

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 15, 1960

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Palmer presiding.

## Roll call:

Present: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer

Absent: Mayor Miller

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

Invocation was delivered by REV. WM. C. PALMER, Faith Methodist Church.

Bids for the 100 MW 1450 PSIG Turbine Generator were opened as follows:

	Item I 100 MW Turbo-Gen.	Item II Spare Parts	Item III Lump Sum I & II	Price Subject to Adjust- ment	Escu- lation Limit	Calendar days for Begin- ning Draw- ings dlvy.	
GENERAL ELECTRIC CO.	\$2,789,000	-0-	\$2,789,000	Yes	20%	84	540
ALLIS-CHALMERS MFG.CO.	\$2,535,000	(Includ- ed with Item I)	\$2,535,000	(See proposal Firm 24 months)	-	30	660
WESTINGHOUSE ELECTRIC CORP.	\$2,397,000	\$63,000	\$2,460,000	No	-	10	180 or as re- quired

Each bid was accompanied by bid bond of \$200,000.00.

General Electric Company submitted an alternate, but it was not read at the time the other bids were opened. MR. BILL SCOGGINS, Westinghouse Electric Corporation, asked that the alternate be read, but later withdrew his request.

However, the City Manager read the alternate bid. The bids were referred to the Consultant Engineer and the Director of the Electric Department for evaluation and analysis.

Later in the meeting the City Manager submitted a letter from BROWN & ROOT, INC., as follows:

"December 15, 1960

"Mr. W. T. Williams, Jr.  
City Manager  
City of Austin  
P. O. Box 1160  
Austin 64, Texas

"Dear Mr. Williams:

"Brown & Root, Inc., have examined the bids opened by you at 10:00 A.M., December 15, 1960, in open council meeting on the 100 MW Turbine-Generator as submitted by the Allis-Chalmers Manufacturing Company, the General Electric Company and Westinghouse Electric Corporation.

"On the basis of the performance guarantees and price, the Westinghouse Electric Corporation has the lowest and best bid. Specifications have been fulfilled in every respect.

"It is recommended that the Westinghouse Electric Corporation be awarded the contract.

"Yours truly,  
BROWN & ROOT, INC.

BY: s/ D. N. Higgins, Chief  
Power Engineer

BY s/ O. E. Lundelius, Chief  
Electrical Engineer"

It was also the recommendation of the Director of the Electric Department and the City Manager that the Contract be awarded to this company.

Mayor Pro-tem Palmer asked Councilman White to preside.

Councilman Palmer stated that the Director of Electric Utility should be commended, because he and those who worked on the specifications and bid sheets made it clear so that each one could submit a good intelligent bid, and said the City was very fortunate in getting a bid of this type. Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 15, 1960, for the purchase of one 100 MW 1450 PSIG 1000"/1000" Turbine Generator, to be installed in the new Holly Street Power Plant; and,

WHEREAS, the bid of Westinghouse Electric Corporation in the sum of \$2,460,000.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of the Electric Department 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 Westinghouse Electric Corporation in the sum of \$2,460,000.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager, is hereby authorized to execute a contract on behalf of the City of Austin, with Westinghouse Electric Corporation.

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

Mayor Pro-tem Palmer returned to the chair and presided.

MR. SPENCER SCOTT, representing Northwest Highlands Association, appeared along with a group, asking that the Missouri-Pacific Boulevard project be started sometime in 1961. The City Manager stated that the contract with the Railroad Company regarding the right-of-way has not yet been completed, as the official with the Missouri-Pacific Railroad was in the hospital. It was hoped that this right-of-way agreement would be signed shortly. The City Manager reported that an engineer had been selected to do the preliminary planning for the complete project, and he then listed the first sections to be worked on--the overpasses at Windsor Road and Westover. He said bonds had been sold to finance the first two structures, and that design work would begin right after the first of the year. He said rather than waiting until a complete design for the whole project was made and a contract signed, that a contract be made covering phases of the boulevard, beginning at the south end and working toward the north, and the work had been scheduled through each of the years in the five-year period. Each of the cross streets will be separated from the railroad track. MR. SCOTT expressed appreciation for the group and stated it looked like progress was being made on the new Boulevard.

MR. ROBERT POTTS appeared before the Council on behalf of the Austin Fire Safety Association regarding an amendment to the Fire Prevention Code. Detailed discussion covered amending the Code in such a manner which would insure uniformity of conduct by the filling station operators in the sale of gasoline--prohibiting the sale of gasoline in glass jars; providing in the ordinance a requirement that persons dispensing gas, kerosene or naphtha maintain signs on the premises that these products would not be dispensed in glass bottles; the types of inflammable liquids to be regulated in this ordinance; an amendment to Section 11.78 permitting the installation of 6,000 gallon tanks rather than the present limit of 3,000 gallons, and permitting more than one pump on a tank. These suggestions were approved and endorsed by the group, the Chairman of the Austin Fire Safety Association, MR. LES PHARES; the Fire Marshal, representatives of the Gasoline Wholesalers' Organization, and of the Gasoline Retailers' Organization.

The Fire Marshal pointed out that the National Board of Fire Underwriters had recommended in 1950 that the City completely revise its Fire Code so that it would be reasonably close to their suggested fire prevention code. He read a letter from the State Department of Insurance dated September 21,

1959, recommending adoption of a fire prevention code as was recommended by the National Board of Fire Underwriters, and listing the outstanding parts of the present City Ordinances, and pointing out some of the weak points of the 1937 code.

Councilman Bechtol moved that the City Attorney be instructed to bring in an ordinance changing the maximum size of underground gasoline tanks from 3,000 gallons to 6,000 gallons; and that the provision of allowing only one pump per tank be deleted from the Code. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
 Noes: None  
 Absent: Mayor Miller

Councilman Bechtol moved that the City Attorney be instructed to bring in an ordinance restricting the sale or dispensing of inflammable liquids below a flash point of 70° Fahrenheit, Class I & II. He stated his motion was not intended to cover only service stations. Mayor Pro-tem Palmer stated if the question had a broader base than just filling stations, he would not be ready to vote the ordinance today; and suggested that the one item confining the matter to filling stations be considered today. Councilman Bechtol stated if a public hearing were to be held, he would amend his motion to make it 200°. Councilman Bechtol withdrew his motion. Councilman Perry moved that the City Attorney be instructed to draw an ordinance prohibiting the sale of gasoline in glass containers. The motion was seconded by Councilman White. Councilman Bechtol moved that Councilman Perry's motion be amended to read "No inflammable liquid having a flash point above 70° Fahrenheit may be sold in glass containers and to specifically exclude the sale of naphtha and kerosene in glass containers in service stations." The motion lost for lack of a second. Roll call on Councilman Perry's motion that the City Attorney be instructed to draw an ordinance prohibiting the sale of gasoline in glass containers, showed the following vote:

Ayes: Councilmen Bechtol\*, Perry, White, Mayor Pro-tem Palmer  
 Noes: None  
 Absent: Mayor Miller

\*Councilman Bechtol made the following statement concerning his vote:  
 "I would like to see the ordinance enlarged upon, as it is an entirely inadequate ordinance."

Councilman Bechtol moved that the Fire Safety Association, the City Manager, and whomever the President of the Fire Safety Board and City Fire Marshal select in addition, be appointed as a Committee to study and report back to the Council the possible adoption of a new Fire Prevention Code for the City of Austin, and MR. PHARES be appointed as Chairman of the Committee. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
 Noes: None  
 Absent: Mayor Miller

Councilman White moved that the Minutes of the Meeting of December 1, 1960, be approved, with correction noted by Councilman Bechtol. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

After discussion, Councilman Perry moved that the City Manager be instructed to investigate all of the factors involved in a possible change of the cemetery rates for funerals held on Sunday, and to seek out the feelings of all groups concerned in this, such as private cemetery owners, funeral directors, florists, and preachers, and thereafter bring a recommendation to the Council on this subject. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, Mayor Pro-tem Palmer  
Noes: Councilman White\*  
Absent: Mayor Miller

\*Councilman White voting against the motion made the following statement:  
"I am opposed to it, and I think when it is all said and done, and when you have a public hearing, you will be opposed, and there's no use for me to vote for the matter."

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 13, 14, 15, 18 AND 19, J.K.P. McFALLS SUBDIVISION, LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Bechtol, White, Mayor Pro-tem Palmer  
Noes: Councilman Perry  
Absent: Mayor Miller

No action was taken on awarding a contract to GERSTENSLAGER COMPANY of Wooster, Ohio, for a Mobile Book Trailer for the Library.

The Council had before it the following zoning applications:

J. H. FREEMAN & MRS. STELLA OWENS	1006-08 West Lynn Street	From "C" Commercial To "C-1" Commercial
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Councilman Bechtol moved that the change be DENIED. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been denied.

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GORDON W. GRIFFIN	813-15 East 32nd Street	From "A" Residence To "O" Office
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Councilman Bechtol moved that the change be DENIED. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been denied.

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DORA E. SCARBOROUGH	3024 Windsor Road 2401-03 Spring Lane	From "A" Residence To "C" Commercial
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Councilman Bechtol moved that the change be DENIED. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the change had been denied.

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FRANK C. BARRON	4905-5033 Manor Road	From "B" Residence To "GR" General Retail
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The City Manager explained that the plat filed recently had not been approved by the Plan Commission, and that Mr. Barron had attempted to dedicate the street, but the dedication had not been completed pending approval of the plat. The Director of Planning stated the plat was pending approval when Mr. Barron makes the fiscal arrangements. Councilman Bechtol moved that the City

Clerk be instructed to write MR. FRANK BARRON and inform him that he will be allowed to withdraw the application and submit it at a later date. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT ON TWO TRACTS OF LAND IN OUTLOT 41, DIVISION "A" OF THE GOVERNMENT OUTLOTS, LOCALLY KNOWN AS 1102-1104 SPRINGDALE ROAD AND 1100-1100 1/2 SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Perry 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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Missouri-Pacific Railroad Company has granted permission

for the City of Austin to install a water main across its railroad right-of-way at a point located in the George W. Davis Survey at the intersection of the said Railroad's right-of-way with Greenlawn Parkway subject to the execution of a Pipe Line License Agreement and the payment of a \$25.00 fee to cover license preparation, Now, Therefore,

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

That, W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed on behalf of the City, to execute the Pipe Line License Agreement with the Missouri-Pacific Railroad Company according to the terms and conditions of said Pipe Line License.

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to keep this resolution together with the attached Pipe Line License Agreement above described in the permanent files of the City of Austin without recording said Pipe Line License Agreement at length upon the Minutes of the City Council.

The motion, seconded by Councilman Bechtol, carried by the following vote:  
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH SOUTHERN OAKS DEVELOPMENT CO.; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT ON THE EAST 45 FEET OF LOTS 8 AND 9, BLOCK A, RICHARDSON'S SUB-DIVISION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Bechtol, Perry, Mayor Pro-tem Palmer  
Noes: Councilman White  
Absent: Mayor Miller

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE ON TWO LOTS FRONTING APPROXIMATELY 278 FEET ON THE EAST RIGHT-OF-WAY LINE OF OLD BULL CREEK ROAD, LOCALLY KNOWN AS 3201-3209 OLD BULL CREEK ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Bechtol 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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The ordinance was read the second time and Councilman Bechtol 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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by a certain ordinance dated June 2, 1955, of record in Volume 1590 at page 457 of the Deed Records of Travis County, Texas, the City of Austin vacated a portion of Harvey Street in the City of Austin, retaining a drainageway and public utility easement twenty (20) feet in width, a portion of which retained easement lies in, upon and across two (2) tracts of land, said two (2) tracts being out of a part of Outlots 14 and 15, Division B, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; and

WHEREAS, the owner of the fee simple title to the hereinafter described premises has requested the release of such easement across the hereinafter described tracts; and,

WHEREAS, the easements retained in, upon and across the hereinafter described tracts are not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That W. T. Williams, Jr., City Manager be and he is hereby authorized to execute a release of the drainageway and public utility easement in, upon and across the hereinafter described premises, to-wit:

FIELD NOTES FOR TWO (2) TRACTS OF LAND, EACH OF THE SAID TWO (2) TRACTS OF LAND BEING OUT OF AND A PART OF THAT CERTAIN ORIGINAL OUTLOT STREET WHICH DIVIDED OUTLOTS 14 AND 15, DIVISION B, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT OF SAID GOVERNMENT OUTLOTS ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, EACH OF THE SAID TWO (2) TRACTS OF LAND HEREINAFTER KNOWN AS NO. 1 AND NO. 2 BEING A PART OF THAT CERTAIN PORTION OF LAND RETAINED AS A DRAINAGEWAY AND PUBLIC UTILITY EASEMENT BY AN ORDINANCE DATED JUNE 2, 1955, PERPETUALLY VACATING AND CLOSING A CERTAIN PORTION SAID OUTLOT STREET KNOWN AS HARVEY STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID ORDINANCE BEING OF RECORD IN VOLUME 1590

AT PAGE 457 OF THE DEED RECORDS OF TRAVIS COUNTY,  
TEXAS, SAID TRACTS OF LAND NOS. 1 AND 2 BEING MORE  
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

NO. 1 BEGINNING at a point in the west line of the aforementioned easement twenty (20) feet in width, said point being the most southerly corner of the herein described tract of land and from which point of beginning the southeast corner of that certain tract of land conveyed to Carl Templeton of record in Volume 529 at page 245 of the Deed Records of Travis County, Texas bears S. 10° 27' E. 174.67 feet to a point in the north line of Oak Springs Drive and westerly along the north line of Oak Springs Drive and westerly along the north line of Oak Springs Drive S. 80° 02' W. 300.00 feet;

THENCE along the west line of said easement twenty (20) feet N. 41° 08' W. 221.09 feet to a point, same being the most northerly corner of the herein described tract of land;

THENCE N. 74° 01' E. 36.84 feet to a point in the east line of said easement twenty (20) feet in width same being the most northeasterly corner of the herein described tract of land;

THENCE along the east line of said easement twenty (20) feet in width, S. 41° 08' E. 156.43 feet to a point same being a southerly corner of the herein described tract of land;

THENCE S. 10° 27' E. 39.20 feet to the point of beginning:

NO. 2 BEGINNING at a point in the north line of Oak Springs Drive same being also in the west line of the aforementioned easement twenty (20) feet in width and from which point of beginning the southeast corner of the said Carl Templeton tract of land bears westerly along the north line of Oak Springs Drive, S. 80° 02' W. 404.17 feet, said point being the southwest corner of the herein described tract of land;

THENCE, N 41° 08' W along the west line of said easement twenty (20) feet in width 164.95 feet to a point, said point being a northerly corner of the herein described tract of land;

THENCE, N 10° 27' W 39.20 feet to the most northerly corner of the herein described tract of land same being also in the east line of said easement twenty (20) feet in width;

THENCE, along the east line of said easement twenty (20) feet in width, S 41° 08' E 210.75 feet to a point in the north line of Oak Springs Drive same being the southeast corner of the herein described tract of land;

THENCE, westerly along the north line of Oak Springs Drive S 80° 02' W 23.37 feet to the point of beginning.

The motion, seconded by Councilman Bechtol, carried by the following vote:  
Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Council had before it a photo of the Ballet Foundation plaque. Councilman Bechtol moved that the Council approve the plaque and to have it hung in the Committee Room at the top of the west stairs. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
 Noes: None  
 Absent: Mayor Miller

Mayor Pro-tem Palmer stated that Mr. Rudy Cisneros had requested the use of the Coliseum on January 29, for "Poll Tax Night". The Council discussed the use of the Coliseum rent-free. The City Manager stated that there were some facilities which did not produce revenue to off-set their expenses, and care should be taken regarding permitting the use of those facilities free when they are not making their expenses. He said it was his view that it would be easier to administer the rules if the rules were uniform in application; and it would be better not to have an exception.

The City Attorney read the following letter:

"December 14, 1960

"Mr. S. Reuben Rountree, Jr.  
 Director of Public Works  
 The City of Austin  
 Austin, Texas

"Re: 4900 Shoal Creek  
 Neighborhood Project

"Dear Mr. Rountree:

"We are advised that the persisting bad weather has placed a heavy and urgent burden upon your Department which was not foreseen when the City Council authorized Mr. Williams to accept the tender of \$1,000.00 by our neighborhood group for work to be done by your Department in Shoal Creek, and we have been canvassing the possibilities for relieving you of this additional load, with the following results:

"Qualified people who have inspected this site are of the view that the work of deepening the channel in the upper portion will be greatly facilitated by use of the access road built by the Karl Wagner Co. as incidental to their sanitary sewer job in the lower portion of the channel. This company has completed this portion of their contract, and are anxious to clear out of the creek bed as soon as possible, but are willing to allow use of the road for a reasonable time for our purposes. We have discussed with another contractor, Mr. Pat Canion, the possibility of his doing this excavation, and he has given us a quotation which compares very favorably with the best estimates, and is able to start this three-to-four day job immediately. In view of the urgency in letting Mr. Wagner get clear of his job, we strongly suggest that you avail yourself, or allow us to do so, of this offer. Mr. Canion has also made us a figure for hauling material out of the lower portion of the channel which is 30% to 40%

of other quotations, provided the haul is not too long. We are trying to find if we may fill State land which lies south of West 45th Street, and we would like very much to know if it will be possible to fill some part of Hancock Memorial Cemetery at the same time.

"With these possibilities, and your present work load, it appears that we can do the job with least trouble to all parties by dealing with Mr. Canion, and I therefore ask that you consider the prospect of handing job and money back to us and giving only such engineering supervision as will assure that your utilities will not be disturbed by Mr. Canion doing the work.

"Sincerely yours,  
s/ Robert J. Potts, Jr.  
Robert J. Potts, Jr."

After discussion, Councilman Perry moved that the check be returned to the donors for this purpose. The motion, seconded by Councilman Bechtol, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

Mayor Pro-tem Palmer stated that the City was not in default.

MAYOR PRO-TEM PALMER read a letter from Robert E. Byers dated December 16, 1960, regarding the intersection at 43rd and Duval, and requesting a traffic light. The City Manager stated there were stop signs on 43rd, but none on Duval. Councilman Bechtol moved that this letter be referred to the Traffic Engineer with the request that a study of the intersection be made again. The motion lost for lack of a second. The City Manager stated that the Council had passed an ordinance which authorized the Traffic Engineer to make the installations if he finds they are needed.

MAYOR PRO-TEM PALMER appointed the following to the Housing Authority for a two year period ending December 23, 1962:

MISS LOUISE HAYNIE  
MR. HUBERT B. JONES

Councilman Bechtol moved that the Council approve the appointments by Mayor Pro-tem Palmer of Miss Louise Haynie and Mr. Hubert B. Jones to the Housing Authority for a two year period ending December 23, 1962. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

Councilman Bechtol, in the presence of the press, commended MAYOR PRO-TEM PALMER in the timing and manner of taking bids on the turbine-generator to be installed four years from now, as they had to be ordered early. He explained

that the Courts had had a great deal to do with what happened in their ruling out companies' bidding the identical prices. Councilman Bechtol stated that Mayor Pro-tem Palmer had the idea of saving a great deal of money by taking open competitive bids on these generators this morning, and it appeared there has been a savings of \$595,000, and that he would like to recognize credit where credit lies. He stated that through the Electric Department, the City Manager, the Mayor Pro-tem, the Attorneys and others, this was worked out and the city had saved around \$600,000, and it is a tribute to all.

The City Manager recalled that MR. WALTER LONG was before the Council a short while ago in connection with the Longhorn-Chisholm Trail markers, which he suggested be placed on the new bridge. Prices for duplicating the original marker from Hall Level and Manufacturing Works were \$60.00 for one marker; \$55.00 each for two; and \$50.00 each for three.

The Planning Director gave a report on MR. DUDE McCANDLESS' subdivision, stating the Planning Commission approved the plat submitted by Mr. McCandless, and all that is necessary to be done now is to work out the fiscal arrangements and paving, etc. The City Manager pointed out since the Planning Commission had approved the plat, there was no Council action necessary.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, United States Fidelity and Guaranty Company, a private corporation duly organized and existing under the laws of the State of Maryland and qualified to transact business in the State of Texas, executed and delivered its performance bond guaranteeing, as surety, the performance of that certain contract dated July 16, 1957, under the terms of which Hardin Construction Company, a private corporation duly incorporated and existing under the laws of the State of Texas agreed to construct a certain sanitary sewer from Springdale Road to Manor Road in the City of Austin in accordance with certain drawings and specifications; and,

WHEREAS, said Hardin Construction Company entered into the performance of said contract and continued thereon until on or about February 24, 1958, when said Hardin Construction Company discontinued work and abandoned the project without completing the same, despite repeated demands by the City of Austin that the work be performed; and,

WHEREAS, the City of Austin thereafter proceeded to have the work completed by another contractor pursuant to the provisions of the contract; that although repeated demands were made by the City for reimbursement to it for the additional expense to said City resulting from the abandonment of the contract, said Hardin Construction Company failed and refused to reimburse said expenses; and the City of Austin was required to file suit for its damages in that certain Cause No. 115,437, in the 98th District Court of Travis County, Texas, in which the City of Austin is plaintiff and United States Fidelity and Guaranty Company and Hardin Construction Company are defendants; and,

WHEREAS, United States Fidelity and Guaranty Company has offered and

agreed to fully reimburse the City of Austin for its damages suffered through the default of said Hardin Construction Company in the amount of Fifty-Four Thousand Dollars (\$54,000.00) and has requested that the City of Austin assign its said cause of action and claim for damages against said Hardin Construction Company to said United States Fidelity and Guaranty Company; and that said United States Fidelity and Guaranty Company be fully exonerated by said City; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute an assignment to United States Fidelity and Guaranty Company of all causes of action and claims for damages by the City of Austin against Hardin Construction Company and United States Fidelity and Guaranty Company under that certain contract between the City of Austin and Hardin Construction Company dated July 16, 1957, and under that certain cause Numbered 115,437, in the 98th District Court of Travis County, Texas, styled City of Austin v. United States Fidelity and Guaranty Company and Hardin Construction Company, and to deliver the same to said United States Fidelity and Guaranty Company when he has received said sum of Fifty-Four Thousand Dollars (\$54,000.00), and that thereafter the City Manager be and he is hereby authorized to accept the bonds and obligations of said United States Fidelity and Guaranty Company under the same terms and conditions that similar bonds and obligations of other corporate sureties are accepted by said City.

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer

Noes: None

Absent: Mayor Miller

The City Manager stated that Mr. Osborne, Director of Planning, had the plaque ready to be presented to MR. HUGO KUEHNE in honor of his long service to the Planning Commission, and wanted to know when the Council would like to have this presentation. Mayor Pro-tem Palmer recommended that this recognition be given, and that Councilman White represent the Council in presenting this award next Thursday, December 22, 1960.

The City Manager introduced to the members of the Council the new Administrative Assistant, MR. ELVIN H. (WOODY) UNDERWOOD.

The Council recessed until 2:15 P.M.

RECESSED MEETING

2:15 P.M.

At 2:15 P.M., the Council resumed its business.

MR. FRANK DENIUS, Attorney for the Austin Transit Corporation, appeared before the Council for the purpose of discussing the financial status of the AUSTIN TRANSIT CORPORATION. He stated the last rate increase became effective June 1958, and the Company had extended its lines, put on new busses and went to the zone fare system. There had been a 3% decline from 1960 over 1959

operations. He pointed out that since 1958 wages and costs for parts of new equipment had increased substantially; that wage increases since 1950 for drivers had increased 33% for mechanics 30% and for labor 40%. Mr. Denius submitted a Statement of Income and reviewed it, as well as the organization activities. He pointed out that additional services--school bus and charter bus services--had been made available as well as better service generally. He compared Austin's rates with 12 cities, showing local rates to be the lowest with the exception of Corpus Christi. On Mr. Denius' Statements presented to the Council, he said Items I and IV were the ones the Austin Transit Corporation wanted to improve:

Item I - Eliminate the weekly pass which would mean approximately \$3259 per month income to the Company, and would affect only 23% of the passengers. A two cent charge for transfers would be an increase of \$1980 per month.

Item IV- Reduction of the 2% gross receipts tax to 1/2 of 1%, which would add \$1,050 to the Company's income. Mr. Denius said all cities had a gross receipts tax, but the highest charged was 1/2 of 1%. The gross receipts revenue to the City would be decreased by \$12,000.

MR. J. B. MALONE spoke making further explanation of their request for these two items. The City Attorney noted there had been no information provided concerning the value of the property, which is necessary for determining rates of public utilities; and that the gross receipts tax item would involve an amendment to the franchise. The Council discussed in detail the operational statements with Mr. Malone and Mr. Denius. Mr. Denius said the Company wanted to get the additional information to the Council, and would ask for a public hearing at that time. Mayor Pro-tem Palmer stated the Council would check into the figures from the City's standpoint.

The Council had before it an amendment to a refund contract, where there was to be included \$6,719 participation in an oversize storm sewer in Allandale West, Section 5. The City Manager reviewed the policy as now set out and stated some thought should be given not so much to the policy with reference to drainage in subdivisions, but to requirements for drainage, and cited an example. Mayor Pro-tem Palmer asked him to make a study of this. Councilman Bechtol stated there was a need to rework the subdivision ordinance. After discussion, Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CAPITAL NATIONAL BANK IN AUSTIN, TRUSTEE; PROVIDING FOR AMENDMENT OF THAT CERTAIN REFUND CONTRACT BETWEEN THE CITY OF AUSTIN AND CAPITAL NATIONAL BANK IN AUSTIN, TRUSTEE AUTHORIZED BY ORDINANCE NO. 601020-F; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller



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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

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 Bechtol, Perry, White, Mayor Pro-tem Palmer  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

The Council discussed the lease between the City and MR. ED KNEBEL regarding the baseball park. The City Attorney pointed out various provisions of the lease, particularly the one covering title to the improvements, and the one providing that Mr. Knebel could assign the lease to MR. ALLAN RUSSELL. The City Attorney stated the records do not show that Mr. Knebel did assign the lease, and no notice was ever given that the lease had been assigned to Mr. Russell. No action was taken on the matter pertaining to the baseball utilities, rents, and this lease at this time.

The City Manager distributed to the Council members a memorandum regarding Sunday Laws and stated any citizen could file a complaint and it would be prosecuted.

The City Manager submitted a sketch of a tract of city property at 5th Street and Lamar Boulevard stating the Traffic Engineer and Director of Public Works had concluded that when the street became a 60 foot street, it would not be necessary to provide the right-turn lane as previously discussed; and it was thought now that the whole tract could be sold. He stated eventually it was the plan when 5th and 6th Streets had been improved, that 6th Street would be one-way west out to the Missouri Pacific Boulevard, and 5th Street one-way east. Councilman Bechtol discussed a trade of this property for the Brown & Root property. It was requested that appraisals of both lots be brought in next week.

There being no further business, the Council adjourned at 5:00 P.M., subject to the call of the Mayor.

APPROVED

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Mayor Pro-tem

ATTEST:

E. L. Kasey  
City Clerk