

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 16, 1959  
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; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. BILL BONIS, Hyde Park Presbyterian Church, 3915 Avenue B.

Councilman White moved that the Minutes of the Meeting of April 9, 1959, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The appeal of MRS. FLORENCE E. RICHEY from the decision of the Planning Commission denying permission for a Special Permit for Veterinary Hospital at 1701 South Congress Avenue was again before the Council. The Attorney for the opposition, MR. ROBERT POTTS, expressed objection to the airconditioning which would exhaust air into the neighborhood; and to the use of stucco and sheet rock as the only soundproofing that was planned; and to their not covering over the windows. MR. FRED VESPERMAN opposed the use of the alley for the exit of their cars, as the alley seemed large now as the fences had been set back; but when the fences were moved to the line, the alley would be small. He pointed out some differences in statements made as to the number of animals that would be on the premises, as to the number of doors, and as to soundproofing, and closing up the windows. He asked that the Council consider the homes in the neighborhood. MRS. RICHEY stated the amount of the investment she had made in renovating the building, and the investment that would be made in converting it to the veterinary hospital. The Mayor stated that special permits could be revoked; but before this was voted, exact plans must be submitted. He asked that Mrs. Richey bring in plans stating exactly what they are going to do; and that

these plans would be cleared through the Building Inspector and through Dr. Primer, the Health Officer. Councilman Long suggested that a fence be considered rather than a hedge. MR. ROBERT SNEED, Attorney for Mrs. Richey, stated specific plans would be prepared and submitted, and be made a part of the special permit. No action was taken, and the matter was laid over until next week.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by the plat of Highland Hills, Section 1, as recorded in Book 7 at Page 107 of the Plat Records of Travis County, Texas, there was dedicated for public utilities and drainageway the East Seven and One-Half Feet of said lot; and,

WHEREAS, the property owner of said Lot 27 of Highland Hills, Section 1 has requested that such easement be released insofar as it relates to public utilities which would be laid beneath the surface along the East Seven and One-Half Feet of Lot 27 in Highland Hills, Section 1; and,

WHEREAS, the City Council has determined that the easement hereinafter described is not now needed SAVE and EXCEPT the South Seven and One-Half Feet of the East Seven and One-Half Feet of Lot 27 and also SAVE and EXCEPT for an overhead easement for electric, and telephone lines which is specifically retained by the City of Austin; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the drainageway and public utilities easement along and across the tract hereinafter described save and except for the overhead easement for electrical and telephone lines over the entire East Seven and One-Half Feet of said Lot 27 in Highland Hills, Section 1. Such portion of said easement to be released being more particularly described as follows, to wit:

A strip of land seven and one-half (7.50) feet in width same being out of and a part of Lot 27 in Highland Hills Section One a subdivision of a portion of the T. J. Chambers Grant in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Hills Section One of record in Book 7 at Page 107 of the Plat Records of Travis County, Texas save and except the south seven and one-half (7.50) feet of the East seven and one-half (7.50) feet of said Lot 27, except however, there is to be retained an overhead easement for electrical installation over the entire east seven and one-half (7.50) feet described above.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The City Manager submitted the following:

"April 14, 1959

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

"Dear Mr. Williams:

"Bids were received until 2:00 P.M., Tuesday, April 14, 1959, at the Office of the Director of Water and Sewer Department for the 48-Inch Interceptor Main Canterbury Pump Plant Area. The bids were then 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>
Austin Engineering Company	\$127,814.29	95
H. B. Zachary Company San Antonio, Texas	\$129,948.00	110
Bland Construction Company	\$135,575.00	180

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$127,814.29, with 95 working days.

"Yours truly,  
(Sgd) S. A. Garza, Superintendent  
Sanitary Sewer Division  
(Sgd) Albert R. Davis, Director  
Water and Sewer Department

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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 14, 1959, for the 48-Inch Interceptor Main Canterbury Pump Plant Area; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$127,814.29 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 Austin Engineering Company in the sum of \$127,814.29 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Austin Engineering Company.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Modern Signs is the Contractor for the erection of a sign located on the existing smokestack located between Congress Avenue and Colorado Streets on the north side of West 1st Street and desires a portion of the sidewalk and street space abutting Lot 12, Block 5, of the Original City of Austin, Travis County, Texas, during the erection of the sign, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said Modern Signs, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point approximately 60 feet east of the southwest corner of the above described property; thence in a southerly direction and at right angles to the center line of West 1st Street 8 feet to a point; thence in an easterly direction and parallel with the center line of West 1st Street 20 feet to a point; thence in a northerly direction and at right angles to the center line of West 1st Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Modern Signs, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. The Contractor will also be permitted to use 1 parking meter space immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after

the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than May 15, 1959.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 1, 1896, pursuant to an order of sale issued in Cause No. 10,927 of the District Court of Travis County styled the City of Austin vs. W. M. Brown, the Sheriff sold to the City of Austin for taxes the hereinafter described real property, and

WHEREAS, the City of Austin never took possession of such property under said deed, and does not have nor claim any interest in said property, and

WHEREAS, the First Baptist Church of Austin, has requested the City to quitclaim all interest in such property as it may have acquired by virtue of said judgment and sheriff's sale in order to prevent difficulties hereafter;  
Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a quitclaim deed to the First Baptist Church of Austin, Texas,

quitclaiming all interest the City of Austin acquired by virtue of said Sheriff's Deed above mentioned, covering the following described land, to wit:

All that certain lot, tract or parcel of land lying and being situated in Austin, Travis County, Texas known and described as follows: Lot Two (2) and three and four tenths (3.4) feet off the West side of Lot Three (3), Block One hundred Seventy-one (171), in the Original City of Austin, Texas, according to the map of said City on file in the General Land Office of the State of Texas.

The motion, seconded by Councilman Palmer, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the further consideration of the following zoning application would be postponed, since the applicant was ill:

DAN E. McCASKILL	819-21 East 32nd Street	From "A" Residence
	3106-10 Red River	To "O" Office
		RECOMMENDED by the
		Planning Commission

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "T", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON THE NORTH ONE-HALF OF LOT 8, OUTLOT 38, OF THE SUBDIVISION OF OUTLOTS 38 AND 39 OF THE ORIGINAL CITY OF AUSTIN; IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH CHANGES; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON A PORTION OF ONE LOT FRONTING 26 FEET ON THE NORTH RIGHT OF WAY LINE OF WEST 6TH STREET AND 50.2 FEET ON THE EAST RIGHT OF WAY LINE OF BLANCO STREET, LOCALLY KNOWN AS 1152 (1130) WEST 6TH STREET AND 601-603 BLANCO STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD SUCH CHANGE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer 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 Palmer, Pearson, White, Mayor Miller  
Noes: Councilman Long

The ordinance was read the second time and Councilman Palmer 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 Palmer, Pearson, White, Mayor Miller  
Noes: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson,

carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller  
 Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The Mayor brought up the following zoning applications deferred from last week:

M. E. CHERNOSKY	1013 Vargas Road	From "A" Residence
ISAAC GUZMAN		To "LR" Local Retail
		NOT Recommended by the
		Planning Commission

The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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HENRY G. KRAUSS	2311-13 Rebel Road	From "A" Residence
		To "O" Office
		RECOMMENDED by the
		Planning Commission

The Mayor asked those who wished to grant the change to "O" Office to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, Mayor Miller  
 Noes: Councilman White

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

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EVELYN MARIE SMITH JOHNSON	5601 Sunshine Drive	From "A" Residence
		To "GR" General Retail
		NOT Recommended by the
		Planning Commission

No action was taken, being held until Mr. Johnson brings in deed for right-of-way.

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CARRET CORPORATION

3407 Helms

From "A" Residence 1st  
To "B" Residence 2nd  
RECOMMENDED by the  
Planning Commission

No action was taken pending more information on costs of drainage, paving, etc.

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The City Manager submitted the request of the CIVITAN CLUB to use the Metropolitan Park for the Waterama similar to the arrangement last year with the exception that this year they wanted to have one person take charge of the promotion and pay him 25% of the profit. Councilman Palmer moved to grant the permission for the use of the Metropolitan Park with the understanding that the City Manager will work out the details. The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager stated he had a letter from Mrs. Bullian regarding the sale to the City of her property west of Robert E. Lee Road. She had made an offer to sell the property for \$8,000. Councilman Long moved to offer Mrs. Bullian \$3,000 for this particular piece of property. The motion, seconded by Councilman White, carried by the following vote:

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

The Council discussed the paving policy briefly. The Mayor suggested that perhaps something could be worked out with the banks where the money could be deposited and the banks would pay the people the regular savings rate while the money is on deposit. The Director of Public Works stated that letters of credit were being accepted; and in some cases the deposits had been returned and letters of credit given. Councilman Pearson suggested that letters be sent to the petitioners telling them that the paving would not be done until a certain time. The City Manager stated that letters were sent out such as he had suggested and that the persons who brought in the petitions were informed as to an approximate date of paving.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on March 24, 1959, the City of Austin received bids for the furnishing of 480 Volt Motor Control Center, Contract 68-A; and,

WHEREAS, the lump sum bid of Federal Pacific Electric Company in the amount of \$22,125.00 for the 480 Volt Motor Control Center, Contract 68-A, was the lowest and best bid therefor; and,

WHEREAS, the bid of the Federal Pacific Electric Company was submitted to the City of Austin by and through Curtis-Musgrove Company, agents for Federal Pacific Electric Company; and,

WHEREAS, by Resolution duly adopted on March 26, 1959, the Resolution erroneously recited that said contract was awarded to the Curtis-Musgrove Company instead of Federal Pacific Electric Company; and,

WHEREAS, the acceptance of such bid by Federal Pacific Electric Company has been recommended by the Director, Electric Utility 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 Federal Pacific Electric Company in the lump sum of \$22,125.00 on Contract No. 68-A be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with the Federal Pacific Electric Company.

