

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 17, 1961
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer
Absent: None

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

Invocation was delivered by REV. LUTHER HOLLOWAY, Austin State Hospital.

Councilman Armstrong moved that the Minutes of the Meetings of August 3rd and August 10, 1961, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

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

The Council greeted and welcomed MR. MAX PARROTT from Dallas, Texas.

BROTHER RAYMOND FLECK, President of St. Edward's University, presented a brochure "A Partnership of Progress", stating St. Edwards was begun 90 years ago, and offering its fullest cooperation to the City of Austin.

The Council opened bids on the following equipment for Holly Street Power Station:

- a. Miscellaneous tanks
- b. Miscellaneous pumps
(Two telegrams were read, one from the Vice President of Western Surety Company regarding their furnishing bond for Hills McKanna, and one from Hills McKanna, bidder, both telegrams received on August 16th)
- c. Sluice gates.

The Consulting Engineer from Brown and Root, Mr. Higgins, stated because of the importance of these auxiliaries, to this big plant, he would like to have a week to study the bids very carefully and report back next Thursday. The bids were referred to the Engineers for study and report back. Tabulations as follows:

CONTRACT 72
MISCELLANEOUS PUMPS
HOLLY STREET POWER PLANT UNIT NO. 2

Bidder	American Meter Co.	Dean-Hill Corp.	Dannenbaum Co.	Delaval Steam	A.M. Lockett	Power Spec.Co.	Byron Jackson
ITEM I Ch. Fd. Pumps	\$2,789	No Bid	\$3,046 Alt. 3,147	No Bid	\$3,350 Alt. 100	\$4,702	No Bid
ITEM II Cond. Drain Tank Pumps	No Bid	No Bid	\$ 754	No Bid	\$1,024	No Bid	No Bid
ITEM III Fuel Oil Sv. Pumps	No Bid	No Bid	No Bid	\$2,527	\$3,496	\$3,547	No Bid
ITEM IV Turbine Lube Oil Tr. Pumps	No Bid	\$ 511 ea.	\$ 415	\$ 496	\$ 382	\$ 633	No Bid
ITEM V Cooling Water Pumps	No Bid	\$1,724 ea.	\$2,904	\$3,860	\$3,310	\$3,992	No Bid
ITEM VI Screen Wash Pumps	No Bid	No Bid	\$7,880	No Bid	\$8,235	No Bid	\$7,584
ITEM VIa Spare Parts	No Bid	No Bid	No Bid	No Bid	\$ 134	No Bid	85
ITEM VII Sump Pump	No Bid	No Bid	No Bid	No Bid	\$ 647	\$1,035	No Bid
ITEM VIII Sump Pump (L.D. Sump)	No Bid	No Bid	No Bid	No Bid	\$ 1,293	\$ 633	No Bid
Escalation		10%	Firm	20%	5% Firm 1 yr	10% Firm 180 days	Firm

Dwgs. Cal							
Days	15	14	20	20	10	21	7
Del. Cal.							
Days	60	70	56	April 63	120	175	14
				1963			

Bidder Hills-McKanna Co.

ITEM I
Ch. Fd.
Pumps \$2,045

*Ingersoll - Rand No Bid

CONTRACT 85
MISCELLANEOUS TANKS
HOLLY STREET POWER PLANT UNIT NO. 2

Bidder	Bid Bond	Item I All Tanks w/o CWT21	ITEM II Tank CWT21	Item III Tank CWT21 w/lining & insp	Escala- tion	Drawings in Cal. Days	Del. Cal. Days
Graver	Yes	\$ 6,955	\$2,117	\$11,800	15%	30	45
Delta Tank Mfg.Co.	Yes	\$11,722	\$3,293	\$11,618	3%	28	77
Field Erec- tion & Weld- ing Co.	Yes	\$ 8,500	\$3,000	\$ 8,925	Firm	21	60
Gobett							
Bros.Steel	Yes	\$ 5,945	\$2,425	No Bid	Firm	21	See F
Chicago							
Bridge & Iron Co.	Yes	No Bid	\$3,145	\$10,845	Firm	20	45
Wyatt							
Industries	Yes	\$12,087	\$2,320	\$ 8,555	Not Firm	21	60

CONTRACT 86
SLUICE GATES
HOLLY STREET POWER PLANT UNIT NO. 2

Bidder	Bid Bond	Item I-2 sluice gates	Item II-Operator	Escalation	Del.
Rouney-Hunt	Yes	\$8,516 for 2 \$4,258 each		\$ 721	Firm 30-60 Days
Armco Drainage	Yes	\$9,100 for 2 \$4,550 each		\$ 490	Firm -

MR. ED St. JOHN extended the Council an invitation from LT. COLONEL S. C. McCONNELL, Air Reserve Unit, to attend a luncheon today on the Air Recovery program, the invitation including also the City Manager and Assistant City Manager.

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

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE, BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER A PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY." WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JUNE 26, 1947, AND IS RECORDED IN BOOK "M", PAGES 523-524, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 THEREOF PRESCRIBING RATES FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY BUS WITHIN THE CITY OF AUSTIN.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON THE WEST 75 FEET OF LOT 1, BLOCK A, NORTH PLAINS, LOCALLY KNOWN AS 7901-7909 BURNET ROAD AND 2310-2314 ANDERSON LANE, 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 ordinance be passed to its second reading. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

The Council discussed the zoning of EVERETT GIVENS' property at the rear of 1612 Greenwood Avenue, and discussed the acceptance of the dedication of the street. The Mayor stated the Council could instruct the Building Inspector to hold up on any building permit until fiscal arrangements were made for the improvement of the street. After lengthy discussion, the Council agreed to accept the cul de sac arrangement only and that fiscal arrangements must be made prior to building permit. 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: A TRACT OF LAND FRONTING 214.4 FEET ON THE NORTH LINE OF A 50-FOOT EAST-WEST ROAD EASEMENT, BEGINNING AT A POINT APPROXIMATELY 153 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF GREENWOOD AVENUE AND EXTENDING IN AN EASTERLY DIRECTION, LOCALLY KNOWN AS THE REAR OF 1612 GREENWOOD AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; 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 Perry, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.8 ACRES OF LAND, MORE OR LESS, SAME BEING AND A PART OF THE GEORGE W. DAVIS 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 third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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: (A) A TRACT OF LAND CONTAINING 10.22 ACRES, MORE OR LESS, OUT OF THE GEORGE W. DAVIS SURVEY, IN TRAVIS COUNTY, TEXAS, LOCALLY KNOWN AS 8330-8416 BURNET ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND (B) 0.538 ACRES OF LAND, MORE OR LESS, OUT OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, LOCALLY KNOWN AS THE REAR OF 8330-8416 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council postponed decision on the following zoning application:

HARRY GOLDSTEIN	5134-5136 Burnet Road	From "C" Commercial To "C-2" Commercial RECOMMENDED by the Planning Commission
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Mayor Palmer brought up the following zoning applications deferred from last week:

MRS. EDITH P. SIMPSON By Edgar Jackson	1300-04 West 19th Street 1900-02 and rear of 1904-06 Cliff Street	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area NOT Recommended by the Planning Commission RECOMMENDED "B" Resi- dence 1st Height & Area
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The City Manager reviewed previous plans for old 19th Street which has never been developed down to Lamar, in that at some future date there would be an overpass over Lamar at 19th, the roadway being routed up the creek on the west side of Lamar to feed back into Windsor Road. If this is done, the old 19th Street right-of-way would be required for the overpass, and the development of the roadway would be considerably higher than the property. He discussed the drainage of the area, and stated as far as he knew it had been worked out satisfactorily. He stated this overpass and routing of 19th was needed in the future as a cross-town thoroughfare. MR. EDGAR JACKSON represented the applicant. Later in the meeting, the application was discussed more thoroughly. Mayor Palmer stated the grade of West 19th Street which is not opened on the site is not known, and it was not known where the street was going to be; and at this time, since it had not been developed, the City could not say that it would be at this particular elevation. After discussion, Councilman Shanks moved that the zoning be granted, as recommended by the Planning Commission, "B" Residence 1st Height and Area instead of "B" Residence 2nd Height and Area, and the owners are not to construe that the present grade of West 19th Street is the permanent grade; that 19th Street has never been opened and that the grade will be determined at a later date. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the 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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TEX-MART INDUSTRIES

Tract 1
7900-42 Burnet Road
2400-2808 Anderson Lane

From "A" Residence,
"C" Commercial &
Interim "A"
Residence
To "GR" General Retail
1st Height & Area
RECOMMENDED by the
Planning Commission

Tract 2
Rear of 2514-2604
Anderson Lane

From Interim "A"
Residence
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

MR. GLENN CATER represented the applicant stating the City had granted the "C-2" zoning on Tract 2 and the "GR" on Tracts 1 and 3 with certain limitations, but the ordinance had not yet been formally passed, and he could not get his filling station permit. The Mayor stated the Council was not delaying this, as it is ready to go as soon as these documents were supplied. The City Attorney suggested that the partnership execute the instruments and forward them down here. The Mayor stated Tract 3 would be held up indefinitely until the street pattern and fiscal arrangements have been made. Mr. Cater stated he would give his personal assurance that the required instruments would be sent in. Councilman Shanks moved that the Council grant "GR" General Retail on Tract 1. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail on Tract 1 and the City Attorney was instructed to draw the necessary ordinance to cover.

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Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN THE 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: (A) A TRACT OF LAND FRONTING 550 FEET ON THE WEST RIGHT-OF-WAY LINE OF BURNET ROAD AND 881.58 FEET ON THE NORTH RIGHT-OF-WAY LINE OF ANDERSON LANE, LOCALLY KNOWN AS 7900-7942 BURNET ROAD AND 2400-2808 ANDERSON LANE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT, "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT, AND INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND (B) AN INTERIOR TRACT HAVING DIMENSIONS OF 300' BY 300' AND CONTAINING 90,000 SQUARE FEET OF LAND, AND BEING LOCATED 182.64 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF ANDERSON LANE AND HAVING AN AVERAGE DISTANCE OF APPROXIMATELY

400 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF BURNET ROAD, LOCALLY KNOWN AS THE REAR OF 2514-2604 ANDERSON LANE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

The Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

The Council resumed its business at 2:00 P.M.

MR. GEORGE RIGGIN presented an official request of the United Fund Board for a lease of a site for a building of the United Fund to house other agencies along with the United Fund. MR. NOBLE PRENTICE showed on a map the area of the site discussed by the Board, the site fronting on Barton Springs Road between Bouldin and Dawson Road, and being large enough for their building and a green strip in front and adequate parking space. MR. MAX STARCKE explained the financing; stated only agencies in the United Fund would be housed in the building unless the City and United Fund agreed on some non-member agency; agreed that should there be some function at the Auditorium requiring their parking area, it would be available; and in answer to Mayor Palmer's inquiry stated if there were a big convention that would need the use of their auditorium, they would cooperate provided they would know who the tenants were and that the tenants would not ruin their place. Mayor Palmer pointed out several items the Council wanted in the contract--that the design be in keeping with the Auditorium and the plot plan be subject to the Council's approval; that in this 52 year lease, if the United Fund for any reason were discontinued the City would have the option to take over the

building at the unpaid balance. It was decided to have the site properly staked off. Mayor Palmer stated the Council tentatively approved the lease depending on the set-back, size of the building, and then the Council would decide the definite boundary lines.

MR. MAX STARCKE stated he had four years' research on lake weeds that was available to the City. Mayor Palmer stated the City would get in touch with him on this matter.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH HOLIDAY REALTY COMPANY; PROVIDING 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 3.7 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF HIGHLAND HILLS SECTION 6, PHASE 1, A SUBDIVISION OF A PORTION OF THE T. J. CHAMBERS 8 LEAGUE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman White moved that

the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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 19.8 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM WILKS 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 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 TWO (2) TRACTS OF LAND, CONTAINING 25.38 ACRES OF LAND OUT OF THE J. A. G. BROOKE 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 Shanks, carried by the following vote:

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

Mayor Palmer noted the Council had received a copy of a report of the Corporation Court from MR. RICHARD HILL, and expressed appreciation to Mr. Hill for furnishing this report to the Council and asked that he continue furnishing it to them.

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found and determined that the public necessity requires the widening and improving of East 2nd Street in the City of Austin as an East-West thoroughfare; and

WHEREAS, it has been determined that the public necessity requires the acquisition of the hereinafter described tract of land; and

WHEREAS, the City of Austin has been unable to reach an agreement as to the price to be paid for the hereinafter described tract of land; Now, Therefore,

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

That, W. T. Williams, Jr., City Manager of the City of Austin be, and he is hereby authorized and directed to file a proceeding in eminent domain for the acquisition of the hereinafter described tract of land, to-wit:

The north seven and one-half (7.50) feet of that certain portion of Lot 1, Block 1, W. B. Anthony Subdivision, a subdivision of a portion of Outlot 28 and Outlot 12, Division "0" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said W. B. Anthony Subdivision being of record in Volume 466 at page 114 of the Deed Records of Travis County, Texas, which certain portion of Lot 1 was conveyed to Robert William Eller, et ux, Ruby Eller, by warranty deed dated July 13, 1947, of record in Volume 867 at page 204 of the Deed Records of Travis County, Texas.

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

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

Noes: None

Councilman Perry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found and determined that the public necessity requires the widening and improving of East 2nd Street in the City of Austin as an East-West thoroughfare; and

WHEREAS, it has been determined that the public necessity requires the acquisition of the hereinafter described tract of land; and

WHEREAS, the City of Austin has been unable to reach an agreement as to the price to be paid for the hereinafter described tract of land; Now, Therefore,

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

That, W. T. Williams, Jr., City Manager of the City of Austin be, and he is hereby authorized and directed to file a proceeding in eminent domain for the acquisition of the hereinafter described tract of land, to-wit:

Being all of the north seven and one-half (7.50) feet of Lot 7, Alff Addition, a subdivision of a portion of Outlot 26 Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Alff Addition being of record in Book 4 at page 57 of the Plat Records of Travis County, Texas, which Lot 7 was conveyed to Louis Silberstein by Warranty Deed dated January 7, 1946 of record in Volume 776 at page 595 of the Deed Records of Travis County, Texas.

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

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

Noes: None

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the Burnet Road approximately 380 feet north of the north line of Anderson Lane, which property fronts 170.0 feet on Burnet Road and being known as an unplatted portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, and hereby authorizes the said Tex-Mart Realty Corporation 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 Tex-Mart Realty Corporation has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances

(Recommendations attached)

"August 17, 1961

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

"Dear Sir:

"We, the undersigned, have considered the application of Tex-Mart Realty Corporation 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 on Burnet Road approximately 380' north of the north line of Anderson Lane, which property fronts 170.0 feet on Burnet Road and being known as an unplatted portion of the George W. Davis Survey in the City of Austin, Travis County, Texas. The property upon which this filling station is to

be located is owned by Tex-Mart Realty Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as General Retail 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 Tex-Mart Realty Corporation 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-1891.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-H-1891 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,
(Sgd) R. E. Beckham
Assistant Director of Public Works

"(Sgd) Dick T. Jordan
Building Official"

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 the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of Interregional Highway and East 24th Street, also at the northeast corner of Cole Street and East 24th Street which property fronts 174.73 feet on the Interregional Highway, 78.02 feet on East 24th Street and 201.34 feet on Cole Street and being known as a part of Outlot 24, Division C, of the Government Outlots adjoining the original City of Austin, Travis County, Texas, and hereby authorizes the said Texaco, Incorporated to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that the said Texaco, Incorporated has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"August 17, 1961

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

"Dear Sir:

"We, the undersigned, have considered the application of Texaco, Incorporated for permission to construct, maintain, and operate a drive-in gasoline filling

station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of Interregional Highway and East 24th Street, also at the northeast corner of Cole Street and East 24th Street which property fronts 174.73 feet on the Interregional Highway, 78.02 feet on East 24th Street and 201.34 feet on Cole Street and being known as a part of Outlot 24, Division C, of the Government Outlots adjoining the original City of Austin, Travis County, Texas. The property upon which this filling station is to be located is owned partly by Sam Lane and partly by L. E. Overby and is under lease to Texaco, Incorporated. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "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 Texaco, Incorporated be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

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

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

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

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

"(5) That all filling station improvements, 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-1895.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-H-1895 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,
(Sgd) R. E. Beckham
Assistant Director of Public Works

"(Sgd) Dick T. Jordan
Building Official

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:

August 16, 1961

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

Contract Number 61-D-20

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, August 15, 1961, for the construction of an open drainage channel from Manor Road near Westminister Drive south about 2200 feet - Contract Number 61-D-20.

Texas Bridge Company, Inc. \$34,590.50

Joe Badgett Construction Company, Inc. \$43,645.80

City's Estimate \$26,218.00

"I recommend that Texas Bridge Company, Inc. with their low bid of \$34,590.50 be awarded the contract for this project.

s/ R. E. Beckham
Assistant Director of Public Works"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City Council of the City of Austin on August 15, 1961, for the construction of an open drainage channel from Manor Road near Westminister Drive south about 2200 feet - Contract Number 61-D-20; and,

WHEREAS, the bid of Texas Bridge Company, Inc., in the sum of \$34,590.50, was the lowest and best bid therefor, and the acceptance of such bid has been

recommended by the Assistant Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Texas Bridge Company, Inc., in the sum of \$34,590.50 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Texas Bridge Company, Inc.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL THAT CERTAIN ALLEY TRAVERSING BLOCK 14 OF THE HIGHLANDS AND EXTENDING FROM THE NORTH LINE OF EAST 51ST STREET IN A NORTHERLY DIRECTION TO THE SOUTH LINE OF BRUNING AVENUE, LOCALLY KNOWN AS DUVAL STREET ALLEY; RETAINING AN EASEMENT FOR ELECTRIC UTILITIES ACROSS THE EAST FIVE (5.00) FEET OF SAID ALLEY; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Perry, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer read the following letters:

- (1) Letter from COLONEL R. I. LANGFORD expressing appreciation for the performance given by the Zilker Park Hillside Theater Group, Starlight Review, at Bergstrom Air Force

Base, August 1, 1961, and commending Mr. Sheffield and the Recreation Department for this fine public service.

- (2) Letter from MR. MALCOLM R. WILLIAMS, National Board of Fire Underwriters, expressing appreciation for and commending FIRE MARSHAL W. L. HEATON for the excellent service toward the fire investigation seminars held annually in Texas.
- (3) Copy of letter from MR. BERT FORD mailed to MR. WAITE regarding the method of notifying property owners by only one letter regarding the assessment date, and suggesting that at least one registered letter be sent. The City Manager and City Attorney pointed out the regular mail was the better method of notifying the people.
- (4) Letter from MR. NELSON PUETT regarding his offer to donate the City a nice piece of property on Bannister Lane, and inquiring if the City wanted to accept it. The City Manager stated he could not cite any need for the property; and that Mr. Puett had made other offers before which the City had accepted. Mayor Palmer stated he would write him along the lines discussed and thank him for his very generous offer and explain the delay in answering was due to the City's investigating any special needs it might have for the property.
- (5) Petition from MR. WELDON B. PAGE, STANFORD USED CARS, PARTLOW RAMBLER and TRIUMPH MOTORS, 600 block of West 5th, for two-hour parking in the area. They state the same cars park all day, and recently parking meters had been installed in the 500 block. The petition was referred to the City Manager to get a report from the Traffic Department, and the Mayor stated the Council would take action next Thursday.
- (6) Letter from MR. ALBERT POWELL regarding sewers in St. John's Addition stating they were promised, if the bond issue carried in 1956, they would have sewers but they do not. The City Manager stated this was the Buttermilk Creek Sewer Line which could not be built until the Little Walnut Creek Sewer line is completed. He stated quite a bit of money had been spent in this area to furnish water lines.

The City Manager reported that MRS. CLAUDE HILL had accepted the appointment as Chairman for United Nations Day, and the proper papers had been supplied to her, and announcement of her acceptance had been sent to the State Chairman.

The City Manager stated he had a letter from MR. NELSON PUETT making inquiry of the City's proposal to sell the 60 acre tract bounded by Berkman Drive, and wanted to be advised of details. The Council discussed the proposed sale. The City Manager reported that a plat had been submitted to the Planning Commission, and it had not made its final recommendation. The Director of Planning stated the recommendation would be made by next Thursday and would cover all details. The Mayor suggested that the sale be made by auction rather than by sealed bids.

The City Manager called attention to the Monthly Progress Report of the Electric Utility filed with the Council.

The City Manager made a report on discussion of purchase of property belonging to Mr. L. B. (Red) Herring as held last week. The City Attorney made a report on the appraisal. Discussion was held on the purchase of other properties necessary for the airport facilities. MAYOR PALMER asked the City Manager to see what he could acquire these properties for, and asked him to negotiate for the land and get the appraisals and try to acquire the properties. Named were the Herring, Watt Schieffer, two Calhoun tracts, Roy Miller, Carl Schmidt, Josephine Viscardi and Barnes properties.

The City Manager reported a complaint from tenants living in trailer courts complaining about the landlords' charging them for electricity and requiring them to install meters on their trailers, and then charging them a terrific rate on the electricity they use. He stated the City had rules and regulations for the Electric Department which prohibited the remetering of electricity. These trailer court operators are violating the rules. He said in addition to having the regulations, he would recommend that the Trailer Court Ordinance be amended to prohibit the resale of electricity. Mayor Palmer asked the City Manager to come in with a recommendation, either the amendment of the ordinance, or some way to work out some type of a fine for violation of the regulations.

The City Manager reported that the City Attorney had made a study of the sales tax law as it affects the city in several ways. He stated it would impose a tax on sale of electricity, and the City has to collect the Tax and pay it over to the State. He stated the accounting was going to be quite a problem. He stated the City was exempt from paying a tax, and pointed out some cases where the City would be making certain purchases for water and sewer mains. The Mayor asked the City Manager to have the new law briefed for the Council.

After discussion, the Mayor stated the Council agreed that the sale of the following properties should be submitted at the coming election: Cemetery property, Abattoir, Hospital, and T. B. Sanatorium.

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

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

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

APPROVED

R. L. Palmer
Mayor

ATTEST:

Oliver Stosley
City Clerk