

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 5, 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 RABBI CHARLES MINTZ, Beth Israel Temple.

Councilman Perry moved that the Minutes of the Regular Meetings of September 21, 1961 and September 28, 1961; and the Special Meeting of September 27, 1961 and the Executive Meeting of June 29, 1961, be approved. The motion, seconded by Councilman White, carried by the following vote:

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

MR. L. B. (RED) HERRING appeared before the Council reading his statement, (on file under PROPERTY -Acquisitions) which he filed with the Council members, concerning his property in the area of Manor Road and East 51st Street, reviewing the zoning of adjacent property to his; and noting there was a boundary line discrepancy between his property and the property to be zoned. In checking on the boundary lines and future development, he was told the City was considering the acquisition of his property, along with some of the other neighbors' properties. He reviewed meetings with the Director of Public Works and with the City Attorneys. He stated he would accept \$25,000 for his home and four acres. Mr. Herring said later, after many attempts to contact the Legal Department, that Department did make him an offer of \$15,000 for his land which was \$500 more than he paid for the property in a rundown condition 7½ years ago. He said he was advised to have three appraisals made, and the Legal Department said it would have three made, and the two would get together after the appraisals were completed. A composit of all three of his appraisals was in the neighborhood of

\$22,500, which he offered to accept--\$20,000 cash now, he to have his house and to move it to the remaining 1/2 acre left on the other side of Wilbarger Creek when the road was completed, and he to have the privilege of remaining in his present location without lease or rent until such time the new 51st Street had been completed. He said he was told the next day this offer could not be accepted, but the City would offer him the \$13,800 and the other privileges he had mentioned. He then stated he made a counter offer that he would accept \$16,000 in cash plus the privileges he had listed and plus the City's ironing out the boundary discrepancy. He has been unable to get an answer and he is anxious to add rooms to his house for his large family, and he asked the Council to expeditiously, justly and equitably bring this case or this situation to a rapid close. MAYOR PALMER thanked Mr. Herring for filing this information and stated the officials had tried their best to handle these cases as promptly and expeditiously as possible, and he told Mr. Herring the Council would check with the Law Department and get a report on this, and give him an answer late in the afternoon.

Pursuant to published notice thereof the Mayor announced that a hearing on the paving and improvement of portions of Angelina Street, Canadian Street, Canterbury Street, Cedar Avenue, Comal Street, Hargrave Street, Longfellow Street, Navasota Street, Santa Maria Street, Santa Rita Street, Springdale Road, Tillotson Avenue, Waller Street, Willow Street and East 10th Street was opened. No one appeared. Councilman Armstrong moved that the hearing be closed. 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Angelina Street and sundry other streets.)

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

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

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

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

The ordinance was read the third time and Councilman Armstrong moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, 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 held a public hearing on the request of SOUTHWESTERN BELL TELEPHONE COMPANY to eliminate all four-party lines. Mr. Tom Brown, Division Manager of the Telephone Company explained the reasons for the request in that the company was in the position of offering a better type of service--either two-party or individual type lines; that the four-party line demand was very low now, with only 382 four-party service, compared to 8,520 for two-party service, and 37,000 for single service. He stated statistics had been submitted that there were 1.8% average customer per four-party line service. MR. MILLARD RUUD, 3416 Foothill Terrace, expressed opposition to the elimination of the four-party lines, and said the company's statement for discontinuing this service is based on the insignificant demand, and the reason for there being so few customers in this particular type of service was the unscrupulous method used by the salesmen in getting the customer to subscribe to either two-party service or individual line service. He read a letter written to Mr. I. W. DAVIS, September 7, 1960. He reported some particular instances of the sales methods used even on new customers for phone service. He stated that Mr. Brown's request did not seem to be sound and the ordinance should be rejected, and suggested that the Council require the Telephone Company to inform the subscribers that the service was available, and that they use an insertion in the monthly statements advising the people the 4-party line is available; that the Company disassociate themselves from any statement that the 4-party line is being discontinued; and that the Company advertise in the news media that it is still available. He suggested the Council explore the idea of the City Attorney's bringing action to recover damages on the practice of Bell Telephone Company in giving service that the people did not want. Another person appeared in opposition to discontinuing the 4-party line service and reported incidents of people trying to get this service and of their being told it was not available. MR. BOW WILLIAMS stated the older citizens who were living on much less than they had been, were not being taken into consideration in this matter; that telephones were a necessity to them, and these 4-party lines brought in long-distance revenue to the company. A lady reported an incident of her maid's being coerced into giving up her

4-party line for a single line, as she was made to believe the 4-party line was being discontinued. After detailed discussion with the City Attorney on the ordinance, Councilman Shanks moved that an ordinance be drawn permitting the SOUTHWESTERN BELL TELEPHONE COMPANY to delete from their rate structure the four-party line. The motion, seconded by Councilman White, carried by the following vote:

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

*Councilman Armstrong made a statement concerning his vote, that with the low percentage of users of the 4-party line, and a promise that the two-party line will be maintained, and that Mr. Brown instruct the people of the Company to let the subscribers know they can have the two-party line service, he would vote for the motion.

MR. BILL HOLLOWAY, MR. REX SHIELDS, MR. R. A. HODGES, MR. JOE DAWSON, and others appeared before the Council requesting that East 4th Street be opened across East Avenue and asking that Mr. Rountree be directed to confer with the proper people in the State to get the street opened. MR. JIM NOVY had gone to Washington, D.C. and had ascertained from the Bureau of Public Roads that they were willing to go along with this, but the City should initiate it. MR. HOLLOWAY read a letter from Mr. Hodges, stating because of the unusual nature of the situation, T&NO would not oppose a practical solution to the problem of a thoroughfare under the freeway at East Avenue and Fourth Street, which may involve a crossing of their tracts. The City Attorney discussed actuated traffic signals on the east and west sides of the railroad crossing with Mr. Hodges. The Mayor announced the Council would make a personal inspection of the area.

The Director of Public Works stated some few years ago, the citizens in Walnut Hills wanted an access route to Pecan Springs School, so the children would not have to use Old Manor Road. MR. VERNON COOK and some others dedicated a 60' strip and placed it on record and the street remained unpaved until recently, when the County paved it at a 21' width. The deed was placed on record before the City knew about it, and the question is now whether or not the street should be accepted as a dedicated street. The Director of Public Works recommended that it not be accepted as dedicated, since it was not improved. MR. JOHN SELMAN, Attorney, explained his problem regarding a short form subdivision, which the Planning Commission would not accept until he completely paved the street along his property on Manor Road and this street that was put on record. He had only three lots, and the paving would be excessive. The Mayor stated he appreciated the problem, but he knew Mr. Selman would agree that the subdivision ordinance was a very fine ordinance, which would have to be amended if this request were granted. Mr. Selman thanked the Council.

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

HENRY ALFF	2420-2422 East 1st Street	From "C" Commercial
	100-108 Pedernales Street	To "C-1" Commercial
		RECOMMENDED by the
		Planning Commission

Councilman Shanks moved that the change to "C-1" Commercial be DENIED.

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

Ayes: Councilmen Armstrong, Shanks, Mayor Palmer

Noes: Councilman White

Not in Council Room when roll was called: Councilman Perry

The Mayor announced that the change to "C-1" Commercial had been DENIED.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A TRACT OF LAND FRONTING APPROXIMATELY 145 FEET ON THE EAST RIGHT-OF-WAY LINE OF DAWSON ROAD AND APPROXIMATELY 345 FEET ON THE NORTH RIGHT-OF-WAY LINE OF POST OAK STREET, LOCALLY KNOWN AS 512-516 DAWSON ROAD AND 1100-1110 POST OAK STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (2) A TRACT OF LAND FRONTING 50 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 38TH STREET, LOCALLY KNOWN AS 713 WEST 38TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (3) TWO LOTS FRONTING 132.95 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF EAST 32ND STREET, LOCALLY KNOWN AS 1015-1017 EAST 32ND STREET, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (4) A 0.70 ACRE TRACT OF LAND FRONTING 200 FEET ON THE WEST RIGHT-OF-WAY LINE OF SOUTH CONGRESS AVENUE, LOCALLY KNOWN AS 4834-4908 (4900) SOUTH CONGRESS AVENUE, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (5) LOT 1, BLOCK 7, SILVERTON HEIGHTS, LOCALLY KNOWN AS 6807 GUADALUPE STREET AND 507-513 KENNISTON DRIVE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (6) LOTS 3-6, OF THE SUBDIVISION OF OUTLOT 41, DIVISION "B", LOCALLY KNOWN AS 810-904 EAST 12TH STREET AND 1201-1205 EAST AVENUE FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND (7) (A) LOTS 25-28 AND LOT 31, BLOCK 2, BROAD ACRES ADDITION, LOCALLY KNOWN AS 5504 AND 5510-5602 CLAY AVENUE, AND (B) LOTS 29 AND 30, BLOCK 2, BROAD ACRES ADDITION, LOCALLY KNOWN AS 5506-5508 CLAY AVENUE, FROM "A" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF THE ABOVE PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman 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 White 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 the property situated on the North side of Tirado Street and the East side of Middle Fiskville Road, as a private gasoline plant consisting of a 8,000 gallon tank and one electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Mid-Tex Milk Producers Association, and is Lots 1 thru 12, Block 1 of the Brooks Subdivision locally known as 804 Tirado Street, of the City of Austin, Travis County, Texas, and hereby authorizes the said Mid-Tex Milk Producers Association to operate a private gasoline plant consisting of a 8,000 gallon tanks and one electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject 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 Mid-Tex Milk Producers Association has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
October 3, 1961

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

Dear Sir:

"I, the undersigned, have considered the application of Mid-Tex Milk Producers Association, by their agent, Seth V. Nutt, for permission to operate a private gasoline plant consisting of a 8,000 gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment and from which

no gasoline is to be sold, upon property located on the North side of Tirado Street, and the East side of Middle Fiskville Road, which property is designated as Lot 1 thru 12, Block 1, of the Brooks Subdivision in the City of Austin, Travis County, Texas, and locally known as 804 Tirado Street.

"This property is located in a C Commercial District and I recommend that this permit be granted subject to the following conditions;

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

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

Ayes: Councilmen Armstrong, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilmen Perry, Shanks

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 City Council of the City of Austin hereby approves the property situated on the north side of East 1st Street as a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by V. R. Wattinger Plumbing Company, and is part of Oswald Wolf Tract, Outlot 21, Division O, of the City of Austin, Travis County, Texas, and hereby authorizes the said V. R. Wattinger to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for

the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject 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 V. R. Wattinger Plumbing Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
October 5, 1961

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

"Dear Sir:

"I, the undersigned, have considered the application of V. R. Wattinger Plumbing Company for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 1st Street, which property is designated as being part of Oswald Wolf Tract, Division O, Outlot 21, in the City of Austin, Travis County, Texas, and locally known as 1628 East 1st Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

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

Ayes: Councilmen Armstrong, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilmen Perry, Shanks

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated July 11, 1961 of record in Volume 2354, at page 131 of the Deed Records of Travis County, Texas, a drainageway easement ten (10.00) feet in width was granted, same being out of and a part of Lot 4, Block 13 of Silverton Heights Section 2, said Silverton Heights Section 2, being a subdivision of a portion of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Silverton Heights Section 2 of record in Book 4 at page 181 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of said premises has heretofore granted an easement at a more desirable location, and has requested the City Council of the City of Austin to release a portion of above described easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now being used and will not be needed in the 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 portion of said drainageway easement, to-wit:

Being a portion of that certain drainage easement described in an instrument dated July 11, 1961 of record in Volume 2354 at page 131 of the Deed Records of Travis County, Texas, same being out of and a part of Lot 4, Block 13 of Silverton Heights Section 2, said Silverton Heights Section 2 being a subdivision of a portion of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Silverton Heights Section 2 of record in Book 4 at page 181 of the Plat Records of Travis County, Texas, the centerline of that certain portion of said easement which is to be released from the easement provided in said instrument of record in Volume 2354, at page 131 of the Deed Records of Travis County, Texas being more particularly described as follows:

BEGINNING at a point in the north line of said Lot 4, Block 13 of Silverton Heights Section 2, same being a point in the south line of O'Dell Street, and from which point of beginning the northeast corner of said Lot 4, bears South 60° 01' East 5.00 feet;

THENCE, South 29° 59' West 49.00 feet to a point;

THENCE, South 54° 41' West 45.62 feet to a point;

THENCE, South 29° 59' West 21.45 feet to point of termination in the east or northeast line of an existing drainageway easement ten (10.00) feet in width described in an instrument dated September 22, 1961 of record in Volume 2369 at page 153 of the Deed Records of Travis County, Texas.

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:

"Sealed bids opened 9:00 A.M.
September 25, 1961
Tabulated by: Henry C. Moore, Jr.
Purchasing Agent, Brackenridge
Hospital

"CITY OF AUSTIN, TEXAS BIDS FOR BULK OXYGEN AND ANESTHETIC GASES
TWO YEAR CONTRACT BEGINNING OCTOBER 1, 1961

	BULK OXYGEN Est. 2,000,000 cu.ft.	ANESTHETIC GASES
ALAMO WELDING SUPPLY	No Bid	No Bid
BIG THREE WELDING EQT. COMPANY	\$13,000.00	\$23,639.08
NATIONAL WELDING SUPPLY	No Bid	No Bid
AUSTIN OXYGEN COMPANY	No Bid	\$22,335.80
AUSTIN CARBONIC CO., INC.	No Bid	No Bid
LINDE COMPANY	\$12,900.00	No Bid
LOW BID 1959 using present quantities	\$14,260.00	\$27,033.14

"RECOMMENDATIONS:

BULK OXYGEN - - - - -LINDE COMPANY AS LOW BIDDER.
ANESTHETIC GASES - - - - -AUSTIN OXYGEN COMPANY AS LOW BIDDER.

"NOTE: Linde Company has had contract for past two years for Bulk Oxygen and has given excellent service and products.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were taken by the City of Austin on September 25, 1961, for the furnishing of bulk oxygen and anesthetic gases for a two year period beginning October 1, 1961; and,

WHEREAS, the bid of Linde Company in the sum of \$12,900.00 for Bulk Oxygen was the lowest bid therefor; and,

WHEREAS, the bid of Austin Oxygen Company in the sum of \$22,335.80 for Anesthetic Gases was the lowest bid therefor; and,

WHEREAS, the acceptance of such bids has been recommended by the Purchasing Agent of Brackenridge Hospital and by the City Manager; Now, Therefore,

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

That the bids of Linde Company, in the sum of \$12,900.00 for Bulk Oxygen, and of Austin Oxygen Company, in the sum of \$22,335.80 for Anesthetic Gases, be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin be and he is hereby authorized to execute contracts on behalf of the City with said companies.

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL 2,870 SQUARE FEET OF LAND, SAME BEING OUT OF AND A PART OF THAT CERTAIN STREET KNOWN AS WEST 22ND STREET: RETAINING AN EASEMENT FOR PUBLIC UTILITY AND DRAINAGEWAY PURPOSES: AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Armstrong, 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 Armstrong, 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 Armstrong, 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 11.82 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL SURVEY NO. 18, 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 Perry, carried by the following vote:

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

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 29.96 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE S. Q. WHATLEY SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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 Perry, carried by the following vote:

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

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

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

MAYOR PALMER announced the appointment of MR. R. MAX BROOKS to fill the unexpired term of MR. E. H. PERRY, SR. (Housing Authority)

The City Manager reported that the Highway Department had begun a plan of a Farm-to-Market Road from Manchaca to Austin. The County officials wanted an agreement with the City that the County would construct the roadway within the city limits to the north point that they expected to use as a terminal which is south of Williamson Creek. He had asked that they construct the road to Ben White Boulevard, but they could not include that part from Williamson Creek to Ben White Boulevard. Now the County finds that Water Control and Improvement District No. 5 owns a water line in Manchaca Road and serves a subdivision outside the City Limits. The Water District has no funds to relocate the water line, and the Highway Department has a policy of not constructing these roads over water lines. The City was asked about this since it was planning the development of a sewer system in Williamson Creek, and since the City had planned to buy a portion of the lines of the Water District to serve the citizens with water and sewer, and a part of this line in Manchaca Road would be a part of that plan. The portion of the line the city would buy would cost \$47,000 including feeder lines into the subdivision; then after buying the line, it would have to be relocated, and the estimated cost would be \$27,000. The portion the City would buy would involve \$16,000 to move. The City Manager stated the cost of buying and relocating the part of the line would be greater than the cost of the construction of the roadway and he would not recommend obligating the City to do this. He suggested that this portion of the road which involved the relocation of the line be deleted from the plan with the understanding that at some future date the rest of the Farm to Market Road would be developed into Ben White Boulevard. Councilman Armstrong asked if the Highway Department would make an exception. The City Manager stated the bond issue included funds for buying water lines, but not for relocating them.

The City Manager read a letter from MARJORIE BENNETT, Galveston, expressing appreciation for the hospitality during hurricane Carla.

The City Manager read a letter from the Baptist Foundation of Texas, Dallas, Texas, signed by Mr. B. O. Baker, Manager of the Real Estate Department, expressing appreciation for the attitude of the City personnel in dealing with matters with the Foundation, and stating when the Foundation needed a favor, all were most helpful. The City Manager stated they enclosed a sewer line easement for Little Walnut Creek project, and expressed their pleasure in granting easements from time to time to help effect plans to make Austin a wonderful place to live.

The City Manager stated he had a letter from Giles Spillar and Kelton Spillar expressing interest in a franchise for a miniature train on the town lake. The Mayor asked the City Manager to keep the letter until a chairman of the Town Lake Study Committee is selected.

The City Manager reported a request from DR. HAROLD WILLIAMS for reserved parking spaces in front of his office on West 14th Street. The City Manager suggested that the Council might want to look at the area and the situation.

The City Manager stated W. H. BULLARD had made an arrangement with VERNON COOK and MR. EVANS, the terms of which he was to purchase certain of the lots in that particular subdivision. Many of the lots are contiguous so that he could develop the street and houses; but in some instances they are isolated so that he will not have continuous development along the street. Mr. Bullard purchased these lots on contract and he ran into the fact there was an obligation with reference to the lots, which he was not familiar with at the time he made the contract. The City Manager explained that several years ago when the property owners were complaining about the septic tanks overflowing, a plan was worked out to provide sewer systems in the area by which Cook and Evans were to pay the City \$391 for each lot they sold; and when houses were built, the City would refund \$200 of the \$391. Prior to the time the \$391 was paid, Cook and Evans were to pay 6% interest on the \$391 per lot. Mr. Bullard said his contract to buy these lots was top price, and he was not in a position to pay this \$391 per lot additional, and he wanted to know if something could be worked out. The City Manager reviewed his proposal that he pay \$191 which was the difference and he be refunded the full \$191 a lot in a 3/8 water refund contract. That did not appear to be a good proposition because ordinarily these refunds for sewers would involve the repayment of only 80% of the contract costs of the sewer system. The Council discussed this with the City Manager and City Attorney. The Mayor stated that Mr. Bullard be advised that Mr. Cook would be asked to perform on his contract.

The Council discussed the sale of the city-owned property to Magnolia Oil Company. (Property on Interregional Highway, between Flores and Clermont) The Mayor read the following letter from First Austin Company from Bob R. Howerton, Vice President, dated September 25, 1961:

"September 25, 1961

"Mayor Lester Palmer
City of Austin
Austin, Texas

"Dear Mayor Palmer:

Through the City Legal Department Mr. R. L. Burnham and I presented a proposal to purchase the City-owned property (presently under contract to Mobil Oil Company), located on the east side of North Interregional Highway and facing it between Flores and Clermont Streets. Our bid of \$30,000.00 was based upon a price of approximately \$2.00 per square foot and was carefully presented to the City to show the exact layout of our proposed 92-unit motel and restaurant.

"It is our belief that an improvement of the whole block of this type would be of far greater benefit to the City of Austin, both income wise and appearance wise, than a solitary service station site. It is also our belief that if the south corner of the described property is improved with a service station facility, it would almost permanently preclude the development of the remainder of the block to any use which would beautify and yet give the City additional sources of tax income. In our opinion, this site is almost perfectly situated for a motel such as we propose since it would give the traveler coming to Austin from the south an excellent first impression of Austin.

"In dollars and cents it appears that the City can look forward to taxable improvements of something like \$500,000.00 to \$700,000.00 if this property is

improved with a motel such as we propose. In comparison, if an oil company is allowed to build a service station on this south corner, as now presently proposed, the total taxable value to which the City can look forward will be approximately \$150,000.00. As you can see, the annual taxes on this property alone (with our proposed improvements) would very shortly make up the approximate \$20,000.00 difference in Mobil Oil Company's bid of several years ago and our value as presently estimated for motel purposes. Impossible to estimate, of course, but definitely present, is the favorable influence a large improvement of the type we propose will have on the adjoining blocks.

"Mr. Burnham and I respectfully request that, after you have considered the facts as herein presented, you allow us a short audience with you, or with you and the City Manager, or anyway you so desire. If the City's thinking does not coincide with ours, we would like to have the opportunity to discuss, face to face with you, the validity of our respective opinions.

"Yours very truly,
FIRST AUSTIN COMPANY
s/ Bob R. Howerton
BOB R. HOWERTON, Vice-President"

After long discussion, Councilman Shanks moved that the City Manager be instructed to cash the check. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Shanks moved that the City Manager be authorized to purchase the Luxinger property at 14th and Sabine for \$34,682.50, Mr. Luxinger to keep the improvements. The motion, seconded by Councilman Perry, carried by the following vote:

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

The Council discussed the purchase of land from MR. RAYMOND BROWN at 8th and Guadalupe, and the offer made. It was stated Mr. Brown had a contract to sell the property to a New York Development Company for \$85,000. Mayor Palmer stated that Mr. Brown be advised that at this time the Council does not care to buy the property; and if he has an \$85,000 offer, to go ahead with it. After discussion, Councilman White moved that the City Manager be instructed to tell Mr. Brown that the City is not going to purchase his land at this time. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager stated GENE NAUMANN, Aus-Tex Investment, had offered \$6,500 for the property at Interregional Highway and Clermont. The Council did not want to accept that offer, and asked that he be told what the price is.

The City Manager briefly reviewed plans for development of West 29th Street as one route into the Missouri Pacific Boulevard, and stated additional right-of-way would be needed. He said it should be taken into account that the corner of 29th and Rio Grande would have to be rounded off along with the widening of West 29th. He recommended purchasing some property south of this from which a trade could be made for right-of-way. The City Manager recommended that the Council go look at this area and the other property.

The City Manager stated if the Origin and Destination Study is to be made, application should be filed with the State to conduct the survey, and it was his understanding it would be in the spring before the study could be made. He stated it was important to decide if the City wants the survey; and if so, file the application so when the State is ready to proceed, it could. He recommended the survey as a very valuable study for all of the street development in the future. After discussion, Councilman White moved that the City Manager be authorized to contact the Highway Department making application for this Origin and Destination Study. 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 another matter for Council consideration was the employment of special Counsel in connection with the anti-trust suits. The Council stated it would go into executive session.

The City Manager discussed 1961 figures submitted to the Board of Equalization, which set a value acceptable to Shoppers World. He stated in connection with that, Shoppers World has refused to pay the assessment for 1960 and submitted data to the Tax Department which data included inventories taken in July along with costs of sales down to January 1st. He pointed out items which the Tax Department added that the statement had deleted. He listed the value of the inventory.

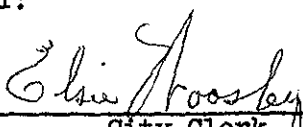
There being no further business, the Council adjourned at 2:00 P.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk