

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 18, 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

MAYOR PALMER stated the Council was going to consider the possibility of submitting the question to the people of selling the East 40 acres to the Sears-Roebuck Company for a sale price of not less than \$800,000, stating every member of the Council had received many phone calls since the decision of the Court was handed down, and many people had expressed the desire to come to the Council and urge the calling of an election. MR. ED ST. JOHN, Chamber of Commerce, read a Resolution adopted by the Chamber, asking the Council to call an election at the earliest possible date to ratify and confirm the action already taken in reference to the sale of the "East Forty Acres of the Hancock Tract"; and that the Council instigate proceedings so that an appeal of the Court action be promptly and vigorously implemented to the end that any cloud on this and any other properties be dissipated and that it take such other action as might be necessary to clarify future transactions involving similar properties. MR. DAVID BARROW, Chairman of the Planning Commission, stated one of the things discussed when the Development Plan was under consideration in the Planning Commission, was the disposition of this land, and the Planning Commission recommended that the land be sold and the profits be used for the purchase of other park properties, or for the beautification of the lake front, but not for the general use in the operation of the City. On January 9, the Planning Commission unanimously affirmed that recommendation made previously, and it is still in favor of disposing of the property, and using the money for other properties so that the City and other areas would benefit substantially. He stated the use of the property for a park in that location was not sound. MR. PAUL STIMSON suggested that when the matter is put before the people that they should be aware that there was a portion of this tract obtained for the Interregional Highway; and if it were illegal to sell to Sears, then it was illegal to use any of the tract for the Highway. He asked that the mistake made for the Interregional Highway be

rectified along with the mistake made for the Hancock tract sale.

MR. BOW WILLIAMS asked that the property not be sold but kept for park purposes. MR. EDMUNDS TRAVIS was in favor of submitting the proposition to sell the Hancock East Forty not to any particular buyer, but to any buyer to get the best possible price for the City, and stated he had asked two years ago that the Council submit this to the vote of the people. He stated the time had not come when citizens could reverse a judicial decree.

MR. SALES LEWIS, Member of the Town Lake Committee, recommended that an election be called, and that the case also be carried to the Appellate Court, stating part of the proceeds that is being received from this sale would be used for the development of the Lake, one of the most important projects that the City has. At this time, Councilman PERRY thanked the Lake Study Committee for the work it had done along with the other phases of Civic activities. DR. D. K. BRACE, member of the Recreation Board, stated the East 40 acres had never been accepted as park property, and was not suitable even for a golf course or the Country Club would not have sold it. It was never in the Board's thinking that it would serve as park property; and the Board had recommended it be sold. He cited some developments--Bartholomew Park and Pool, and property in South Austin to be used along with the Schools and to contain a year-round swimming pool; and Lake development--that could not have been done without this additional money. MRS. FAGAN DICKSON, Recreation Board member, endorsed Dr. Brace's remarks as well as MR. LEWIS', stating these board and committee members were trying to keep up with the rapid development of Austin, and she believed the people, when voting, would see better usage of land that could be bought with \$800,000 than this 40 acres. MR. O. H. ELLIOTT, Recreation Board, endorsed the comments made by Dr. Brace. DR. E. H. GIVENS suggested submitting the matter back to the people, and get this money and spend it where it will do a greater good for a larger number. MRS. ALDEN DAVIS and MRS. JULIA ROBINSON offered their assistance should volunteer help be needed. MR. RUDY CISNEROS, MR. NASH MORENO, and MR. JOE CARRINGTON, SR., favored submitting the matter to the people and going on with the sale of the property as suggested by DR. BRACE. MR. RUSSELL ROWLAND, representing the Civic Club of South Austin, stated it was whole-heartedly in favor of encouraging the City Council to proceed with whatever measures necessary to transact this deed, and they were pledged 100% to do what they could to get the voters out. MR. WESLEY PEARSON stated the Council did not make a mistake, as it acted in good faith, honesty, and with the advice of the Legal Department. He stated no intentions had ever been had of dedicating more than the 50 acres, and the other property was known not to be desirable for park property. He favored submitting the matter to the people even though it would cost \$10,000.

The City Attorney discussed briefly the manner in which property was dedicated.

MR. JOE PERONNE stated this matter had been ruled invalid; and once the city has a vote by the people to sell the property, it was their prerogative to sell it to anybody they chose. The Mayor stated the sale was widely advertised, and everyone was given an opportunity to submit a bid or proposal on the tract, and the one received was the highest and best bid. Mr. Peronne asked that the proposal be submitted to the people to sell or not to sell.

FORMER COUNCILMAN BECHTOL stated he believed the sale was proper, and he believed the people would back the Council up at an election. He urged the

Council to recognize the sale, and explained the Little League backers were interested.

FORMER COUNCILMAN TED THOMPSON stated the Court decided this was an illegal sale, and he suggested postponing any action until after the Court entered a judgment. He inquired about the reason for any rush. MR. EDMUNDS TRAVIS stated there was nothing to ratify, as there was no system whereby voters at an election could set aside a decree in Court. MR. JOHN PAYNE pointed out the necessity of speeding the matter up, as the City had already lost two years taxes on the buildings and a new community center that Sears would have completed. Sears had lost two years interest on \$300,000. He suggested appealing the matter immediately, and put it up to the electors despite the \$10,000 loss. He said this project would give employment to carpenters, electricians, plumbers, etc., and give more people employment.

MR. FRANK MONTGOMERY stated the City should sell all land it does not have any specific use for. He suggested the matter be submitted to the people, but separate the proposition; and if the majority of people want to sell the park land, then sell it; if the majority want to keep it as a park, abide by that, but make it a clear cut issue. It was brought out land purchases can not be delayed, as the prices go up. MR. NOEL LAWSON expressed appreciation for the Parks Board, stating it and the Council did a fine job.

MR. ROBERT ZABEL stated he had been for a fair submission of this question to the people, getting them to render a verdict and end all controversy. The City advertised for bidders and held an auction. He stated the property was sold to Sears without getting the consent of the voters, and that the auction was cut and dried, his reason being that the check was made out in just the right amount. MR. PERONNE asked if the City set an election, would they give the people 60 or 90 days to inform themselves on the issue. The Mayor stated people could inform themselves in less time. MR. EDDY JOSEPH and MR. FRANK ERWIN were present but made no comment. MR. FRANK QUINN stated valuable time was being lost, and he thought it wise to take the \$300,000 and spend it all over Austin where it would do the most good. MR. CHARLES NASH asked that the matter be ratified as soon as possible. MR. JOE WELLS was present, offering his help if needed.

COUNCILMAN ARMSTRONG stated it looked as though this matter had been properly handled and advertised, and now it had been picked up on a technicality. He stated in his opinion, it was a technicality because the Highway Department is one of the most scrupulous organizations anywhere and they would not have taken any part of the land involved whether through a deed or through a dedication if there had been any question in the world about whether or not it was right or legal. He stated although he hated to spend the money for an election for a technicality; however he was glad the citizens of Austin were benefiting to the extent of \$300,000 rather than the Country Club. If they had held that property, they would have benefited instead of Austin. He stated the City was pretty fortunate, and he agreed with Mr. Payne that the property should be on the Tax rolls, and the matter should be speeded up. The buyers have been abused, and it had taken two years to get this into the District Court, and it could be a long time, and he did not think it would be fair to these people who put up their money and made their plans. Councilman Armstrong stated he would back any Council that made this deal and do all that was possible to clarify what he thought was a technicality and an expensive one.

COUNCILMAN PERRY stated he did not think there was any doubt that the people have a right to express themselves on this issue, and had no doubt that they would make short work of it.

COUNCILMAN SHANKS stated it was just a simple thing, and Mr. Armstrong had stated there were a bunch of Technicalities that have to be pushed aside; and when the matter is submitted to the people, he thought they would push them aside.

COUNCILMAN WHITE stated he was on the Council and voted for selling the property. He stated he and all the others felt it was legal, and still think it was legal, but it had been proven differently. The Court has seen unfit to go along with them. He stated the best thing would be to go to the people as quickly as possible and get it over with.

MR. OLDEN stated it looked as though the people who voted the Council in to do a job and to sell and he inquired why they couldn't do what they were supposed to do.

After the discussion, Councilman Perry moved that an ordinance be brought in calling for an Election on this issue to be held on February 10, 1962. The motion, seconded by Councilman White, carried by the following vote:

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

MR. JOHN WINDSOR, Austin Real Estate Board, introduced MR. JOE PERONNE as the new President of the Austin Real Estate Board. MR. PERONNE stated the Real Estate Board wanted to honor Austin's Most Distinguished Citizen on February 16, 1962, and this was the 13th consecutive year of this award.

Councilman White moved that the City Manager be instructed to bring in a resolution authorizing a contract for sale for \$800,000 to Sears-Roebuck Company for the property in question. The motion, seconded by Councilman Perry, carried by the following vote:

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

MR. GEORGE RIGGIN, Manager, Sears-Roebuck & Company, stated the Company went into this in 1959 on a good faith bid and tendered the \$800,000. He stated they as merchants, thought the City of Austin should have another \$6,000,000 improvement on the tax rolls. By the Council's expediting this, it will get this on the tax rolls. He stated Sears had paid taxes on the land for two years. Mayor Palmer stated Sears purchased the property on December 8th, and it went on the tax rolls as of January 1.

Councilman Perry moved that the Minutes of the meetings of January 5th and 11th, 1962, be approved. 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 APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 1ST DAY OF FEBRUARY, 1962, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Colorado Street and sundry other streets)

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 Councilmen 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 APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 1ST DAY OF FEBRUARY, 1962, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.  
(Bellvue Avenue and sundry other streets.)

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 APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 1ST DAY OF FEBRUARY, 1962, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Cardinal Lane and South 3rd Street)

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.

Councilman Armstrong made inquiry of the status of the paving of FAIRFAX AVENUE and WEST LYNN. The City Manager explained the procedure followed in these paving programs in that the programs were based on the order the requests were received, and on the status of the utilities. Councilman Armstrong asked if the petitioners were ever told about the utilities, etc., and the City Manager stated they are mailed a two-page letter explaining in detail what needs to be done before the streets can be paved.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated April 10, 1961, of record in Volume 2282, pages 74-76 of the Deed Records of Travis County, Texas, a sanitary sewer easement fifteen (15.00) feet in width was granted, same being out of and a part of Lot 12 and Lot 13 in Block 53 of a resubdivision of Block 53 of Travis Heights, according to a map or plat of said resubdivision of Block 53 of Travis Heights of record in Volume 450, at page 580 of the Deed Records of Travis County, Texas; and,

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

WHEREAS, the City Council has determined that the hereinafter described easement is not now being used and will not be needed in the future; Now, Therefore,

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a release of the following described sanitary sewer easement, to-wit:

A strip of land fifteen (15.00) feet in width, same being out of and a part of Lot 12 and Lot 13 in Block 53, of a resubdivision of Block 53 of Travis Heights, according to a map or plat of said resubdivision of Block 53 of Travis Heights of record in Volume 450, at page 580 of the Deed Records of Travis County, Texas; said Travis Heights being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Travis Heights of record in Book 3 at page 15 of the Plat Records of Travis County, Texas, which Lots 12 & 13 together with other property was conveyed to Robert L. Ziller et ux by Warranty Deed dated March 10,



1937 of record in Volume 559 at page 170 of the Deed Records of Travis County, Texas, the centerline of said strip of land fifteen (15.00) feet in width being more particularly described as follows:

BEGINNING at a point in the north line of Lot 13 of the said Resubdivision of Block 53 of Travis Heights, and from which point of beginning a steel axle at the most north east corner of Lot 11, Block 53 of the said Resubdivision of Block 53, Travis Heights bears S 79° 12' E 104 feet more or less to an angle point in the centerline of the said sanitary sewer outfall line, then S 8° 30' E 44.00 feet and S 28° 35' W 92.45 feet;

THENCE, N 79° 12' W to point of termination in the west line of Lot 12 Block 53 of the said Resubdivision of Block 53, Travis Heights;

Said sanitary sewer line is to be placed in a tunnel, the flow line elevation of which sewer line is to be at a sea level elevation of 425.2 feet varying in depth below the surface of the ground to a maximum of approximately 43 feet;

There is to be no access granted to the said easement at the surface of the ground.

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:

"January 16, 1962

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

Contract Number 62-D-2

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, January 16, 1962, for the construction of a reinforced concrete bridge with channel and approaches on Shoal Creek Boulevard over Shoal Creek between North Park Drive and Treadwell Boulevard - Contract Number 62-D-2.

"Ed H. Page	\$26,415.72
Larson-Pugh Inc.	26,933.59
Werneburg Construction Company	27,849.71
Texas Bridge Company, Inc.	28,491.44
Maufrais Brothers, Inc.	33,764.59
"City's Estimate	32,000.00

"I recommend that Ed H. Page with his low bid of \$26,415.72 be awarded the contract for this project.

"S. Reuben Rountree, Jr.  
Director of Public Works"

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 16, 1962, for the construction of a reinforced concrete bridge with channel and approaches on Shoal Creek Boulevard over Shoal Creek between North Park Drive and Treadwell Boulevard - Contract Number 62-D-2; and,

WHEREAS, the bid of Ed H. Page in the sum of \$26,415.72 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the 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 Ed H. Page in the sum of \$26,415.72 be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized to execute a contract on behalf of the City with Ed H. Page.

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

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 16, 1962, for the purchase of one one-half ton pick-up truck and two cabs and chassis in accordance with specifications of the City of Austin; and,

WHEREAS, the bid of Capitol Chevrolet, Inc. in the sum of \$6,549.00 was the lowest and best bid therefore, 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 Capitol Chevrolet, Inc. in the sum of \$6,549.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Capitol Chevrolet, Inc.

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

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

MRS. LALLAGE J. EGLESTON	1149E & 1151E Nickols Avenue	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
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The Director of Planning discussed the reasons why the Planning Commission had not recommended the change. Councilman White moved that the change be granted to "B" Residence. 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 change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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: ONE LOT FRONTING 43.4 FEET ON THE NORTH RIGHT-OF-WAY LINE OF HIDALGO STREET AND 103.5 FEET ON THE EAST RIGHT-OF-WAY LINE OF PEDERNALES STREET. SAME BEING LOT 71, PAUL SIMMS ADDITION. LOCALLY KNOWN AS 2500 HIDALGO STREET AND 621-623 PEDERNALES STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL 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 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.

Councilman White stated Mr. Jack Andrewartha had asked that his application for change of zoning at 1911 David Street be withdrawn. Councilman White moved that the Council accept the withdrawal of the following application:

JACK ANDREWARTHA  
By Phil Mockford

1911 David Street

From "A" Residence  
To "BB" Residence  
NOT Recommended by the  
Planning Commission

The motion, seconded by Councilman Shanks, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute that certain Wire Line License Agreement with the Missouri Pacific Railroad Company which is dated November 6, 1961. Said Wire Line License providing for three (3) crossings beneath spur tracks between West Avenue and Colorado Street; all of said three (3) crossings being within the right-of-way of Third Street in the City of Austin.

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

Councilman Armstrong suggested when the Missouri-Pacific Boulevard goes in, perhaps something could be worked out with the Missouri-Pacific Railroad and MK&T to arrange some way to eliminate the crossing of the Avenue.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. Don Harrell as described in the Travis County Deed Records and known as Lot 13, of the Rio Vista Subdivision, on the shore of Lake Austin, and hereby authorizes the said Don Harrell to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the

right of revocation is retained if, after hearing, it is found by the City Council that the said Don Harrèll has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 17, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Don Harrèll, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being Lot 13, of the Rio Vista Subdivision, as recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty (20) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Don Harrell is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 the erection of a boat dock on the property owned by Jay Vessels, as described in the Travis County Deed Records and known as lying approximately ten (10) miles above the Tom Miller Dam, West 75 feet of Lot 13, of the Original CeBar Subdivision, on the shore of Lake Austin, and hereby authorizes the said Jay Vessels to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Jay Vessels has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 8, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Jay Vessels, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, which is approximately ten (10) miles above the Tom Miller Dam, West 75 feet of Lot 13, of the Original CeBar Subdivision, as recorded in the Travis County Deed Records for permission to construct and maintain a boat dock projecting out into the lake approximately 50 feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Jay Vessels is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 the erection of a boat dock on the property owned by Mr. Jack Scarbrough as described in the Travis County Deed Records and known as lying one-half mile downstream from City Park, Lot 6 of Manana Estates, on the shore of Lake Austin, and hereby authorizes the said Mr. Jack Scarbrough to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Jack Scarbrough has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 8, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Jack Scarbrough owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road,

lying approximately one-half mile downstream from City Park, Lot 6 of Manana Estates, as recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 24 feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Jack Scarbrough is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 the erection of a boat dock on the property owned by Mr. R. H. Biggs as described in the Travis County Deed Records and known as Lot 9, of the Manana Subdivision, on the shore of Lake Austin, and hereby authorizes the said R. H. Biggs to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said R. H. Biggs has failed and refused, and will continue



to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 17, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Mr. R. H. Biggs, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being Lot 9, of the Manana Subdivision, as recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-five (25) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if R. H. Biggs is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 the erection of a boat dock on the property owned by Mr. H. D. Dickson as described in the Travis County Deed Records and known as Lot 15, Block A, Section 1, of the Rivercrest Addition, on the shore of Lake Austin, and hereby authorizes the said H. D. Dickson to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said H. D. Dickson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 17, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Mr. H. D. Dickson, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being Lot 15, Block A, Section 1, of the Rivercrest Addition, as recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-four (24) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if H. D. Dickson is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structures extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 the erection of a boat dock on the property owned by Mr. William Evans as described in the Travis County Deed Records and known as a tract of ground owned by Mr. Evans and locally known as 2605 Westlake Drive, on the shore of Lake Austin, and hereby authorizes the said William Evans to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said William Evans has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 17, 1962

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Mr. William Evans, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being a tract of ground owned by Mr. Evans and locally known as 2605 Westlake Drive, as recorded in the Travis County Deed Records, for permission

to construct and maintain a boat dock projecting out into the lake approximately twenty-three (23) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if William Evans is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and ~~that~~ no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
s/ 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 moved that the following requests for shore line improvements be approved:

1. DAN HARRELL - Lot 13, Rio Vista - Retaining Wall
2. COLONEL WILLIAM W. WILCOX - Lot 4, Horseshoe Bend Estates - Retaining
- \*3. COLONEL J. M. BEALL - Horseshoe Bend Estates - Retaining Wall / Wall
- \*4. LT. COLONEL R. DANIELS - Horseshoe Bend Estates - Retaining Wall
- \*5. MAJOR JOHN MEADE - Horseshoe Bend Estates - Retaining Wall
6. MRS. PARKER - Lot 3, Manana Estates - Retaining Wall
7. A. C. BRYANT - Lot 2, Manana Estates - Boat Basin and Boat House
8. H. D. DICKSON - Lot 15, Block A, Section 1, Rivercrest -  
Retaining Wall
9. VICTOR STANZEL - Lot 5, Block A, Section 1, Rivercrest -  
Retaining Wall and channel
10. DENNIS L. OSBORN - Rivercrest - Five (5) Channels 30' Wide Off of  
Lake
11. JOE LINDSEY, JR. - Opposite Bull Creek and Downstream - Extend  
Retaining Wall

\*In addition to those on the list submitted to the Council, but approved by the Director of Public Works and Councilman White.

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

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

Councilman White moved that the following requests for Repair Work or Clean-up be approved:

1. GLEN W. KENNEDY - Lots 7A and 8A, Lakeland Park - Repair Boat Dock
2. R. G. MUELLER, JR. - Downstream from Bull Creek - Remove Debris left by Flood

The motion, seconded by Councilman Armstrong, 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, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council: therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in VARGAS ROAD, from a point in the north line of Cruz Street southerly 124 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said VARGAS ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in LINDEN STREET, from a point 7.5 feet south of the north line of Stokes Drive northerly 80 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LINDEN STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in DELONEY STREET, from a point 197 feet north of the northline of Commerce Street northerly to a point in the north line of East 16th Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said DELONEY STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in DELONEY STREET, from a point 6.5 feet west of the north property line of East 16th Street westerly 13 feet, thence, northerly in DELONEY STREET 293 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said DELONEY STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

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

Noes: None

Councilman Perry inquired about the progress in the promotion of electricity, and this was discussed. Councilman Perry stated he would like to have Mr. Brannen tell what had been accomplished.

Discussion of the gas shortage in northwest Austin was held. The City Manager stated it was not due to a break in the line, but inability to get the gas into Austin. The Mayor read a letter concerning this inability to provide the gas when needed.

The Council discussed the option under the Texaco contract on the purchase of emulsion, etc. Councilman Shanks reported that a local industry manufacturing the emulsion here in Austin did not get an opportunity to bid. (Texas Emulsions, Inc.) After discussion, Councilman Armstrong moved that the

Council reconsider the vote by which it authorized the exercise of the option with Texaco last week. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman Shanks then moved that the City Manager be instructed to take bids and not to exercise any option to buy asphalt from Texaco. The motion, seconded by Councilman Armstrong, carried by the following vote:

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

Councilman Armstrong made inquiry about the rate charged Alcoholics Anonymous. The City Manager stated they were on the best rate that could be given them.

The Council discussed the building permit issued for MAYFAIR APARTMENTS, 2000 Pearl Street. The City Attorney explained the definition of an Apartment Hotel, and stated the applicant had applied for a permit for an apartment hotel and was required to submit plans to the Building Inspector showing these structures would contain kitchen units. The Building Inspector said it had been his interpretation that this structure was not an apartment hotel because it did not have kitchen units, and Mr. Patton would have to submit a drawing showing a typical apartment containing a kitchen in each. The City Attorney discussed the crowded conditions already existing in the area, and stated what Mr. Patton had completed was either a rooming house or a dormitory, and there had been many people in the same area who had applied to the Building Inspector for permits and had been turned down consistently. The City Attorney stated when the Building Inspector found the building was going in with no provision for kitchens, he called it to the attention of the owners. The Building Inspector said prior to issuing the permit, he went to the Board of Adjustment, and its interpretation was the same as his. No permit was issued until after the Board of Adjustment had made its interpretation and until a plan for a typical unit was supplied. The Assistant City Attorney stated he had informed Mr. Patton if he were renting only to students, it appeared he had a rooming house. He explained Mr. Patton was renting only to female students at the University on contract on a semester basis. This arrangement did not fit the structural provisions of an apartment hotel. The City Attorney said this was the only way to control density in the University area. This was absolutely a cold, calculated risk, as Mr. Patton had been told by the Building Inspector, by the Legal Department, and Board of Adjustment that this could not be done. He said Mr. Patton did not propose to put 54 families in the building, but 216 girls. It was decided to call Mr. Patton and his attorney, Mr. Tisinger in to discuss this before the Council. Mr. Patton and Mr. Tisinger came before the Council. Mr. Patton stated although he had constructed two similar buildings previously, without kitchens; when he came to this building, the Inspector had told him he had to put kitchens in the apartments and Mr. Patton stated he was convinced the ordinance read very clearly that the units do not require kitchens in the individual apartments. He said this was a legal question and not a building inspection matter. Mr. Patton said he had agreed if prior to completion, it were found that kitchens were not necessary for this classification that they might be deleted and they were going to determine with the Legal Department whether or not kitchens were to be in a hotel. At

this point, he stated, it would be very difficult for him to put the kitchens in. In answer to Councilman White's question, Mr. Patton stated he knew there might be trouble; but if he thought he were right he was not one to avoid trouble; and in this case, he felt he had been asked to do something which was not a part of the ordinance. Councilman Perry inquired if he couldn't just call this a boarding house, and put in only the number of people that are allowed in that classification in that zone and height and area, and not try to classify this as an apartment hotel. Mr. Patton stated his permit called for an apartment hotel, and the question is if an apartment hotel must have kitchens; and if he does not put in kitchens, there will be no utilities or certificate of occupancy. The City Attorney stated if Mr. Patton applied to the Building Inspector for certificate of occupancy for 50 people, and goes ahead and operates, and the next day he asks for a certificate of occupancy for 216 people for an apartment house, and is turned down; then he would appeal to the Board of Adjustment and it would either affirm or deny the appeal. From that decision, Mr. Patton would have a speedy entrance into the Court House. Finally, after two hours' discussion, it was suggested that he operate with up to 135 people if he could meet the parking requirements, and all he would have to do would be to apply for a certificate of occupancy for that number of people.

The Mayor read a telegram from Congressman HOMER THORNBERRY that the President of the United States had included a recommendation for \$9,909,000 for the Austin Post Office and Federal Building.

The Mayor stated the City Manager had just filed with the City Council a proposed rate adjustment of the SOUTHERN UNION GAS COMPANY, and said the Council would look it over and study it; and at a later date set a public hearing.

The Assistant City Manager submitted a request from JOHN STARR to rent the Coliseum one night a week for \$100.00 a night for 13 weeks for wrestling matches. This would be payment in advance on this kind of promotion--payment each week. The Mayor asked that this be cleared through all financial channels.

The City Manager stated the Assistant City Manager had a report on the major-major surgery. Councilman White asked that he be given an opportunity to study this before action was taken.

The City Manager made a report on bids received on four net-work transformers, all bids being identical. He stated he was authorized to buy one, and the other three are now needed. He said Mr. Kinney, had tried to get one company to cut their prices, and one had cut a small amount. The Mayor stated the local people had been given a chance to give a better price, and he suggested that the City Manager be asked to discuss this with the two local suppliers who may be bidding someone else's equipment and see if there is anything he can do to effect a savings. Councilman Shanks moved that the City Manager be authorized to look into this as discussed. The motion, seconded by Councilman Perry, carried by the following vote:

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



The City Manager called attention to the filing of the Electric Utilities Progress Report on Capital Improvements last week.

The City Manager stated he had some copies of letters addressed to the Council from the American Municipal Association dealing with a good neighbor arrangement with a City in Brazil.

The City Manager read a letter addressed to the Mayor making some suggestions about dressing up Lake Austin, and stated he did not know if the Council intended the jurisdiction of the Town Lake Committee to extend up on Lake Austin or not. The suggestions were:

1. Build adequate docks on the Walsh property.
2. Double the size of the boat ramp on the Walsh property.
3. Give consideration to lighting up the lake from the Tom Miller Dam as far up as Lake Austin Lodges, and suggested this be done by removing all of the tower lights scattered around the City and installing them on the lake.
4. Provide some way of ridding the lake of duck weed.
5. Beautify the shore line at City Park and rebuild the swimming pool.
6. Refrain from letting the lake down each year, as this kills many of the young fish; and as it is expensive to the boater who has to have his boat hauled out of the water.

The letter was signed by G. C. SCHNEIDER, 2904 Oak Lane Drive. The Mayor stated the Council would study these suggestions, and ordered the letter filed for study.

The City Manager stated he had a copy of a letter to the Council regarding the closing of an alley off Mildred Street. The letter was referred to the Director of Public Works to see if this could be done.

The Mayor stated he had a complaint that several commercial parking lot operators were actually parking cars on the street, and cited one lot in particular. It was stated the owners pay to have these cars parked, but they are left on the street. The matter was referred to the Chief of Police.

The City Manager stated a representative from the GAMEWELL COMPANY, Fire and Emergency Signaling Systems, had called and left a "Fire Alarm Facts Kit". The Mayor stated each member of the Council had also received one of these and the Council is still checking on the system of the Telephone Company.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION IN THE CITY OF AUSTIN ON FEBRUARY 10, 1962 TO DETERMINE WHETHER THE CITY COUNCIL OF THE CITY OF AUSTIN SHALL SELL FOR THE SUM OF NOT LESS THAN \$800,000.00 CASH ABOUT 34 1/2 ACRES OF LAND LOCALLY KNOWN AS THE "EAST

FORTY OF THE OLD COUNTRY CLUB"; ENACTING PROVISIONS  
INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF  
THIS ORDINANCE; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

MR. RICHARD BAKER, representing MR. WALTER CARRINGTON, stated Mr. Carrington acquired some property in trade on East 12th Street between Airport Boulevard and Webberville Road, and he thought it had been properly subdivided; but when he made arrangement to move a house on it, he found the property had never been subdivided, and he filed a short-form subdivision plan. Mr. Carrington was required to set back 35' and still be required to donate 10' of his frontage as right-of-way. Mr. Carrington did not mind the 35' set back, although he would be 10' back of the other houses, but he did not want to donate the right-of-way in addition. The Director of Planning explained a dedication of 10' on East 12th had been required on zoning cases, and along Webberville and Springdale Roads on short-form subdivisions. He explained the procedure that had been followed on all cases, and said Mr. Baker had not filed an appeal with the Planning Commission or the Council. The Mayor asked Mr. Baker, since the others had been giving the right-of-way, that he talk with Mr. Carrington, see if it would be agreeable with him; and if not, for him to make a formal appeal. Mr. Baker said he would take this as a ruling and report back to Mr. Carrington.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE  
NO. 600721-C SO AS TO RESET THE TIME FOR THE  
PUBLIC HEARING THEREIN PRESCRIBED CONCERNING  
PAVING OF CERTAIN PORTIONS OF SCENIC DRIVE;  
AND DECLARING AN EMERGENCY.

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

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.

There being no further business, Councilman Armstrong 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 6:40 P.M. subject to the call of the Mayor.

APPROVED

L. E. Palmer  
Mayor

ATTEST:

Elin Hooley  
City Clerk