

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 24, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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, Chief of Police

Invocation was delivered by RABBI LOUIS FIRESTEIN, Temple Beth Israel.

Councilman White moved that the Minutes of the Meeting of September 10, 1964, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long inquired if all of the contracts (Austex Development Co., Ltd., Crambrook Corporation and Jamestown Incorporated) were regular contracts. The City Manager stated the refund parts were regular; but the Jamestown contract involves participation in the difference of cost between an 8" and 12" main, which the developer had been asked to install, and which is larger than would be required for his subdivision alone.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTEX DEVELOPMENT CO., LTD., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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

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

The ordinance was read the second time and Councilman White 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 LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CRAMBROOK CORPORATION FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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 Shanks, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH JAMESTOWN INCORPORATED FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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 Shanks, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"September 22, 1964

"To: Mr. W. T. Williams, Jr., City Manager

Subject: Bids on 12,000/16,000/20,000 KVA Unit Substation

"Bids were opened at 10:00 A.M., September 22, 1964 for one 12,000/16,000/20,000 KVA Unit Substation by the purchasing agent, and sent to the Electric Department for evaluation and recommendation.

<u>VENDOR</u>	<u>PRICES</u>	<u>SHIPMENT</u>
General Electric	\$88,640.00	24 wk.
Westinghouse Electric Corp.	89,925.00	20 wk.
Allis-Chalmers Mfg. Co.	92,700.00	25 wk.
Pennsylvania Transformer Co.	83,660.00	Feb. 28, 1965
Federal Pacific Electric Co.	89,590.00	23 wk.

"All deliveries are satisfactory. All prices are firm and all terms net 30 days.

"I recommend that we accept the lowest and best bid of Pennsylvania Transformer Co. for one 12,000/16,000/20,000 KVA Unit Substation for \$83,660.00.

"From: D. C. Kinney, Dir. Elect. Utility
Signed: D. C. Kinney"

Councilman Long inquired as to the location of these transformers. The City Manager stated they were to be placed in the extreme northern part of the City which is facing an overload next year if there is not a new substation and transformers. This will be north of Koenig Lane and in the Fiskville Area--

the north end of the system. He stated this would be in an existing substation site.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 22, 1964, for one 12,000/16,000/20,000 KVA Unit Substation; and,

WHEREAS, the bid of Pennsylvania Transformer Co., in the sum of \$83,660.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of 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 Pennsylvania Transformer Co., in the sum of \$83,660.00, 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 Pennsylvania Transformer Co.

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager submitted the following:

"September 22, 1964

"To: W. T. Williams, Jr., City Manager Subject: Construction of a Concrete Bridge

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, September 22, 1964 for removal of the existing bridge and construction of a reinforced concrete bridge at West Johanna Street and East Bouldin Creek known as Contract Number 64-D-19.

Ed H. Page	\$ 6,848.75
Maufrais Brothers, Inc.	\$12,560.25
City's Estimate	\$ 7,500.00

"I recommend that Ed H. Page with his low bid of \$6,848.75 be awarded the contract for this project.

"From: S. Reuben Rountree, Jr.
Director of Public Works
Signed: S. Reuben Rountree, Jr."

Councilman Long inquired why there were no more bidders than these two. The Director of Public Works stated the other bidder had two other City contracts, and the other contractors were overloaded with construction work now. Mr. Page had just completed a bridge.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 22, 1964, for removal of the existing bridge and construction of a reinforced concrete bridge at West Johanna Street and East Bouldin Creek, known as Contract Number 64-D-19; and,

WHEREAS, the bid of Ed H. Page, in the sum of \$6,848.75, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works 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 Ed H. Page, in the sum of \$6,848.75, 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 Ed H. Page.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement, five (5.00) feet in width, was granted to the City of Austin, for public utility purposes, in, upon and across a part of Lot 15, Block C, Balcones West, a subdivision of a portion of the James Mitchell Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Balcones West of record in Book 18 at Page 32 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described easement; and,

WHEREAS, the City Council has determined that the hereinafter described easement should be released, SAVE and EXCEPT that an easement be retained in the City for overhanging electrical facilities; Now, Therefore,

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utility easement, SAVE and EXCEPT that an easement be retained in the City for overhanging electrical facilities, to-wit:

A strip of land five (5.00) feet in width, same being out of and a part of Lot 15, Block C, Balcones West, a subdivision of a portion of the James Mitchell Survey in the City of Austin, Travis County, Texas, according to a map or plat

of said Balcones West of record in Book 18 at Page 32 of the Plat Records of Travis County, Texas; the center-line of said strip of land five (5.00) feet in width being more particularly described as follows:

BEGINNING at a point in the west line of said Lot 15, same being the east line of Lawndale Drive, and from which point of beginning an iron pipe at the southwest corner of said Lot 15 bears South 19° 34' West 2.50 feet;

THENCE, South 70° 31' East 111.58 feet to point of termination in a line five (5.00) feet west of and parallel to the east line of said Lot 15, and from which point of termination an iron pipe at the southeast corner of said Lot 15 bears South 70° 31' East 5.00 feet and South 19° 34' West 12.50 feet.

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

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

RICHARD F. LANNERT	300 East 34th Street	From "A" Residence 1st
By William J. Scudder	3401-3405 Grooms Street	Height & Area
		To "B" Residence 2nd
		Height & Area
		NOT Recommended by the
		Planning Commission

Mr. William Scudder represented the applicant stating the Planning Commission rejected their application stating it was a spot zoning in a primarily residential area. He pointed out the "B" Residence zoning directly across the street and in the near vicinity on Speedway and Duval. The apartment construction is designed for young married couples that have children and the apartments will be 9000 square feet and over, with three bedrooms per unit. Extra off-street parking would be provided. "B" Residence 2nd Height and Area would permit 12 units, but they had never planned more than five, six or eight apartments. He suggested asking for "B" Residence 1st Height and Area which would allow six units. Discussion of "BB" Residence 1st Height and Area was held, and it was stated that classification would allow five units. Mr. Scudder stated that would be acceptable. Councilman Shanks moved that the change to "BB" Residence 1st Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "BB" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council had before it the consideration of an ordinance recommended by the Electrical Board requiring that apprentice electricians be at least 16 years of age. Minutes of the Board had been sent to members of the Council. It

was stated the recommended ordinance would comply with the State and Federal Laws, and would pertain to the liability of the employer to an employee.

Mayor Palmer introduced the following ordinance recommended by the Electrical Board:

AN ORDINANCE AMENDING SECTION 9.31 OF CHAPTER 9 OF
THE AUSTIN CITY CODE OF 1954 PERTAINING TO APPRENTICE
ELECTRICIANS; AND DECLARING AN EMERGENCY.

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 LaRue, carried by the following vote:

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

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 LaRue, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer read the following report of the Board of Equalization:

"September 21, 1964

"The City Council
City of Austin
Municipal Building
Austin, Texas

"Dear Council Members:

"Complying with provisions of the City Charter, we, your Board of Equalization for the year 1964, herewith, submit our report of activities.

"The Board of Equalization convened August 3, 1964, and began hearing appeals that date. All property owners who filed an appeal requesting a hearing and appeared at the designated time were heard. There were conducted 281 separate hearings representing 905 individual properties. In addition to these, there were 10 appeals scheduled for which the property owner either cancelled the appeal or did not appear, and there were 121 properties that were appealed by way of letter. There were also 221 properties that were considered by the Board

that were the result of changes in adjoining property values. A total of 1,305 dockets were prepared and 1,247 properties were duly presented and considered by the Board of Equalization for the year 1964. Of this total, 466 property values were adjusted and 781 were sustained as established by the Tax Department.

"The Board was in session a total of 32 work days and spent a total of 192 hours in performance of our sworn duty.

"We recommend that the Council and the Tax Department consider methods whereby valuation increases could be staggered and not given in a lump sum covering four years.

"We wish to commend Mr. Jack Klitgaard and his assistants who attended our sessions, for their diligence, patience and courtesy.

"Having completed its work, the Board of Equalization stands adjourned this day, September 21, 1964, subject to the call of the City Council to render any assistance the Council may desire. We hereby certify our approval of the 1964 tax roll for the City of Austin and the Austin Independent School District.

"Respectfully submitted

s/ Wilford Turner,
Wilford Turner, Secretary

s/ S. M. Apperson
S. M. Apperson, Chairman

s/ Edmunds Travis
Edmunds Travis"

Councilman Long moved that the Council accept the report of the Board of Equalization and express appreciation to the Board of Equalization for having done an excellent job. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Shanks moved that MR. JOE CROW be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. CROW inquired if approving the Tax Rolls would preclude them from continuing action on their part in their appeal on their taxes. The City Attorney stated it would not assuming they had presented their case to the Board of Equalization. Councilman Shanks asked if this would apply on blanket properties. The City Attorney stated there was no provision for an appeal in that manner; that the law was very specific in requiring a specific appeal by a specific property owner concerning a specific property. Mr. Crow was interested in various procedures. The City Attorney answered Mr. Crow's questions concerning adjustments on properties, rendition and the procedures of the various appeals. The Mayor explained that those who had been before the Board of Equalization and wanted to appeal from its decision to the Council on those properties appealed to the Board, they could do so. Mr. Crow pointed out he had not yet received notice from his appeal to the Board, and said if the passage of this resolution would change their relation on further consideration of these tax matters they wanted to know. The

City Attorney stated the resolution would not; this was a formality that had been followed since 1953, and there was no different procedure. Mr. Crow stated in the overall procedure, he did not think people have had enough time to study these things. Mayor Palmer explained when the Council certifies to the roll, it is certified subject to whatever appeals may be of record until such times the Council has disposed of them. Mr. Crow stated it would stop the Tax Department from making any changes. The City Manager said once the matter went to the Board of Equalization, the Tax Department had no right to change the tax roll except by direction of the Board of Equalization or the City Council.

MAYOR PALMER observed there was a lot of interest in taxation generated this year, and stated as one member of the Council, he would solicit whatever pertinent information the Real Estate Board, any developer, or any interested party might have, to discuss those matters with Mr. Klitgaard the Tax Assessor and Collector; and if there is something that needs to be looked into and studied the Council would welcome any type of suggestion or assistance from the property owners in the City of Austin. Mr. Crow stated they would have a few sessions with Mr. Klitgaard, as the problems may be one of misunderstanding.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization of the City of Austin has certified its approval of the tax assessment rolls and records of the City of Austin for the year 1963, and has forwarded the same to the City Council; and,

WHEREAS, said tax assessment rolls appear in all respects to be in correct form and prior to their submission the valuations of property shown in said rolls have been examined and corrected in the manner provided by law and ordinances of the City of Austin by the Board of Equalization; Now, Therefore,

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

That subject to such adjustments as may be found necessary by reason of appeals pending, the tax assessment roll, showing a total amount of \$628,698,410.00 valuation for said year, be and the same is hereby approved and adopted.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1964: AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

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 Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
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 Shanks, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council had before it the recommendation of the Building Official as follows:

9-23-64

"To: Mr. W. T. Williams, Jr., City Manager Subject: CONDEMNED STRUCTURE AND
PREMISES - 1707 Canterbury

"This memorandum is with reference to the condemned structure and premises at 1707 Canterbury. On June 9, 1964 this case was taken to the Building Standards Commission, and the action taken was to declare the premises and structure in violation of the Minimum Housing Code. The recommendation made by the Building Standards Commission and affirmed by the City Council on June 18, 1964 was as follows:

- "1) That Mr. Rangel be given ninety (90) days from June 9, 1964 to comply with the Minimum Housing Code;
- 2) That he install plumbing that is necessary to comply with the Minimum Housing Code;
- 3) That if he fails to do so within ninety (90) days from June 9, 1964 it is requested that the City Council refer the matter to the Legal Department for enforcement by such legal means as are available to the City.

"We have worked diligently trying to help Mr. Rangel with his problem, but to no avail. The ninety day period has expired and to this date the premises and structure do not comply with the requirements set forth above.

"It is my recommendation that the City Council refer this case to the Legal Department for proper action.

"From: Dick T. Jordan, Building Official
Signed: Dick T. Jordan"

Councilman Long moved that the Council refer this matter to the Legal Department. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Decision on amending the Master Plan in the Santa Monica South area, (Industrial to Residential east of Interstate 35 and South of Ben White Boulevard) was postponed until the Council could make another on-site inspection of the area.

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 be and he is hereby authorized and directed to enter into an Agreement, on behalf of the City of Austin, with Southern Pacific Company for the installation of one eight inch (8") sewer main and one twelve inch (12") water main, same to be installed the full width of Railroad's property, in accordance with its standards and specifications as shown on Drawing CS 1741, dated April 20, 1953, revised July 24, 1961, and also 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 White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council had before it for consideration an agreement with Stanford Research Institute and City for Civil Defense Community Shelter Plan previously considered by the Council on September 3rd. Councilman Long inquired about what consideration the City would get. The City Manager stated the U. S. Government pays the Stanford Research Institute the whole cost of the project, of about \$12,300, and the Stanford Research Institute subcontracts with the City to do the work and turns all the money over to the City. Councilman Shanks stated Austin was one of the model cities for this project.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a Subcontract, on behalf of the City of Austin, with Stanford Research Institute for the preparation of a Community Shelter Plan, in accordance with the terms and provisions provided in Subcontract No. B64200(5050-051)-R 18, and exhibited to the City Council; and;

BE IT FURTHER RESOLVED:

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

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

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman LaRue moved that MR. JOE PERRONE be heard to discuss Lot 9, G. C. Prock Resubdivision. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. PERRONE wanted to resubdivide a 200' deep lot; and after going through the various departments, he found this property was in an area concerned in a 25 year high water level area, and he would have to build his house $4\frac{1}{2}$ ' off the ground. All other houses in the subdivision are on ground level. The City Manager stated this was in the Tannehill Area and some of those houses are flooded. Mr. Perrone asked the Council to relieve him of having to build this house on $4\frac{1}{2}$ ' stilts. Mr. Perrone stated the area would be subject to flooding, but these other houses were already there. The City Attorney said they were constructed prior to the subdivision ordinance. The Mayor told Mr. Perrone if he constructed the house, and sold it to an innocent buyer; when the floods came, the buyer immediately would come to the Council. He said they were trying to do all they could to relieve that flood plain. Members of the Council wanted to make an on site inspection of the area. Later in the meeting after the Council had made this personal inspection of this property; and upon the recommendation of the Director of Public Works, Councilman White moved that the Building Inspector be authorized to issue a permit provided the finished floor line elevation be no less than 465.5' above mean sea level. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman LaRue moved that MR. C. E. GUSTAFSON be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. GUSTAFSON discussed the house moving ordinance, and a charge that had been billed to him, concerning the move they made going north on the west frontage road of the Interregional Highway. They used a three police escort. The problem there can be worked out with Chief Miles; but the other problem was, they were required to have two electrical trucks with them in case they had any trouble. He said they did not need any electrical crews, but the Building Inspector stated two crews were being assigned to go along with them. Mr. Gustafson said he knew they could make those turns on 38 $\frac{1}{2}$ Street and the electric crews never got out of the cars. Mr. Gustafson was billed \$47.90. The other move where he had requested the electric crews, and they took down three arms on traffic signals, they were billed only \$37.00 for doing the work. He did not think they should pay the \$47.90 for the two electric crews. Mr. Gustafson said there should be some kind of an arrangement with the Building Inspector's Office that they would listen to the housemovers whether or not they could do something. Councilman Shanks said

that might apply to some but taking the group of housemovers as a whole, could the City always depend on their judgment. Mr. Gustafson insisted he knew beforehand they would not need these crews. If this \$47.90 has to be paid, that means a total of \$137.90. The Building Official stated the discretion was not left up to his office. Under the ordinance, he checks with all departments; and whatever they require, the Building Official's Office relays to the housemover. If the Electric Department says two trucks are required, they require two trucks. The City Attorney pointed out had there been some work needed, the charge would have been a great deal more. Mayor Palmer stated if a mover reached an intersection, and found he did need a crew, he would have the street blocked maybe several hours before the crews could get out and make the change out. Councilman Shanks suggested in questions as this, the housemover should talk with the particular department that imposed the need upon him. Councilman Long suggested when the housemover filled out his application, he could suggest what he thought their needs might be, and the Building Inspector could check with the departments. If there is any damage the mover has to pay for it, and they would be most careful. MR. GUSTAFSON pointed out another change needed in the ordinance and that concerns the height--just two feet, and they want to work that out again. The Building Official stated his Department would be happy to follow these suggestions, but he asked the movers to give them plenty of time.

Councilman LaRue moved that MR. BOW WILLIAMS be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. WILLIAMS stated in California the pick-up of garbage cans was made from the back yard rather than from the front yard. That gives more employment to more people. The fee in California is \$3.00 a month and he favored raising the fee to this amount. He also asked why the City would not allow benches at bus stops. The Mayor stated they had estimates on giving the service of picking up the cans from the back yards, and that had been considered. As to benches at bus stops many requests had been made, but the requests also were for advertising; and the benches would be located in public property where there could be a liability claim. Mr. Williams inquired about the trees in the sidewalk area on 6th and Congress. It was stated this was authorized with requirements of liability insurance and all kinds of protection.

Councilman Long moved that the Council approve the request of MR. MACK HULL to sell Christmas Trees for the Austin Optimist Club at the same location as last year. (This was also the request submitted by Councilman White on September 17, 1964, through Mr. Joe Manor for the same club.) The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long reported there was a young man, MR. RONALD SMITH, who was studying at Bertram to be a licensed vocational nurse, and the hospital closed. Mr. Smith lacks only three months having been graduated as a L.V.N. and he wants to go to Brackenridge Hospital. He was turned down there as there is no L.V.N. training program for men. Councilman Long moved that the City Manager be instructed to investigate the possibility of MR. RONALD SMITH'S entering the L.V.N. School at Brackenridge Hospital to finish out his three months' course.

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

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

Councilman Long stated Mrs. Bolt had inquired if some property were in Water District No. 1, and was told definitely it was in the Water District No. 1 area. Mrs. Bolt purchased the property and started building; and when she applied for water, she found she was not in Water District No. 1, and the City required her to put up \$250.00 or \$50.00 an acre according to the policy, and she was unhappy because she had been misinformed by one of the City's representatives. She would like to have her money refunded. The City Manager stated she had not contacted the proper person; that the northwest part of the county is in the district generally, but there are a number of properties that are not, and this particular employee had no map showing what was in the district and what was not. The City Manager asked if she had the title examined and if she required a tax certificate from the Water District; as if she were in the District she should have done that. The Mayor said it was up to the buyer to check into all of this; but the fact is she did call and was told the area was in the District; it was not pointed out there were areas not in the District. The Superintendent of Water gave a report on the incident. Councilman Long moved to continue the City's policy of requiring people outside the Water District to pay an amount equal to the amount they would have paid in taxes had they been in the District. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Attorney reported with respect to the gas rate ordinance passed on previously, there was an exception in the ordinance so that it was not made to apply to gas customers now served under special contract. It excludes existing contracts. Mr. Denius, Attorney for the Southern Union Gas Company, wanted to know if that could be revised to say "it shall not apply to industrial or public authority gas customers now or hereafter served under special contract." This would authorize the making of a special contract with anyone. Another change Mr. Denius wanted to discuss was the summer air conditioning rate. The Mayor asked that Mr. Denius come before the Council at 2:30 P.M.

Councilman Long inquired if there were any reports on the traffic on East Side Drive and Oltorf. There was a terrible wreck there and six people went to the Hospital. She said she had discussed this with the Assistant City Manager and he was going to get some traffic counts and perhaps some suggestions. She said it may be there would have to be some warning signs up above this crossing and a 30 mile speed limit along there to slow traffic down. Chief Miles gave a report on a meeting Major Biggerstaff had with the Highway Department.

Councilman Long moved that the Council refer petitions for fogging the Rabb Road and Paramount Avenue areas; and Duval Street, North Loop and West 56th Street areas, to the Health Department. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager brought up a situation with the new Federal Building concerning some steps. The Director of Public Works displayed a map, showing the curb grade on 8th Street and the west edge of the steps. On the east side there will be a warped section of the sidewalk with a 15" slope. It was his recommendation since they would have the grassy area on each side of the sidewalk that they be permitted to put in two more steps and build it down to the normal sidewalk grade and keep the sidewalk level. Councilman Shanks moved that the recommendation of the Director of Public Works be accepted. The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager said there was a problem of getting 9th Street paved under the Post Office. The G.S.A. wants to get this work scheduled to fit into its contract schedule, and the Director of Public Works can add this street to another contract. The Director of Public Works stated a group of surrounding streets would be brought to the Council next Thursday, but the timing on this group would be too late, as the completion of the Federation Building is set for December 1st, and the Post Office for January 1st. Plans for 9th Street between Brazos and San Jacinto are complete. The curb and gutter are included in the contract with the building contract, but the City will do the excavation. PAT CANION has contract 64-A-3, Riverside Drive, at a very good unit price bid; however, he could not do the excavation at the price he quoted on Riverside Drive. He agreed to take the unit prices on the contract of Riverside Drive and the unit price bid of excavation on 19th Street which was 70¢ a square yard and do the job on East 9th Street. By taking these prices on that method, the job will cost \$4,669 compared to price of 19th Street of \$5,831. Councilman Shanks moved that the Council authorize the addition of Unit 64-22b (East 9th Street from San Jacinto to Trinity) to Contract 64-A-3. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager stated the lease contract with I.B.M. Corporation made in May, 1962, authorized an option that the City could buy a part of the tabulating equipment including the "1401" machine at stated prices, and apply the rent paid on the purchase price. An additional amount has been paid each year for that option, which will expire next month. The Finance Director states the "1401" and related pieces of equipment will be used for at least four more years but not the tapes. Over a four year period the equipment would cost more than \$305,040 in rent. The equipment can be purchased now for \$175,000, taking credit for what was paid in rent. After the purchase there will be a maintenance contract at the rate of \$15,529 a year which is about \$62,000. The saving in the four year period will be \$114,000 by buying the equipment. Councilman Shanks moved that the City execute the option and purchase this equipment. The motion, seconded by Councilman White, carried by the following vote:

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

The City Attorney stated the property located at 2308 Haskell Street, adjacent to Holly Street Unit No. 3 is needed not only to reroute a sanitary sewer line now, but for the eventual enlargement of the Power Plant. He stated the owner had agreed to take \$5,900 for the 47' x 147' lot, with a house on it. Councilman Long moved that the City Manager be authorized to enter into a contract with ALBERT GONZALES for the purchase of the property at 2308 Haskell Street. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long inquired about the property in the Montopolis area where it is necessary to get a drainage for the Civitan Park. Mayor Palmer suggested when the Council went out to look at this property it also look into the matter of the water line to a group of people in the Montopolis area, which area might have to be annexed.

The City Attorney said they had been advertising houses which the City purchased in the hospital area and which had to be demolished. Mr. Ward experimented by placing a sign on these properties, and they now have an offer of \$12.50 for each of these houses and the City Attorney recommended that the advertising costs be saved, and these offers be accepted. Councilman LaRue moved that these offers for demolition of these houses be accepted. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Long moved that the Council recess until 2:30 P.M. The motion, seconded by Councilman White, carried by the following vote:

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

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Councilman Long moved that the City Manager be instructed to start negotiating with DR. THOMAS J. McELHENNEY again on the Montopolis property for a drainage ditch, and if there is a break-down in the negotiations that condemnation proceedings be authorized. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Attorney reported that Dr. McElhenney had bought some more property, and Mr. Ward had been trying to get the entire easement through all of the property as it will be necessary to get it down to the creek. The Mayor stated

whatever was needed for the drainage, and whatever ownership is under Dr. McElhenney should be included.

The Council discussed the gas rate ordinance. The City Attorney stated in Subsection C of Section I, there is a change which Mr. Denius, Attorney for Southern Union Gas Company, suggested which would be made without changing the intent the Council had by striking the words "prior to May 1" where they first appear in Subsection C and causing the balance of the sentence to read "to have such rate applied to his service for one full year and thereafter from year to year until changed by notice to the Company prior to May 1 of any year." Mr. Denius stated there was no change in rate now--the change pertains to allowing a person who completes his house in June to get on the summer rate. The person can elect anytime of the year which rate he wants. The City Attorney explained as it was, and as it was written in the policy of the Company one had to make the election prior to May 1st. Mr. Denius stated right now this section was not a part of the ordinance, and it was merely a contractual arrangement between the customers and Southern Union. At the hearing, the Council decided to incorporate as a part of the rates, the air conditioning rate and it is being included as a part of the ordinance now. After discussion, Councilman Shanks moved that the Gas Rate Ordinance be amended in Subsection C of Section I, by striking the words "prior to May 1" where they first appear in Subsection C and causing the balance of the sentence to read "to have such rate applied to his service for one full year and thereafter from year to year until changed by notice to the Company prior to May 1 of any year." The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The City Attorney stated in Section 2, MR. DENIUS wanted an amendment added in the 4th line from the top of the page, and asked that there be inserted, "these rates shall not apply to industrial or public authority gas customers now or hereafter served under special contract." MR. DENIUS stated the prior rate ordinance contained the words "maximum rates" and any rate could be charged so long as it did not exceed the maximum or was not discriminatory. When a fixed schedule of rates was placed in the ordinance, then there is a fixed rate whereas there are a number of industrial contracts and public authority contracts that do not conform with this particular rate scale--special contracts with the University, State, and the School Board. Councilman Shanks asked if these special rates were posted with the City. Mr. Denius stated they were not, as these were by contract, but they are under the maximum. He did not know if these rates were under the rates fixed by the Council in this ordinance; but in the future they might be. Everytime a contract was made with the University the Gas Company would necessarily come before the Council to obtain approval for such a contract. The City Attorney explained these contracts would not be in violation of the ordinance as the ordinance speaks in terms of special contracts now served. He stated he had always had misgivings of an agency that had the obligation of fixing rates--not fixing maximum rates--but fixing rates, to leave open the question of making special contracts; and believed the obligation of the public authority to fix rates is that they fix all the rates. The theory of regulating rates of a public utility is that all customers be charged as nearly on an equal basis as is possible for the rate making authority to do. He said it would be satisfactory that the rate the Gas Company now has in effect with the schools, University, State and City could be classified according to the usage that they made and that the

City could have fixed a rate for customers of that quantity of gas, and Mr. Denius could make a study of a new scale of industrial rates, commercial rates, high volume residential rates or some valid classification and come back and ask the Council to approve a new set of classifications. The Council would have an idea of the amount of money and volume that was involved and the effect it would have on the overall rate structure. The City does not make any special electric contracts; it has special classifications which if a concern could meet, it would be entitled to those rates.

Members of the Council discussed questions covering Councilman Shanks' suggestion of posting rates of the special contracts or filing copies of the rate schedules of the special contracts with the City Clerk's Office and in general the final passage of this ordinance and then studying rates on special outstanding contracts together with any suggestion the Company may have for promotional industrial rates; removing the industrial users from the ordinance and leaving in the public authorities. Councilman LaRue's suggestion of Mr. Denius' implication that the ordinance as now written would require the Company's coming before the Council for approval of any changes made in any contract, and Councilman LaRue's interpretation there would be very few occasions that would necessitate this. The City Attorney suggested if the Company would recommend classifications that the Council decides are reasonable classifications, then a new set of rates for those classes could be adopted. Mayor Palmer inquired how hard would it be to develop a schedule that would cover these various classes. This schedule was discussed. Mayor Palmer asked if any of their franchises in other cities had this type of agreement. Mr. Denius stated he knew of both types of situations. In the case of a Railroad Commission decision with the Port Arthur Area, there was a fixed rate; some cities set a maximum; some cities have never exercised their jurisdiction over anything except residential users; and larger cities have even a further refinement of their ordinance.

Mr. Denius stated this elimination of "maximum" was something new to them and he asked the Council to make this amendment; and if it does not, they would come up with some alternative. He suggested there might be required a public hearing on a contract the Board of Regents had already signed and that would be a needless hearing. Councilman Long inquired how long the contract ran with the Board. Mr. Denius did not have that information at this time, but he said this would be something that the Company would be dealing with the Council more frequently. Councilman LaRue stated he saw no objection to the way the ordinance was drawn now. Mr. Denius stated if the Council passes the ordinance the way it is, they would like the opportunity of having a further refinement in regard to public authority and industrial rates. After more discussion Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE DETERMINING AND FIXING THE RATES TO BE CHARGED BY SOUTHERN UNION GAS COMPANY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; SETTING THE EFFECTIVE DATE FOR SAID RATES; MAKING IT UNLAWFUL FOR SOUTHERN UNION GAS COMPANY, OR ANY OTHER PERSON, FIRM, CORPORATION, RECEIVER OR LESSEE OPERATING A GAS DISTRIBUTION SYSTEM, OR ENGAGED IN THE BUSINESS OF FURNISHING NATURAL GAS SERVICE IN THE CITY OF AUSTIN, OR ANY OFFICER, AGENT, REPRESENTATIVE OR EMPLOYEE THEREOF TO DEMAND, EXACT OR COLLECT FROM ANY CONSUMER ANY CHARGE FOR NATURAL GAS OTHER THAN THE RATES FIXED HEREIN; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE OF NOT MORE THAN \$200.00 FOR EACH OFFENSE; REPEALING ORDINANCE NO. 620614-B

PASSED AND APPROVED JUNE 14, 1962; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BUT ONLY INSOFAR AS THE SAME MAY BE IN CONFLICT; PROVIDING FOR THE ATTESTATION, FILING AND PUBLICATION OF THIS ORDINANCE, AND PROVIDING THAT THE EFFECTIVE DATE SHALL BE TEN DAYS AFTER THE PASSAGE HEREOF.

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

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The City Attorney stated they had an offer from MR. RICHARD HAYWOOD for the substandard structure at 1200-1204 Sabine, for \$20.00. Councilman LaRue moved to sell this house for \$20.00 to Mr. Haywood. The motion, seconded by Councilman Long, carried by the following vote:

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

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

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

The Council adjourned at 3:40 P.M. subject to the call of the Mayor.

APPROVED

Lin W. E. Palmer
Mayor

ATTEST:

Oliver H. Hordley
City Clerk