

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 21, 1963

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Armstrong, Shanks, White, Mayor Palmer

Absent: Councilman Perry

Present also: W. T. Williams, Jr., City Manager; Dudley Fowler, Assistant City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

The Mayor announced this was DeMolay Government Week, and the DeMolays had members in all positions of the City Government. He introduced MR. DANNY TAYLOR, who was acting as DeMolay Mayor, and who then introduced other members of the DeMolay Council, and administration.

The Council greeted and welcomed MICHAEL MCGINNIS and JANIE HAGOOD, Third Grade Class, observing city government; and MRS. BOB MCGINNIS.

Councilman White moved that the Minutes of the Meetings of March 7th and March 14th, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The Council had before it the following:

"Sealed bids opened 10:00 am, March 5, 1963

Tabulated by: W.C. Moffett Brackenridge Hospital Purchasing Agent

"City of Austin Bids for Contract to Furnish I. V. Solution and sets to Brackenridge Hospital Beginning March 19, 1963

	"Discount Off List Price Solutions	Discount Off List Price Sets & Accessories	2% - 30 Net Discount Allowed	Gross Amount Of Bid (2 year period)
1. Abbott Laboratories North Chicago, Illinois	30%	10%	\$1,375.58	*ESTIMATE \$67,403.42
2. (Cutter) Terrell Supply of Fort Worth bid by Terrell Supply of Austin, Texas	40%	10%	\$1,211.12	\$59,345.09
3. (Cutter) Wilson X-Ray of Austin, Texas	40%	10%	\$1,211.12	\$59,345.09
4. Baxter Laboratories Morton Grove, Illinois	40%	15%	\$1,187.62	*ESTIMATE \$58,193.63

"REMARKS: \*Bidder number one (1) and number four (4) failed to meet specifications as outlined. Estimates of these bids figured for comparative purposes only.

"RECOMMENDATION: Verbal

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

MAYOR PALMER brought before the Council the consideration of bids received for intravenous solutions, stating the low bids were identical bids, both companies bidding on Cutter products. He explained the Council's position in that it could reject the bids and readvertise; or since the State law provided in cases of identical bidding, there could be a "casting of lots". The City Manager pointed out that bids from both Abbott Laboratories and Baxter were incomplete and he explained the various items, and stated on the Cutter products, both bidders allowed a 40% discount from list prices on solutions and 10% from list price on sets and accessories. Councilman White preferred to see the low bidders draw, rather than the Council's rejecting the bids. MR. ED CLYDE, representing Baxter products, stated the specifications referred to the Cutter Catalog, and the Baxter catalog did not contain the one item, and a letter was sent advising the hospital that this item could be made on a special order. That letter was mailed after the bid opening. The Assistant City Manager reviewed the specifications in detail. MR. RAYBURN T. WILSON, JR., representing WILSON X-RAY, and MR. STANLEY ARCHIBALD, TERRELL SUPPLY COMPANY OF AUSTIN, were present. Discussion was held on the bids as being firm bids. Mr. Wilson stated the discount from list price meant if the list price went up, the Company was still obligated to the present price that is quoted, and that his price was firm; but if the price went down, the City would be afforded a price decrease. Mr. Archibald said that same provision existed in his bid. Finally after much discussion and after an agreement between the two bidders to have a drawing, the Council conducted a drawing, and the name of WILSON X-RAY was drawn. Councilman Armstrong then offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 5, 1963, for the furnishing of I. V. Solution and Sets to Brackenridge Hospital; and,

WHEREAS, there were two lowest and best bids which were identical in all particulars; and,

WHEREAS, at the direction of the Mayor, the Council being present, lots were duly cast in accordance with statutory provisions and upon the casting of lots, the chance fell with Wilson X-Ray of Austin, Texas; Now, Therefore,

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

That the bid of Wilson X-Ray of Austin, Texas, in the sum of \$59,345.09, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with said company.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The Mayor stated normally as a routine matter, identical bids were referred to the Attorney General. Councilman White moved that these identical bids be referred to the Attorney General. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

MRS. LANCASTER invited the Council to the Calvacade of Commerce and to the booth of the League of Women's Voters to observe the two voting machines. She said the League was unanimous in support of the use of voting machines. From the study made by the League, it found there would be 170 voting machines needed and the cost would be \$306,000.

MR. DAVID BARROW made a general report on the Town Lake Study Committee, stating it met at regular intervals and when it had special matters to take up or applications for construction on the lake area. He said the Committee was having fine cooperation by the land owners involved. The Consultant is submitting a plan for the overall use of the lake, and that will be put into a visual form to be shown the Council in about two or three weeks, and then displayed to the public. This display will cover the lake from Lake Austin down to Longhorn Dam, and will show the proposed use of the area, and the plan will have some flexibility. As the area around the Auditorium is beautified and trees are planted, the Committee suggested that organizations be invited to donate some of those trees, and he suggested that the City give publicity to this suggestion. The Consultant and Committee would pass on the type of trees to be planted. He

stated interest and development along the lake is proceeding very rapidly. MR. BARROW recommended that the money earmarked for the development of Town Lake not be used in the general work being done all along in conjunction with the lake to the extent it would diminish to a point it would interfere in a major way in the development and improvements that ought to be done. Mr. Barrow stated the Committee felt the set boundary line was all right. The Mayor expressed appreciation for the work Mr. Barrow had done on this Committee as well as on the Planning Commission.

MRS. LOY HARRISON appeared before the Council again to discuss the problem they had on the lake to construct a cover over their boat slip. She stated only one neighbor was now opposing. The access to the lake was only 20' wide. The City Manager did not recommend amending the ordinance, as everybody would be creating 20' strips that might want to put one in. The Assistant City Attorney stated this was a matter the Council would have before it all along on Town Lake, which is about 44 miles of shore line. He stated it might be with a little more study on the part of the Legal Department it could come up with something and there may be some way Mrs. Harrison could get the special permit. The Mayor stated the Council would try to work something out.

Mayor 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. (Hardy Drive)

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 4TH DAY OF APRIL, 1963, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Alpine Road and sundry other streets)

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Shanks introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
4.45 ACRES OF LAND, SAME BEING OUT OF AND A PART OF  
THE J. A. G. BROOKS SURVEY NO. 28, IN TRAVIS COUNTY,  
TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT  
TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE  
CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Univeristy Hills, Section 3, Phase 3)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN  
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-  
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF  
34.29 ACRES OF LAND MORE OR LESS, SAME BEING OUT OF  
AND A PART OF THE GEORGE W. DAVIS SURVEY NUMBER 15 IN

TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Allandale Terrace, Section 3)

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 23.954 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. DAVIS SURVEY NO. 14, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (North of Northland Drive between Balcones Drive and the Railroad)

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL 1,054 SQUARE FEET OF LAND, SAME BEING A PORTION OF THAT CERTAIN STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, KNOWN AS GEORGE AVENUE; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to Martin L. Anderson and wife, Vida Anderson, the following described property, to-wit:

5,993 square feet of land, same being out of and a part of Lot 1, Block F, Delwood Section 2, a subdivision of a portion of the Thomas L. Hawkins Survey No. 9 in the City of Austin, Travis County, Texas, according to a map or plat of said Delwood Section 2 of record in Book 4 at page 282 of the Plat Records of Travis County, Texas, which Lot 1, Block F was conveyed to the City of Austin, by Warranty Deed dated February 10, 1949 of record in Volume 945 at page 311 of the Deed Records of Travis County, Texas; said 5,993 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the most westerly corner of the herein described tract of land, same being on the north line of Lot 1, Block F, Delwood Section 2, and on the east right-of-way line of the Interregional Highway;

THENCE, with the north line of said Lot 1, S 59° 45' E 92.45 feet to the northeast corner of said Lot 1, same being the northeast corner of the herein described tract of land;

THENCE, with the east line of said Lot 1, S 30° 35' W 97.96 feet to the southeast corner of the said Lot 1, same being on the north line of Fernwood Road;

THENCE, with the south line of said Lot 1, same being the north line of Fernwood Road, N 59° 45' W 29.91 feet to an iron stake on the aforesaid east right-of-way line of the Interregional Highway, same being at the southeast corner of the herein described tract of land;



THENCE, with the east right-of-way line of the Interregional Highway, same being the west line of the herein described tract of land, N 02° 17' W 116.23 feet to the point of beginning.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The Assistant City Attorney stated this property had been offered to both property owners. The other property owner said he would not care for any portion of it; and only after that statement was the transaction consummated with the Andersons.

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an east-west thoroughfare to connect West 38th Street, West 35th Street, and Bull Creek Road in the vicinity of the point at which West 38th Street crosses Shoal Creek, in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of Lots 11, 12 and 13, Block 16, Glen-Ridge, for right-of-way to permit the creation of the indicated thoroughfare section; and,

WHEREAS, the fee simple title in the above referred Lots 11, 12 and 13, Block 16, Glen-Ridge, is in Hugo Leipziger-Pearce and wife, Martha Leipziger-Pearce; and,

WHEREAS, said owners are agreeable to an even exchange of said Lots 11, 12 and 13, Block 16, Glen-Ridge for portions of Lots 1 and 2, Block 6, Pleasant Grove Addition; presently owned by the City of Austin; and,

WHEREAS, the City Manager has been previously authorized by Resolution to enter into a contract with the owners for the even exchange of the aforementioned real properties; and,

WHEREAS, all parties are now ready to consummate the exchange of deeds to the aforesaid properties; and,

WHEREAS, a certain portion of George Street adjoining the City's property to be exchanged has been vacated by ordinance No. 630821-C is to be included in the property exchanged by the City of Austin; Now, Therefore,

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 execute a deed for the fee simple title to that certain portion of Block 16, Glen-Ridge, and to that portion of George Street vacated by Ordinance No. 63 to Hugo Leipziger-Pearce and wife, Martha Leipziger-Pearce in exchange for a

deed for the fee simple title to Lots 11, 12 and 13, Block 16, Glen-Ridge executed by Hugo Leipziger-Pearce and wife, Martha Leipziger-Pearce for the benefit of the City of Austin.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Housing Authority of the City of Austin, acting by and through Harmon J. Hodges, its executive director, owners of the entirety of the Charles Wolf Subdivision in the City of Austin, Travis County, Texas, request permission to construct retaining walls in the north sidewalk area of East 3rd Street, west of Chicon Street and in the west sidewalk area of Chicon Street north of East 3rd Street; and

WHEREAS, the Housing Authority of the City of Austin has submitted plans showing the proposed location of said retaining walls; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT the Housing Authority of the City of Austin, acting by and through Harmon J. Hodges, its executive director, owners of the entirety of the Charles Wolf Subdivision in the City of Austin, Travis County, Texas, be permitted to construct retaining walls in the north sidewalk area of East 3rd Street, the street side of said retaining walls to be 6.50 feet south of and parallel to the north line of said East 3rd Street, and extending from a point 14.17 feet west of the west line of Chicon Street in a westerly direction 145.50 feet, and also extending from a point 207.28 feet west of the west line of Chicon Street in a westerly direction 204.00 feet, and a retaining wall in the west sidewalk area of Chicon Street the street side of said retaining wall to be 3.50 feet east of and parallel to the west line of said Chicon Street, and extending from a point 51.50 feet north of the north line of East 3rd Street in a northerly direction 84.50 feet, and the Director of Public Works is hereby instructed to issue a permit for the construction of these retaining walls in accordance with line controls furnished by the Department of Public Works of the City of Austin.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The City Manager displayed a drawing showing the location of a retaining wall in Windsor Road east of Rockmoor Avenue. After discussion, Councilman

Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Arthur Boone, Owner of Lot 12, Sweetbrush, in the City of Austin, Travis County, Texas, requests permission to construct a retaining wall in the north sidewalk area of Windsor Road, east of Rockmoor Avenue; and

WHEREAS, said Arthur Boone has submitted plans showing the proposed location of said retaining wall, and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore

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

THAT Arthur Boone, owner of Lot 12, Sweetbrush, in the City of Austin, Travis County, Texas, be permitted to construct a retaining wall in the north sidewalk area of Windsor Road, the street side of said retaining wall be 24.00 feet north of and parallel to the centerline of said Windsor Road, and extending from the southerly prolongation of the east line of said Lot 12 in a westerly direction 38.00 feet, and also from a point in a line 38.00 feet west of and parallel to the said southerly prolongation of the east line of Lot 12, along said line in a northerly direction 24.00 feet, more or less to the south line of said Lot 12, and also from a point in the said southerly prolongation of the east line of Lot 12, 24.00 feet north of the said centerline of Windsor Road, in a northerly direction 8.90 feet to the southeast corner of said Lot 12, and the Director of Public Works is hereby instructed to issue a permit for the construction of this retaining wall in accordance with line control furnished by the Department of Public Works of the City of Austin.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

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

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

- (1) A gas main in ARTESIAN CIRCLE, from Parkfield Drive easterly 128.5 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said ARTESIAN CIRCLE.

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

- (2) A gas main in BRENTWOOD STREET, from a point 313 feet west of Arroyo Seca westerly 200 feet the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BRENTWOOD STREET.

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

- (3) A gas main in BUCKEYE COURT, from Parkfield Drive easterly 201.5 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said BUCKEYE COURT.

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

- (4) A gas main in CARRIZO TERRACE, from Parkfield Drive easterly 265.5 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said CARRIZO TERRACE.

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

- (5) A gas main in ENFIELD ROAD, from Scenic Drive easterly 6 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said ENFIELD ROAD.

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

- (6) A gas main in FAIRFIELD DRIVE, from Parkfield Drive easterly 280.5 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said FAIRFIELD DRIVE.

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

- (7) A gas main in PARKFIELD DRIVE, from Peyton Gin Road southerly 1,484 feet, the centerline of which gas main shall be 5.5' west of and parallel to the east property line of said PARKFIELD DRIVE.

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

- (8) A gas main in SCENIC DRIVE, from Enfield Road northerly 154 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SCENIC DRIVE.

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

- (9) A gas main in TILLERY STREET, from East 5th Street southerly 164 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said TILLERY STREET.

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

- (10) A gas main in TORRES ROAD, from Saxon Street westerly 158.5 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said TORRES ROAD.

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

- (11) A gas main in EAST 5TH STREET ALLEY, from Medina Street easterly 34 feet the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 5TH STREET ALLEY.

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

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

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

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

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

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

The City Manager submitted the following:

"March 18, 1963

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, March 15, 1963, at the Office of the Director of the Water and Sewer Department, Municipal Building, Austin, Texas, for the installation of an 18-inch concrete sewer main to serve the WILLIAMSON CREEK AREA. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
H and M Construction Company	\$112,831.85	125
Ford - Wagner, Incorporated	118,382.70	110
Austin Engineering Company	118,760.00	180
Bland Construction Company	118,792.80	140
Walter W. Schmidt	138,068.03	200
Engineers Estimate	113,601.60	-0-

"It is recommended that the contract be awarded to the H and M Construction Company on their low bid of \$112,831.85, with 125 working days.

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

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 15, 1963, for the installation of an 18-inch concrete sewer main to serve the Williamson Creek Area; and,

WHEREAS, the bid of H and M Construction Company, in the sum of \$112,831.85, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of 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 H and M Construction Company, in the sum of \$112,831.85, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute, on behalf of

the City, a contract with said H and M Construction Company.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The City Manager explained the street lighting for West 1st Street which would start at Congress Avenue and go to Lake Austin Boulevard, with the exception of a section west of Lamar on which overhead wiring and wooden poles would be used until it is known whether the road will remain in the same location when the interchanges for the Missouri Pacific Boulevard are determined. This section temporarily will have wooden poles. The City Manager submitted the following:

"Sealed bids opened 10:00 A.M. March 7, 1963

Tabulated by: O.G. Brush, Purchasing Agent

"CITY OF AUSTIN BIDS FOR LUMINAIRES AND STEEL POLES STREET LIGHTING  
AND SIGNAL SYSTEMS WEST FIRST STREET

Description	Quan.	Priester- Mell Inc.	Walter Tips Co.	Line Mater- ial Indus- tries	Westing- house Elec.Mfg.	Gray- bar Elec-	Sterett Supply tric
1. Mercury Vapor Luminaires 4000 W Type 111 Distri- bution per City Specs	48 ea.	\$3155.52	\$3225.60	<u>\$2868.00</u>	Bidding thru Walter Tips	\$2880.00	\$2928.00
Manufacturer		Joslyn	Westing- house	Line Material		General El.	Ameri- can Elec.
2. Steel Pole for Street lighting 31'-3" mounting height W/8' bracket per City Specs	48 ea.	\$5376.00	No bid	\$5294.40	\$6700.32	\$5328.00	<u>\$5212.80</u>
Manufacturer		Union Metal		Union Metal	Union Metal	Union Metal	Uni- versal

"All bids meet specifications.

"RECOMMENDATION: Recommend low bid of Line Material Industries for Luminaires and low bid of Sterett Supply Company for the steel pole.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 7, 1963, for the furnishing of luminaires and steel poles, street lighting and signal systems, for West First Street; and,

WHEREAS, the bid of Line Material Industries, in the sum of \$2,868.00 was the lowest and best bid for the luminaires; and,

WHEREAS, the bid of Sterett Supply Company, in the sum of \$5,212.80, was the lowest and best bid for the steel poles; and,

WHEREAS, the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Line Material Industries, in the sum of \$2,868.00 for luminaires, and the bid of Sterett Supply Company, in the sum of \$5,212.80 for steel poles, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City of Austin, with Line Material Industries and Sterett Supply Company.

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

The City Manager submitted the following:

"March 19, 1963

"W. T. Williams, Jr., City Manager      Subject: Plumbing Alterations at Nurses' Home, Brackenridge Hospital

"We are transmitting herewith copies of bid tabulation for Plumbing Alterations at Nurses' Home, Brackenridge Hospital.

"As indicated in our memo of February 25th, we had estimated that the cost would be in the range of \$5,000.00.

"We are advised by Mr. Crandall and Mrs. Turner that adequate funds are available for this work.

"The low bidder, C. G. Puryear, has done excellent work for the City in the past, and we are joined by Mr. Crandall and Mr. Walcutt, Consulting Engineer, in recommending that this contract be awarded to C. G. PURYEAR for the lump sum price of \$5,580.00.

"A. M. Eldridge, Supervising Engineer  
Construction Engineering Division  
s/ A. M. Eldridge"



"PROJECT: Plumbing Alterations at Nurses' Home, Brackenridge Hospital, City of Austin. Bid Opening: 2:00 P.M., March 19, 1963, in the Office of the City Manager.

<u>"CONTRACTOR</u>	<u>BASE BID</u>	<u>COMPLETION TIME</u>	<u>BID BOND</u>
FOX-SCHMIDT 412 West 5th Street Austin, Texas	\$6,354.00	90 Days	5%
**C. G. PURYEAR 702 East 3rd Street Austin, Texas	\$5,580.00	100 Days	5%
P. G. SOSA & SONS 1720 South First Street Austin, Texas	\$7,100.00	70 Days	5%
V. R. WATTINGER 1628 East First Street Austin, Texas"	\$5,650.00	90 Days	5%

Councilman Armstrong offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 19, 1963 for plumbing alterations at the Nurses' Home at Brackenridge Hospital; and,

WHEREAS, the bid of C. G. Puryear, in the sum of \$5,580.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Supervising Engineer, Construction Engineering Division 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 C. G. Puryear, in the sum of \$5,580.00, be, and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with said C. G. Puryear.

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

Ayes: Councilmen Armstrong, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman Perry

The City Manager called attention to the Monthly Progress Report of the Electric Utility Department.

The City Manager stated an Electric Department employee who had two ill children had been advised to move to a farm, and the doctors' recommendations regarding both children were on file. The City Manager said this employee was a lineman, and the nature of his work would make a difference, from other employees whose work came within the City limits, and whose line of duty might call on them to be available for emergencies in town. This employee would be just as apt to be called for an out of town emergency as he would be for in-town work, as the linemen do work outside of the city. After discussion, the Mayor asked Councilman White to check into this.

Councilman White moved subject to clearance with the Police Chief, that MR. JAMES McCOY be granted permission to have the requested parade on Friday, April 5th. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor read a letter from the 9411th Air Force Recovery Squadron by Major Henry G. Castle, expressing its appreciation to the City of Austin Fire Department, and Chief Dickerson and the personnel of Fire Station 14, in rendering assistance in a supporting role to the 9411th Squadron in such a manner as to reflect credit to the Fire Department and City of Austin, and for helping the community to provide for better civil and national military defense.

The Mayor read a letter from HONORABLE HOMER THORNBERRY stating the Civil Aeronautics Board had just advised him that the Southwestern Area Local Service Case was under active consideration at the present time and that the petition of the City and Chamber of Commerce of Austin was being given careful attention.

The Mayor read a letter from the Attorney General of the United States regarding the reporting of identical bidding.

The Mayor noted receipt of a letter from the Chairman of the Building and Grounds Committee of Huston-Tillotson College, requesting the Council to consider the use of the Urban Renewal Program for expansion of the college campus of Huston-Tillotson.

The Mayor stated the Council was receiving many letters urging the City to acquire the property on Mount Bonnell. Letters were filed with the City Manager.

The City Manager stated the Director of Recreation had a report on the progress of work being done on the playgrounds throughout the City. The Director of Recreation discussed the improvements of the various playgrounds as follows:

Wooten Playground	Lighted softball fields Levelling and water systems	Planned  35% complete
St. Elmo	Lighted softball fields	Planned
Oak Springs Playground	Play Apparatus Play slabs	On order Details not yet agreed on with Schools
Gullett	Play apparatus Play slab  Levelling and water system	On order Need agreement with schools  Work 35% complete
St. John and Civitan Playgrounds	Junior swimming pools	Drainage and sewerage to be worked out
Perry Playground	Tennis Courts	Plans being prepared

The City Manager pointed out there might be a slight encroachment on this area by the Missouri-Pacific Boulevard, but that was taken into consideration in these plans for this playground.

Govalle Playground	Softball field	Acquisition of additional land to be worked out.
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The Director of Recreation discussed projects in other areas as follows:

Northwest Park	Tennis Courts Play slab Pond Park lights and play apparatus An amphitheater being planned in the future	Under planning Under planning 30% complete  On order
Deep Eddy	Remodeling bathhouse to contain Nutural Science Center	20% complete
Rosewood Park	Restrooms in Clubhouse and Auditorium Air-condition Clubhouse Furniture Drainage Ditch	Already provided  Under contract Purchased Being worked out
Garden Center	Utilities to building, road, parking area, grounds	Ready to advertise for bids on the building

Rabb Creek

Drainage ditch

Being worked out.

The Director of Recreation stated in working out the finances for the next two or three years, it would be necessary to carry out the original plan on the Berkman Tract, as it would be necessary to have that money to finance the projects for the next few years.

The Director of Recreation filed a copy of his Capital Improvements Program through 1968 and discussed the various projects scheduled next year. Councilman Shanks suggested if the Ramsey Pool were not to be enclosed, the people interested should be notified. Councilman White inquired about the Southwest District Park noting there was nothing planned for this until 1967. He asked if those people had to wait until 1967. The City Manager stated the site was still two miles out of the City. The Mayor said the group and Mrs. Buford Stewart had been told this would not be developed until another bond issue was authorized, and that would be two or three years. Councilman White asked why aren't these people told they are not going to have a park and that the City is not going to give it to them. The City Manager reported the group was told that money in this five year program was provided for the purchase of the land; and in the next five years money would be provided for a swimming pool, and the group understood that it was not in the picture before the end of the fiscal year 1965-66 and that the earliest time bond money would be available if voted by the people would be the year 1966-67. The Council discussed the Capital Improvements Program, and the City Manager gave a summary of the Recreation funds stating those available were from the proceeds from the sale of the Hancock tract, and they had been earmarked for the construction of the Bartholomew Swimming Pool, for the golf course which now is under construction, for river front beautification, and \$200,000 was for purchase of land to be used for parks at some future date. He stated the land at Manchaca Road and Stassney Lane was purchased to be used for a park at some future date. Set up was the money from the sale of the Hancock Tract, the money expected from the sale of the Berkman Tract, and \$450,000 bond money for five years, which is going into the improvements of the neighborhood playgrounds primarily. Councilman Shanks stated this was a good birds' eye view of this program. The Mayor noted the money was well distributed in all parts of Austin.

The Assistant City Attorney discussed in detail each provision of a lease with WARREN BEAMAN, JR., and THOMAS H. PERKINS for the Stroborg Tract and two lots on Berkman Street for the Austin Aquatic Gardens, Inc. The Assistant City Attorney discussed the length of the lease, the rental agreements for the first year of the lease, and from June 1, 1964 throughout the life of the lease plus percentages of gross receipts from concessions and percentages of gross receipts from earnings from other activities. The Council suggested a change in Paragraph D "Records" in that records should be preserved for five years instead of only three. The Assistant City Attorney stated construction would begin within 12 months and was to be completed within 30 months. He pointed out the City would be constructing a river drive which would take a portion of this land, and this portion would be withdrawn from the lease with 12 months' notice being given to the lessees. The Assistant City Attorney discussed in detail the Recapture Clause, Paragraph X, explaining the proposal of MR. DICK BAKER, Attorney for Mr. Beaman and Mr. Perkins, in that it would be almost impossible for the City to reclaim the property during the first 25 years; but after that the City could obtain it at a very reasonable figure. He stated the City Attorney was concerned about providing that after the first five years, the City could take the land back at a reasonable figure if it wanted to. Mr. Baker, Mr. Perkins and Mr.

Beaman had agreed on a 15 year period. The Assistant City Attorney explained for the first five years in order for the City to reclaim the land, it would have to pay them ten times their gross of the immediately preceding 12 months period. The second five year period, the City could reclaim the property at eight times the gross, or depreciated book value of the enterprise whichever would be the greater; the next five year period, it could take it back for six times the gross or depreciated book value. After the 15th year the amount would be two times the gross income or 9.5 times the net income or the depreciated value, whichever is the greater. The Council discussed the "good will" value. Other provisions discussed were the City's providing 500 parking spaces on land on the Stroburt tract or land adjacent; and beautification of the area south of the tract, subject to City's approval of the projects and cost. This particular area will be open to the public. It was stated the question of the lagoon had not yet been decided. The City Manager stated the Town Lake Study Committee had approved the principle, but it was concerned over the location of the parking facilities on the south, recommending they be provided on the west side. He read from a recommendation of the Town Lake Study Committee concerning general policies the Council might want to use in connection with river front development, stating however these recommendations were not in final form yet. The section read concerned the financial policies and the City Manager stated this lease seemed to coincide with the thinking of the Town Lake Committee.

At this point Councilman Perry entered the Council Room.

After more detailed study, the Council informally agreed on the 15 year period for reclaiming the property at the two times the gross, or 9.5 times the net or depreciated book value whichever was the greater; the rental as explained; and the percentage set out for concessions and that set out for activities. After more discussion Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

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 to enter into a lease agreement, on behalf of the City of Austin, with Warren Beaman, Jr., and Thomas H. Perkins, in accordance with the terms and provisions of a certain agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

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

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

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

The Assistant City Attorney discussed the zoning situation, in that the City Manager would hold the lease until such time as the zoning was such that Mr. Perkins and Mr. Beaman could proceed to operate.

The Council received notice that the following zoning applications had been referred to the Planning Commission for consideration and set for public hearing before the Council on April 25, 1963:

C. R. FOLLETT, et al By M. L. Mansfield	1200-1312 Oran Street 4900 Grover Avenue 4901 Woodrow Avenue	From "A" Residence To "O" Office
DR. J. L. LOVE By Sterling Sasser & Sons	612 Rio Grande 701-05 West 7th Street	From "O" Office To "C" Commercial
C. T. DODSON	6513-17 Burnet Lane	From "A" Residence To "GR" General Retail
ROBERT B. SMITH MRS. BESSIE OLDHAM	1614-16 East 7th Street 701-05 Concho Street	From "A" Residence To "C" Commercial
GEORGE W. WEISE By W. L. Grafton	2903-05 Hampton Road	From "A" Residence To "B" Residence
MRS. MILDRED BOX By West & Associates	503 Oltorf Street	From "A" Residence 1st Height & Area To "O" Office 2nd Height & Area
ROY E. LEMOND	413 West 7th Street	From "O" Office To "C" Commercial
CHESTER D. BROOKS	2955-57 Higgins 1905-24 Airport Blvd.	From "A" Residence To "C-1" Commercial
B. E. NEWBERG By E. E. Naumann	2500 East 6th Street 601-611 Pedernales	From "E" Heavy Industrial To "C-2" Commercial
BERNARD LAX and EDWARD J. SMITH, JR. Executor for Estate of Virginia Dare Hudson, Deceased, By Dan Priest	1216-18 Baylor Street	From "B" Residence To "O" Office

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

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

The Council adjourned at 4:45 P.M., subject to the call of the Mayor.

APPROVED

Sam to E. Palmer  
Mayor

ATTEST:

Elise H. Hensley  
City Clerk