

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 1, 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 MR. B. R. REYNOLDS, JR., Y.M.C.A.

Councilman White moved that the Minutes of the Meeting of November 17, 1960, be approved. The motion, seconded by Councilman Bechtol, carried by the following vote:

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

Noes: None

Absent: Mayor Miller

Not in Council Room when vote was taken: Councilman Perry

COUNCILMAN BECHTOL made a report of a meeting with MR. TOM GRAHAM, member of the School Board; MR. IRBY CARRUTH, Superintendent of Schools; MR. BEVERLY SHEFFIELD, Recreation Director; DR. D. K. BRACE, Parks Board; MR. TEMPLE MAYHALL, Austin Public Schools, And MR. HOYLE OSBORNE, Planning Director, regarding a change in the policies regarding the joint use and development of school and recreation facilities. He reviewed the past policy and the revised policy, whereby the basic change was in the participation costs based upon the length of time the play area was used by the City and the time it was used by the schools. It was worked out that this time was 25% by the City and 75% by the schools, and the cost of the initial improvement, water system, levelling, etc., would be 75% by the schools and 25% by the City. The City Manager stated that in some instances the City would not now participate in the costs until it was ready to occupy the areas, as in many cases the schools were located in the School District outside of the city limits. MR. TOM GRAHAM, member of the School Board, was present. The Council had before it the following:

"POLICIES
TO GUIDE THE AUSTIN PUBLIC SCHOOL ADMINISTRATION
AND THE CITY ADMINISTRATION IN THE JOINT USE AND DEVELOPMENT
OF SCHOOL AND RECREATION FACILITIES

"The need for recreation as a contributing factor to the full life of the individual is recognized, particularly as the process of living becomes more intense and complicated. Through recreation activities, energies and emotions are released; man's creative and social nature are expressed; and man's desire for adventure and competitive spirit find outlets.

"To best provide these opportunities for recreation and to offer the community the greatest possible benefits from its investments in public expenditures, planning is necessary between the Austin Public Schools and the City of Austin's Department of Recreation for the joint acquisition and use of facilities. To accomplish the desired results mutually accepted policies are desirable. This will also assure continuity and permanency of the program.

"It is generally recognized that neighborhood playgrounds are the basic instrument in a successful community recreation program. Policies of acquisition of land and its development should deal primarily with elementary school sites and neighborhood recreation areas. This does not imply that consideration cannot or will not be given other projects of greater magnitude.

"As far as possible the joint committee of city and school representatives shall meet quarterly to discuss the carrying out of these policies and special problem of streets, sewerage, utilities, etc.

"Following are policies which shall apply to purchase of sites, planning new construction, joint use of buildings and grounds, and programs:

"It is desirable that the neighborhood playgrounds be a functional part of elementary school grounds. The following policies are to be followed where the School authority and City authority are jointly concerned in the acquisition of a new site.

"ACQUISITION OF NEIGHBORHOOD SITES

1. Since it is the duty of the Board of Trustees of the school district to select school sites, such sites shall be located primarily to meet educational needs, the probable need of the City being held in consideration.
2. Upon the tentative selection of a site the City Manager will be notified of its location by letter from the Superintendent of Schools, copies being sent to the Director of Planning and Director of Recreation.
3. At the earliest possible date the City authorities will notify the School District of the City's intention relative to a joint project.

"CHARACTER OF SITES

1. In the selection of school sites to be used in joint neighborhood playgrounds the following factors shall be considered.
 - a. The area shall be such that a free area of approximately six acres will be available for playground use. This area shall be exclusive of the area occupied by the building as determined by its maximum over-all dimensions.
 - b. The general topography of the proposed site.
 - c. The distance of travel of the site by the major element of population.
 - d. Accessibility of the site.

"PLANNING NEW CONSTRUCTION:

"Although the School authority has the principal responsibility for the planning of the school building, some guiding principles for the planning of the building for joint use are recognized.

"POLICIES

1. As far as possible, the following principles will be used in developing the school buildings.
 - a. All public school buildings, located where provision for community recreation facilities is determined to be advisable, should be planned and constructed to serve effectively not only the requirement of the school program. Where practical and additional expenditures are not necessary, the needs of all the people of the neighborhood and community for a broad recreation program should be included.
 - b. Authorities responsible for administering community recreation activities to be provided in the school buildings should be consulted in the planning of those facilities intended for community recreation use.
 - c. Facilities designed for community recreation use should be grouped as far as practical in one area of the school building. Such functional arrangements as limits access to other parts of the building, making possible efficient control, and economical maintenance and operation should be considered.
 - d. Recreation facilities in school buildings should be situated adjacent to the outdoor recreation areas. Direct access from parking areas and from the street should be provided.
 - e. Whenever a school building is designed for community recreation use, such should be recognized as an important function of the building and not merely as incidental or unessential. A plan of operation should be worked out so that community use will in no

way interfere with regular school use, but use of the school by the community should be made attractive and convenient.

2. As the school authority has the final responsibility for planning the building, the recreation authority shall share in the responsibility of planning the grounds, such plans being subject to the approval of the school authorities.
 - a. The grounds shall be planned to mutually serve both authorities.
 - b. The initial development of the playground shall consist of the following improvements, namely:
 - (1) Grading, leveling, top soil, sodding.
 - (2) Water System - The water system should be designed to operate a sufficient number of sprinklers so a minimum number of man hours are needed to water the grounds.
 - (3) Backstops for softball -- Softball backstops should be designed to meet the needs of both agencies.
 - (4) Hard surface playslab -- The hard surface playslab should be of such character and size as is suitable to the need of the community.
 - (5) Volleyball standards.
 - c. The facilities to be added by the recreation authority as the needs arises shall consist of the following:
 - (1) Play apparatus -- The playground apparatus shall consist of swings, merry-go-round, climbing bars, horizontal bars, slides, and other approved equipment.
 - (2) Outdoor stage
 - (3) Outdoor storage building
 - (4) Floodlights
 - (5) Tennis courts
 - (6) Wading or Junior swimming pool

"FINANCING

The initial development costs of the area and the costs of the clear areas to be used for the playground shall be based on the ratio of the period of time in major usage by each agency. Under the present plan this ratio is 9 months for school use and 3 months for recreation use. Therefore the City will reimburse the school district in the amount of 25% of the cost of the free play area and the improvements thereon and adjacent thereto.

"It is anticipated that the acquisition of new elementary school sites and development will usually be accomplished before the neighborhood can justify a playground operation. The City will pay its proportioned share of the cost of the land and the basic development costs when the area develops sufficiently for a neighborhood recreation program and such program is put into operation.

"The School District shall not be obligated to complete the initial development until such time as is necessary to accommodate the planned recreation program.

"USE OF BUILDINGS AND GROUNDS

"The two authorities enjoy the privilege of the joint use of the facilities that belong to the school authority and recreation authority, when it does not interfere with the purposes for which the facility was designed.

"POLICIES:

1. Custodian services at school buildings:

- a. A school custodian shall attend all buildings used by the recreation authority when more than a specific part of the building is open to the participants. Example: When the playroom at a school is in use for a dance and the hallways of the building must be open for the use of the restrooms.
- b. A school custodian will not be required to be present when a specific part of the school building is in isolated use as part of a playground operation; for example, where the playground operation will include the use of restrooms, and play room, with all other parts of the building closed off.
- c. When the recreation program is in progress and the custodian is still on school time, there shall be no charge to the recreation authority.
- d. The custodian will be paid at the hourly rate agreed upon annually.
- e. The custodian will be paid a minimum fixed rate for the first two hours of fractional part thereof where he is required to return to the building.
- f. Time of services shall begin at the time of opening the buildings and extend a sufficient period of time beyond the close of the activity to allow for cleaning up for the following day. Opening and closing hours shall be specifically agreed upon before services are rendered.
- g. When a sustained recreation program is in progress at a school for four or five nights per week throughout the school year, it may be necessary to hire a part-time custodian. A straight monthly rate of pay shall be agreed upon by both authorities.

2. Building Maintenance

The maintenance and repair of the school buildings shall be assumed by the school authority, except when damage to the building is unusual and is a result of the recreation program.

3. Utilities

- a. To compensate the School authority for electricity and water consumed by the City authority in the use of school facilities throughout each year, the City will bear each year all of the School authority's utility bills scheduled for billing in the

ordinary course of business during the months of July and August. The utility costs borne by the City thereby will cover part of the total school utility usage in June, all of the usage in July, and part of the usage in August.

b. The heat is to be furnished by the school.

4. Custodial services at recreation buildings:

When the school authority uses a recreation building, the custodian will be paid an hourly wage agreed upon, unless the custodian is still on the recreation authority's time.

5. Groundskeepers on the school playground jointly operated.

a. The watering of those parts of the school playground used for the recreation program will be done by the recreation authority.

b. The mowing of the grass at the school playground areas jointly operated by the two authorities will be done by the City. However, the trimming, watering, and hand mowing of the area immediately adjacent to the school building shall be done by the school authority.

6. House Park

a. The House Park Baseball Diamond shall be maintained by the recreation authority during the summer months and maintained during the school year by the school authority.

7. Downs Field

a. The School authority shall help defray the cost of Downs Field during the spring when it is used for the Anderson High School Baseball Program. The cost will be mutually agreed upon.

b. The School authority shall maintain Downs Field during the fall when it is used for a football practice field.

"PROGRAM

"Organized recreational activities are educational and contribute to the development of the individual. To best conduct the recreation program, some phases can be closely integrated with the school program; others can be organized through the assistance of the school personnel.

1. When the use of a given facility is permitted one authority, the other authority shall not permit an interference with the program, unless such interference is that for which the facility was primarily designed and constructed. Example: If the recreation authority grants permission to the School authority the use of Downs Field for the Anderson High School Baseball team, then priority in the scheduling of Downs Field should be given the Anderson High School.

2. The school district will not grant the use of school facilities to

any individual or group, other than regularly constituted school groups, for practices or scheduled games or activities that are not recognized as an organized, department approved program.

After further review of the revised policies, Councilman Bechtol moved the adoption, as the official policy, the guide set forth in the report by Mr. Sheffield. 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 introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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)

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

That the proposed agreement between the State of Texas and the City of Austin for the adjustment and relocation of all water lines within the proposed areas of construction on Interstate Highway 35 at its intersections with Highway 290, with St. John's Avenue and with Anderson Lane are hereby approved and W. T. Williams, Jr., City Manager, is hereby authorized to execute said agreements on behalf of the City of Austin and to transmit the same to the State of Texas for appropriate action.

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 offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the proposed agreement between the State of Texas and the City of Austin for the adjustment and relocation of all sewer lines within the proposed areas of construction on Interstate Highway 35 at its intersections with Highway 290, with St. John's Avenue and with Anderson Lane are hereby approved and W. T. Williams, Jr., City Manager, is hereby authorized to execute said agreements on behalf of the City of Austin and to transmit the same to the State of Texas for appropriate action.

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 offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the proposed agreement between the State of Texas and the City of Austin for the adjustment and relocation of all electrical installations within the proposed areas of construction on Interstate Highway 35 at its intersections with Highway 290, with St. John's Avenue and with Anderson Lane are hereby approved and W. T. Williams, Jr., City Manager, is hereby authorized to execute said agreements on behalf of the City of Austin and to transmit the same to the State of Texas for appropriate action.

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

MAYOR PRO-TEM PALMER stated that many times MAYOR MILLER had remarked on the fine job our City Attorney had done on getting the decision handed down in the courts regarding the relocation of the utility lines, and the savings to the city mean quite a sum of money.

The City Manager submitted the following:

"November 22, 1960

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

"Dear Mr. Williams:

"Bids were received until 2:00 P.M. Tuesday, November 22, 1960 at the Office of the Director of Water and Sewer Department, for the 30-inch Water Main in Cullen Avenue from Burnet Road to Ruth Avenue. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas. The following is a tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
Ford-Wagner, Inc.	\$120,246.00	100
Glade Construction Company	123,971.00	70
Austin Engineering Company	136,671.90	150
Bland Construction Company	148,669.50	150
Fairey - Simons Company, Inc.	159,577.30	140

"It is recommended that the contract be awarded to Ford-Wagner, Inc. on their low bid of \$120,246.00, with 100 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.,
Superintendent Water Distribution
s/ Albert R. Davis
Director Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 22, 1960, for installation of a 30-inch water main in Cullen Avenue, from Burnet Road to Ruth Avenue; and,

WHEREAS, the bid of Ford-Wagner, Inc. in the sum of \$120,246.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of the Water and Sewer 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 Ford-Wagner, Inc. in the sum of \$120,246.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin, is hereby authorized to execute a contract on behalf of the City with Ford-Wagner, Inc.

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 City Manager submitted the following:

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

FROM: A. H. Ullrich, Superintendent
Water & Sewage Treatment

"SUBJECT: Tabulation of bids received for Construction of Sludge Disposal System for Filter Plant No. 1, 600 West First Street. Bids were received and opened at 2:00 P.M., Tuesday, November 29, 1960.

"We are transmitting herewith tabulation of bids on the subject project. The tabulation was made by the Construction Engineering Division, City of Austin.

"The detailed plans and specifications for this project were prepared by the Construction Engineering Division. Their estimate for the cost of the project was \$87,000.00.

"The bids are for work in connection with the conversion of an old existing 1.3 million gallon settling basin, located north of the old power plant, for use as a sludge thickening and storage tank; for furnishing and installing a foot-bridge across Shoal Creek to connect Filter Plant No. 1 with the sludge

storage tank; and, for installing three sludge collectors (previously purchased), provide necessary concrete fill, and make necessary revisions in the existing 4.0 million gallon settling basin at Filter Plant No. 1. The start and completion of work on Item No. 3 is dependent on the completion of work on Item 1. Work on Item No. 2 must be finished before completed Items 1 and 3 can be used by the City. For these reasons it is important that the work on all three items be performed by the same contractor.

"The W. D. Anderson Company's total bid for all three items, in the amount of \$64,339.00, is low. We recommend therefore, that the W. D. Anderson Company bid be accepted.

"Respectfully submitted,
s/ A. H. Ullrich"

"EXPLANATORY COMMENTS:

"Completion of work under the above proposed contract will be another important step in the permanent solution of the sludge disposal problem at Filter Plant No. 1.

"Bids on necessary sludge pumps for pumping the sludge to the storage tank will be taken in the near future. It is our plan to install these pumps and the connecting sludge line with our own forces.

"The work to be done under the above proposed contract is in our current budget. Bid prices which we received are within our cost estimate.

s/ A. H. Ullrich, Superintendent
Water & Sewage Treatment"

"SLUDGE DISPOSAL SYSTEM
FILTER PLANT NO. 1
AUSTIN, TEXAS

CONSTRUCTION ENGINEERING DIVISION
CITY OF AUSTIN

"Tabulation of Bids

November 29, 1960

2:00 P.M.

Bidder	Item No.1	Item No.2	Item No.3	Item No.1, 2,3	Bid Security
W. D. Anderson Company	20,118.00	5,972.00	38,249.00	64,339.00	5%
Austin Engineering Co.	18,955.00	8,120.00	48,670.00	75,745.00	5%
John Broad Constr. Co.	19,587.00	7,292.00	55,169.00	82,048.00	5%
R. O. Davis	20,065.00	7,450.00	40,120.00	67,635.00	5%
Glade Constr. Co.	27,300.00	7,200.00	60,000.00	94,500.00	5%
Clyde Smith	25,122.00	8,546.00	59,214.00	92,882.00	5%

"All bidders acknowledged receipt of Addendum No. 1."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 29, 1960 for the Construction of Sludge Disposal System for Filter Plant No. 1, 600 West

First Street; and

WHEREAS, the bid of W. D. Anderson Company, in the sum of \$64,339.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent, Water & Sewage Treatment, 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 W. D. Anderson Company in the sum of \$64,339.00 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 W. D. Anderson Company.

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 Perry 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 property situated on the east side of Burnet Lane as a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Austin Jalousie Company, and is the E. M. Knippa Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Austin Jalousie Company to operate a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated 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 operation of this private gasoline plant after full compliance with all the provisions of this resolution, and 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, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Austin Jalousie Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
November 30, 1960

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

"Dear Sir:

"I, the undersigned, have considered the application of Austin Jalousie Company, by their agent, E. M. Knippa, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Burnet Lane, which property is designated as the E. M. Knippa Tract in the City of Austin, Travis County, Texas, and locally known as 6421 Burnet Lane.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

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 Perry 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 property situated on the north side of East 4th Street as a private gasoline plant consisting of a 7,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Continental Oil Co., and is a part of the W. T. Caswell Tract of the City of Austin, Travis County, Texas, and hereby authorizes the said Continental Oil Co. to operate a private gasoline plant consisting of a 7,000 gallon tank and electric pump for the sole purpose of servicing their own

motor equipment, and from which no gasoline is to be sold, subject to the same being operated 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 operation of this private gasoline plant after full compliance with all the provisions of this resolution, and 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, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Continental Oil Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 1, 1960

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

"Dear Sir:

"I, the undersigned, have considered the application of Continental Oil Co., by their agent, Raymond Ramsey, Jr., for permission to operate a private gasoline plant consisting of a 7,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 4th Street, which property is designated as a part of the W. T. Caswell Tract in the City of Austin, Travis County, Texas, and locally known as 1700 East 4th Street.

"This property is located in a Residential B District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

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 Perry 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 property situated on the west side of Parkway as a private gasoline plant consisting of two 550 gallon underground tanks and two electric pumps for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Continental Oil Co., and is Lot 65 in Enfield A of the City of Austin, Travis County, Texas, and hereby authorizes the said Continental Oil Co. to operate a private gasoline plant consisting of two 550 gallon underground tanks and two electric pumps for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated 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 operation of this private gasoline plant after full compliance with all the provisions of this resolution, and 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, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Continental Oil Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 1, 1960

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

"Dear Sir:

"I, the undersigned, have considered the application of Continental Oil Co., by their agent, Raymond Ramsey, Jr., for permission to operate a private gasoline plant consisting of two 550 gallon underground tanks and two electric pumps for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Parkway, which property is designated as Lot 65 in Enfield A in the City of Austin, Travis County, Texas, and locally known as 1206 Parkway.

"This property is located in a Local Retail District and I recommend that this permit be granted subject to the following conditions:

"(1) That the approval of the application be subject to the passage of a

Special Permit for the use of this property by the Planning Commission.

"(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(3) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(4) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(5) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

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 Council had before it the tax appeal of the UNITED FEDERAL LIFE INSURANCE COMPANY. The City Attorney made a report on the issuance of an order of sale for certain property covered in the appeal of this company. The Council postponed decision until the matter was cleared up in the courts.

The City Manager gave a brief statement on the work to be covered in a contract with MARVIN TURNER ENGINEERS, INC., for the Sewage Treatment Plant to be located near the junction of Williamson and Onion Creeks, stating the contract covered site preparation for the full sized plant ultimately to be built, and design for construction of a three million gallon per day initial disposal unit. 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 Manager, W. T. Williams, Jr., be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with MARVIN TURNER Engineers, Inc. of Austin for engineering services in connection with the construction of the first complete unit of a Sewage Treatment Plant to be located near the junction of Williamson and Onion Creeks, in accordance with the terms and provisions of a contract exhibited to the City Council and marked by the City Clerk for purposes of identification, and the City Clerk

is hereby directed to file for permanent record in the office of the City Clerk an executed copy of said contract without recordation in the Minutes of the City Council.

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 City Manager announced the appointment of MR. JIM WILSON as Assistant City Manager, at the time MR. TERRELL BLODGETT leaves. Mr. Williams stated that Mr. Wilson had been with the City for three years, and had had previous experience in governmental training before he came to Austin. Mayor Pro-tem Palmer congratulated Mr. Wilson, and also the City Manager on his choice for the new Assistant City Manager. He also complimented Mr. Blodgett for the valuable services he had rendered the city, particularly on the project of the Auditorium.

MAYOR PRO-TEM PALMER announced that the following zoning application had been withdrawn:

FRED WONG	1307-1311 East 52nd Street	From "BB" Residence 1st Height & Area To "BB" Residence 2nd Height & Area
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Pursuant to published notice thereof the following zoning applications were publicly heard:

MOSES J. KOURI	1127-1203 East 52nd Street	From "A" Residence To "BB" Residence RECOMMENDED by the Planning Commission
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Councilman Bechtol moved that the change be granted to "BB" Residence. 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 granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

DR. JAMES D. GLYNN	709 West 19th Street 1809-1811 (1805) West Avenue	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission
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Councilman White moved that the change be granted to "O" Office. 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 Mayor Pro-tem announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

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ST. JOHNS CORPORATION	5900-6221 & 6417-6526	From "A" Residence
By Marvin Turner	Airport Blvd	To "C" Commercial
Engineers	6000-6918 Middle Fiskville Road	RECOMMENDED by the Planning Commission
	6920-7126 Interregional Hwy.	
	405-711 East St. Johns Ave.	

Councilman White moved that the change be granted to "C" Commercial. 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 granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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CLARENCE McCULLOUGH	2404-2706 South Inter-	From Interim "A"
By Ray Saunders	regional Highway	Residence 1st H&A
		To "GR" General Retail
		1st Height & Area
		RECOMMENDED by the Planning Commission

Councilman Perry moved that the zoning be established as "GR" General Retail 1st Height and Area. 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 announced that the zoning had been established as "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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LUCILE M. BLOOR ESTATE 1000-10 West 6th Street From "C" Commercial
By Sterling Sasser, Sr. 600-610 Lamar Boulevard To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Councilman Bechtol moved that the change be granted to "C-1" Commercial.
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 granted to "C-1"
Commercial and the City Attorney was instructed to draw the necessary ordinance
to cover.

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N. O. POPE 2109 Holly Street From "LR" Local Retail
By Trueman O'Quinn To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change be granted to "C-1" Commercial.
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 granted to "C-1"
Commercial and the City Attorney was instructed to draw the necessary ordinance
to cover.

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FUTURA PRESS, INC. 2424 South 1st Street From "A" Residence
By J. W. Walls, Pres. To "C" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change be granted to "C" Commercial. 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 granted to "C"
Commercial and the City Attorney was instructed to draw the necessary ordinance
to cover.

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A. F. WHITE

900-04 West Mary Street
1806-10 South 4th Street

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

Councilman White moved that the change be granted to "A" Residence. 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 Mayor Pro-tem announced that the change had been granted to "A" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. JENNIE ECK STEWART 1200 South Congress Ave.
By Ernest C. Stewart, Jr. 101-05 Nellie Street

From "C-1" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Councilman White moved that the change be granted to "C-2" Commercial. 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 granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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JUAN VELA

2904 (2906) South 1st
Street

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

Councilman White moved that the change be granted to "B" Residence. 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 Mayor Pro-tem announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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COMMUNITY REALTY CO., 1148 Airport Boulevard
INC.

From "GR" General Retail
& "C" Commercial 6th
Height and Area
To "GR" General Retail
& "C" Commercial 2nd
Height and Area

Councilman White moved that the change be granted to "GR" General Retail and "C" Commercial 2nd Height and Area. 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 Mayor Pro-tem announced that the change had been granted to "GR" General Retail and "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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BURKE MATTHEWS
By Clyde Matthews

2304 LaFayette Avenue

From "A" Residence &
"C" Commercial
2nd Height & Area
To "C" Commercial
2nd Height & Area
RECOMMENDED by the
Planning Commission

Councilman Bechtol moved that the change be granted to "C" Commercial 2nd Height and Area. 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 granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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ELLA JOHNSON, et al

610-12 Chalmers Avenue
1611-13 & 1619-23 East
7th Street

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

DR. EDMUND HEINSOHN stated that Huston Tillotson College had gone along with the citizens in that block as opposing the zoning. Opposition was expressed by G. M. CORLEY, 1615 East 7th Street, MRS. F. R. RICE, R. V. SMITH, 1618 East 7th Street, also submitting a letter in opposition by Mrs. Rhambo; GREEN PENN, 1612 East 7th Street. MISS BESSIE ODOM, 1614 East 7th Street favored the change of zoning and wants her property to be changed to commercial

also. Later in the meeting, Councilman Bechtol moved that the change be granted to "C" Commercial. The motion, seconded by Councilman White, carried by the following vote:

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

*Councilman Perry voting against the change with the following statement:

"Obviously, on the basis of zoning this area should be "C" Commercial strictly on a logical extension of zoning. There are two blocks there; and it seems if a zoning change is going to be made in that block where there is nothing but "A" Residence that it should be made on a basis of block zoning change. The whole area should be changed and give these people the same chance to barter their property to Gulf as these people. Why shouldn't they have just as much right to come up and ask for "C" Commercial and make a big profit. This might be the only interested party that will come up for "C" Commercial for years. You have stuck all those other people with this burden, and they have not had equal chance. There is the argument that the colored people are restricted in the area in which they live, and that fact is pertinent, and carries just as much water as scientific zoning. They do not have any other place to go. They do own their property; and if they do have to move out, they ought to have the same chance to make the same amount of profit on their property."

The Mayor Pro-tem announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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PERRY D. SNAVELY &
 ROBERT K. MOSES
 By Mr. Cy Miller

1406-08, 1500-02 and
 1506-1514 Riverside
 Drive

From "A" Residence
 To "B" Residence 2nd
 Height & Area
 NOT Recommended by the
 Planning Commission
 RECOMMENDED "B" Resi-
 dence 1st Height & Area
 and to include 1410 &
 1504 Riverside Drive
 and rear of 1502-04
 Riverside Drive

Mr. Miller stated the proposal was to build luxury apartments on these sites; and although definite plans are not complete, preliminary plans indicate 30-25% of the units to be one bedroom apartments with 800 square feet; 50% to be two bedroom apartments with 12-1500 square feet; and the remainder, two bedroom and den apartments with 16-1700 square feet, and there will be over 50 additional off-street parking spaces for visitors. He said improvements would cover less than 40% of the ground, and the rest would be landscaped. He said

his clients thought that with the proposed development in this area, that their request for "B" Residence 2nd Height and Area was a most reasonable request considering other development beginning at the Interregional Highway going on down to the City Limits. He stated he had run an estimate on difference in tax revenue to be expected in a 1st Height and Area and 2nd Height and Area, and found the difference to be \$9 or \$10,000. The Director of Planning made a report on the area pointing out the possible development in the whole area with only Riverside Drive to serve it. He said the development for apartments was fine, but the question was one of density. MR. DICK JORDAN represented himself and others in the neighborhood who were interested in the height of the building because of their view, and was interested in the zoning as 1st Height and Area. After much discussion, Councilman Bechtol moved that the change be granted to "B" Residence 1st Height and Area as recommended by the Planning Commission. 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 granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN
 AVIATION DEPARTMENT

3600 Manor Road

From "A" Residence
 To "C-2" Commercial
 NOT Recommended by the
 Planning Commission

The Director of Planning reviewed the recommendation of the Planning Commission, which was not to recommend "C-2" Commercial. After discussion, Councilman Bechtol moved that the change be granted to "C-1" Commercial. 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 granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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Councilman Perry asked that information be submitted on the percentage of cases that are granted by the Council overruling the Plan Commission's recommendation to deny the zoning; and also the percentage of voting to override the Plan Commission's recommendation, on each Councilman.

In connection with the zoning of the ELIA JOHNSON application of 610-612 Chalmers Avenue, and 1611-13 and 1619-23 East 7th Street to Commercial, Councilman Bechtol moved that the Planning Commission be requested to make a study

of the balance of the 1600 block of East 7th Street in regard to zoning it "C" Commercial. 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 Council recessed until 2:00 P.M.

RECESSED MEETING

2:00 P.M.

At 2:00 P.M., the Council resumed its business.

The Council had before it the request of MR. GEORGE SHEPHERD that the remainder of his tract of land in Area 6, Tract No. 1, (South of Northland Drive, west of Bull Creek Road, adjoining Highland Park West) be brought up for consideration again for establishment of original zoning of "LR" Local Retail. Councilman Perry moved that if Mr. Shepherd will provide the information requested three years ago, the Council would be glad to hear the case again; but since it has been so long ago, that another public hearing be held and the people within the required distance be notified. 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 submitted a procedure regarding certificates of occupancy, as follows:

"BUILDING CODE OF THE CITY OF AUSTIN, TEXAS

"CERTIFICATE OF OCCUPANCY

"Sec. 205. No building shall be occupied in any part thereof unless and until a Certificate of Occupancy has been issued by the Building Inspector. The Building Inspector shall, after an application therefor has been filed by the owner or his agent, issue a Certificate of Occupancy for such building, if after inspection it is found that such building complies with the provisions of this Code and all other requirements of law or ordinance applicable thereto. Such Certificate of Occupancy shall show the use to which the structure may be put and the maximum allowable floor loads for each floor thereof. A temporary Certificate of Occupancy may be issued by the Building Inspector for the temporary use of a portion of a building prior to the completion and occupancy of the entire building."

"CERTIFICATE OF OCCUPANCY AND COMPLIANCE

"SECTION 25. (a) No existing building, and no building hereafter erected or structurally altered, shall be occupied, used, or changed in use, until a

certificate of occupancy and compliance shall have been issued by the Building Inspector, stating that the Building and proposed use of building or land comply with all the building and health laws and ordinances and with the ordinances relating to electrical and plumbing installation and with the provisions of this Ordinance. Certificates of occupancy and compliance shall be applied for coincident with the application for the building permit and shall be issued within five (5) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this Ordinance and the laws and ordinances above mentioned. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to persons having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate, but for copies of any original certificate there shall be a charge of fifty (50¢) cents each.

"(b) The use of a building already erected at the passage of this Ordinance shall not be changed from one class of use to another, unless and until a certificate of occupancy and compliance with the provisions of this Ordinance shall have been obtained from the Building Inspector.

"(c) No yard, court or other open spaces provided about any building for the purpose of complying with the provisions of this Ordinance shall again be used as a yard, court or open spaces for another building.

"(d) Before the issuance of a certificate of occupancy and a permit to engage in the sale of wine or beer in connection with a "restaurant" or "cafe", as defined in this Ordinance, in a "C-1" Commercial District, by the Building Inspector, to whom the applicant has been certified as having complied with all ordinances of the City of Austin applicable to the sale of wine or beer, the applicant shall file with the City Clerk a certificate from the City Health Officer showing that he has complied with all sanitary and health laws, ordinances, and regulations of the State of Texas, and the City of Austin."

"What is a Certificate of Occupancy and who is effected?

"A Certificate of Occupancy is an assurance to the contractor, owner, prospective occupant, and the city that the structure in question is ready for occupancy.

"The issuance of a Certificate of Occupancy is now a part of both the Zoning Ordinance and the Building Code and has been since 1931. However, this part of the codes has never been administered. It has been felt that the number of personnel employed by the Inspection Division was not adequate to administer the issuance of the Certificates of Occupancy.

"In the past, there have been several instances where owner or tenants have moved into structures thinking the structure was ready for occupancy. For some reason maybe the water was not connected, the sewer line not connected, the electric system was not ready, or perhaps the gas was not ready for connection. This is not due to any particular person's or firm's fault. It could be the occupant in too big a hurry to move in, it could be the General Contractor, the sub-contractor or even the city's fault; it could be a combination of all. This is due to the lack of coordination of all concerned.

"For instance, not too long ago a home owner moved into his home thinking the house was ready for occupancy. He lived in this home for some time. The

sanitary sewage backed into the house due to the use of the facilities and ruined the floor and the carpet. This accident was due to the plumber running the service line to the wrong location and was backfilled without an inspection. This was the fault of both the plumber and the city. The plumber should have called for an inspection and the inspector should have checked more thoroughly. Had the Inspection Division been issuing Certificates of Occupancy, this would never have happened. Other instances could be cited, but I am sure we are not interested in what has happened, but what can be done to prevent it from happening again. The answer is issuing a Certificate of Occupancy.

"This is not only an assurance or protection to the property owner and contractor, but to the city as well. A step forward in public relations should result by this action."

The Council reviewed the sections of the Building Code and of the Zoning Ordinance and the recommended procedure and agreed on the procedure.

The Mayor Pro-tem read a letter from the Administrator of the Housing and Finance Agency, regarding the workable program for recertification. Mayor Pro-tem Palmer stated it was necessary to keep the program alive. The City Attorney said people were still being displaced; and if the program were not kept active, those people would be unable to qualify for their loans under the 220 section. Councilman Bechtol moved that the Mayor Pro-tem be authorized to sign this Workable Program for Recertification. 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 made the following statement regarding his vote:"

"I will vote for this to keep it active, but I am not for the Urban Renewal program."

The City Manager discussed the utility system at the Wherry Housing Project, stating this housing project was built by private enterprise in which the Government cooperated, by permitting the land to be used. The City constructed the utility system, particularly the electrical system. The Government decided to buy the housing project for military quarters, and that would include their furnishing the utilities. He stated the Government wanted to purchase the distribution system, and he questioned whether or not that system could be sold without a vote of the people. He made a report on a meeting with representatives from the U. S. District Attorney's Office who stated they would file on behalf of the Government a suit to condemn those facilities at the price quoted to them that the City would accept if it were in a position to sell the system. The City Manager stated there would be the master meter for the whole base, and the individual meters would be removed.

The City Manager explained an option to purchase lines in the Travis-Williamson Water District No. 1, stating today was the last day to exercise the

option, and stated that considerable discussions had been held with the Bondholders and the Board of Directors of the District. The City Attorney and the City Manager reviewed the status; and after lengthy explanation and discussion, Councilman Bechtol moved that the City Manager not be authorized at this time to exercise the option to buy certain properties of the Travis-Williamson County Water Control and Improvement District No. 1 under the option granted June 1, 1960, but that he be authorized to negotiate further with the District in the event that he deems it wise to do so. 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 City Manager recommended that Lake Austin be lowered, beginning January 9th, until it is 12 feet below the normal level on January 12th; and that refilling start of February 1st. He stated these dates had been suggested by the Administrative Staff, but the Board of Directors of the L.C.R.A. would have to give its approval. Councilman White moved that the L.C.R.A. be requested to lower Lake Austin beginning January 9, and to begin refilling on February 1, 1961. 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 Assistant City Manager submitted recommendations for a lease at the Abattoir for the boning room operations, stating the rental was suggested at \$615.00 per month (the regular \$500.00 plus \$115 for the additional space) in addition to the regular killing charges, and the lessee's paying for part of the electrical power. He made inquiry if a five year lease subject to renegotiations at the end of the five year period were satisfactory. Councilman Bechtol stated he would be ready to enter into such a five year lease under the terms generally set out. Mayor Pro-tem Palmer stated that when the Legal Department had drawn up the lease, formal action would be taken by the Council.

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin, with V. J. LaRocca for the concession rights and privileges at the Municipal Auditorium and Coliseum, in accordance with the terms and provisions of a certain contract exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

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

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

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

Noes: None

Absent: Mayor Miller

The City Attorney explained a contract to be executed, with ROBERT L. RAGSDALE, for a 25 year lease for T-hangars, requiring him to build out the area in five years, and then 25 years of useful occupation of the T-hangars. The City Manager pointed out the amount to be received for the rental of the land. 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 Manager be and he is hereby authorized and directed to enter into a lease and agreement on behalf of the City of Austin with Ragsdale Aviation, Inc., and Robert L. Ragsdale, dba Ragsdale Flying Service, in accordance with the terms and provisions of a certain contract exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said lease and agreement in the permanent records of her office without recordation in the Minutes of the City Council.

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

Mayor Pro-tem Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY
CODE OF 1954 PERTAINING TO OBSTRUCTING SIDEWALKS;
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 City Attorney stated that November 25th was the date the option expired on the repurchase of the 105' of the southwest corner of the intersection of Lamar and 5th Street by the Coverts. Councilman White suggested that it be sold. The City Manager stated that there might be a need to widen 5th Street on the south side as an approach into Lamar. If the street is widened to 60 feet, the property would be needed. Mayor Pro-tem Palmer asked that the City Manager and Director of Public Works decide if this is to be needed. The City Manager stated it would be referred to the Traffic Engineer.

The City Attorney reported that on Lamar and 25th Street, next to the Lumbermen's Association, there are some wires and posts and electric line on city property along Lamar Boulevard, and stated that these had probably been placed there by someone acting for Lamar Terrace Office Building Association. He said farther around the bend there had been a number of accidents that resulted from people on Lamar doing their Christmas tree shopping; and as much traffic as Lamar handles, it will become a problem if a Christmas Tree center is set up at this location. He stated the people had been told to remove the wires and signs on the property; that the people had not been given permission to use the land, and that there was a maintenance agreement with the Lumbermen's Association regarding this tract. He inquired if the Council had any objections to "no parking" signs being placed on the curb in this area. The Mayor Pro-tem stated it would not have.

The City Attorney submitted two resolutions, one at the request of Councilman Bechtol that the personnel policies be amended to provide that when New Year's Day, Independence Day, or Christmas Day fell on Sunday, the holiday would be observed on Monday; and the other resolution at the request of Councilman White that when the holidays fell on Sunday they would be observed on Monday. The City Manager was asked just how much this would amount to. He listed the advantages and disadvantages, and stated that for the group that had to work on the holiday, the costs for overtime would be \$19,270 for one day. Councilman Bechtol stated that although he would like to include all of the holidays falling on Sunday to be observed on Monday, he believed it would be too expensive. Councilman White stated that this was the policy at one time. Mayor Pro-tem Palmer stated he favored giving the Monday observance of Christmas, New Years and the Fourth of July when they came on Sunday. Councilman Perry stated that

in view of the City Manager's report, he would change his mind and would vote for the Resolution requested by Councilman Bechtol. After more discussion, Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Section 6.4 of the Personnel Policies of the City of Austin heretofore adopted by the City Council on September 23, 1954, be and the same is hereby amended by deleting from said Section 6.4 the sentence: "If the holiday fall on Saturday or Sunday it will not be observed on Monday." and by inserting in lieu thereof the following sentence: "If the holiday falls on Saturday or Sunday it will not be observed on Monday, except that if New Year's Day, Independence Day, or Christmas Day falls on Sunday such holiday shall be observed on Monday."

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

The City Attorney made a report on some property on West Avenue, Block 24, Original City, from the Creek south to the Railroad on the northeast side belonging to Brown & Root, and listed the appraisal of the land and improvements as made by the Tax Department. He stated the representative of Brown & Root had established a \$65,000 value on the property and he had indicated the property could be obtained for \$65,000. The City Attorney stated he thought the Tax Department appraisal was about right. Councilman White wanted to know what value it was on the tax rolls. Mayor Pro-tem Palmer stated the Council would make a personal inspection of the property.

The Director of Public Works displayed a plat and discussed a storm sewer from Royal Oaks Subdivision, Section 2 to the Manor Road. He stated the developer should pay for 112', and the City take care of the sewer on out to the city limit line, the cost being around \$2300-\$2400. Councilman White moved to accept Mr. Rountree's recommendation on the storm sewer project on Rogge Lane east on Manor Road. The motion, seconded by Councilman Perry, carried by the following vote:

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

Noes: Councilman Bechtol

Absent: Mayor Miller

The Director of Public Works submitted the request of MR. NASH PHILLIPS for permission to construct an esplanade on Mullen Drive from Anderson Lane to his subdivision, stating Mr. Phillips had signed a letter of agreement whereby he would assume maintenance of this six foot island, landscape it and maintain it until the entire area developed, which would be in about five years. At that time the developers would either turn the maintenance over to the City or remove the landscape and put in a six foot walk, or remove the entire esplanade and pave it over. The City Manager stated when he ceased to maintain it, the

City had the option of putting it in street space. The Director of Public Works recommended that the strip should be paved rather than developed as a sidewalk. Finally, after much discussion, Councilman Bechtol moved that the request be denied. 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

The Director of Public Works submitted two requests for adding stucco or facings to buildings now right on the street line; one in the 4100 block of Guadalupe, and the other on West Milton and South Congress. Councilman Bechtol stated that the Council should not set a definite policy, but look at each individual case and act on it as it was presented. The City Attorney stated an ordinance would be drawn.

The Assistant City Manager reported that the Health Department has not had as many calls for rodent control services as it used to have, and that several people in the Exterminating Business had been making inquiry as to the City's being in this type of business. He stated this was an emergency service that was instituted during the war when there were no other like services available. After more discussion, Councilman Perry moved to discontinue this service effective January 1st, 1961. 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 Assistant City Manager stated that a delegation would come before the Council regarding a recommendation of the fire Marshal that gasoline not be sold in glass jars. The City Manager stated that the group had also suggested that the rules regarding tanks installed under the driveways be changed to increase the amount to 6,000 gallons instead of 3,000. Their suggestion was based on the theory that the less frequently the tanks had to be filled the less hazard, and the less frequently they are required to be filled, the less mileage the trucks would need to travel. The delegation wants to come before the Council two weeks from today.

The City Attorney made a report on the 1959 tax appeal of the TEXAS CASUALTY COMPANY, and stated he would like to discuss this matter further with the Attorney, MR. COLEMAN GAY before the Council took action on the appeal.

The Assistant City Manager reported that the Funeral Directors, Florists, and Cemetery Managers were asking that Sunday funerals be banned, and that some of the larger cities had done this. Councilman Bechtol stated it was more convenient for the families to attend funerals on Sunday.

There being no further business, the Council adjourned at 7:05 P.M.,

subject to the call of the Mayor.

APPROVED

L. to E. Palmer
Mayor Pro-tem

ATTEST:

E. H. Hensley
City Clerk