The motion, seconded by Councilman Palmer, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White submitted a proposition that had been worked out with MR. HARRY MOORE for leasing the Pool Property at 27th and Guadalupe. The offer of Mr. Moore was to lease the property for five years with an option of another five-year lease, at \$250.00 per month with an option to purchase the property during the term of the lease at the predetermined price of \$40,000. This was the property minus the 18' for right-of-way. Councilman White stated that Mr. Moore wanted to know if the City would clear the lot by pushing over the old existing building and filling in a hole in the lot. The Mayor stated terms for the lease should be a five-year lease, with the lessee being given first opportunity to re-lease at the end of the five years at a price satisfactory to the City, and an option to buy the property at \$40,000 within three years; that the lessee was to pay taxes on the building, and that he understood about the 18' set-back; and that the City would not do the clearing of the lot. Councilman Long moved that Councilman White be authorized to continue his negotiations under the terms as outlined in the City Attorney's notes, and that they be attached to the Minutes. The motion, seconded by Councilman Palmer, carried by the following vote:

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

The City Attorney submitted the request of the DUPLEX ADVERTISING COMPANY to leasing the property at 27th and Guadalupe to put up a sign, and they offered a rental of \$25.00 a month. The Mayor stated that at this time the City was negotiating for another use of the property and that the property would not be available for that purpose now.

Councilman Long stated there seemed to be a need for a study of septic-tank locations, as there had been several cave-ins where the tanks were and where they had been abandoned. The Mayor suggested that when a permit was given to connect with the sewer, that it should be required that the people would be required to fill in the septic tank hole. Councilman Pearson suggested that the City Attorney's Department make a study of an enforceable ordinance.

Councilman Pearson submitted a complaint of the use of city property at 29th and Lamar Boulevard by the Boat Company there, in that the owner was displaying boats and swimming pools on property belonging to the City.

In connection with misuse of City property, the City Attorney pointed out another lot the City owned, off of Shoal Crest, on which lot some one had hauled a lot of rock.

The Mayor asked that on every piece of city property that the shield of the City of Austin be placed there so that everyone would know what belonged to the City.

The Director of Public Works submitted the request of MR. AL WILLIAMS for use of a site in Zilker Park on the west side of the park south of the main road where they would like to get permission to build a permanent soap-box derby track - 50 x 1200'. Mr. Williams would put up a cyclone fence. The estimated cost of the tract would be about \$5,000. The Director of Public Works stated if they did not get the track in time to get it built this year, they would like to use South 1st Street from the Deaf School down to Bouldin Creek. The Council wanted to go look at the sites on the ground.

The Council had the request from MR. WILSON of Harrison-Wilson & Pearson that the application of NEIL M. SORENSON, owner and CARRET CORPORATION for a change of zone at 5616-5830 Berkman Drive from "A" Residence to "B" Residence be postponed indefinitely. Councilman Palmer stated instead of the Council's postponing the hearing indefinitely that Mr. Wilson be requested to withdraw the application. Councilman Pearson requested that Mr. Wilson be granted permission to withdraw the application, but not postpone the hearing indefinitely. The Mayor asked that the City Attorney inform Mr. Wilson that the Council would accept the withdrawal of the application; and if they ever filed again it would go back through the Plan Commission; otherwise, it looked as though it is the Council's intent to turn the zoning down.

The Council recessed at 12:40 P.M.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

The Council discussed a contract between the City and L.C.R.A. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized to execute on behalf of the City of Austin the attached 1959 Agreement between said City and Lower Colorado River Authority, a public corporation and state agency created by and operated under the provisions of Chapter 7 of the General Laws enacted by the 43rd Legislature of the State of Texas, Fourth Called Session, as amended, as the Act of the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The City Manager pointed out an option to be included in the contract that if the pipe line is not in by a certain time that the provision on the minimum take would be cancelled out.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized to execute on behalf of the City of Austin the attached amended contract between said City and Mid-Tex Gas Company and Capital Gas Pipe Line Company, two Texas corporations, as the act of the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Pearson made inquiry of the Council's feeling about the park land which Mr. Goodnight or Mr. Wayne Burns wanted to give the City, stating Mr. Goodnight had 11 acres he was willing to give and would give another seven acres on the hill. Mr. Burns had his property under option, but stated if the city still wanted it, he would go ahead. Members of the Council wanted to go see the properties.

There being no further business, the Council adjourned at 4:30 P.M., subject to the call of the Mayor.

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk