

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 3, 1956
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

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

The invocation was delivered by REV. FRED BROOKS, First Presbyterian
Church, 212 West 7th Street.

Councilman White moved that the Minutes of June 28th be approved. The
motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council had before it for discussion the following ordinance:

AN ORDINANCE AMENDING AND CLARIFYING AN ORDINANCE
ENTITLED: "AN ORDINANCE ADOPTING AND MAKING APPLICABLE
TO THE CITY OF AUSTIN THE PROVISIONS OF STATE LAW RELAT-
ING TO WORKMEN'S COMPENSATION INSURANCE FOR CITIES, TOWNS,
AND VILLAGES; PROVIDING THAT THE CITY OF AUSTIN SHALL BE
SELF-INSURING; PROVIDING FOR NOTICES OF SUCH ACTION TO
BE GIVEN; PROVIDING FOR THE ADMINISTRATION THEREOF;
ESTABLISHING THE CITY OF AUSTIN WORKMEN'S COMPENSATION
ACCOUNT; AND DECLARING AN EMERGENCY", WHICH ORDINANCE
WAS PASSED BY THE CITY COUNCIL JANUARY 13, 1955, AND
IS RECORDED IN BOOK "U" PAGES 440-441, BOTH INCLUSIVE,
OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND
DECLARING AN EMERGENCY.

This ordinance clarifies that Workmen's Compensation is applicable to
all employees who are on the actual payroll of a Department of the City as such
payroll is submitted to the Director of Finance of the City. The Council

discussed whether persons not actually on the payroll of the City but under the supervision of the City, such as prisoners, caddies at the Golf Course, etc., should be covered under Workmen's Compensation by the City. They discussed if a prisoner is permitted to work out a fine, that he be given a physical examination. The City Manager stated that if it were determined that the City was negligent then they would be covered by Public Liability but if they were covered by Workmen's Compensation then they would be paid whether the City was negligent or not. No action was taken and the Mayor stated they would work it out and consider it again next week.

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A PORTION OF WILKE DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance be finally passed.

The Council discussed extending the time for acceptance of bids on the AUDITORIUM, and the best method of financing its construction. MR. LOUIS GOLDBERG and members of the Chamber of Commerce; MR. ED FULLER and members of the Junior Chamber Commerce; Architects for the Auditorium; MR. WILLARD HOUSER, and others were present. The Mayor read the following letter:

"July 2, 1956

"The City of Austin,
Att: Honorable Tom Miller, Mayor,
Austin, Texas

thru

Page, Southerland, & Page,
Architects-Engineers,
Austin, Texas.

"Gentlemen:

"In reference to the matter of extending the time for acceptance of our bid on your proposed Municipal Auditorium and Convention Center, we are pleased to advise that we are agreeable to an extension of time for acceptance and award under the conditions set forth hereinafter.

"Our bid of June 5, 1956, shall be subject to your acceptance at any time prior to August 5, 1956, under the conditions of our bid as originally submitted, at the price stipulated therein.

"In order to protect our bid against the definite probability of increased costs of labor and material, it is necessary that we require the following conditions be made a part of any contract executed between the period August 5 - September 5, 1956. If the following conditions are acceptable and made a part of the contract, we shall extend the period of acceptance to September 5, 1956:

"1. The City shall furnish without cost to the contractor such temporary water, gas, electric power, and sewer facilities as may be reasonably necessary during the period of construction;

"2. Specifications requiring color panels in the aluminum dome shall be changed to permit the use of mill-finish aluminum;

"3. Concrete topping shall be integral with structural floors and finished monolithic as specified;

"4. All Acoustical plaster shall be Type I, instead of both Type I and Type II;

"5. All handrails scheduled as aluminum shall be changed to 1½ inch steel.

"If an additional extension of time is required, we shall extend the date for acceptance to October 5, 1956, provided the following conditions are made a part of the contract:

"1. All conditions set forth above;

"2. Article 61 of the Supplementary General Conditions shall be deleted, insofar as the General Contract is affected;

"3. The City of Austin shall assume escalation clause on Structural Steel, within limits of 8% of the cost of same, f.o.b. job-site unloaded, or \$15.00 per ton, which ever is less.

"Acceptance of the conditions as above outlined shall not change the amount of our bid.

"We respectfully invite your attention to the fact that your acceptance of the above conditions do not eliminate or alter, except in minor degree, any of the features originally contained in the original plans and specifications. Likewise, the acceptance of these conditions do not materially affect the cost of the project. Instead, they permit

the contractor to use methods or materials which are near-equal to the original specifications yet which are less expensive to furnish or install, and consequently offer a measure of compensation of risk incurred by the extension granted.

"If you find the above conditions acceptable, we respectfully request that we be immediately notified of your decision. In any event, we trust you will act on this matter prior to July 5, 1956.

"Respectfully submitted,
JOHN J. STOKES CONSTRUCTION CO.
(Sgd) John J. Stokes
President

CONSENT OF SURETY

"All obligations and liabilities of TRINITY UNIVERSAL INSURANCE COMPANY, Surety on Bid Bond attached to bid of JOHN J. STOKES CONSTRUCTION COMPANY, Principal, shall be extended to the dates specified under the conditions set forth above.

(Sgd) Joe W. Holleran
Attorney-in-fact,
TRINITY UNIVERSAL INSURANCE CO."

The Council discussed these conditions and they were not acceptable to the Council. The Mayor also read letters from Young & Pratt and Dean Johnston stating they were agreeable to the extension of from 60 to 90 days for the mechanical and electrical construction bids. These were acceptable. The possibility of submitting a new bond issue of General Obligation Tax Bonds, for a vote of the people, was discussed. The Mayor stated there would be a savings of around \$464,000 in interest by selling tax bonds instead of revenue bonds. He also stated that the City had been assured that the right-of-way for the Interregional Highway would be financed by the State and that would relieve the City from this obligation for which \$1,000,000 in bonds had been voted. The Mayor stated if warrants were sold then new bids would have to be taken. MR. GOLDBERG read the following statement for the Chamber of Commerce:

"The Austin Chamber of Commerce is on record for years in urging the city to build a Municipal Auditorium.

"In a poll of its entire membership, the members voted overwhelmingly that the auditorium was Austin's No. 1 need. That expression has not been changed. Austin voters have approved it on every question submitted to them.

"Your own auditorium advisory committee strongly recommended completion of the auditorium.

"A committee of the Chamber of Commerce presented a brochure for the Auditorium on Sept. 5, 1950. I have the document here, and if any of you have not read it, I hope you will.

"We showed, and our reports, year by year, have shown, that the lack of an adequate auditorium, convention meeting place and exhibit facilities was costing Austin from two to four million dollars a year in "convention dollars" alone--in the money that would be spent here by convention delegates and visitors who would come here if we had adequate facilities.

"We have the hotels, the motels and housing facilities to take care of big conventions. All we lack is the meeting place, with adequate exposition and exhibit facilities.

"As to benefits of the auditorium to all phases of Austin business, I'd like to call your attention to this chart on Page 8 of the auditorium brochure.

"It shows that on the first expenditure of the convention dollar, 31 percent goes to retail stores, 23 per cent to hotels, motels, 18 per cent to restaurants, and so on. And on the first turnover of that dollar, 30 per cent goes to payroll, 27 per cent to food supplies, 22 per cent to rent, taxes and so on. The auditorium benefits our entire economy.

"The Chamber of Commerce feels now, as for years past, the Auditorium is an urgent need for Austin, and that it should be adequate for present and future needs."

MR. PETE McNEILL, Representative of the Carpenter's Local, stated they would like to see it go through as originally planned and if it took an election they would be for it. The Council discussed the amount that would have to be submitted if the Bond Election was called. MR. STOKES reconsidered his offer and stated he would hold his bid firm for 45 days and the Mayor asked that he bring in a letter to this effect by 2:00 P.M.

MR. NIGGLI of Niggli and Gustafson, Architects for the addition to the Municipal Building, submitted some proposed changes. The proposed changes would lower the bids from \$172,597.50 to \$140,223.00. The Council decided to study these and take it up next week.

At 1:00 P.M. the Council recessed until 2:30 P.M.

Recessed Meeting:

2:30 P.M.

The Council went over the possible cuts in the General, Mechanical and Electrical Contracts with the Architects for the Auditorium and indicated the items they would like to omit and the items they would like to leave in. A tally of the items omitted was \$70,108.00. (Working papers on file under AUDITORIUM.)

The Council received the letter from MR. STOKES, stating they were agreeable to an extension of time subject to acceptance at any time prior to August 20th and asking that the Council act on this matter on or before July 5, 1956.

Councilman White presented a petition, with 13 signatures of residents of South Austin, requesting that the Council instruct the City Engineer to complete the alley within the block bounded on the north by Avondale Road, on the east by Travis Heights Blvd., on the south by Milam Place, and on the west by Alta Vista Street and make it a through alley from its entrance on the south end to its north terminus. This alley is approximately 500' long and is

open for 450'. Councilman White moved that this be set for public hearing Thursday, July 12th at 10:00 A.M. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council agreed to grant the request of the North Austin Exchange Club for permission to shoot noise making aerial bombs on an $8\frac{1}{2}$ acre tract of land in the 2200 block of Hancock Drive on the 4th of July.

There being no further business the Council adjourned at 4:20 P.M. subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Grace Monroe
Deputy City Clerk