear on a panel at the Police dispatcher's office so that when a light first appears, a police unit may be dispatched to the scene and either assist the person turning in the alarm or apprehend the person, if it is a false alarm.

"It is our recommendation that the City of Austin seriously consider the installation of the Bell System Emergency Reporting System in its entirety and in conformance with the rules and regulations as outlined by the Engineering Department of the State Insurance Commission, as has been done in Lubbock and Victoria.

"It is our understanding that almost double the cost of such a system would be saved by our Austin citizens in reduced insurance premiums.

"We respectfully submit this recommendation for the consideration of Manager and Council.

"THE AUSTIN FIRE SAFETY BOARD
s/ Leslie G. Phares
President"

MR. BILL COWEY, Sales Manager, Telephone Company, explained the system and displayed a map showing suggested locations for the stations, the locations having been discussed with the Fire Department officials, the Police Department officials, and the Insurance Commission. Fire Chief Dickerson and Fire Marshal Heaton discussed the savings in the Austin key rate. Mayor Palmer asked that the Chief explore the possibility of the thorough firemen's training program, stating that it may be possible to effect still a further savings in the key rate. The Chief reported a survey for the training location was being made now. The City Manager asked the Board to check further with the Fire Marshal and Fire Chief to see if there were any suggested locations that might not be needed or some locations that might be needed that had not been suggested. He stated the installations would be borne by tax money whereas the savings would be the individuals'. He said installing the system all at once would present some problems, and asked that the Board try to develop a plan of giving coverage and determine the areas where partial installations might be made and still get good coverage. He suggested also that contributions be made from the tax exempt properties to defray their portions of the cost of the installations and reduce the burdens of the taxpayers. The Mayor thanked the Committee for the tremendous amount of time invested in this study and work. He asked about the progress on the study of the Fire Code. MR. PHARES stated although the Board was working on the Code, it would be months yet before they would be ready to report.

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement for public utility purposes, was granted the City of Austin in, upon and across two (2) strips of land, each being five (5.00) feet in width, out of and a part of Lot 2 and Lot 3, Block C, South Lund South, said South Lund South 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 South Lund South of record in Book 8 at page 170 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 such easement for public utility purposes; and,

WHEREAS, the City Council has determined that said easement in, upon and across the above described property 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 W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the following described easement for public utility purposes, to-wit:

Two (2) strips of land five (5.00) feet in width, the strip of land hereinafter described as No. 1 being out of and a part of Lot 3, Block C, South Lund South; the strip of land hereinafter described as No. 2 being out of and a part of Lot 2, Block C, South Lund South; said South Lund South 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 South Lund South of record in Book 8 at page 170 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land five (5.00) feet in width is to be released from the public utility easement provided by said map or plat of South Lund South and each being more particularly described as follows:

NO. 1 BEING all of the east five (5.00) feet of said Lot 3, Block C, South Lund South;

NO. 2 BEING all of the west five (5.00) feet of said Lot 2, Block C, South Lund South.

The motion, seconded by Councilman White, 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, by instrument of record in Book 4 at Page 268 of the Plat Records of Travis County, Texas, a certain five (5.00) foot easement for public utility purposes was granted in, upon and across a portion of Lot 9, Block D, Meadowlawn, an addition to the City of Austin according to the map or plat of said addition of record in Book 4 at Page 268 of the Plat Records of Travis County, Texas; and,

WHEREAS, by instrument of record in Book 8 at Page 147 of the Plat Records of Travis County, Texas, a certain easement for public utility purposes was granted in, upon and across the North 136.45 feet of the West five (5.00) feet of Lot 9, Block 7, Crestview Addition, Section 12, an addition to the City of Austin according to the map or plat of said addition of record in Book 8 at Page 147 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of said property has requested the City Council of the City of Austin to release the hereinafter described easements; and,

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

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 release of the following described easements, to-wit:

Two (2) strips of land each of the said two (2) strips of land being five (5.00) feet in width; the strip of land hereinafter described as No. 1 being out of and a part of Lot 9, Block D, Meadowlawn, said Meadowlawn being a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Meadowlawn of record in Book 4 at page 268 of the Plat Records of Travis County, Texas; the strip of land hereinafter described as No. 2 being out of and a part of Lot 9, Block 7, Crestview Addition Sec. 12, said Crestview Addition Sec. 12 being a subdivision of a portion of the said George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Crestview Addition Sec. 12 of record in Book 8 at page 147 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land five (5.00) feet in width are to be released from the public utility easements provided on said maps or plats of Meadowlawn and Crestview Addition Sec. 12 and each of the said two (2) strips of land being more particularly described as follows:

- (1) Being all of the East Five (5.00) feet of the Said Lot 9, Block D, Meadowlawn.
- (2) Being the North 136.45 Feet of the West Five (5.00) Feet of the Said Lot 9, Block 7, Crestview Addition, Sec. 12.

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

The City Manager submitted the following:

"December 8, 1961

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

"Dear Mr. Williams:

"Sealed bids were received until 10:00 A.M., Friday, December 8, 1961 at the Office of the Director of the Water and Sewer Department for the Adjustment of Water Mains for Paving Group No. 20, located in North and East Austin. 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>
Walter W. Schmidt	\$12,230.05	50
Fairey-Simons Company, Incorporated	13,572.90	65
Capitol City Utilities Company	15,853.55	70

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
"Wagner-Wehmeyer, Incorporated	\$15,994.55	75
Bland Construction Company	18,364.70	60
J. R. Barnes Engineering Company	19,520.90	60

"It is recommended that the contract be awarded to Walter W. Schmidt on his low bid of \$12,230.05 with 50 working days.

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

After discussion about the City's furnishing the materials from its inventory, Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 8, 1961, for the Adjustment of Water Mains for Paving Group No. 20, located in North and East Austin; and,

WHEREAS, the bid of Walter W. Schmidt in the sum of \$12,230.05, 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 Walter W. Schmidt in the sum of \$12,230.05, 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 Walter W. Schmidt.

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 Council accept the withdrawal of the following zoning application:

C. E. MOYER	5102 Caswell Avenue	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
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The motion, seconded by Councilman Perry, carried by the following vote:
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF ALL POLICEMEN AND FIREMEN; ESTABLISHING POSITIONS IN EACH CLASSIFICATION; PROVIDING FOR RECLASSIFICATION OF POSITIONS; PROHIBITING UNAUTHORIZED FILLING OF POSITIONS; REGULATING PROMOTIONS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN FEBRUARY 7, 1952, AND IS RECORDED IN BOOK "R", PAGES 10 - 13, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS AMENDED, BY AMENDING SECTION 3(b) THEREOF, TO DIVIDE THE EMPLOYEES OF THE FIRE PREVENTION DIVISION OF THE FIRE DEPARTMENT INTO FOUR GROUPS; AND BY AMENDING SECTION 3(c) THEREOF PERTAINING TO PROMOTION, TRANSFER, AND ELIGIBILITY; 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 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 Council recessed at 11:45 A.M. until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

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

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 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 third time and Councilman Armstrong 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.

The City Manager reported that it had been determined the city would operate the food and drink concessions at the Municipal Golf Course, by a vending machine system. The Council studied the proposals of the NEELLEY VENDING COMPANY, and the CANTEEN SERVICE OF AUSTIN and the recommendation of the Recreation Director and City Manager. Proposals and recommendations discussed are as follows:

"December 13, 1961

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

Concessions at Municipal Golf Course

"Attached are two proposals for the concession privileges at the Municipal Golf Course. It is my recommendation that the City negotiate a contract with the Neelley Vending Company for a two year period. If after a year the service satisfies the public requirements I recommend the contract be revised for a 5 year period, so the city will get a higher percentage.

"To the best of my knowledge both companies are competent and will give good service.

"AUSTIN RECREATION DEPARTMENT"

THE NEELLEY VENDING CO.

CANTEEN SERVICE OF AUSTIN

	2 yr. Contract	5 yr. Contract
Cold Drinks	30%	35%
Hot Drinks	25%	30%
Candy	17%	20%
Milk	10%	13%
Ice Cream	10%	13%
Sandwich	15%	
Pastry, Chips, Pies	10%	13%

1-4,000 cups (4wks.)	Over 4,000 cups
35%	40%
1-3,000 cups (4wks.)	Over 3,000 cups
20%	25%
\$ 0 to \$74.99	14%
\$75 to \$94.99	15%
\$95 & up	16%
	4 week period
	10%
	10%
	8%
	8%

Hot Foods	10%	8%
Cigarettes		
35¢	6¢ per	5¢ per

Councilman Shanks moved that the City Manager be authorized to negotiate with the NEELLEY VENDING MACHINE COMPANY on a two-year basis, but with a three year option, it to be retroactive as a five year contract. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The City Manager stated there were still some things to be worked out, and a formal resolution would be brought in.

The Council discussed the engaging of a consultant on zoning, MR. ERLING HELLAND, who was highly recommended by the Planning Director who listed Mr. Helland's qualifications and affiliations. The Planning Director listed the approximate time the consultant would devote to the Austin Study, and estimated the monthly costs which would include travel expenses, a break-down of which was made. He estimated it would take about nine months to get the zoning ordinance worked out, and the cost would be about \$6,930 as against the budget amount of \$6,500. If the industrial and commercial subdivision study were included, the amount would be \$9,240. Councilman White suggested leaving out the subdivision study and concentrating on the zoning ordinance. Mayor Palmer suggested a review of the study as the Consultant approached the budgeted limit, so as to be sure the city was getting what it expected. Councilman Perry suggested that the Planning Commission keep in close contact with the study and report to the Council any time the Commission felt the study was getting unrealistic or impractical. Councilman White favored the nine months' study on the zoning ordinance only, as the subdivision ordinance could be brought up later. The Planning Director stated at the end of the first three months there should be an outline of the zoning ordinance containing suggestions from the Planning Commission, Special Zoning Committee and the Consultant; and within the next six months, there should be the basic provisions of the zoning ordinance, sketches, etc. The City Manager outlined the needs of additions to the zoning ordinance and regarding industrial subdivisions which are not now covered in the subdivision ordinance, and he recommended that the Consultant be employed to work with the City for whatever period was required to complete the zoning ordinance ready for adoption, and that he be employed for the time through the hearings held by the Council; and that he make a recommendation of the subdivision ordinance and the revision or extension of that ordinance. While the Consultant was working on the zoning he could be of assistance regarding the use phases of planning in the studying of the river, and the City Manager recommended that he be employed for all purposes. Councilman White asked if that could be done after the nine months were over. The City Attorney stated the agreement could be terminated at any time. After more discussion, Councilman Shanks moved that the City Manager be instructed to enter into this contract with MR. ERLING HELLAND. The motion, seconded by Councilman Perry, carried by the following vote:

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

Councilman White voting against the motion with the statement he would go

along with the zoning but not with the subdivision study.

MR. DAVID BARROW, Chairman of the Planning Commission, asked if the Council would like to make a study of the zoning matters and the cases that the recommendation of the Plan Commission had been overruled. The Mayor stated the Council could devote a special meeting for this study some time.

The City Manager explained a situation regarding the bids taken on the metal maintenance building to be constructed at the Holly Street Power Plant stating it was recommended that the low bidder did not meet specifications, and that the second low bid be taken. The low bidder raised the question as to whether or not the building would meet the building code requirements. The City Manager stated it was necessary to get the building under way before the contract was let for the construction of the Power Plant Building itself. The City Manager submitted the following letter:

"December 4, 1961

"Mr. W. T. Williams, Jr.
City Manager
City of Austin
P. O. Box 1160
Austin 64, Texas

"Re: Maintenance Building Contract No. 87,
Holly Street Power Station Unit No. 2

"Dear Mr. Williams:

"We understand that it had been suggested by American Steel Building Company of Houston, Texas, that there has been an error made in connection with the evaluation of bids on this work. We wish to review the circumstances under which these bids were taken and evaluated and the reasons why we recommended to the City of Austin that the proposal of the Metallic Building Company be treated as the lowest bid.

"In our professional opinion a proper interpretation of Section 2705 of the building code of the City of Austin, which was incorporated as a part of the specifications for this building, requires use of metal having a minimum thickness of one-fourth (1/4) inch at places where the American Steel Building Company design utilized metal having a thickness of only 3/16" in some places and 8 gauge in others. In this respect, therefore, it was and remains our opinion that the design submitted by the American Steel Building Company does not comply with the invitation to bid.

"Section 2705 of the building code requires use of a minimum of one-fourth (1/4) inch steel in "structural steel shapes" and the point of deficiency in the American Steel Design is definitely a part of the basic structural steel frame of the proposed building. We have carefully considered the exception to Section 2705 which completely eliminates all standards with respect to the thickness of steel in certain types of metal parts in which the thickness is not deemed to be of structural importance, such as signs, non-load bearing walls, suspended ceilings, etc. The inclusion of the words "the webs of Channels and I-beams" within this exclusion should not be construed as referring to such steel shapes when

they are a part of the basic structure of the building as distinguished from their use as part of the secondary components with which they are grouped in the exception. To interpret the exception as including the webs of all channels and I-beams, even when they are used as part of the basic structural members of the frame of the building, would be to leave the building code completely devoid of a standard in a very vital area, affecting the quality of buildings in the City of Austin, and the public safety and welfare would thereby be unprotected.

"If we had thought that Section 2705 did not contain a requirement for a minimum of one-fourth ($1/4$) inch steel in all structural members of the main frame of a building we would have included in the specifications an expressed provision requiring such minimum thickness of steel. As stated, it is our opinion that the building code makes that requirement and we would have required the contractor to comply with that interpretation in performance of the work under this contract. It is fortunate, therefore, that the deficiency in the American Steel Building Company's design was discovered before the award was made. If any doubt had been expressed as to the proper interpretation of the specifications before the date for submission of bids we would have advised all prospective bidders of our interpretation of the specifications. No such inquiry was made by American Steel Building Company or any other bidder prior to submission of the bids. Instead, Metallic's interpretation conforms with ours, and American Steel now apparently concurs as indicated by their offer to substitute heavier steel.

"While there has been some discussion of whether Section 2705 requires steel of one-fourth ($1/4$) inch thickness in the "webs of channels and I-beams", it should be pointed out that the American Steel uses lighter metal in structural steel shapes which are not properly described as "webs of channels and I-beams". Thinner metal was used in specially fabricated steel shapes which are properly described as an irregular fabricated shape made up of plate cut to shape and size and welded together. Therefore, regardless of our interpretation of the code as stated above, the American Steel Building Company design did not meet the specifications because it did not fall within the language of the exceptions as they interpret them.

"Our recommendation was based upon an evaluation of the bids, which included matters in addition to those involved in the failure to comply with the building code. Even if the American Steel Building design could be said to comply, it is nevertheless our professional opinion that the structure proposed by American Steel is inferior in quality to the structure proposed by the Metallic Building Company. An evaluation of the designs and the prices proposed leaves no doubt that the Metallic proposal is the lowest and best bid originally received.

"The Metallic building is designed using a dead load of 4 p.s.f. while the American Steel Building is designed using only 3 p.s.f. dead load. While both buildings will carry the specified live, wind, and crane loads, the Metallic building is heavier, as reflected by the dead (or building) loads used in the calculations and offers greater versatility -- this is very important for the usage of the building. We consider that the 8 ga. (0.1644 in.) and $3/16$ inch webs proposed by American Steel would be unsatisfactory for this type of building. While calculations may show them to be safe, good engineering practice would preclude their usage in this structure. A shop building can be expected to experience unforeseen and perhaps rather unusual loading conditions at times due entirely to the type of occupancy. In addition, if maintenance (painting) were ever neglected to any appreciable degree, corrosion on 0.1644 in. plate

would soon alter its designed safety. For these reasons, we have recommended the purchase of the heavier building.

"By way of explanation of our procedure in preparing the specifications and evaluating the bids, it should be understood that in the interest of economy we undertook to solicit bids for one of the numerous brands of standardized prefabricated steel buildings as distinguished from a custom designed and fabricated structure. Accordingly, detailed structural drawings and specifications were not prepared, but the specifications set forth design criteria and the bidders were expected to submit their own structural designs and the prices for which they would be furnished. We deliberately avoided specifying design in such detail as would restrict the competition to only one manufacturer. In such bidding procedure, which is usual and customary in the industry, the competition involves both design and price, and evaluation of the proposals requires consideration of both the prices submitted and the merits of the design. This is the only feasible manner in which bids can be taken for standardized prefabricated buildings as distinguished from custom fabricated buildings, and we do not believe it was the intent of the Legislature to prohibit cities from purchasing prefabricated buildings of this type. This would be the result of a procedure which prohibits evaluation of bids on the basis of both the structural design and the price submitted therefor.

"The American Steel Building Company has certain flexibility in its standardized design which would have enabled them to submit a proposal complying with the building code, although at a higher cost and presumably at a higher price to the city. Their structures have been recommended by the undersigned engineers when their price was competitive, and we have, in fact, recently purchased one of their buildings for our own use. Our recommendation to the City of Austin in this case is not intended as an indictment of their product but only as an impartial evaluation of the particular competing proposals submitted, considering both design and price and considering departure from the specifications as we interpret them.

"In our opinion the proposal submitted by Metallic Building Company is fair and reasonable and the lowest responsive bid. In our opinion it would be both unfair to Metallic Building Company and contrary to the best interest of the City of Austin to readvertise for bids. To do so would substantially delay completion of the project and would involve substantial additional cost for the preparation in taking of bids. There would also be substantial risk that the bids received at the subsequent letting would not be as favorable.

"Very truly yours,
BROWN & ROOT, INC.
By s/ Don N. Higgins "

The City Manager stated the Consulting Engineers, BROWN & ROOT had determined this matter and made their interpretation and had recommended the METALLIC BUILDING COMPANY, and it was the City Manager's recommendation not to delay this construction and to proceed as recommended by the consulting engineers. After further discussion, Councilman Shanks moved that the City Manager be instructed to proceed with the contract as recommended by the Consulting Engineer, MR. DON HIGGINS, Brown & Root. The motion, seconded by Councilman Perry, carried by the following vote:

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

The City Manager reported he had a letter from MR. ELMO COOK, written to the Recreation Director requesting that the Texas Pecan Growers Association be granted permission to exhibit equipment at Zilker Park on July 10th and 11th, 1962. The location requested was the road just west of the Barton Creek Bridge, and the Association wanted to block off a 200' strip of this road. The City Manager stated it was recommended if the group blocked off the 200' strip that they pay for the delivering of the barricades and set them up. Councilman Armstrong moved that the permission be granted as suggested by the Recreation Director. The motion, seconded by Councilman Perry, carried by the following vote:

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

The City Manager stated MR. ARTHUR FEHR, Architect for the Airport, had requested since the contract for the Airport was signed in 1952 with the Honorable WILLIAM S. DRAKE, JR., as Mayor, and MR. WALTER E. SEAHOLM as City Manager, that the firm of FEHR and GRANGER would like to plant two trees, one honoring MR. DRAKE, and one in memory of MR. SEAHOLM. Councilman Shanks moved that the organization of FEHR & GRANGER be granted permission to plant two trees at the Airport after consulting with the Director of Aviation. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The City Manager reviewed the matter of the sales tax and a ruling made by the Comptroller regarding tax exempt agencies to the effect a contractor could bill the city separately for equipment and labor, and present to his suppliers a resale certificate which would exempt him from the payment of the tax, and the City could present the contractor an exemption certificate which would eliminate the City from paying the tax. Bids were taken on the Filter Plant, and there will be a tremendous amount of equipment and materials. The low bidder, MR. EVANS, had attached a letter to his bid stating if the state tax applied, add \$20,000 to his bid. The City Manager compared this bid to the others, and it was still the low bid. Subsequently, another ruling came out which completely reversed the former ruling, stating the tax is due where the bid is a lump sum bid regardless of whether or not the contractor bills the labor and materials separately. The City Manager listed two ways of handling the matter. The Mayor suggested that the City Manager try to negotiate the best he could as he had outlined.

The City Manager and City Attorney discussed the sales tax fully. The City Manager stated since the final ruling had been made, he had been writing into the specifications an option on the part of the City to remove from the contract any items of materials and equipment which it might wish to remove to save the sales tax. There are some advantages that could be gained by not removing some items such as concrete, cast iron pipe, etc. The City Manager stated that due to the various problems that could arise, he had written to the Departments asking them to analyze each job and send him a complete report, and listing the items he wanted covered. He discussed the contractors' ideas on the city's procedure. The City Attorney read the law pertaining to the sale tax, and read his recommendation on the wording of the invitation to bid. The City Manager stated a recommendation would be made on each job.

The City Manager made a report on a meeting between the Water Districts and the County, and that one of the purposes of that meeting was to discuss what the Water Districts could do about relocation of water lines in the areas where the Highway Department wants to build farm-to-market roads or highways. All that came from the meeting was the Water Districts are calling on the members of the Legislature to see if something can be done to give them some relief. With particular reference to Water District No. 5, and its inability to pay for relocating lines for development of the Farm-to-Market Road to Manchaca, Judge Johnson had called the City Manager and suggested that they get together with Mr. Bluestein to see if he would delay deleting this section until after the Legislature had met. The City Manager stated that a meeting had been scheduled with MR. BLUESTEIN, Monday afternoon, December 18th, at 2:00 P.M. with the Council, Judge Johnson, the Director of Public Works and himself, to discuss this matter. He stated Mr. Bluestein wanted to release the money so that it could be spent in some other county.

Discussion was held on water districts in general. MAYOR PALMER asked that the Assistant City Manager get the annual reports from the Districts so the Council could have this information.

The City Manager stated the Council had heard an appeal from the Electric Board, regarding a violation of the Electric Code; and there are other electricians whose licenses had been suspended, but there were no appeals. The matter of finding out what amount of electricity had been bypassed is now under study. The Mayor stated restitutions should be made. The City Manager explained other cases of customers (not electricians) whose appliance or equipment dealers might have wired around meters, unknown to the customers. Restitution should be made on these cases, and he believed these bills could be determined with a certain degree of accuracy, and that reimbursements should be made. Members of the Council expressed the desire to proceed.

The City Manager explained the procedure in the past on the issuance of bonds by the City, and the buyers or brokers' selecting three New York paying agents and three Austin paying agents. In the matter of redemption of coupons, paying agents who have been designated, receive the interest coupons that mature and the bonds, and pay off the holders of bonds or coupons; and they then bundle the bonds and coupons and return them to the City to check each one and verify that each had been paid. Then, the bonds and coupons had to be cremated. The representatives from Bankers Trust Company, who are paying agents, discussed a new process which they have and which all New York Banks have, which would enable them to check the bonds and cremate them and give the City a certificate stating the bonds and coupons had been redeemed, and cremated, and the Banks will stand behind their certificates. It was estimated by the Finance Director that it costs \$8,000 or \$9,000 to check these coupons and bonds out. The New York Banks will do this at a total much less than what it is costing the City now. The Austin Banks advise they could not compete with the service the New York Banks can give. The City Manager stated he was giving this idea some study.

In the discussion of bonds, MAYOR PALMER stated some cities were making bonds in denominations of from \$2,000 to \$5,000 instead of \$1,000 in order to cut down on storage space. The City Manager said the next issue the City sold

would be in \$5,000 denominations. The Mayor inquired if there had been a change in the law regarding the submission of City bonds to the Board of Education. The City Attorney stated he would check this.

The City Attorney explained in detail a contract made with Travis County Water Control District No. 9 to supply water to subdivisions within the district, providing refunds to be made at the end of the fourth year after completion of the extensions. The District desires to make a contract with BARTON VIEW, INC., and wants to provide that the payments begin when the sums are realized by the District from the sales of water rather than waiting 60 days after the end of the fourth year following the completion of the extensions in Barton View Subdivision, Section 4. After discussion, Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on February 21, 1957, the City of Austin entered into a contract with Travis County Water Control and Improvement District Number Nine for the operation and management of District's water system and for the supply of water, which contract, among other things in Article V (c) provides that in order to encourage the extension and development of District's water system that District may enter into refund contracts with subdividers within the District for the extension of water mains to serve subdivided territory with the cost of such extension being financed by the subdivider, but providing that refunds should be made at the end of the fourth year after completion of extensions out of not exceeding one-half of the total amount of the water bills of customers served by and directly connected to such extension for a period of ten (10) years or until the total amount of such extensions have been refunded, whichever occurs first; and,

WHEREAS, Travis County Water Control and Improvement District Number Nine contemplates entering into a contract with Barton View, Inc. pursuant to the provisions of the contract between the City of Austin and Water Control and Improvement District Number Nine, but desires to provide in said contract that the payments thereunder are to commence as and when said sums are realized by the District from sales of water rather than sixty (60) days after the end of the fourth year following completion of the extension in a subdivision to be known as Barton View Subdivision, Section 4 located within said District, but shall have no bearing on prior subdivisions, but in no other way or manner altering or supplementing the original contract; and,

WHEREAS, Water Control and Improvement District Number Nine and Barton View, Inc. have requested the City of Austin to waive the provisions of the contract between the City and Water Control and Improvement District Number Nine insofar, but only insofar as the provisions thereof applies to the early payment under said refund contracts; and;

WHEREAS, the City of Austin in consideration of the earlier retirement of the obligations of the District, think it wise to grant such request; Now, Therefore,

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

That the City of Austin does hereby waive the provisions of Article V (c) of its contract with Travis County Water Control and Improvement District Number Nine insofar as, but only insofar as the same may apply to a refund contract between Travis County Water Control and Improvement District Number Nine and Barton View, Inc. permitting refunds under a refund contract between the District and Barton View, Inc. to be made as the same are realized by the District rather than at the end of sixty (60) days after the fourth year following completion of the extensions in Barton View, Section 4 Subdivision.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED:
"AN ORDINANCE ADOPTING AND ESTABLISHING A WAGE AND
SALARY PLAN AND A SCHEDULE FOR OFFICES AND EMPLOYMENTS
OF THE CITY OF AUSTIN; DEFINING THE SCOPE OF THE WAGE
AND SALARY PLAN; CREATING THE WAGE SALARY COMMITTEE;
PROVIDING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY."
WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 12,
1951, AND IS RECORDED IN BOOK "Q", PAGES 363-370 OF THE
ORDINANCE RECORDS OF THE CITY OF AUSTIN IN SUB-SECTION
(3) OF SECTION 5 THEREOF RELATING TO CERTAIN DUTIES
AND RESPONSIBILITIES OF THE CITY MANAGER; AND DECLAR-
ING 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 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE OF THE CITY OF AUSTIN APPROVING THE PLAN
FOR ACQUIRING RIGHT OF WAY FOR, AND CONSTRUCTION OF

MISSOURI-PACIFIC BOULEVARD; PRESCRIBING THE CONSIDERATION THEREFOR AND THE CONDITIONS UNDER WHICH THE SAME IS ACCEPTED; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MISSOURI-PACIFIC RAILROAD COMPANY; AND DECLARING AN EMERGENCY.

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.

The City Attorney made a report on his meeting with MR. BOB LONG, University Legal Staff, regarding roadway through University property, one of the purposes for the roadway being for the laying of a water main. The Director of Public Works stated field notes were being prepared on the new alignment. The City Attorney was to contact MR. BURNELL WALDREP, Assistant Attorney, University of Texas, to get the easement and working space. The City Attorney stated at this time the easement could be obtained, but the University did not want to give a dedication of the roadway. The Mayor suggested that the City Attorney discuss the whole matter with Mr. Waldrep.

Councilman Armstrong referred to a letter concerning an industry's interest in coming into this area and its inquiring about a tax remission. It was brought out the City was urging more substantial organizations than those who asked for tax free concessions. It was suggested that industries proposing to move into the area be asked to check in with those established here, as Wards Body Works and others, on the policies of the City, and it was believed their information would speak louder than words.

Councilman Armstrong made inquiry about the problem of MRS. E. M. SPROTT, 6100 Woodview. The Director of Public Works made a report on the drainage problem and the work that was done this spring, and stated this was a ditch maintained by the property owners. To take care of part of the problem, it will be necessary to go down stream to excavate. When the crews moved in to

stake the ditch and lay a grade, many people called in. The Director of Public Works stated he had talked to the property owners and explained that when they finished the ditch would be in a good neat condition; and that he had talked to all the property owners from White Rock to White Horse Trail.

Councilman Armstrong made inquiry about the complaint of MR. SONNY SCHIEFFER on Alta Vista. The Director of Public Works stated he had talked with Mr. Schieffer and told him the crews were in the Travis Heights area repairing paving cracks; and when they are sealed they are sanded. That afternoon the heavy rains washed the sand off, and he had talked with Mr. Schieffer and explained.

Councilman Shanks moved that the Ballet Society be allowed to hang their plaque in the Auditorium at the location that was originally picked by the Architect, Mrs. Fagan Dickson, and Mr. Vickers, Manager of the Auditorium. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

MAYOR PRO-TEM PERRY asked the City Manager to report a complaint to the Director of Aviation to see if the delivery of the baggage from the planes to the place where the passengers pick it up, could be speeded up. He stated this one complaint, and the fact there was no flagpole were the only two complaints he had. The City Manager stated the baggage delivery was an airline problem, but they would check into it, and he believed the service could be improved.

The Council had before it for decision the following zoning:

BEN WHITE BOULEVARD- MANCHACA ROAD AREA	1404-1706 W. Ben White Blvd. 1403-1501 Fort View Road 4308-10 & 4307-13 Russell Drive	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission
	1503-1811 Fort View Road 4300-4306 & 4301-4305 Russell Drive	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission

The Council reviewed the zoning of Section 3 of the Ben White Boulevard-Manchaca Road area, the area between Fort View Road and Ben White Boulevard, including four pieces of land across Russell Drive. The Director of Planning drew a sketch showing his recommended change--the area fronting on Ben White Boulevard and including the complete area owned by the City, and the two lots across Russell Drive to be "GR" General Retail; and the lots facing on Fort View Road, back a certain depth approximately 165' be zoned "O" Office. Councilman White moved that the zoning as pointed out and diagrammed by the Planning Director, be approved. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

Councilman Armstrong asked that a proclamation be drawn up for CAROL BURNETT and that Congress Avenue and 7th Street be designated as CAROL BURNETT AVENUE for the day of January 26, 1962.

MAYOR PALMER appointed the following as Commissioners of the Housing Authority for a term extending to December 23, 1963:

DR. EDMUND HEINSOHN
MR. BILL PETRI
MR. R. MAX BROOKS


The Council unanimously endorsed the appointments.

MAYOR PALMER appointed MRS. WALTER BREMOND III to the Mayor's Civil Defense Shelter Board, and the Council unanimously approved this appointment.

The City Manager stated that MR. ED ST JOHN had made a recommendation about a boat ramp and wanted to fill in the river. The City Manager explained how some fill could be done and that it would provide some parking area and some more ramps could be put in. He stated this had been delayed as it had been planned to put in a rock levee to hold the fill, but it was now believed the job can be accomplished without a levee, and he recommended taking the dredge up and pumping the mud and fill in the area, as he believed time would stabilize the material, and it would hold; also some old light poles could be used. Mayor Palmer asked the Council if it were agreeable for the City Manager to work this out, and members agreed it was. The City Manager stated this would give additional land for boat ramps; and at the same time deepen the river. Also, this would give a nice sand beach.

There being no further business, the Council adjourned at 6:15 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk