

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 20, 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, White, Mayor Palmer  
Absent: None

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

Invocation was delivered by REV. SEABORN M. KIKER, St. John's Methodist Church.

MAYOR PALMER announced it was 10:00 A.M., the time for opening bids for furnishing gas for the electrical generating system of the City for approximately 20 years. He thanked those who had submitted a bid, and stated Mr. Kinney, Director of Utilities, would open the bids and pass them on to the City Manager. Opened were the following:

COASTAL STATES GAS PRODUCING COMPANY (Certificate from C.P.A. for \$20,000,000 net worth)

C-1 Unit Prices

From 1964 - 1967	20.45
From 1968 - 1971	21.45
From 1972 - 1975	22.45
From 1976 - 1979	23.45
From 1980 - 1983	24.45
1984	25.45

Total amount of bid	\$263,766,460.00
Evaluated total	
amount of bid	\$314,492,215.73

C-2 Unit Prices

From 1964 - 1984	23.35
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Total amount of bid	\$260,698,080.00
Evaluated total	
amount of bid	\$313,556,378.67

HUMBLE OIL & REFINING COMPANY (Certificate from C.P.A. for \$20,000,000 net worth. Bid accompanied by a letter. The City Manager stated the bid would be read and the variance letter would be considered)

C-1 No bid.

C-2 Unit Prices

From 1964 - 1969	21.05
From 1970 - 1974	22.05
From 1975 - 1979	23.05
From 1980 - 1984	24.05

Total amount of bid	\$264,438,100.00
Evaluated total	
amount of bid	\$316,043,776.85

The City Manager stated SOUTHERN UNION GAS COMPANY had submitted a proposed contract, and it would have to be analyzed along with their letter. He suggested that the matter of prices be read, and then the letter.

SOUTHERN UNION GAS COMPANY (No bid bond)

C-1 Unit Prices

From 1963 - 1969	18.00
From 1970 - 1974	19.00
From 1975 - 1977	20.00

Total cost to City for 15	
year period	\$ 83,372,297.00

The City Manager read the conditions under Section 6, stating some study would have to be made to see what this means. MR. FRANKLIN DENIUS, Attorney for Southern Union Gas Company, briefly outlined the letter, covering both offers. The letter is as follows:

"September 20, 1962

"City of Austin  
Municipal Building  
Austin, Texas

"Attention: Mr. W. T. Williams, Jr.  
City Manager

"Gentlemen:

"Pursuant to Article IX of the Natural Gas Contract between us dated April 11, 1960, covering the purchase and sale of gas for use as fuel in your electric generating plants (herein called the "Original Contract"), you have notified us by letter dated January 12, 1962 that you have commenced construction of an additional 100,000-kilowatt generating unit at your Holly Street plant, which additional unit is expected to be completed on or about January 1, 1964. By letter dated June 26, 1962, we have given you our notice respecting such additional unit in accordance with the requirements of the first sentence of the third paragraph of said Article IX. Please refer to the letter agreement

between us dated July 20, 1962, wherein the time for the City to respond to our notice was extended from August 11, 1962 to October 10, 1962.

"On or about August 23, 1962, the City of Austin issued an Advertisement for Bids covering the supply of gas for use as fuel in the City's electric generating plants for a period of 21 years commencing January 1, 1964. Immediately upon receipt of such Advertisement for Bids and copies of the various contract documents issued by the City in connection therewith, we entered into discussions with our wholesale supplier, United Gas Pipe Line Company, looking toward the submission of a bid by our Company for the City's consideration. As a result of such discussions which were concluded only yesterday, it has now become apparent that the prices United is willing to make available to us pursuant to the terms of our existing contract with them dated March 18, 1960, under which we are now supplying the City's power plant fuel requirements (herein called the "United Contract"), are substantially more favorable than those it is willing to quote for inclusion in a new Southern Union-United contract compatible with the provisions of the contract documents issued by the City. Under these circumstances, rather than submitting a proposal in response to the City's Advertisement for Bids, we hereby make the following offers as additional alternatives to those contained in our original notice of June 26, 1962.

"Offer No. 1. Enclosed herewith, executed on behalf of our Company, are two copies of a proposed amendment to the Original Contract (herein called the "Alternate Amendment"). Also enclosed herewith is a fully executed copy of an amendment dated September 19, 1962 to the United Contract, which amendment provides in Section 5 thereof that it is to become effective if, but only if, the enclosed Alternate Amendment is executed on behalf of the City on or before October 10, 1962. If you desire to accept the proposal set forth in such Alternate Amendment, please execute both copies thereof and return one of them to us no later than the date just mentioned.

"As will be observed, the only major differences between such Alternate Amendment and the "Contract Amendment" tendered by our original notice are:

(a) The prices set forth on Page 14 of the Contract Amendment initially tendered are expressed in terms of cents per MCF, whereas those set forth on the same page of the Alternate Amendment, in addition to being substantially lower per unit of heating value delivered, are expressed in terms of cents per million BTU.

(b) The fixed prices set forth in the Alternate Amendment cover the period from 12:01 A.M., January 1, 1963 to 12:01 A.M., January 1, 1978, whereas those set forth in the original Contract Amendment cover only the period from 7:00 A.M., April 1, 1963 to 7:00 A.M., April 1, 1970. Also, the Alternate Amendment provides for redetermination of prices with respect to only those additional generating plants or units installed by the City on or after January 1, 1976.

(c) The end of the fixed term of the Original Contract is extended by the Alternate Amendment from 7:00 A.M., September 1, 1980 to 12:01 A.M., January 1, 1988, whereas such term was left unchanged by the Contract Amendment originally tendered.

"Offer No. 2. We firmly believe that the prices offered in the Alternate Amendment referred to above will be lower, for the period covered thereby, than those offered by anyone submitting a bid in response to the City's Advertisement for Bids referred to hereinabove. Nevertheless, we hereby make the following offer for modification of the Alternate Amendment enclosed herewith.

"In the event, but only in the event, the City in response to its afore-said Advertisement for Bids receives a bid by or before 10:00 A.M., September 20, 1962 from a bidder complying with all the requirements specified by the City in said Advertisement for Bids and the related contract documents issued by the City in implementation thereof, including particularly the requirement set forth in subsection (a) of paragraph 3 of Section B of said contract documents as amended by Addendum No. 3 thereto (i.e., \$20,000,000.00 net worth) which, in the opinion of the City, provides for prices during the period from 12:01 A.M., January 1, 1964 to 12:01 A. M., January 1, 1978 more favorable to the City than those specified for same period on page 14 of the enclosed Alternate Amendment, we hereby agree that the prices specified for said period in such bid may be substituted for those set forth for such period in the Alternate Amendment, and that the price specified in said bid for the year 1964 shall also be applicable during the period commencing at 12:01 A. M., January 1, 1963 and ending at 12:01 A.M., January 1, 1964.

"If you elect to accept this Offer No. 2, please so notify us in writing on or before October 10, 1962 and deliver to us, along with your said notice, a fully executed copy of the Alternate Amendment, and a certificate executed by our City Clerk (i) showing the prices by years for the period 1964-1977 which are to be substituted for those set forth on page 14 of the Alternate Amendment, (ii) giving the name of the bidder offering the prices referred to in (i) above, and (iii) confirming that the bidder offering the prices referred to in (i) above has complied in full with all of the requirements of bidders set forth in the above-mentioned Advertisement for Bids and related contract documents, including particularly the requirement set forth in subsection (a) of paragraph 3 of Section B of said contract documents as amended by Addendum No. 3 thereto (i.e., \$20,000,000.00 net worth); whereupon this letter, the Alternate Amendment, your notice of acceptance of our Offer No. 2 made hereby and the City Clerk's certificate referred to above will together constitute a binding agreement between us.

"In closing we again wish to make clear that the offers made hereby are not intended to supersede, but instead are alternates to, the original proposals set forth in our June 26, 1962 notice, either of which proposals is still subject to acceptance by the City by written notice given to us at any time on or before October 10, 1962.

"Very truly yours,  
SOUTHERN UNION GAS COMPANY  
By s/ N. P. Chesnutt  
Vice President"

MR. FRANK ERWIN, representing Coastal States Producing Company, asked that the City Council give thorough consideration to this, and pointed out the City called for bids for 20 years; and that more than 60% of the total amount of gas was uncovered by the fixed prices that had been quoted for the reason the greatest consumption of gas would be in the years which they quoted no fixed price. He stated as utilities, Southern Union and United had the right to go to the Railroad Commission and ask for a variance on prices if they do not get

a fair return; and if these prices are not subject to that, that they will not make such application, the prices have very little meaning, as two years from now Southern Union could go to the Railroad Commission and get 25 cents.

Mayor Palmer again thanked the group and expressed appreciation to the Council, Mr. W. T. Williams, Jr., and Mr. Doren Eskew who went over these matters so that there would be something everyone would understand. He stated the Council would give an answer at the earliest possible date.

MR. BUCK AVERY stated in behalf of Texas Capital Gas Company, of which Mr. Bill Stearns is an officer, he wanted to thank the Council for its Addendum No. 3, which would have permitted them to submit a bid; but due to the short period of time they were not able to obtain a definite commitment on a supply bond. He said if for any reason these bids should not be accepted, it was their intention to submit a competitive bid if they should be resubmitted.

MR. FRANK DENIUS expressed thanks to the Council, City Manager, and City Attorney for the manner in which this had been handled.

MR. ERWIN stated he had made a release to the press, and would make a formal request to the Council if the City has any intention of awarding a gas contract based on only 40% of the amount of gas on which it called for bids and based on prices which subsequently can be raised by the Railroad Commission, then Coastal States Gas Company would like to bid on that basis. He stated it had bid on the basis that the City had asked them to bid, if the contract is awarded on that basis.

Councilman White moved that the Minutes of the Meeting of September 13, 1962, be approved with correction noted by Councilman Armstrong, asking that the Minutes include his negative vote on the sale of the \$2,000,000 bonds. 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 ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A PORTION OF ONE LOT FRONTING 90.01 FEET ON THE NORTH RIGHT-OF-WAY LINE OF BRIARCLIFF BOULEVARD, LOCALLY KNOWN AS 1810 BRIARCLIFF BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) LOTS 1 AND 2, BLOCK 144, ORIGINAL CITY OF AUSTIN, FROM "O" OFFICE DISTRICT TO "C" COMMERCIAL DISTRICT; (3) (A) LOTS 3 AND 4, DUVAL HEIGHTS AND LOTS 4-6, BLOCK 2, BROOKS SUBDIVISION AND (B) LOTS 7-17, BLOCK 2, BROOKS SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (4) LOT 5 AND THE SOUTH 20 FEET OF LOT 4, BLOCK 15, GLEN RIDGE ADDITION, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND (5) LOTS 1-3, BLOCK 5,

BROAD ACRES ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman 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 White 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 White 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 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: FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT ON LOTS 3 AND 4, ELEANOR HEIGHTS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Armstrong 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, Shanks, White, Mayor Palmer  
Noes: Councilman Perry

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 Shanks, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

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: FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 4 AND 5, BLOCK D, HOMEWOOD HEIGHTS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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 Armstrong, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 13.3 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE WILLIAM BARTON LABOR AND HENRY P. HILL 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 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 first time and Councilman White moved that the ordinance be 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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
0.11 OF ONE ACRE OF LAND, SAME BEING A PORTION OF  
ALLANDALE TERRACE SECTION 2, PHASE 5, IN TRAVIS  
COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES  
ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS  
OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE  
ORDINANCE.

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
0.241 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART  
OF PARK FOREST, SECTION 7, A SUBDIVISION OF A PORTION OF  
THE ISAAC DECKER LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH  
SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS  
THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN  
PARTICULARS STATED IN THE ORDINANCE.



The 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 first time and Councilman White moved that the ordinance be 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

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 8.20 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ELDRIDGE 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 34.97 ACRES OF LAND OUT 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

The City Manager announced the Texas Municipal League would have its Annual Conference in Fort Worth, October 7, 8, 9, and 10th, and Hotel Reservations had been made for members of the Council.

The Council greeted and welcomed MR. EDMUNDS TRAVIS, and MRS. LEON DONN.

The City Manager reviewed the Concessions contract with GORDON NEELEY for services at the Municipal Golf Course, stating a two year contract was made with the understanding if it were extended to a five year contract, the higher percentage for gross receipts would be retroactive to the time the contract was first made. The City Manager read a list of items showing the percentage increase. Councilman Shanks moved that the contract be extended. The motion, seconded by Councilman Perry, carried by the following vote:

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

The Director of Public Works made a report on the paving of 45th Street and of his contacts with the Southern Pacific Railroad Company's Superintendent about their providing flashing signals, for which the city would participate 50%; and about their paying for the cost and maintenance of the crossing. The Southern Pacific's general manager had indicated the City should bear the entire cost of 45th Street crossing, which would be \$1,378. The Mayor stated they would get with the Southern Pacific Officials and discuss this matter and the electrically controlled signals.

The City Manager stated the Director of Public Works had an inquiry regarding the request of MRS. AYCOCK to close an alley just East of Speedway, and she now wants to be heard before the Council. The Mayor asked that she be invited to come before the Council next Thursday.

The City Manager stated DR. A.H. NEIGHBORS had a refund contract for water and sewer lines in his subdivision, the city to pay the difference between the size of the line necessary to extend the line on out. The cost of the installation was \$7451.59, and the City's share was \$3,041.59. The refund contract is for \$4410.10. The City's payment of \$3,041.59 was withheld. Dr. Neighbors made an agreement with the Director of Water Utilities that he would sell his refund contract back to the City for 70% of the 90% refund contract of \$4410. This would result in the City's owing him \$5,819.89 and taxes of \$3,148.46 would be deducted from that. The City Manager stated Mr. Davis had recommended this, and he too would recommend taking the refund contract at a discount, as also there would be a savings in the 3% interest the City would have to pay. Councilman Shanks moved that the recommendation of the City Manager be accepted. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager stated the Planning Director had a matter involving some property between Congress Avenue and South 1st Street in relation to the location of Barton Skyway in that section. The subdivider would like to know if he dedicates the right-of-way through his property whether or not the City does agree that the thoroughfare is to be in that location and ultimately will be built. The Director of Planning explained the matter, displaying an aerial map showing the proposed location of the thoroughfare, and pointing out the complications of this location. It was his recommendation that this alignment be approved, but that the Council recognize there will be some complications

later. The Mayor stated this was a good alignment, and that this was pretty much what the Council wanted. After discussion, Councilman Shanks moved that after reviewing the alignment of BARTON SKYWAY as exhibited by the Planning Director, that this alignment be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

The City Manager stated the Urban Renewal Commission had forwarded applications for Federal advance for study of the Kealing Project and the Glen Oaks Project, and these applications are now being reviewed by the Fort Worth Office and then will be sent to Washington for further review before they are approved. He said in the meantime they had reapplied for certification of the workable program; and in connection with that application, the Fort Worth Office of the Housing and Home Finance Agency had made inquiries as to several of the matters pertaining to revisions of codes, etc. The Director of Planning read the answers he had prepared to the various questions as pertained to a continuing review by an administrative committee of the Building Code, and the need of an Appeals Board from the Building Code to be appointed by the Council; that the Fire Prevention Code would have a complete revision which would be submitted to the City Manager by October, 1963; that the Air Conditioning and the Electric Codes had been recently revised; and that the Housing Code enforcement would begin on October 1, 1962. Also in answer to the questionnaire it was pointed out that the Building Standards Commission would be appointed, as well as the Citizens Advisory Committee. Mayor Palmer stated this recertification was necessary.

The City Manager reported that the City Retirement Board met on September 18th and considered the matter of investments and recommended to the City Council that the Retirement and Pension ordinance be amended to provide for investments up to 20% of the funds of the System in Corporate Bonds and Corporate Stocks, and that the City accept the offer of the Trust Departments of the Banks of Austin to act as an advisory committee for determining what investments should be made. The Trust Department will serve in an advisory capacity. After discussion, Councilman Shanks moved that the Council authorize the preparation of an ordinance to permit the investment of up to 20% of the available funds of the Pension System in corporate bonds and corporate stocks. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

The City Manager stated sometime ago a delegation from north east Austin came before the Council requesting the establishment of a branch library in the northeast section of town. At that time the Librarian and some of the members of the Commission had been making some investigations to determine what could be done in that section. A tentative arrangement was made with WALTER BOHN for leasing a building which he was to construct. It was finally worked out on a five-year lease with an option, at a rental of \$200.00 a month, the building to be about 30 x 67' in the shopping center. Finally after much discussion Councilman Shanks 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 and directed to enter into a Lease, on behalf of the City, with Walter Bohn for a Branch Library, in accordance with the terms and provisions of a certain Lease exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said Lease in the permanent records of her office without recordation in 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 submitted a recommendation from the Director of Recreation to assist in the program at the Laguna Gloria Art Museum, listing the outline of the program and services offered at the Museum which would justify the city's participation. After discussion, Councilman Armstrong 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 and directed to enter into an Agreement, on behalf of the City, with Laguna Gloria Art Museum, Incorporated, for the purpose of cooperating in the furtherance of cultural activities of the citizens of Austin by making available to the public certain facilities and services at Laguna Gloria Art Museum, in accordance with the terms and provisions of a certain Agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said Agreement in the permanent records of her office without recordation in 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

Councilman Armstrong moved that the Council amend the motion which it passed last week authorizing the conditional sale to Gondolier Motel subject to Highway Department approval to provide that the City of Austin would agree to maintain the drainage facility and to keep the channel unobstructed. The

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

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

In discussing the payroll of the Board of Equalization, the Council asked that the members send a revised statement.

Councilman Armstrong moved that the utility status of the Salvation Army remain as is until they can get on the Budget of the United Fund at the beginning of the next fiscal year of the United Fund, at which time all United Fund Agencies will commence paying utilities. The motion, seconded by Councilman Perry, carried by the following vote:

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

MR. TOM PERKINS and MR. WARREN BEAMAN appeared before the Council regarding the Austin Aquatic Gardens, which they propose on Town Lake, and wanted to lease City property on Bogle Street, Lots 7 and 8. They described their development. They offered 5% of the gross receipts for one half of the lease, and another 5% for the other half of the lease. The portion of the sand beach reserve would be open to the public. They requested that 3% of the above 5% be retained by the leasing organization until the costs of such beautification could be amortized--this would be the planting, but would not include the building. Mr. Beaman stated they wanted a franchise for sight-seeing boats, and requested that the City not grant a franchise location right next to the Austin Aquatic Gardens. The building they proposed would cost about \$125,000, and it would be ready in about 18 months. The Mayor stated this would have to be checked very carefully by the City Attorney about the use of the sand beach reserve. After more discussion, Councilman Armstrong moved that with legal clearance and with the Town Lake Study Committee's approval, the City proceed with negotiations on this proposal. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager stated he had a request from the Down Town Merchants asking that three blocks on Congress Avenue, either from 6th to 9th Streets, or from 7th to 10th Streets, be closed Thursday, November 15th from 6:00 P.M. until 9:00 P.M., for the Automobile Dealers Association to be able to display the new automobiles on the Avenue and let the public come by and see the new automobiles. The Mayor stated the Council had been very reluctant to do this. The City Manager stated the merchants in the area had not been polled to see if they favored closing the area. Finally, after discussion, Councilman Shanks moved subject to the approval of merchants on the Avenue, that the Automobile Dealers and Down Town Merchants be permitted to cooperate in closing up of certain specified blocks provided there is a 51% O.K. among the down town merchants. The motion,

seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

The City Manager made a report concerning the letter Mr. Karl Wagner wrote to Councilman Armstrong, and his tax situation. Councilman Armstrong moved that Mr. Wagner be notified the Council would be happy to talk to him about his tax matter on October 1, 1962. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

Councilman Armstrong stated he had a request from MR. DEZENDORF to have an itemized statement of the charges made at the Hospital, and the statement had been furnished, and Mr. Dezendorf was not pleased with it at all. Mr. Dezendorf had made a comparison of the cost of the medicine with what he had been charged. It was stated the medicine was prescribed by his own physician, and there probably were costs of administering the medicine. It was noted on the itemized statement that there were laboratory charges instead of medicines in some instances. Mayor Palmer suggested that the Hospital Administrator call Mr. Dezendorf and explain the statement to him.

The Assistant City Manager reported a request from the Travis County Republican Executive Committee to have a "Youth-for-Cox" Parade, September 22nd, 1:30 P.M. from 14th and North Congress to the Auditorium. The Mayor discussed setting a policy for parades of this sort. After discussion, Councilman Shanks moved that the Council allow the parade with Police Escort. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White,\* Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

\*Councilman White made the following statement concerning his vote:

"If Connally comes in and wants it, we will give it to him;  
and if you put that in your motion and it is agreed upon,  
I vote 'aye'."

The Mayor stated the Executive Committee would pay the patrolmen.

The City Attorney stated the field notes had been prepared for the lease to the Texas National Guard for an Armory on property at the Airport. Councilman Shanks moved that the City Manager be authorized to execute such a lease. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

MAYOR PALMER stated he had a letter regarding the Seminar in Detroit and inviting officials in the United States to meet and study this Urban Transportation problem, as it is a very important thing. The Mayor suggested that Councilman Armstrong be sent from Austin to attend this Seminar. Councilman Shanks moved that Councilman Armstrong attend this meeting and that his expenses be paid. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: None

Present but not voting: Councilman Armstrong

Not in Council Room when the roll was called: Councilman Perry

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when the roll was called: Councilman Perry

The Council adjourned at 6:40 P.M., subject to the call of the Mayor.

APPROVED

L. E. Palmer  
Mayor

ATTEST:

Elin Hassley  
City Clerk