

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 28, 1962
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, Mayor Palmer
Absent: Councilman White

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

Invocation was delivered by RABBI CHARLES MINTZ, Beth Israel Temple.

The Council greeted RABBI LOUIS FIRESTEIN of Houston, who will replace Rabbi Mintz at Temple Beth Israel.

Councilman Armstrong suggested that the Council continue its custom of having opening prayer at its meetings as had been done in the past.

POLICE LIEUTENANT WEAVER introduced CADETS EUGENE BLOMSTROM, HORACE HODGE, SHERLEY NEWBORG, CHARLES PAYNE, CECIL RHOADES, BOBBY SIMPSON, and LAURENCE WALKER. The Council greeted and welcomed the group.

MR. ROBERT POTTS filed a petition requesting the Council to remove the center one-third of Lot 23, the south one-third of Lot 23, and the north one-half of Lot 24, all in Block 9 of Westfield Addition, locally known as 1510, 1512, 1514, and 1516 Forest Trail, from "B" Residential, and place them in "A". He stated the petition was filed by at least 50% of the owners of the property within 200' in all directions of this property. He stated an application had been filed to change property from "B" Residence to "A" Residence, and two parties could not see their way clear to join in that zoning application, and he filed a petition applying to those two properties. Mr. Potts stated in line with the filing of this petition in conjunction with the application already filed, he would request the Council to ask the Planning Commission to consider the south side of Bridle Path also for a roll back zoning. The Mayor stated the Planning Commission would study the area from a purely planning standpoint and enlarge on whatever

it thought it should be. Councilman Shanks moved that the application, together with the petition, be referred to the Planning Commission for study. The motion, seconded by Councilman Perry, carried by the following vote:

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

Mayor Palmer paid a tribute to MR. BEN HOWELL, expressing deep sympathy to his family. He stated Councilman White was serving as a pallbearer.

Pursuant to published notice thereof the Council opened the public hearing on the improving of the following streets:

SANTA MARIA, from Canadian to Pedernales
CLUB TERRACE and Sundry other streets
AURORA DRIVE and Sundry other streets

The City Attorney stated these paving projects had been properly advertised and that notice was published in the newspapers on June 9, 10, and 11, 1962. No one appeared to be heard on the units included in the SANTA MARIA and CLUB TERRACE groups. In the AURORA DRIVE group, MR. JEROME SNEED, representing one of the property owners, presented some written testimony concerning the paving of one of the projects. The City Attorney asked that the Council continue the hearing on the paving assessment on the project in which Mr. Sneed presented his testimony. Councilman Perry moved that the hearing on the Oswald Wolf property on West 12th Street, Unit No. 62-16(b), be continued. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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. (Santa Maria, from Canadian to Pedernales)

The ordinance was read the first time and Councilman Perry 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, Mayor Palmer
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Perry 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, Mayor Palmer
Noes: None
Absent: Councilman White

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

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

The Mayor announced that the ordinance had been finally passed.

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. (Club Terrace and sundry other streets)

The ordinance was read the first time and Councilman Perry 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, Mayor
Noes: None
Absent: Councilman White

The ordinance was read the second time and Councilman Perry 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, Mayor Palmer
Noes: None
Absent: Councilman White

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Perry moved that the Minutes of the Regular Meetings of June 14th and 20th, 1962, and the Minutes of the Special Meetings of June 15th and 25th, 1962, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING TO TEXAS PUBLIC SERVICE COMPANY A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A NATURAL GAS DISTRIBUTING PLANT AND SYSTEM IN THE CITY OF AUSTIN, AND PRESCRIBING THE

TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON THE 12TH DAY OF AUGUST, 1948, AND IS RECORDED AT LENGTH IN ORDINANCE BOOK "N", PAGES 254-267, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 3, SECTION 5, AND SECTION 7 OF SAID ORDINANCE.

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

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

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1954 SO AS TO CONFER ADMINISTRATIVE AUTHORITY UPON THE CHIEF BUILDING INSPECTOR TO ENFORCE THE PROVISIONS OF SAID CHAPTER; AMENDING SECTION 14.21 TO MAKE IT CONFORM WITH SECTION 14.17; AND DECLARING AN EMERGENCY.

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1954 SO AS TO ESTABLISH MINIMUM STANDARDS FOR CEILING HEIGHTS IN DWELLING UNITS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Perry 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, Mayor Palmer
Noes: None
Absent: Councilman White

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of East Avenue and East 9th Street which property fronts 128.00 feet on East Avenue and 69.00 feet on East 9th Street, being known as Lot 4, Block 116 of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Jim Frederick to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Jim Frederick has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 28, 1962

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

"Dear Sir:

"We, the undersigned, have considered the application of Jim Frederick for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of East Avenue and East 9th Street, which property fronts 128.00 feet on East Avenue and 69.00 feet on East 9th Street and being known as Lot 4, Block 116 of the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Jim Frederick and is under lease to Calhoun-Smith Distributing Company. We hereby advise that the following conditions exist.

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

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

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

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

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

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

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

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1985.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1985 and shall be of the premoulded type.

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

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works

"s/ Dick T. Jordan
Building Official"

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

The City Manager read a report received from the Town Lake Study Committee regarding a boat pier requested by the GONDOLIER MOTEL, stating the Committee recommended that construction criteria be set up, and that this pier be approved on a temporary basis for not more than three years. The Resolution was referred to the Law Department to check to see if the time limitation were included.

Councilman Armstrong reported that a lot of rock had been pushed over the bank on the Town Lake in front of the Gondolier Motel, and this rock pile is unsightly. It was brought out no permit was granted, and this work was a violation of the ordinance, and the people were stopped. The Mayor asked that the Director of Public Works be requested to check into this, and work along with the contractors and see if this can be straightened out; if not, bring it back to the Council for further action.

The City Manager read a recommendation from the Town Lake Study Committee regarding a Restaurant for C. B. MAUFRAIS on the south side of the Town Lake and east of Drake Bridge, recommending that the structure be approved, but that any change in the shore line or any construction on the water front such as docks, be further submitted to the Town Lake Committee for study. Councilman Shanks moved that the Building Inspector be authorized to issue a permit for the construction for the Restaurant facilities for C. B. Maufrais. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The Council discussed with the City Manager the ordinance providing for administrative issuance of gasoline station permits. After discussion, Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 11.67, 11.68 AND 11.73 OF ARTICLE VII, CHAPTER 11 OF THE AUSTIN CITY CODE OF 1954 SO AS TO PROVIDE THAT THE CHIEF BUILDING INSPECTOR OF THE CITY OF AUSTIN SHALL HENCEFORTH RECEIVE AND ACT UPON ALL APPLICATIONS FOR, AND REVOCATIONS OF, PERMITS FOR FILLING STATIONS AND GASOLINE STORAGE PLANTS; AND REWRITING SECTION 11.69 SO AS TO ESTABLISH AN APPELLATE PROCEDURE TO BE FOLLOWED IN CASES WHERE A PERMIT IS EITHER REFUSED OR REVOKED; AND DECLARING AN EMERGENCY.

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NORTHTOWNE COMPANY, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; 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 Armstrong, carried by the following vote:

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

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH W. H. BULLARD, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; 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 Armstrong, carried by the following vote:

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

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH NORTH LAMAR PARK COMPANY,
FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF
AUSTIN UNDER SUCH CONTRACT; 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 Armstrong, carried by the following vote:

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

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Pursuant to published notice thereof the following zoning applications were publicly heard:

J. W. BIRD

2603 South 1st Street

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission
RECOMMENDED "GR"
General Retail

Mr. Bird represented himself and accepted the recommendation of "GR" General Retail instead of "C" Commercial. No opposition appeared. Councilman Perry moved that the change be granted to "GR" General Retail as recommended. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White
Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK BARRON

3124 Manor Road

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

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

Ayes: Councilmen Perry, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White
Not in Council Room when the roll was called: Councilman Armstrong

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

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BOB CRUTCHFIELD

2804-06 Rio Grande St.

From "BB" Residence 2nd
Height and Area
To "B" Residence 1st
Height and Area
RECOMMENDED by the
Planning Commission

Councilman Perry moved that the change to "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, Mayor Palmer
 Noes: None
 Absent: Councilman White
 Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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| PLANNING COMMISSION | 301-03 & 307-09 E.30th St. | From "B" Residence |
| AREA STUDY | 2901-09 & 2917-21 San Jacinto | To "LR" Local Retail |
| | | RECOMMENDED by the Planning Commission |

Councilman Perry moved that the change to "LR" Local Retail be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, Mayor Palmer
 Noes: None
 Absent: Councilman White
 Not in Council Room when the roll was called: Councilman Armstrong

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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| TOM GUEDEA | 1405 South 1st Street | From "C" Commercial |
| | 504-508 West Elizabeth | To "C-1" Commercial |
| | | RECOMMENDED by the Planning Commission |

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

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

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

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| HENRY G. SANDERS, Owner | 1305 (1303) Chicon St. | From "A" Residence |
| PEARL ANDERSON LEE, | | To "GR" General Retail |
| Purchaser | | RECOMMENDED by the Planning Commission |

MRS. PEARL LEE represented herself stating she wanted a hamburger stand

at her residence. Opposition to any loud music and disturbing noise was expressed by MRS. CARRIE ELMA JONES. MRS. LEE agreed she would not have any loud noise or music and that she would run an orderly place. Councilman Perry moved that the change to "GR" General Retail be granted. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The Mayor announced that the change to "GR" General Retail had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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NELSON PUETT &
 ASSOCIATES
 By A. S. Duncan

1313-1317 East 52nd
 Street

From "A" Residence
 To "BB" Residence
 RECOMMENDED by the
 Planning Commission

Mr. Duncan represented the applicant, stating this was a level vacant lot in an area where there are already multiple unit houses, and he submitted a written statement of their position with regard to the recommendation of the Planning Commission that they give the City an avigation easement. MR. PERRY LEIGON stated he was not opposed to apartments, but he was interested in the five acres immediately north of him as to its development, and as to the wording of the notice as to "any other zoning". This wording was explained. The City Attorney read the statement written by Mr. Duncan. The Council discussed in lengthy detail with Mr. Duncan the matter of avigation easements. The Mayor stated he wanted this for the record in the Minutes that Mr. Duncan has agreed to give the City of Austin this avigation easement provided it is not contingent upon the giving of the zoning. Mr. Duncan stated that was agreed. Councilman Shanks moved that the change to "BB" Residence be granted. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The Mayor announced that the change to "BB" Residence had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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ST. JOHNS CORPORATION
 By The Marvin Turner
 Engineers, Inc.

5904-6600 Airport Blvd.
 Rear of 6201-6509 Chester-
 field Ave; & Rear of
 100-306 E. & 100-302
 West Skyview Road
 (As amended)

From "A" Residence
 To "C" Commercial (As
 amended)
 NOT Recommended by the
 Planning Commission
 RECOMMENDED "C" Com-
 mercial except 50' on
 the South

MR. RICHARD BAKER represented the applicants, describing the property,

stating it was not suitable for residential property as it bordered on a railroad track and Airport Boulevard; along the western boundary there is a 50' drainage easement; the land is low; and Denson Drive will be extended through the tract at a 70' right-of-way. He said they proposed a commercial use, and had one lease at this time, the Mayflower Van Lines, who are leasing three of the 27 acres and are planning a warehouse along the tract. The cost of developing the area residentially, would be prohibitive. He pointed out the other commercial uses in the area. The tract contained a 20' strip between the Railroad track and Airport Boulevard. The proposal is for Denson Drive to extend to Airport Boulevard, and the St. Johns Corporation had made arrangements with the Railroad for a crossing at that point. He discussed the 50' buffer zone, stating they had no objection to this, but the Planning Commission was considering changing the buffer zone area to a different classification. The Director of Planning explained the planning problems pointing out increased traffic in front of the school. He recommended an apartment development. If the "C" is granted, he suggested working out the buffer zone as "B" with special plat restrictions rather than "A". Opposition was expressed by ROLAND JOHNSON, stating the area should be residential from the standpoint of the proximity of the school; and by REV. BOB CLEMENTS, Pastor Skyview Baptist Church, who stated if Denson Drive is opened, the traffic will be hazardous and dangerous to the children crossing on their way to School; and opposing the "A" buffer strip as it would not be maintained. To open Denson Drive would mean opening the area to other truck traffic in addition to the trucks proposed for the tract. MR. JACK RHOADES stated if Denson Drive did not go through, that would take care of the problems of the Schools. He objected to Denson Drive going through. Mr. Baker pointed out the area all through was becoming a commercial development area. He said the School District requested that Denson Drive be extended, regardless of the zoning. After much discussion, the Council decided to make a personal inspection of the area.

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SOUTHERN OAKS REALTY
COMPANY
By James E. Crozier

729-909 E. Oltorf Street

From Interim "A"
Residence
To "B" Residence
NOT Recommended by the
Planning Commission

MR. JAMES CROZIER represented the applicant, and asked that the application be sent back to the Planning Commission for restudy in view of some changes in the area. The Director of Planning pointed out some planning problems that will influence the adjoining tract of land. Councilman Shanks moved that the application be referred back to the Planning Commission. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

- - - - -

The Council recessed until 3:00 P.M.

RECESSED MEETING

3:00 P.M.

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

Councilman White present at the Recessed Meeting.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to the Austin Independent School District the following described property, to-wit:

40.00 acres of land, same being out of and a part of that certain 80.00 acre tract of land out of and a part of the William Cannon League and the Theodore Bissel Survey in Travis County, Texas, which certain 80.00 acre tract of land was conveyed to the City of Austin, a municipal corporation in Travis County, Texas, by Warranty Deed dated June 9, 1961 of record in Volume 2313 at page 132 of the Deed Records of Travis County, Texas, which 40.00 acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the said City of Austin tract of land, same being at the point of intersection of the present east line of Manchaca Road with the present south line of Stassney Lane and which point of beginning is also the northwest corner of the herein described tract of land;

THENCE, with the north line of the herein described tract of land same being the south line of said Stassney Lane, S 60° 26' W 1283.17 feet to the northeast corner of the herein described tract of land, same being in the west right-of-way line of the Missouri Pacific Railroad;

THENCE, with the west right-of-way line of the Missouri Pacific Railroad, same being the east line of the said City of Austin 80.00 acre tract of land S 31° 36' E 1086.37 feet to the southeast corner of the herein described tract of land;

THENCE, with the south line of the herein described tract of land, N 60° 26' W 1949.57 feet to a point in the present east line of Manchaca Road;

THENCE, with the present east line of Manchaca Road with the following two (2) courses:

- (1) N 63° 27' E 1242.84 feet to a point;
- (2) N 42° 11' E 55.25 feet to the point of beginning.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute, on behalf of the City of Austin, a deed without warranty conveying to Saint Edward's University, a certain tract of land comprised of 4.98 acres of land, more or less, for a consideration of Ten Dollars (\$10.00) and other good and valuable consideration, all in accordance with the provisions of that certain deed, copy of which is attached hereto and made a part of this Resolution for all purposes (marked for purposes of identification as Exhibit "A").

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

That W. T. Williams, Jr., City Manager, be and he is hereby directed to execute in behalf of the City of Austin an instrument by which the City of Austin releases and forever discharges the United States of America of and from any demands or claims arising out of any advance of monies by the City of Austin to the United States of America and used by the United States of America in acquiring the lands included in the sale referred to in the first paragraph of this Resolution and more fully set out in the deed incorporated in that portion of this Resolution, all in accordance with the terms and provisions of that certain instrument copy of which is attached to this Resolution and made a part hereof (marked for purposes of identification as Exhibit "B").

(Exhibit "A")

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation of the State of Texas, acting herein by and through W. T. Williams, Jr., its City Manager, hereunto duly authorized by Resolution of the City Council of said City adopted and approved on the _____ day of _____, 1962, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, each in hand paid by Saint Edward's University, the receipt of which is hereby acknowledged and confessed, do, by these presents BARGAIN, SELL, RELEASE and forever QUITCLAIM unto the said Saint Edward's University, its successors and assigns all the right, title, and interest of the City of Austin in and to all that certain 4.98 acres tract or parcel of land situated in Travis County, Texas, being out of and a part of the Santiago Del Valle Survey, being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument at the southwest corner of Saint Edward's University property at a point in the northerly line of County Road;

THENCE North 30° East along the west line of St. Edward's University property, a distance of 853 feet to the point of beginning, said point being South 30° West a distance of 25 feet from the centerline of said spur track as now located;

THENCE continuing North 30° East along the west line of St. Edward's

University property, a distance of 50 feet to a point which is North 30° East, a distance of 25 feet from said centerline;

THENCE South 60° East 25 feet from and parallel with said centerline, a distance of 557.1 feet to the P.C. of a curve to the left, said curve having a radius of 1885.08 feet;

THENCE in an easterly direction on a curve to the left, 25 feet from and parallel to said centerline, said curve having a radius of 1885.08 feet, a distance of 789.62 feet to the P.T. of said curve;

THENCE South 84° East on a tangent to said curve, 25 feet from and parallel with said centerline, a distance of 2987.13 feet to a point in the east line of said St. Edward's University property;

THENCE South 30° West along the east line of St. Edward's University property, a distance of 54.73 feet to a point which is South 6° West, a distance of 25 feet from the centerline of said proposed tract;

THENCE North 84° West 25 feet from and parallel with said centerline a distance of 2964.67 feet to the P.C. of a curve to the right, said curve having a radius of 1935.08 feet;

THENCE in a westerly direction on a curve to the right 25 feet from and parallel with said centerline, said curve having a radius of 1935.08 feet, a distance of 806.72 feet to the P.T. of said curve;

THENCE North 60° West 25 feet from and parallel with the centerline of said spur track, a distance of 557.1 feet to the point of beginning and containing an area of 4.98 acres, more or less.

It is understood that this conveyance includes all right, title and interest of the City of Austin in and to the spur track, and its appurtenances, which is situated approximately in the center of the strip of land above described.

TO HAVE AND TO HOLD the said premises together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said Saint Edward's University, its successors and assigns, forever so that neither the said City of Austin, nor any person or persons claiming under it shall at any time hereafter have, claim, or demand any right or title to the aforesaid premises or appurtenances or any part thereof.

IN TESTIMONY WHEREOF, the said City of Austin has caused this instrument to be executed by its City Manager, and its corporate seal to be hereunto affixed and attested, and a certified copy of said Resolution is attached as a part hereof, on this _____ day of _____, 1962.

THE CITY OF AUSTIN

By _____

City Manager

ATTEST:

City Clerk

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared W. T. Williams, Jr., known to me to be the person whose name is subscribed to the foregoing instrument as City Manager of the City of Austin, a municipal corporation of the State of Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said City of Austin.

GIVEN UNDER MY HAND AND SEAL of office this _____ day of _____, A. D. 1962.

Notary Public in and for Travis
County, Texas

(Exhibit "B")

THE STATE OF TEXAS

COUNTY OF TRAVIS

That Whereas, the United States of America, acting by and through the Administrator of General Services under and pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, (Public Law 152-81st Congress, approved June 30, 1949), as amended, SOLD, ASSIGNED, and CONVEYED to Saint Edward's University by deed without warranty dated the _____ day of _____, A.D., 1962, a tract of land comprising a portion of the Bergstrom Airfield Railroad Spur and being 4.98 acres situated near the City of Austin and out of the Santiago Del Valle Survey in Travis County, Texas, reference to said deed and the description therein being here made for a more complete description of the property conveyed; and,

Whereas, the City of Austin advanced to the United States of America the sum of One Thousand and Twenty-five Dollars (\$1,025.00) toward the purchase of the lands included in the above mentioned deed of conveyance; and,

Whereas, the City of Austin has BARGAINED, SOLD, RELEASED and forever QUITCLAIMED unto Saint Edward's University, its successors and assigns all of the right, title and interest of the City of Austin in and to all the said 4.98 acres of land by deed without warranty dated the _____ day of _____, A.D., 1962, and the said Saint Edward's University in consideration thereof has refunded the City of Austin the sum so advanced by it to the United States of America for the purchase of said right of way and said City has been fully compensated for monies so advanced in the purchase of right of way and more particularly described in said deed above referred to.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

In consideration of its having been fully compensated for the amount previously advanced to the United States of America for the purchase of said land, the City of Austin, a municipal corporation of the State of Texas, acting herein by and through W. T. Williams, Jr., its City Manager, hereunto duly authorized by Resolution of the City Council of said City adopted and approved on the _____ day of _____, A.D., 1962, for and in consideration of the

premises do hereby release and forever discharge the United States of America of and from any demands or claims arising out of any advance of monies by the City of Austin to the United States of America and used by the United States of America in acquiring the lands included in the sale as more fully set out in deed from the United States of America acting by and through the Administrator of General Services dated the _____ day of _____, A.D., 19__.

IN TESTIMONY WHEREOF, the said City of Austin has caused this instrument to be executed by its City Manager, and its corporate seal to be hereunto affixed and attested, and a certified copy of said Resolution is attached as a part hereof, on this _____ day of _____, A.D., 1962.

ATTEST:

THE CITY OF AUSTIN

By _____

City Clerk

City Manager

THE STATE OF TEXAS }

COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority, on this day personally appeared W.T. Williams, Jr., known to me to be the person whose name is subscribed to the foregoing instrument as City Manager of the City of Austin, a municipal corporation of the State of Texas, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, in the capacity therein stated, and as the act and deed of said City of Austin.

Given under my hand and seal of office this _____ day of _____, A.D., 1962.

Notary Public, Travis County, Texas

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

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

Noes: None

The City Manager submitted the following:

"Sealed Bids opened 10:00 A.M. June 12, 1962

Tabulated by: Henry C. Moore, Jr. Brackenridge
Hospital Purchasing Agent

"City of Austin Bids for Contract to Furnish Milk and Cream to Brackenridge Hospital and Austin-Travis County T.B. Sanatorium Beginning
July 1, 1962

| | 6 months Contract | 12 months Contract | Total low Bid Taken June 23, '61 | Total low Bid taken Dec. 1, '60 |
|---------------------------|----------------------|-----------------------|--|---------------------------------------|
| Caranation Company | \$ 9,862.00 | \$19,724.00 | \$ 8,759.63 (6 months) | \$11,599.64 (6 months) |
| Oak Farms Dairies | \$10,190.05 | \$20,495.10 | \$17,519.26 (12 months) | \$23,199.18 (12 months) |
| Pure Milk & Ice Cream Co. | \$10,554.45 | \$21,109.12 | (Accepted 12 months Bid) | (Accepted 6 months Bid) |
| Superior Dairies | \$11,713.64 | \$23,427.28 | | |

"NOTE: Estimated quantities for 6 months contract are doubled to arrive at totals for 12 months. All wholesale dairies in Austin area sent invitation to bid. Four bids received. Prices shown are net totals.

"Recommend contract with low bidder, Carnation Company, for 12 months contract.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 12, 1962, for the furnishing of milk and cream to Brackenridge Hospital and Austin-Travis County T. B. Sanatorium; and,

WHEREAS, the bid of Carnation Company, in the sum of \$9,862.00 for six (6) months supply, was the lowest bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Carnation Company, in the sum of \$9,862.00 for six (6) months supply, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Carnation Company.

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

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

Noes: None

After discussion of the Memorandum by the Director of Recreation, Councilman Shanks moved that the Council authorize execution of concession contract for pedal boats on Barton Creek with the the high bidder, MR. KENNETH WALLACE. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

After explanation by the City Manager, Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin in cooperation with the United States of America has constructed airport facilities known as Robert Mueller Municipal Airport and has from time to time acquired additional land and has expanded the facilities thereof; and

WHEREAS, the City of Austin has purchased fee simple title to and now owns, a large amount of land in and around said Airport which can not presently be used for construction of above-surface structures or improvements, but which could presently, and for some undetermined future time, be safely and economically

used for golf and other recreational purposes until (but only until) the use of such land for golf or other recreational purposes should become incompatible with other uses to which the City of Austin may need to devote said land, including the sale or lease thereof; and

WHEREAS, the City Council deems it to be in the public interest to provide much needed additional recreational facilities upon an expressly temporary basis; and

WHEREAS, the City Council expressly finds it to be the fact that the purpose of the City of Austin, as the owner of said land, to provide certain golf course and recreational facilities upon said land upon a temporary basis; it being the true intention of the City Council at all times to retain the unqualified right, power, and authority to devote said land to such other use or uses as the judgment of the governing body of the City of Austin shall determine to be in the public interest; Now, Therefore,

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

That the City Manager be and he is hereby authorized to proceed to develop a municipal golf course and other recreational facilities upon lands owned by the City of Austin in and around Robert Mueller Municipal Airport upon an expressly temporary basis; and

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

That by authorizing the interim and temporary use of the lands hereinabove described for recreational purposes until the governing body of the City of Austin shall determine that said land shall be used otherwise, the City Council expressly declares it not to be the intention of the City Council to dedicate or permanently devote said land to golf course or other recreational uses; but on the contrary declares it to be the affirmative intention of the City Council to at all times reserve to the governing body of the City the right, duty, and authority to devote said land to such other uses as the governing body shall find to be in the public interest; and

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

That the limited and temporary authority to make interim use of the land hereinabove described for the purposes enumerated would not have been granted, if the City Council had found that any member of the general public could have reasonably construed it to have been the intention or purpose of the City of Austin to have dedicated said land for recreation or any other purpose.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, that certain agreement concerning Missouri Pacific Boulevard which was entered into by the City of Austin and Missouri Pacific Railroad Company

as of December 15, 1961 provided for the execution of contracts in form specified covering the construction of each of several grade separations designated in said agreement; and

WHEREAS, after extensive work by both parties, the detailed plans and specifications for the construction of the grade separation facilities at Westover Road have now been completed and approved by the respective parties; Now, Therefore

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

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized and directed to execute on behalf of the City of Austin, and to deliver to Missouri Pacific Railroad Company, that certain contract the form of which has been previously approved by the City Council, for the construction of grade separation facilities at the intersection of Westover Road and the Missouri Pacific Railroad; and that the City Clerk be authorized to file the same without recording said contract at length upon the minutes of the City Council.

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

The City Manager referred to a letter addressed to Mayor Palmer from GENERAL HARLEY B. WEST pointing out the 49th Armored Division would be returning from active duty, and those that return to Austin will arrive on August 7th. General West suggested that the City do what it could to help get the men back into employment and help them with their housing, and suggested further that appropriate ceremonies be arranged to welcome the men home. The Mayor asked that Colonel Murphy be assigned to arrange these ceremonies for the returning 49th Division.

The City Manager reported that in the Recreation Department, several people were contractual employees. They receive a small salary together with commission on concessions. The Director of Recreation recommended that these four employees be included in the pay increase, as provided for the regular employees, at a straight 5% increase since they are not regular employees. The City Manager stated this was his recommendation also, as it would increase only the salary portion. Councilman Perry suggested that the increase be made. Councilman Armstrong suggested that this all be looked into as other employees do not have the opportunity to have concessions. The Mayor asked that a determination be made on the gross pay for the last year of these employees, and then the Council would decide.

MR. C. L. REEVES came before the Council regarding the opening of the alley between 24th and 25th, east of Lamar Boulevard. The City Manager stated this was a dedicated alley that is not open on the ground. The Director of Public Works showed a map and pointed out the status of the properties. MR. SOL SMITH wants the alley closed. The Fraternity has built over the alley. Mr. Reeves is building an apartment house and needs the alley open to have access to

his nine parking spaces. The Director of Public Works discussed the drainage of the alley, the cost of paving the alley with concrete, and the attitude of some of the property owners in not wanting to open the alley and pave it. Mr. Reeves stated he would pay his share of the paving and furnish the gravel base. Finally it was decided to obtain a petition from the abutting property owners, and Mr. Reeves and Mr. O'Quinn were to contact Mr. John Harrison, concerning the petition.

Councilman Armstrong reported an assessment made by the Tax Department on a case of sample medicine, which would be given away by the doctor. DR. PALMER WOODSON had asked him to check into this assessment.

The City Manager brought up for discussion a tract of land north of 35th Street and west of the Missouri Pacific Railroad, which the property owner was being requested to provide sewer connections to the 19 houses on this tract. He stated also a considerable amount of this property will be needed for right-of-way for the Missouri Pacific Boulevard. The City Attorney discussed the three appraisals made on this property, and the income produced, and recommended that the entire tract be purchased at this time. After discussion, Councilman Perry moved that the City Manager be authorized to acquire this land (2102-06 West 35th Street). The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Perry, Shanks, White, Mayor Palmer

Noes: None

Absent at the time the Roll was called: Councilman Armstrong

The City Manager reported an inquiry on property on the east side of the Railroad Tract, 150' south of 35th Street on Funston, for sale, and stated the City would need all, or a part of this tract for a turn-out for the Missouri-Pacific Boulevard. The Mayor asked that he check further into this.

The City Manager stated on the afternoon of June 26th he received through Mr. Franklin Denius a letter from SOUTHERN UNION GAS COMPANY in answer to an inquiry he had sent to Southern Union Gas Company regarding the supply of gas for the Holly Street Power Plant Unit No. 2. He said under the contract with Southern Union, there is a provision that as the City added additional generating units, that it give the Company notice of the size of the unit, capacity requirements, and when it would be ready to go on the line; and at that time the Company would indicate whether or not the gas could be supplied and at what price they would get it to the City. The City Manager stated the Company had answered as to Unit No. 2, which would be in use about January 1964, indicating they can serve the City and quoted prices for serving the new unit, these being firm prices. The Company then suggested that the contract which is now in effect be amended as to all gas used in the future, setting up a firm price for each year for the period from 1963 through 1970. He listed the prices set forth for delivery of gas from April 1, 1963, each year until January 1, 1970, ranging from 22.1 to 24.7. He pointed out these prices were based on mcf whereas the formula used now is based on a million BTU's, and compared prices. He read the letter from the Company, and pointed out there was an advantage to the City of 6.8% on a portion of the price. MR. FRANKLIN DENIUS, representing Southern Union Gas Company, stated that based on the figures today, the savings to the

City have been \$494,429 over bids at the 1960 bidding. He said the Company was obligated to give the prices from January 1, 1965 to January 1, 1970; but in addition the Company was tendering an additional price quotation which covers the period from April 1, 1963 to January 1, 1970, which is of benefit to the City, as the anniversary date of April 1 will give the city the benefit of a three months' period or 25%. He pointed out that in comparing with other prices, pressure, quality, distance from the source of gas and whether or not the gas will be delivered to the city gate or to the generating unit, should all be taken into consideration. He stated the Company hoped to continue to serve the City. The Mayor thanked him for making the presentation, and stated the Council would meet with the City Manager and Engineers and give an answer in 45 days.

The City Manager submitted a request from TRAVIS COUNTY WATER DISTRICT NO. 7 that they be remitted \$11,237 to meet some of their obligations, and stated they did have water sales of approximately \$6,000 a month which would provide for reimbursement. Councilman Shanks moved that their request be approved. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The City Attorney stated he had a letter from MR. ARTHUR MITCHELL, representing MR. WHIT ELZNER, asking for an answer to Mr. Elzner's problem at the southeast corner of 12th and San Jacinto. The Mayor suggested putting him on notice that in the near future, maybe next year or even this year, or just when the traffic pattern is worked out, he will be asked to remove the wall and set it back on his line. The City Attorney stated it would not be unreasonable to ask for an indemnity bond in the mean time. The Mayor stated that would be all right.

At this point Councilman Armstrong left the Council Meeting.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 610927-A
APPROPRIATING ADDITIONAL FUNDS TO THE SALARIES &
WAGES ACCOUNT OF EACH OF THE VARIOUS DEPARTMENTS;
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 Perry, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Armstrong

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager read a report from the Traffic Engineer, regarding a study of traffic on Woodlawn and Palma Plaza. The recommendation was that no action be taken at this time. The Mayor asked that a copy of this report be sent to Councilman Armstrong.

The City Attorney made a report on the fire insurance rates for industrial areas outside of the city limits, stating it appeared that with the acquisition of Water District No. 4 that there should be no reason why the City could not qualify under a contract with the County for providing fire protection that would result in a reduction in rates on Industrial Boulevard from a key rate of \$1.00 to a key rate of \$0.17--an \$0.83 reduction, which is a material reduction. This would be through entering a contract with the County and either acquiring Water District No. 4 or making a contract with the District for use of their fire hydrants. He stated the City met the requirements in the Insurance Regulations regarding the location of a fire station within three miles of the area, and standard fire hydrants. Councilman Perry inquired if this seemed to be a satisfactory thing for the City, and it was stated it would be. Mayor Palmer suggested contacting also Water District No. 5. The City Attorney stated the Council had authorized him to look into the matter of making a contract with the County, and he was reporting back on the savings on the key rate. He stated there was some small risk involved, however.

The Mayor read a letter from the Texas Automatic Sprinklers, Inc., regarding their installing a system at 2109 Buell Street for Leffler Millwork Company. The Director of Water Utilities explained the practice followed in providing fire lines at the customer's expense, the total cost going to the property that is being supplied but at no monthly charge.

The City Attorney reported that Mr. Trueman O'Quinn had brought in a deed containing covenants limiting multiple family dwellings to 900 square feet on property on Cedar and West 35th Street. Mayor Palmer then brought up the following ordinance for its second reading.

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND
AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS
ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF
1954 AS FOLLOWS: LOTS 2, 4, 6, 8 AND THE SOUTH

27.5 FEET OF LOT 10, BLOCK 2, BUDDINGTON ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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 Perry, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

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. (Aurora Drive and sundry other streets)

The ordinance was read the first time and Councilman Perry 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 Perry, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Armstrong

The ordinance was read the second time and Councilman Perry 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 Perry, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman Armstrong

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer read a letter from CESSNA AIRCRAFT COMPANY expressing appreciation for the fine hospitality shown, and congratulating the City on its outstanding airport.

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

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

The Council adjourned at 5:00 P.M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk