

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 22, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

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

Invocation was delivered by REVEREND JOHN YEAMAN, Trinity Methodist Church.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL A PORTION OF TOOMEY ROAD, IN AUSTIN, TRAVIS COUNTY, TEXAS: RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL ALL THAT CERTAIN REMAINING PORTION OF AN ALLEY, LOCALLY KNOWN AS EAST 53RD STREET ALLEY, WHICH LIES NORTH OF AND ADJACENT TO BLOCK A, RIDGETOP, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council discussed the ordinance limiting the number of certain fowl which may be kept. Mr. Wm. Kay Miller and others were present in the interest of this ordinance. The City Attorney explained in the ordinance presented by Mr. Wm. Kay Miller and sent out to the Council, it would affect only pigeons and it deleted the word "pigeon" everywhere it appeared in Chapter 3 of the Code. The City Attorney recommended that the word "pigeon" be deleted from Section 3.1 only. "Section 3.2-1. Pigeons -- Conditions for keeping" was discussed. This would limit the number of pigeons that may be kept at 100; they should be confined in proper cages or lofts; and pigeons bearing a seamless leg band issued by a

recognized association of pigeon fanciers may be released for exercise or performance but may not be permitted to alight upon buildings or property of others and may be released for the purpose of engaging in a pigeon race. The City Attorney stated it did not limit the time of day or how many times they could be exercised. Discussion was held.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY OF AUSTIN CODE OF 1954 BY OMITTING THE WORD "PIGEON" FROM SECTION 3.1 AND FURTHER AMENDING SAID CHAPTER 3 BY ADDING THERETO A NEW SECTION DESIGNATED SECTION 3.2-1 PROHIBITING THE KEEPING OF MORE THAN ONE HUNDRED PIGEONS, PROVIDING CONDITIONS FOR THE KEEPING OF PIGEONS AND THEIR RELEASE IN THE CITY; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had before it for consideration a request for transfer of franchise of Harlem Cab Company to HARLEM CAB COMPANY OF AUSTIN, INC. The City Attorney stated this had been referred to his office to check and he said it had been pointed out by the Taxicab Inspector that the ordinance prohibits the transfer unless all obligations due the City are current, and they had found they were not. He said they had filed delinquent tax suits and had obtained judgements. Councilman Shanks inquired who were the principal owners in each company and why the purpose of the transfer. The City Attorney said when the request was made it was stated it was for tax advantages. Councilman Long moved that until requirements are met that this request be turned down. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the request had been DENIED. Discussion of sufficient amounts of insurance by this and other taxicab companies were held, and grounds for suspending their licenses. The City Attorney was requested to get information where he might be deficient, the amount of taxes, insurance, etc. and the Council would look at it and made a decision then.

The City Manager submitted the following:

"Date December 22, 1964

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

SUBJECT: Coliseum Barn Addition - Tabulation of Bids

"Tabulation of bids for Coliseum Barn Addition is attached hereto. No lighting or plumbing is involved in any of these bids.

"The Base Bid is for essentially the same construction as we have in the present barn except that the roofing is heavier as required to conform with the City Code. Our original estimate before preparation of detailed plans and specifications amounted to \$27,600. Our estimate after plans and specifications were completed was \$30,700 based upon the heavier roof construction and other required details.

"Alternate Bid No. 1 provided for longer spans which eliminates every other column in one direction. This system uses steel joists and wood purlins and corresponds with that suggested by the Austin Livestock Show as a desirable alternate construction.

"Alternate No. 2 was initiated by our office to determine for what price we could obtain an all steel roof system. This alternate provides for an incombustible roof system that can be completely salvaged in the event any part should ever need moving. This construction also would provide rather complete insurance against leakage which has been a problem with similar construction in the past due to the deterioration of the supporting members. In view of the small increase in price for the all steel roof construction of Alternate No. 2, we recommend that the contract be awarded to C & H Construction Company at their low bid on this construction of \$31,401.

"Alternate No. 3 is for the addition of a wash rack slab to wash the animals. This was not included in the original estimate (December 1 memo) since we understood that the real concern was for construction of the building. We have later been advised by Mr. Lynn Griffin that the wash rack is needed, and it was therefore added as an alternate for consideration. The price shown (\$1732) is very satisfactory if it is desired that this item be included.

"Lighting. We are advised by Mr. Scantlen and Auditorium representatives that annual maintenance and temporary wiring costs are rather high in the existing barn, and they therefore suggest installation of fluorescent tubes and additional convenience outlets. The costs of this will be approximately \$3,400 instead of the \$2,600 which we had included in our December 1 estimate for lighting similar to the existing lighting.

"Water. The cost of water supply originally indicated as \$800 appeared to be satisfactory for the work to be done.

"If all of the above is desired then the total will be as follows:

"Base Bid Plus Alt. No. 2	\$31,401	
Alt. No. 3 (Wash Rack)	<u>1,732</u>	\$33,133
Lighting (estimate)		\$ 3,400
Water "		<u>800</u>
		\$37,333

"From: A.M. Eldridge, Supervising Engineer
Construction Engineering Division

"Signed: A. M. Eldridge

"PROJECT: COLISEUM BARN ADDITION

BID OPENING: 2 P.M., Monday, December 21, 1964, in the Office of the City Manager

<u>BIDDERS</u>	<u>BASE BID</u>	<u>ALT. NO. 1</u> <u>ADD</u>	<u>ALT. NO. 2</u> <u>ADD</u>	<u>ALT. NO. 3</u> <u>ADD</u>
W. D. Anderson Company	\$31,113.00	\$ 100.00	\$1,400.00	\$1,800.00
C & H Construction Company, Inc.	<u>\$30,700.00</u>	\$ 644.00	<u>\$ 701.00</u>	\$1,732.00
J. C. Evans Construction Co., Inc.	\$33,649.00	\$1,540.00	\$3,780.00	\$2,000.00
Floyd Gibson	\$37,062.00	\$ 560.00	\$1,050.00	\$2,000.00
Rex D. Kitchens Construction Co.	\$32,806.00	\$ 508.00	\$1,270.00	\$1,703.00
S & G Construction Company	\$29,777.00	(\$ 500.00)*	\$2,300.00	\$1,885.00
Thomas Brothers Construction Co.	\$29,951.00	\$1,166.00	\$4,711.00	\$1,430.00
Wright Building Sales	\$34,000.00	-	\$ 288.00	\$1,988.00

*Deduct

The City Manager stated since bids for the COLISEUM BARN ADDITION involved prompt action in order to get the building completed for use this spring, he asked that they consider it today and authorize him to proceed. He said bids were taken

with a base bid and 3 alternates, the last alternate being an additional item which consists of a concrete slab which could be added to this contract or be omitted completely or possibly given to another bidder at a later date. He said the lowest base bid adjusted by Alternate No. 1, which in the case of the lowest base bid was a deduct instead of an addition, resulting low bid being \$2,200 lower than the others. If the wash rack was added it would be \$33,133 and if the lighting and the water was added it would be \$37,333. The Council discussed the need for the lighting, water and wash rack, with members of the Council expressing their opinion that it should include all of these. Mr. Griffin, Mr. Burton and Mr. Storm were present and asked that lighting, water and wash rack be included. Councilman Long stated she felt they should do it right and if they didn't it would cost more in the long run, and they should do the whole thing. The City Manager announced that the completion date was February 19th. Councilman LaRue moved that the Council accept the recommendation of the City Manager and award the contract to C & H CONSTRUCTION COMPANY, INC. - Base Bid Plus Alternate No. 2 \$31,401 and Alternate No. 3 (Wash Rack) \$1,732, for a total of \$33,133; and authorized the installation of the Lighting and Water at the estimated price of \$3,400 for the Lighting and \$800 for the Water. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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:
THE NORTH 189 FEET OF THE EAST 187.5 FEET OF OUTLOT 17, LOCALLY KNOWN AS 1704-1710 WEST AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
SAID PROPERTY BEING SITUATED 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

Ayes: Councilmen LaRue, Long, 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: TRACT 1: LOT 19 SAVE AND EXCEPT THE EAST 72.9 FEET OF THE NORTH 149.84 FEET AND LOT 20, BLOCK A, NORTHGATE SUBDIVISION, LOCALLY KNOWN AS 903-907 MORROW STREET; AND TRACT 2: THE EAST 72.9 FEET OF THE NORTH 149.84 FEET OF LOT 19, BLOCK A, NORTHGATE SUBDIVISION, LOCALLY KNOWN AS 901 MORROW STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED 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 LaRue 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 LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue 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 LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

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

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The City Attorney reported that Judge Herman Jones, 53rd District Court, had sustained the City's Fireworks Ordinance in a suit brought by fireworks distributors.

Mayor Palmer read a letter from Mr. Marion Fowler requesting that LAKE AUSTIN be lowered. The City Manager stated the City could not lower the lake and would have to request the L.C.R.A. to do it. The Director of Electric Utilities said he had talked with Mr. Smith at the L.C.R.A. and he said in view of the shortage of water they wanted to postpone lowering the lake as the water level was about the same as it was last year and they did not want to waste the water. Councilman Shanks stated the Council had a request to lower the lake. Councilman Shanks moved that the Council officially ask the L.C.R.A. to lower the lake, when and if they see fit to and if the conditions justify it. The motion, seconded by Councilman White, carried by the following vote:

Councilman Long moved that MRS. LEON DONN be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MRS. DONN stated if the members that were appointed were really interested in the work that they were going to do that they wouldn't resign just because they were sensitive to criticism and if they did resign that the City Council should replace them with people that are interested. Councilman LaRue stated he thought it was one of the finest Commissions ever appointed by the City of Austin and it could have accomplished the job it had been appointed to do. Councilman Shanks and Mayor Palmer concurred with this statement. Councilman Long stated that although there is a Federal law and there are no major problems that they did have the problem of the minority group and they should have a Commission to study problems that arise - job opportunity, health and welfare - and the Commission could work in conjunction with the Poverty Program, and she thought the Commission should be activated. The Mayor stated he thought the Council should have the benefit of the Study being made by the Community Council of the Poverty Program and then they could see where all these committees or commissions would fit in. Mrs. Donn said she felt it was the City Council's responsibility to replace anybody on any board when they resign.

The Council had before it for consideration an ordinance pertaining to limitations of speed limits on Bull Creek and Lake Austin and the lighting of boat docks extending more than 30 feet into the Lake. Councilman Long asked that this be set for next week and she would like an opportunity to study and review the recommendation of the Navigation Board. The Council discussed speed limits and posting of the areas with signs.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 TO REGULATE LIGHTING OF BOAT DOCKS AND TO ESTABLISH SPEED ZONES AT LAKE AUSTIN MUNICIPAL PARK AND IN BULL CREEK.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance would be up for further discussion next week if anyone would like to come in and discuss it, and he asked that copies of the recommendations of the Navigation Board be sent out to the Council with next week's agenda.

The City Manager submitted the following from the Parks and Recreation Board:

"December 21, 1964

"MEMORANDUM TO: The City Council

"The Parks and Recreation Board would like to recommend to the City Council the cancellation of the land lease with the owner of the bait and tackle shop on Riverside Drive and Lamar Boulevard. This recommendation is in accordance with the recommendation of the Town Lake consultants for the development and use of the land on the south shore of the Lake. This area is to be left open and landscaped consistent with the other approaches to the Lamar and Drake Bridges. A structure on this area would destroy the beautiful view of Town Lake. Since this area is an integral part of the Auditorium complex, this clearance and landscaping should be scheduled with that work which will be started immediately.

" Mrs. Fagan Dickson, Chairman
PARKS AND RECREATION BOARD "

The City Manager submitted the following from the Parks and Recreation Board:

" December 21, 1964

"Memorandum To: The City Council

"The Parks and Recreation Board at its regular meeting, December 15, 1964, voted to recommend to the City Council to purchase the Morris Moore property on Bull Creek, provided funds for this purpose are available. It is not recommended to alter the financial plans for this department as budgeted through 1970. However since this land is such a magnificent site for a scenic park it is the hope of the Board that the City Council will consider the acquisition.

