

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 29, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Shanks, Mayor Palmer
Absent: Councilmen Long, White

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

The Mayor and Council greeted and welcomed a group of students from foreign countries. MR. BILL LIVINGSTON introduced each visitor, stating they are in an orientation period before entering Universities elsewhere to do their graduate work.

MRS. JOHN BARROW, a participant in the Civil Rights March on the 28th, commended POLICE CHIEF MILES and all of his staff for the wonderful work they did in handling the situation so well.

The Mayor, with the Council's endorsement, issued a proclamation designating MRS. GEORGE C. FRANCISCO as personal good will ambassador of the City of Austin and directing her to convey the greetings and best wishes of the people of Austin to the Honorable Ernesto Uruchurtu, Mayor of Mexico City and to all of the people of Mexico City.

MRS. ALDEN DAVIS introduced the president of the Garden Club, MR. DOUGLAS BLACHLEY. Mr. Blachley invited the Council and City Manager to the ground breaking of the Austin Garden Center, Sunday, September 8th at 5:00 P.M., and expressed appreciation to the Council and City Manager and others that had helped to stimulate interest and to help make this garden center and in the development of the surrounding botanical gardens a possibility. He recalled the Council made the Watermelon colored Crape Myrtle the Austin flowering shrub, and the Austin Garden Center is offering 50 of these shrubs to the Center and will have them ready when the City is ready to plant them. He presented bouquets of huge Zenias to the Council members and the City Manager. The Mayor expressed appreciation and stated this Garden Center was something that all of the City of Austin would applaud.

MR. C. T. JOHNSON stated the manner in which the demonstration was handled yesterday by the Police Department was a tribute to this City. He said he had a first hand opportunity to observe Chief Miles in the excellent manner in which he handled the situation.

Mayor Palmer announced that Mr. Robert Sneed had asked that the following zoning application not be considered at this meeting as only three members were present and that he would be in Court the following Thursday and would have to check back when this could be brought up:

MISS ANNA GARDNER	300 East 30th Street	From "B" Residence
By Robert C. Sneed	3001-3003 Speedway	To "C-1" Commercial
		NOT Recommended by the Planning Commission

Three Boy Scouts working on their Citizenship Award were recognized and welcomed.

Councilman LaRue moved that the Minutes of the Meeting of August 22, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager explained the provisions for a passageway from the west frontage road on Interregional Highway across the Southern Pacific Railroad Tract into the parking lot of Hancock Center. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City of Austin hereby accepts from Southern Pacific Company the easement for public street purposes dated July 29, 1963, at the location and upon the conditions enumerated in that certain instrument marked Exhibit "A" which is attached hereto and incorporated herein.

EXHIBIT "A"

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT, Southern Pacific Company, a corporation, hereinafter styled "Grantor", for and in consideration of the sum of One and no/100 Dollar (\$1.00) and other valuable considerations to it in hand paid by the City of Austin, a municipal corporation in the County of Travis, State of Texas, hereinafter styled "City", the receipt of which is hereby acknowledged, and under the terms and conditions hereinafter set forth, has this day Granted, Sold and Conveyed, and by these presents

does Grant, Sell and Convey unto the City, a right of way or easement for public street purposes, upon and across the property of Grantor in the Thomas Hawkins Survey, Travis County, Texas, more particularly described as follows, to-wit:

Beginning at the intersection of the westerly right of way line of Interstate Highway 35 and the centerline of Grantor's Llano Branch main track at Grantor's Engineer's Station 180+56.1;

Thence Southwesterly along the westerly right of way line of said Highway 35 a distance of sixty and 6/10 feet (60.6') to its intersection with the west line of Grantor's said main track property twenty five feet (25') westerly at right angles from the centerline of said main track, said line also being the east line of Clarkson Avenue;

Thence Northerly along Grantor's said west line and the east line of Clarkson Avenue, a distance of seventy two and 5/10 feet (72.5') to a point for corner;

Thence Northeasterly a distance of eighty three feet (83') to a point on the east line of Grantor's said property, twenty five feet (25') easterly at right angles from the centerline of said main track, said point being twenty seven feet (27') northerly from the west line of said Highway 35 as measured along Grantor's said east line;

Thence Southerly along Grantor's said east line a distance of twenty seven feet (27') to the west line of said Highway 35;

Thence Southwesterly along the west line of said Highway 35, a distance of sixty and 6/10 feet (60.6') to the place of beginning.

This easement is granted subject to the right of Western Union Telegraph Company to maintain and operate a pole and wire line thereon and thereover, and the City will make its own arrangements with the Western Union Telegraph Company for any necessary relocation or alteration of said pole and wire line.

No legal right which the Grantor now has to reconstruct, maintain and operate its existing track and appurtenances or to construct, maintain and operate an additional track or tracks and appurtenances upon and across the tract of land herein described shall in anywise be affected by the granting of this easement.

In the event the street should ever be vacated, closed or abandoned, upon and across said tract of land, this easement shall revert to and revest in Grantor, its successors and assigns, without any further act of deed by Grantor.

TO HAVE AND TO HOLD the above described easement together with all and singular the right and appurtenances thereto in anywise belonging unto the City of Austin, its successors and assigns, subject to the conditions hereof forever. This easement is made without any warranty whatsoever, either expressed or implied.

IN WITNESS WHEREOF, the Southern Pacific Company has caused these presents to be executed in duplicate, by its Assistant to Vice President, attested by its Assistant Secretary, and its corporate seal to be hereunto affixed, on this the 29th day of July A.D. 1963.

ATTEST:
s/ H. D. Gray
Assistant Secretary

SOUTHERN PACIFIC COMPANY
By B. M. Stephens
Assistant to Vice President

THE STATE OF TEXAS

COUNTY OF HARRIS BEFORE ME, W. T. Magee, a Notary Public in and for Harris County, Texas, on this day personally appeared B. M. Stephens, Assistant to Vice President of the Southern Pacific Company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same in the capacity and for the purposes and considerations therein stated, and as the act and deed of said corporation.

GIVEN under my hand and seal of office, this the 29th day of July A.D. 1963.

s/ W. T. Magee
NOTARY PUBLIC, in and for Harris
County, Texas.

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

Councilman Shanks offered the following resolution and moved its adoption.

(RESOLUTION)

WHEREAS, there exists on the maps and plats of the City of Austin a street which extends from Placid Place to West 50th Street; and,

WHEREAS, the subdivision plats of Highland Village, Section Four, in the City of Austin, and Highland Village Section 2, Part 3, in the City of Austin, designate this street by the name of West Market Street and West Market Drive, respectively; and,

WHEREAS, the existence of two names for one street creates unnecessary confusion and it is deemed to be desirable by the City Council that the street bear one name only; Now, Therefore,

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

That the following described section of such street be hereafter known as West Market Drive in order that the entire street may bear one name only. The portion of such street upon which the name is being changed is hereafter described as follows:

All that certain portion of a street in the City of Austin, Travis County, Texas, known as West Market Street and shown on a map or plat of Highland Village, Section Four, a subdivision of record in Book 18 at Page 26, of the Plat Records of Travis County, Texas, which certain portion of West Market Street extends from the east line of Placid Place in a north-easterly direction 280.00 feet, more or less, to the most easterly north line of said Highland Village, Section Four.

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

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON LOTS 13 AND 14, BLOCK 9, FRUTH ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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 11.56 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE HENRY WARNELL SURVEY NO. 20, 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.

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954, AS FOLLOWS: FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON APPROXIMATELY 3,000 SQUARE FEET OUT OF LOT 1, ALLANDALE NORTH, SECTION FIVE, LOCALLY KNOWN AS 8209-8211 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

the ordinance be passed to its second reading. The motion, seconded by Councilman LaTue, carried by the following vote:

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

At 10:30 A.M., the Mayor opened a public hearing on the ordinance regulating pool halls. MR. JACK HURLEY, games manager of the Student Union of the University of Texas, stated none of the regulations affected their operation except possibly the age limit. The students pay a student fee which permits them to use the facilities, and high school students come in during the summer as well as some outside people. The City Attorney explained the ordinance applied only to those places which are required to pay a state occupation tax; and if this institution is not required to pay such a tax, the ordinance would not apply. The student union activity would be subject, if the state occupation tax law covered it. The Mayor said if the State felt this operation at the Student Union did come under their jurisdiction or classification, then whether or not the age limit should be looked into further is something that could be considered later. He stated he had some calls from privately owned pool hall operators, and they were very much in favor of this control. Other members of the Council had not heard any objections to the proposed ordinance. A representative of the pool halls stated they had no objection to the ordinance and thought the regulations were good. MR. DOTSON and two others stated the only objection they had was to the hours set out that the pool halls could not be opened from midnight until 7:00 A.M. on week days and between 1:00 A.M. and 1:00 P.M. on Sundays as their business started after midnight until morning after the beer "joints" closed. The Mayor stated when this group found out the pool halls would be closed, they might come in earlier. He suggested going ahead and seeing how this ordinance worked out. He hoped this sport would become a family activity. Mayor Palmer then brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 25, PUBLIC AMUSEMENTS,
OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A
NEW ARTICLE DESIGNATED AS "ARTICLE III. POOL HALLS."
TO LICENSE AND REGULATE THE OPERATION OF POOL HALLS;
AND DECLARING AN EMERGENCY.

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

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH NELSON PUETT, JR.,
FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF
AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMER-
GENCY.

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 LaRue, carried by the following vote:

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. That the certain agreement dated August 29, 1963 between the State of Texas and the City of Austin for the procurement of the right-of-way within the city limits of the City of Austin for the proposed widening of State Highway 71 from Bergstrom Interchange to Onion Creek, property within city limits only, be and the same is hereby approved and W. T. Williams, Jr., City Manager, is hereby authorized to execute said agreement on behalf of the City and to transmit the same to the State of Texas for appropriate action.

SECTION 2. That this Resolution shall take effect immediately upon its passage.

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

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

The City Manager submitted the following:

"August 23, 1963

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, August 23, 1963, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF A 30-INCH AND 24-INCH SEWER MAIN TO SERVE THE UPPER COLORADO RIVER AREA. 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>
Bland Construction Company	\$109,597.60	90
Walter W. Schmidt	114,131.97	80
Austin Engineering Company	117,695.25	95
Superior Utilities	120,581.40	100
H and M Construction Company	142,550.48	100
J. C. Evans	176,573.40	120
City Estimate	109,121.30	

"It is recommended that the contract be awarded to the Bland Construction Company on their low bid of \$109,597.60 with 90 working days.

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 23, 1963, for the installation of a 30-inch and 24-inch sewer main to serve the Upper Colorado Area; and,

WHEREAS, the bid of Bland Construction Company, in the sum of \$109,597.60, 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 Bland Construction Company, in the sum of \$109,597.60, 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 enter into a contract, on behalf of the City, with Bland Construction Company.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

The City Manager submitted the following:

"Sealed bids opened 2:00 P.M. August 27, 1963
Tabulated by: O. G. Brush, Purchasing Agent

"CITY OF AUSTIN BIDS FOR MERCURY VAPOR LUMINAIRES AND BALLASTS

	Priester- Mell	Walter Tips Co.	Southern Electric Supply	Southern Elec. Supply Alternate	Graybar Electric
88 Mercury Vapor Luminaires, 1000 watt Type 111 Dis- tribution with 1000 watt Ballasts per City specifica- tions	\$12,484.56	\$9,581.44	\$11,885.28	\$9,794.40	\$9,924.26

	Priester-Mell	Walter Tips Co.	Southern Electric Supply	Southern Elec. Supply Alternate	Graybar Electric
Manufacturer	Joslyn-Luminaires Jefferson-Ballasts	Westinghouse Luminaires & Ballasts	Revere-Luminaires Jefferson Ballasts	Revere-Luminaires Sola-Ballasts	General Electric Luminaires & Ballasts

"These lights are for installation on Congress Avenue from the River to Eleventh Street.

"The Electric Department estimated cost was \$13,200.00.

"The low bid of Walter Tips on Westinghouse meets City specifications.

"RECOMMENDATION: It is recommended that order be awarded to Walter Tips Company for Westinghouse equipment at a lump sum price of \$9,581.44.

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 27, 1963, for 88 mercury vapor luminaires and ballasts, to be installed on Congress Avenue from the Colorado River to Eleventh Street; and,

WHEREAS, the bid of Walter Tips Company, in the sum of \$9,581.44, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Walter Tips Company, in the sum of \$9,581.44, 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 Walter Tips Company.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

The City Manager stated there was from two to six weeks delivery on these luminaires and ballasts.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on August 26, 1963, W. T. Williams, Jr., City Manager, did file with the City Clerk the proposed budget for the operation of the City of Austin

for the fiscal year 1963-1964; and,

WHEREAS, on August 29, 1963, said budget was submitted to the City Council by the City Manager; Now, Therefore,

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

That the public hearing on said budget will be held in the City Council Chamber at the City Hall on September 19, 1963, at 10:30 A.M.; and,

BE IT FURTHER RESOLVED:

That the City Clerk shall, at least ten (10) intervening days before said hearing date, publish, or cause to be published, public notice advertising said public hearing.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

Mayor Palmer explained for the benefit of the foreign students that the City Manager prepares a budget for the general government and for the utility systems of the City for the next twelve months. The Council then calls for a public hearing, and any citizen is welcome to inquire, recommend or make suggestions to the Council at this hearing. This particular budget for the General Government is \$15,200,000.00 and for the Utility System is over \$20,000,000. The City Manager explained how he and the Department Heads reviewed the individual budgets, and then the budget is compiled. They then ask the Council to review the budget with them before the public hearing. This Council has spent over forty hours reviewing in detail with the various departments their respective budgets. He stated of the \$15,000,000 around \$4,000,000 came from taxes, the rest coming from earnings of the Departments and revenues produced by the activities and services rendered. The students made several inquiries about Federal aid and possible amendments to the budget. The Mayor and City Manager explained these matters. MRS. JOHN BARROW noted the budget really is not planned for one year at a time, but that it is projected over a five year period. The Mayor paid tribute to the City Manager and his staff, stating one of the large cities up east stated they were the only City in the United States who tried to project a five year operating budget. Mr. Williams, and his Departments had been trying to do this for quite sometime, along with a five year capital improvement program. The City does try to project in advance, and all of these budgets are based on estimated revenue and estimated expense. The City Manager explained another practice in that when the budget is adopted, the departments determine what part of their year's budget has to be spent each month and forecast what part of the year's revenue will come in during each month. That practice assures that the expenses will not exceed the revenues for each month. MRS. JOHN BARROW noted also that the City has a high credit rating. The Mayor explained the City was proud of this credit rating; and when Austin offers its bonds for sale, historically it has sold them at a better price than nearly any other city in the United States. He said it was gratifying, when these credit rating firms in New York would say that Austin is one of the best credit risks in the United States. He stated the bonded indebtedness never exceeded 10% of the assessed values. The City Attorney pointed out on the map the tax exempt properties in the City which showed 52% of the actual values in the City was exempt.

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 of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to the Trustees of Covenant Presbyterian Church, the following described property, to-wit:

3.00 acres of land, same being out of and a part of the George W. Spear League, the James P. Davis Survey No. 14, and the D. J. Gilbert Survey in the City of Austin, Travis County, Texas; which certain tract of land was conveyed to the City of Austin by Warranty Deed dated May 27, 1941, of record in Volume 675 at Page 133 of the Deed Records of Travis County, Texas; said 3.00 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the most northerly northwest corner of the herein described tract of land, same being on the present south line of Northland Drive, and from which point of beginning an iron stake at the intersection of the said present south line of Northland Drive with the east right-of-way line of the Missouri-Pacific Railroad, formerly the I & G N Railroad, bears N. 58° 58' W 214.94 feet and N 57° 05' W 387.02 feet;

THENCE, with the said present south line of Northland Drive, S 58° 58' E 237.57 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE, S 31° 02' W 371.82 feet to an iron stake at the southeast corner of the herein described tract of land;

THENCE, with a line ten (10.00) feet north of and parallel to the north line of the most northerly Cemetery Drive as shown on a map or plat of a subdivision of Block 10, 11 and 12 and a resubdivision of a portion of Block 9, Austin Memorial Park, as recorded in Book 9 at Page 128 of the Plat Records of Travis County, Texas, N 60° 39' W 386.05 feet to an iron stake at the southwest corner of the herein described tract of land;

THENCE, N 31° 02' E 181.78 feet to an iron stake;

THENCE, N 67° 22' E 250.00 feet to the point of beginning.

Said deed shall be for church purposes only and shall provide for reversion of title to said property; and

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

That W. T. Williams, Jr., be and he is hereby authorized to execute a contract on behalf of the City of Austin under the terms of which the Trustees of Covenant Presbyterian Church are granted a five-year option to likewise buy

for church purposes only, for thirty cents per square foot, the following described two acres of land, or any lesser portion of said two acres selected by said Trustees so long as the selected portion shall be contiguous to the west boundary line of said two acre tract, shall extend from the north boundary line to the south boundary line thereof, and shall have an east boundary line parallel to the west boundary line of the following described two acres of land, to-wit:

2.00 acres of land, same being out of and a part of the George W. Spear League, the James P. Davis Survey No. 14, and the D. J. Gilbert Survey in the City of Austin, Travis County, Texas; which certain tract of land was conveyed to the City of Austin by Warranty Deed dated May 27, 1941 of record in Volume 675 at page 133 of the Deed Records of Travis County, Texas; said 2.00 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the present south line of Northland Drive, same being the northwest corner of the herein described tract of land, and from which point of beginning the intersection of the said south line of Northland Drive with the east right-of-way line of the Missouri Pacific Railroad, formerly the I & G N Railroad, bears N 58° 58' W 452.51 feet and N 57° 05' W 387.02 feet;

THENCE, with the said south line of Northland Drive with the following two (2) courses:

(1) S 58° 58' E 42.93 feet to an iron stake;

(2) S 62° 23' E 143.44 feet to an iron stake at the point of curvature of a curve whose angle of intersection is 29° 01', whose radius is 1102.62 feet and whose tangent distance is 285.33 feet;

THENCE, with said curving south line of Northland Drive to the left an arc distance of 47.41 feet, the chord of which arc bears S 63° 37' E 47.40 feet to an iron stake at the northeast corner of the herein described tract of land;

THENCE, S 31° 02' W 377.35 feet to an iron stake at the southeast corner of the herein described tract of land;

THENCE, with a line ten (10.00) feet north of and parallel to the north line of the most northerly Cemetery Drive shown on a map or plat of a subdivision of Block 10, 11 and 12 and a resubdivision of a portion of Block 9, Austin Memorial Park as recorded in Book 9 at page 128 of the Plat Records of Travis County, Texas, N 60° 39' W 233.52 feet to an iron stake at the southwest corner of the herein described tract of land;

THENCE, N 30° 31' E 771.82 feet to the point of beginning.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an underground utility easement was granted the City of Austin on a part of Lot 4, Block N, Delwood Section 2, a subdivision of a portion of the Thomas Hawkins Survey, 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; and,

WHEREAS, the owner of said property has requested the City Council of the City of Austin to release the hereinafter described portion of such easement in order to remove a cloud on title of said property; and,

WHEREAS, provision has been made to relocate the underground utility easement to another location; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement will not be required in the future; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the following described portion of said underground utility easement, to wit:

290 square feet of land, same being out of and a part of Lot 4, Block N, Delwood, Section 2, a subdivision of a portion of the Thomas Hawkins Survey 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 290 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the herein described tract of land, which point of beginning is the point of intersection of the south line of said underground utility easement, same being a line twenty (20.00) feet south of and parallel to the north line of said Lot 4, and a line 3.90 feet west of and parallel to the east line of said Lot 4, same being a west line of Robert Mueller Municipal Airport;

THENCE, with the south line of the said underground utility easement, North 58° 42' West 22.00 feet to a point in a line 25.90 feet west of and parallel to the said east line of Lot 4, for the southwest corner of the herein described tract of land;

THENCE, with said line 25.90 feet west of and parallel to the east line of Lot 4, North 30° 08' East 13.20 feet to a point in a line 6.80 feet south of and parallel to the aforesaid north line of Lot 4, for the northwest corner of the herein described tract of land;

THENCE, with said line 6.80 feet south of and parallel to the north line of Lot 4, South 58° 42' East 22.00 feet to a point in the aforesaid line 3.90 feet west of and parallel to the east line of Lot 4, for the northeast corner of the herein described tract of land;

THENCE, with said line 3.90 feet west of and parallel to the east line of Lot 4, South 30° 08' West 13.20 feet to the point of beginning.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

MR. BILL BULLARD appeared inquiring of the status of the CAPITAL NATIONAL BANK TRUSTEE zoning application for property on St. Johns Avenue and Interregional Highway. The Mayor stated there was a tie vote by the Council, and until there are five members present, the application will have to remain pending.

The Mayor read an acknowledgement from MRS. DON HIGGINS thanking the Council for its expression of sympathy in the loss of MR. DON HIGGINS.

MR. LEIGH made inquiry about the status of the property on the east side of the Interregional on Flores Street. The City Manager made a report on whether or not Flores Street should be closed, stating the Traffic Engineer had recommended if the roadway which goes under the Interregional Bridge and proceeds north back into the frontage road on the east could be redeveloped at a point a little further north, it would be feasible to close Flores Street. This would have to be approved by the Highway Department; and if it permits this redevelopment, he would recommend that Flores Street be closed. This would involve only an access way into the frontage rather than the Expressway itself. Mayor Palmer announced the Council would wait until the City Manager had taken this matter up with the Highway Department to see if the roadway could be relocated, and then make his recommendation to the Council.

The City Manager announced that invitations to bid on additional equipment on the new Power Plant had been sent out, and they would be received to be opened in the Council meeting on September 12, and on September 26th.

The City Manager stated the Recreation Department had prepared a layout for a plaque for the Club Building on the Morris Williams Golf Course, and the design is in the Mayor's office for review. The Mayor stated the Council would certainly look it over. The City Manager said it was hoped to have the plaque finished before the opening of the Golf Course.

The City Manager reported a request from the State Highway Department to place highway marker designations on Manchaca Road from Ben White Boulevard to the city limit lines. Councilman Shanks moved that the City Manager be authorized to enter into the agreement with the Highway Department to place these highway marker designations as requested. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

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 in behalf of the City of Austin to enter into a second modification of the lease contract with the United States of America for the lease to the United States of a certain tract of land out of the Butler Tract owned by the City of Austin to be used by the Government for Naval Reserve Training purposes, and a copy of the instrument setting forth the terms and provisions of said modification of the lease contract agreement is attached hereto and made a part of this resolution for all purposes.

SECOND MODIFICATION OF LEASE NOy (R)-41739
between
CITY OF AUSTIN, TEXAS
and
THE UNITED STATES OF AMERICA

THIS SECOND MODIFICATION of a Lease made by and between THE UNITED STATES OF AMERICA, represented by _____, hereinafter called the "Government", and THE CITY OF AUSTIN, TEXAS, hereinafter called the "Lessor";

WITNESSTH:

WHEREAS, on the 18th day of April 1947, the parties hereto entered into an agreement whereby Lessor did rent, lease, and demise to the Government certain property; and,

WHEREAS, the Government and the Lessor desire to amend the said Lease;

NOW, THEREFORE, in consideration of the foregoing and of the benefits to the parties hereto, it is mutually agreed that said Lease NOy(R)-41739 be and hereby is amended and motified in the following particulars, and only in the following particulars, to-wit:

1. That paragraph 4 of Lease NOy(R)-41739 be hereby amended to read as follows:

- "4. The Government shall not assign this lease in any event, and shall not sublet the demised premises except to a desirable tenant, and for a similar purpose, and will not permit the use of said premises by anyone other than the Government, such sublessee, and the agents and servants of the Government or of such sublessee; provided, however, that the Government may sublease its small-bore rifle and pistol range for the use of rifle and pistol teams sponsored by the National Rifle Association."

With the exception of paragraph 4 above, the terms and conditions of said Lease NOy(R)-41739 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto, subscribed their

names as of the 16th day of September, 1963.

In presence of

CITY OF AUSTIN, Lessor

By

W. T. Williams, Jr.

City Manager

Address

I, Elsie Woosley, certify that I am the City Clerk of the corporation named as Lessor in the attached lease; that W. T. Williams, Jr., who signed said lease on behalf of the Lessor, was then City Manager of said corporation; that said lease was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

City Clerk

(CORPORATE SEAL)

ATTEST:

UNITED STATES OF AMERICA

By

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: None

Absent: Councilmen Long, White

The City Manager listed two invitations to the Council:

- (1) Chatleff Controls, Inc. - a get-together, September 4, from 5:00 P.M. to 7:00 P.M.
- (2) August 29th, 5:00 to 7:00 P.M., an invitation to honor Mr. Fred Catteral and Mr. Gordon Mills, Crystal Ball Room.

For the benefit of the three Boy Scouts visiting the Council, the Mayor stated the City's budget was \$15,200,000 for operating the City and \$20,104,000 for the Utilities. MRS. JOHN BARROW noted most people did not realize that the tax dollar was the best they spent. The Mayor expressed appreciation, stating the Council took this matter seriously, and it believed the people did get a dollar's value for a dollar spent, and that the City could have exactly what it was willing to pay for and that the type of City that the people wanted could be had; but he stated it was not free, someone had to pay for it.

There being no further business the Council adjourned at 11:30 A.M., subject to the call of the Mayor.

ATTEST:

APPROVED

Elsie Woosley
City Clerk

Lucia E. Palmer