" Mrs. Fagan Dickson, Chairman
PARKS AND RECREATION BOARD"

The Council discussed the recommendation that the City purchase the Morris Moore property. It was brought out that as the City grows they would need more parks and they should take the funds that are available to buy future park sites. Discussion of the improvements that are on the land, was held. The Mayor felt since this was so close to the City Metropolitan Park that maybe acquiring something else would be more effective. Councilman Long moved that unless there are funds that they did not know about that they decline to purchase this property of Mr. Moore's at this time. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following from the Parks and Recreation Board:

"December 21, 1964

"Memorandum To: The City Council

"The suggestion that the city buy a lot from Mr. Nash Phillips, to facilitate access to Southwest Park has been forwarded to us from a member of

the planning commission. This Board does not want to default in accomplishing this goal if any reasonable opportunity is still available. We therefore recommend that the city acquire a lot adjacent to the twenty foot pedestrian walkway that is presently designated in the subdivision plan. This board sincerely believes that this compromise will make a better plan for both the subdivision and the park. The Park and Recreation Board was unanimous in making this recommendation at its regular meeting December 15, 1964.

"Mrs. Fagan Dickson, Chairman
PARKS AND RECREATION BOARD"

Discussion of purchasing a lot for a vehicular access road to Southwest Park from Mr. Nash Phillips was held. The City Manager said Mr. Sheffield felt it would not be wise to have a roadway running all the way from the south side to the north which might have the effect of causing traffic to divide the park but they needed an access from the south side. Councilman Long stated they could just have it along the perimeter of the park. The Council discussed the serving of the public and not just one subdivision and Councilman LaRue felt that this would be a great benefit to the subdivider. Councilman Shanks stated the Planning Commission had approved this subdivision and they took into consideration that the park was there. The Planning Commission, the Parks and Recreation Board and this park were discussed. The Mayor asked Mr. Sheffield, as representative of the Parks and Recreation, to contact Mr. Phillips to be sure that he had no immediate building plans on a lot that Mr. Sheffield thought would be suitable as an entrance and discuss it with Mr. Phillips and see how he feels about it. The Mayor stated the Council had these suggestions and they would take them under advisement.

The City Manager stated that almost a year ago a land auction had been held and property sold, referred to as the Berkman Tract and in connection with that sale it was advertised as 52 and a fraction acres and all the material that went along with it indicated 52 and a fraction acres. The engineering department now finds that the acreage is short about 4 acres, the acreage is 48.3 instead of 52.89. This resulted from carving off a little piece here and there. The City contracted to sell 52.89 acres and there is only 48.3 acres there and the City Manager said the City owes the purchaser the difference in price. Councilman Long moved that the Council empower the City Manager to refund the correct amount on a per acre basis that was overcharged. The motion, seconded by Councilman Shanks carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the matter of possible acquisition of some land at 24th and Lamar between 24th and 25th Streets which will probably be involved in an interchange at the time we separate the grade of 24th Street over Lamar. The City Attorney stated that Mr. Arch Adams, Mr. John Harrison and Mr. Hart owned an irregular shaped piece of land on the east side of Lamar from 24th to 26th Streets and they had plans for development when they learned of the interchange and they made an offer to the City. Two City appraisors had appraised the property and there was considerable difference between their appraisal and the owner's offer. He stated they were still in the negotiation stage but they would like, if it is at all possible, to close the transaction in the year 1964. He said the land was zoned "B" and had deed restrictions for residential use and the

appraisors had taken this into consideration when they made their appraisals. The Council agreed there should be an independent appraisal made but they did not think they could get together by the end of the year as they were too far apart, and the City Attorney should pursue this further.

The City Attorney stated the City needed to acquire by eminent domain one easement to finish out the Walnut Creek Sanitary Sewer Line project against Clarence Richards and John Miller. He said they were still in the process of negotiating with them and hoped they would not have to file a suit to acquire it but the time is growing short and it was his recommendation that they be authorized to file a suit in eminent domain. Councilman LaRue moved that the Council accept the City Attorney's recommendation. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Long

The City Manager said they had two or three pieces of land around the hospital that they needed a decision on. Councilman Shanks asked how long it would be before they got some kind of data from the architects on the complex whereby they would know on an intelligent basis where these parcels fit into the program. The City Attorney said he thought they had the outline complete. The Mayor stated they had asked for a recommendation from them to guide the Council in what they needed to acquire, as to what the overall area would consist of and he asked if this had been done. The City Manager stated the architects had shown him about a dozen different proposals, everyone of which they use every bit of the land they were talking about. Discussion was held. The City Attorney stated they would review the entire project with the Council if they wished. The Mayor suggested that any land within the area that the architects are proposing in the preliminary study for the overall land use, and any owner who is either putting the pressure on the City to build or remodel or repair or needs to sell, and any owner who is willing to sell within the appraised values of our appraisers, that we start negotiating. The City Attorney said they had two offers - one from Mr. Bullard which was 10% above the appraisal and one from Mrs. Sterzing which was about 15% above the appraisal. The Mayor asked the City Attorney to get them down to the appraisal or at least within 10% and they would close before the end of the year.

The City Attorney stated that an application had been filed with the State Water Pollution Control Board for a permit to dump treated sewage in Lake Austin by Mr. Walter Bohn. He said he thought the Council might be interested in this. The Mayor inquired how far above the City water intake is that and it was stated about 4 miles. This was referred to Dr. Primer and the Health and Sanitation Department.

The Council had before it the Plumbing Code. The Building Inspector stated this had been studied and recommended by the Committee, it had been submitted to everybody concerned and they had had no objections. Councilman Long stated she was not ready to vote on this as she had not even looked at it, and she wanted to read it over before she voted. The Mayor said they could pass it to a first reading, and they could revise or amend it later.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING, IN ITS ENTIRETY, CHAPTER 24 OF THE AUSTIN CITY CODE OF 1954; PROVIDING FOR ENFORCEMENT, REQUIRING PERMITS, AND PRESCRIBING FEES FOR PLUMBING AND GAS FITTING; PRESCRIBING SPECIFICATIONS FOR PLUMBING INSTALLATIONS, GAS PIPING AND GAS APPLIANCES; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DEFINING TERMS.

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

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Councilman Long made the following statement concerning her vote:

"I vote 'no' simply because I have not had this material presented to me before, I have not had an opportunity to even read the heading on it and I think that it is a bad precedent to sit here and introduce an ordinance and say that you are going to pass it without knowing what is in it."

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," WHICH ORDINANCE WAS ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON APRIL 30, 1931, AND IS OF RECORD IN BOOK "I", PAGES 387-544 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING CHAPTERS 5 THROUGH 15 OF SAID ORDINANCE AND PROVIDING FOR THE REGULATION OF THE OCCUPANCY AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Councilman LaRue made the following statement concerning his vote:

"I would like to point out that this has been thoroughly studied and digested and recommended by all departments and that this in my opinion would put all individuals interested in this on notice that it is up for hearing and that we will have three successive readings".

Councilman Long made the following statement concerning her vote:

"I vote 'no' simply because this is the first time this material has been presented to the Council, I think it should be at least studied before it's even introduced."

Mr. Jordan stated the remaining chapters of the Building Code have been finished by the Committee and they are formulating it, it has not been sent to the people and he would like two weeks to get it before the people. Councilman Long asked that it be sent out to the Council before it is brought before the Council for passage so they would know what was in it. The Mayor asked that publicity be given that these two ordinances are before the Council so if there are any objectors they can come before the Council. The Mayor discussed these codes as they related to the "workable program."

The City Manager stated about a year ago the Council authorized the employment of Brown and Root Engineers to make a study involving recommendations for a future SITE FOR A NEW POWER PLANT and he made a preliminary report, reviewing also the status of the electric system at present. He stated at the Seaholm Plant location there are four 20,000 KW generating units and one 40,000 KW unit which gives a total capacity at the Seaholm Plant of 120,000 KW. As the system continued to grow it became necessary to expand further; and as the Seaholm site was not adequate in size to accomodate additional units another site was found on property which the City already owned on the east side of town at the end of Holly Street. This property seemed a quite suitable site and the engineers found that it fitted well into the pattern of things both in the point of view of providing cooling water and from the point of view of fitting into the electric distribution system of the City provided a dam was constructed. The dam was constructed across the Colorado River immediately below the plant site. The purpose of the construction was to provide cooling water for the steam generating plant and provide a pond which gives an adequate supply of cooling water to take care of approximately 5 to 600,000 KW at the Holly Street site in addition to the continued use of water at the Seaholm site for cooling of the condensers. Two units at Holly Street of 100,000 KW each have been built and a third unit which will have a capacity of 200,000 KW is now under contract and construction. It would appear that the remaining unit which would be located at that site would be another unit of approximately 200,000 KW; and upon its installation, total use of all of the cooling capacity that Town Lake can afford would have been made. The next unit which is probably going to be needed should be a larger size than 200,000 and 200,000 is as large a unit as can be installed with the others at Holly Street; and since the next unit needs to be larger than 200,000

it can not be put at Holly Street. Last year the Council, on December 23rd, authorized a contract with Brown and Root Engineers to explore the possibilities and to determine where it will be best to locate a new steam plant. Even prior to the time they were employed, Mr. Kinney, others in the Electric Department and the City Manager had done considerable looking up and down the river and various other places to see where they thought might be suitable sites and they pointed those out to the Brown and Root Engineers. One possibility was at City Park on Lake Austin, but it seemed that did not fit into the pattern of things from the point of view of electric service together with the fact that there was some apprehension about what public reaction would be to locating a steam generating plant in City Park. Also considered was the possibility of the plant on Lake Austin opposite from the Tom Wooten Boy Scout Camp on the south side of the river from that location. One of the principal difficulties there was it is almost impossible to get to by rail; and with the heavy equipment that has to be moved in, and from time to time might even have to be moved in and out, it would be very difficult to provide rail service to that site. Other locations on Lake Austin were considered and all of them presented problems as the engineer pointed out to them. Several sites on the east side of town along the river front were also considered. One was at the mouth of Walnut Creek, but the area that is available there and the sort of ponds that could be created would have been inadequate to serve the needs of the size plant that is anticipated. It is possible to construct a dam across the river again in the vicinity of Onion Creek, but it would be a very expensive dam construction together with the fact that a great deal of the land would be inundated by possibly only a foot or so of water. This would not be a very desirable thing from the maintenance point of view with weeds growing in the shallow water and creating a marsh effect there. The possibility of moving up into Onion Creek and possibly damming Onion Creek was considered.

The Engineers came up with three alternates, discarding all the others for reasons enumerated. One site is on what is known as Gilleland Creek which flows from the north just west of Manor and into the Colorado River downstream from Hornsby's Bend. Another possibility is on Decker Creek which lies to the west of Gilleland Creek, and has a very small drainage area or watershed. It heads up just northwest of Decker Church out on Decker Lane and two branches extend from the north to the southeast, across Decker Lane and across Blue Bluff Lane, and over to a farm-to-market road that connects Hornsby's Bend and Manor. The other location considered was the river location right about the mouth of Onion Creek which would inundate a good part of the Hornsby's Bend Valley. The Consulting Engineers made rather complete comparisons from the point of view of what the cost of land acquisition would probably be, what the cost would be for the construction of the dam, what operating costs would be, what differences would occur in the operating cost of the three sites, construction of railroads to each of the three sites, and all of the factors that go into these things.

The Engineers' report indicated the site which seems most desirable is the one described on Decker Creek. The idea is to employ the same sort of plan that was used by the LCRA for their steam plant at Bastrop where they dammed a place across the creek and water was pumped from the river into the lake to provide the cooling water for the LCRA's generating plant that is built down there. In Austin's case it was suggested that a dam be placed across each of these creeks (the two branches of Decker Creek) and a ridge that now exists between the two creeks be removed by excavation to provide a passage between the two channels so that there would be a circulation of the water between the two channels. The City Manager pointed out on the map the circulation path and explained that by the time the water traveled this distance the water in the pond would cool off so that they feel the development of this would permit construction and installation

at the site of more than 1,000,000 KW of generating capacity. The Engineer proposes in any of these off-river sites that a line and pump system be installed which would provide the initial filling over an extended period of time, using a relatively small pump and line and that same line and pump could be left in place to provide for replacement water as and when needed. The Engineers think if the City goes to this sort of thing that a great many uses of the property besides power production will be realized. The lake created would be longer than Town Lake and the width at one point is nearly a mile, which would make it ten times the width of Town Lake. At the dam it would be approximately 70 feet deep; the inundated land would be something around 13 or 1400 acres. To acquire to the ridges on each side of the creek would run somewhere between 4 and 5,000 acres and possibly the City could qualify for open space or land conservation to help with the purchase. If this lake is developed in this manner the City would have not only something to provide cooling water for the generators which the City has to have, but just as in the case of Town Lake it would provide quite an opportunity for recreation. The proposed operating level of this lake is 555 feet above mean sea level and that compares to 492.8 feet above mean sea level for Lake Austin, making this one 62.2 feet higher. Any of the three sites shown will provide cooling water for a million KW.

Advantages of the Decker Creek site were that it is the closest to the City, closest to the planned 138,000 volt loop around the city, which is definitely a matter of consideration, and it is on the east side. All three of these sites are on the east side of town because the city needs a site farther east to be in position to tie into the big transmission system that is being developed to tie all the power units in Texas together and which is coming through an area just to the east between Austin and Bastrop. It is also the closest one to the Austin system of the three sites. The City Manager pointed out on the map the ridges and 3 or 4,000 acres that could be used for other city uses.

On the Decker Creek site, the Engineers' estimated land cost, but not actual appraisals, is \$668,000. This is just the land required for plant site and cooling. The total cost of this site, including this estimate for land, for the dam, for the filling of the reservoir, and for the first generating unit is \$6,781,000. For the Gilleland Creek site the estimate is \$6,581,000 for initial costs; and for the Colorado River site the estimate is \$7,906,000 for the initial cost.

The recommendation of Brown and Root Engineers was the Decker Creek site because it is better from an operating standpoint and because it is suited for good secondary use of the property not used for power plant purposes.

The City Manager also reviewed the Gilleland Creek site and the river location at Onion Creek as treated in the Engineers' report. It was noted that the Decker Creek and Gilleland Creek sites are off the river and are much cheaper in the initial cost than the river location.

The Engineers' report indicated that the construction time would necessitate the commencement of the power plant construction in 1967 in order to have it ready for the summer load in 1969. The cooling water facility construction would have to begin in the summer of 1965 and be completed by the end of 1966 in order to have the cooling water available at the time it would be needed. It will take about 2 years to pump the water into the basin after the dam is built and pumping should start in 1967 and would be concurrent with the construction of the plant more or less. The land acquisition should commence in January, 1965.

The City Manager stated there is no special bond authority for this project as such. There is bond authority for revenue bonds for the utility system to provide for generating facilities. When the issue was submitted several years ago, construction costs were estimated at the then going rate for construction of generating plants in this part of the country; but the actual construction cost was considerably less. As a result there is bond authority in excess of what the requirements were to provide the facilities which were going to be needed up to this time. That, together with the fact it has been possible to take current funds and put them back into the system has put the system in a position where there probably will be funds available to construct a good part of the plant or certainly to acquire the site and do all the initial work. There will not be enough funds available to acquire the land, develop the site, and build the plant completely.

In the discussion of this report the Council made many inquiries and answers were given. The City Manager stated he would also recommend the Decker Creek site for the site of the next power plant and for the cooling facilities required in connection with it, and recommended that the Council pin down this site and if there are changes to be made later then the Council could make them at that time.

Councilman Shanks moved that in accordance with the recommendation of Brown & Root, the City Manager and Mr. Dexter Kinney, that the City Manager be authorized to proceed with the development in accordance with the plan presented and that the area delineated by a lavender line on the U.S.G.S. map now filed with the City Clerk at 1:18 P.M., December 22, 1964, and identified by her showing "Decker Creek Site B", be declared the site selected by the City for the location of its future plant "X" and reservoir area. (Map filed with City Clerk and referred to in this motion is on the following page.) The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Councilman Long stated she thought this was hasty action.

The City Attorney submitted a matter concerning a purchase the City made last December from Mr. Bill Bullard of 20 acres on Northland Drive between the railroad track and Balcones. Mr. Bullard had called and said he was in the process of reorganizing the corporation and he would discount the obligation 3%. Originally the City was to pay for the land in 10 years with $3\frac{1}{2}\%$ interest with no set annual payments. In addition to the interest the City would pay over the next 10 years they would save 3%. The Council discussed this offer. The City Manager recommended that the proposal not be accepted for the reason that there is a lot of other land that the City has to acquire. Councilman LaRue moved to decline the offer at this time. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Attorney stated he had checked with the Members of the Legislature regarding a meeting with them and they would prefer a breakfast on Friday, January 8th. The Council agreed to the meeting on January 8th and set the time at 8:00 A.M. at the Driskill Hotel.

The City Council received notice from the City Manager that the following applications for change of zoning had been referred to the Planning Commission and set for public hearing before the Council at 11:00 A.M. on January 28, 1965:

JAMES E. CROZIER	2620-2748 Anderson Lane	From "A" Residence To "C" Commercial
ESTATE OF MAY BELLE ALLEN, By Sidney Purser	1701-1703 Kinney Avenue	From "A" Residence To "B" Residence
IGNACIO LAREDO By Ronald Zent	4901-4903 Santa Anna St.	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
JOE ADCOCK & ASSOCIATES By John D. Adcock	4807 South Congress Ave.	From "C" Commercial 6th Height & Area To "C-1" Commercial 6th Height & Area
TONY STASSWENDER By Ed Padgett	5001-5017 Bull Creek Road	From "A" Residence 1st Height & Area To "LR" Local Retail 2nd Height & Area
STANLEY W. JOHNSON, ET AL	601-603 Williams Street 607-611 Canion Street	From "A" Residence To "C" Commercial
GLEN-PARK PROPERTIES, INC., By Richard L. Matz	8503-8507 North Inter- regional Highway	From "A" Residence 1st Height & Area To "GR" General Retail 6th Height & Area
BLANCHE C. GATLIN ESTATE, By Leo N. Herzog	2307 Rio Grande Street Additional Area 2311 Rio Grande Street	From "B" Residence 2nd Height & Area To "O" Office 2nd Height & Area
JAMES T. ROBINSON III By Ronald Tynes	906-912 East 30th Street	From "C" Commercial 6th Height & Area To "C" Commercial 3rd Height & Area
GEORGE H. WALKER By Paul D. Jones	2401-2403 Lake Austin Boulevard	From "O" Office To "LR" Local Retail

WINIFRED O. GUSTAFSON	925 East 41st Street	From "A" Residence To "GR" General Retail
TOM A. FAIREY	5522-5600 Manor Road	From "A" Residence To "B" Residence
JACK ANDREWARTHA	5100-5104 Guadalupe 600-618 West 51st Street	From "A" Residence To "BB" Residence
P. E. WORSHAM By Forrest N. Troutman	1314-1320 Rosewood Ave.	From "A" Residence 2nd Height & Area and "C-1" Commercial 2nd Height & Area To "B" Residence 2nd Height & Area
WALTER WENDLANDT	Tract 1 4409-4411 Russell St.	From "A" Residence To "B" Residence
	Tract 2 Rear of 1619-1707 Ben White Boulevard	From "GR" General Retail To "C-1" Commercial
ELLEN H. PAGGI By Arthur E. Pihlgren	2405-2407 Lake Austin Boulevard	From "A" Residence To "GR" General Retail
E. A. GRIMMER By Fred B. Werkenthin	823-829 Houston Street	From "C" Commercial To "C-1" Commercial
V. E. AHLGRIMM	Tract 1 806-808 West 17th Street	From "A" Residence
R. H. DEAR	Tract 2 1707-1711 Pearl Street	To "B" Residence
F. E. BRISBON	706 West St. Johns Ave.	From "A" Residence To "GR" General Retail
ELBERT MADISON By John B. Selman	3601-3605 East 19th St.	From "A" Residence To "GR" General Retail
HOUSING AUTHORITY OF THE CITY OF AUSTIN By Charles F. Herring	81-89 Trinity Street 90-94 Neches Street	From "B" Residence 2nd Height & Area To "C" Commercial 4th Height & Area
R. C. WILSON	Tract 1 2401-2407 Red River St. 600 East 25th Street 2504-2506 Sabine Street	From "B" Residence 2nd Height & Area To "LR" Local Retail 2nd Height & Area
WALTER STAEHELY By Frank Montgomery	Tract 2 Rear of 2505-2507 Red River Street	From "B" Residence 2nd Height & Area To "C-1" Commercial 2nd Height & Area

The Council wished everybody a Merry Christmas, good health, good cheer and a Happy New Year.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Council adjourned at 1:40 P.M. subject to the call of the Mayor.

APPROVED: _____

Lon T. Palmer
Mayor

ATTEST:

Grace Monroe

Assistant City Clerk