

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 21, 1963
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 REVEREND THOMAS LOVETT, Assistant Pastor, University Presbyterian Church.

The Mayor read the following resolution:

(RESOLUTION)

WHEREAS, the people of the Capital City of Texas are to be especially honored as hosts when the President of the United States, and America's charming and gracious First Lady, and other distinguished guests from the banks of the Potomac visit along the banks of the Colorado and its tributaries; and

WHEREAS, it is the desire of fellow-townsmen here that our honored guests shall come to know the reality of the reasons why Austin is known as "The Friendly City"; Now, Therefore,

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

That as a token of our esteem and appreciation the 22nd day of November, 1963 A.D. be especially set apart for celebration and recognition as

"PRESIDENT JOHN F. KENNEDY DAY"

WITNESS MY HAND and the seal of the City of Austin this 21st day of November, 1963 A.D.

Councilman Long moved the adoption of the Resolution, and the Council by rising vote unanimously adopted the Resolution.

The Mayor recognized MISSES LEESA MAUFRAIS, LOUISE SPEAR, and MASTER BILL PENN, a government class from Casis School.

REVEREND WAYNE E. DICKERSON, President of the Optimist Club of Oak Hill, appeared along with others asking the City to change its policy and allow the Recreation Department to undertake to oversee the sponsorship of the Little League operations and furnish electrical services without cost. He said his request would be justified in that 25% of the men lived within the city limits and that this Little League will cover a part of the district within the City. Mayor Palmer pointed out the policy was adopted whereby if the requirements of Little League sponsorship were met and approved by the Recreation Department, electrical service would be furnished within the city limits. He explained the Recreation Department was charged for its utility bills. Councilman Long noted that there were some areas in the City that are begging for swimming pools and other recreation facilities which the City is not able to provide; and even though this program outside the city limits is a worthy thing, before she voted, she would have to have a formal recommendation from the Recreation Department and the Parks Board. Councilman Shanks suggested relaxing the policy whereby this service could be given. Councilman LaRue suggested taking this under study. Councilman Long moved that the Recreation Department and the Parks Board be asked to submit a recommendation on this request in the very near future. 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 AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH J. C. EVANS 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. 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 ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its third 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 1.81 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THAT CERTAIN 90 ACRE TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 57, 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 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 brought up the following ordinance for its third 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 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 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: (1) AN IRREGULARLY SHAPED TRACT OF LAND FRONTING 173.68 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTH INTERREGIONAL HIGHWAY AND 912.26 FEET ON THE SOUTH RIGHT OF WAY LINE OF EAST LIVE OAK, LOCALLY KNOWN AS 2301-2321 SOUTH INTERREGIONAL, 1601-1629 AND 1701-1743 EAST LIVE OAK AND REAR OF 1631-1647 EAST LIVE OAK, FROM "A" RESIDENCE DISTRICT

AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; AND (2) A RECTANGULAR TRACT OF LAND FRONTING 420.65 FEET ON THE NORTH RIGHT OF WAY LINE OF BOLM ROAD AND 183.8 FEET ON THE EAST RIGHT OF WAY LINE OF SHADY LANE, LOCALLY KNOWN AS 5100-5202 BOLM ROAD AND 1101A-1107A SHADY LANE, FROM "A" RESIDENCE DISTRICT TO "DL" LIGHT INDUSTRIAL DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, 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 White, 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 White, 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 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:

(A) FIVE IRREGULARLY SHAPED TRACTS FRONTING A TOTAL OF APPROXIMATELY 1761 FEET ALONG THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 290, BEGINNING APPROXIMATELY 865 FEET FROM THE NORTHEAST INTERSECTION OF CAMERON ROAD AND U.S. HIGHWAY 290, LOCALLY KNOWN AS 1426-1652 AND 1742-1926 U.S. HIGHWAY 290 (STATE HIGHWAY NO. 20), AND (B) A TRACT OF LAND FRONTING APPROXIMATELY 600 FEET ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 290, BEGINNING AT A POINT 103 FEET EAST OF THE EAST RIGHT OF WAY LINE OF BERKMAN DRIVE, LOCALLY KNOWN AS 1654-1740 U.S. HIGHWAY 290 (STATE HIGHWAY NO. 20), FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA

DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN 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 rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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 White, carried by the following vote:

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

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

"November 19, 1963

"TO Honorable Mayor and Members of the City Council

SUBJECT: Bids for Sodium Hexametaphosphate - Filter Plants

"Bids were received in the office of the Purchasing Agent at 2:00 P.M. November 19, 1963 for 80,000 lbs. of Sodium Hexametaphosphate. This is used in filtration at the City Filter Plants and represents approximately a six months supply.

"Invitation to bid was sent all firms who have asked to bid or who we thought could bid. Eight bids were received which are as follows:

	Unit	Total for 80,000#
Maintenance Engineering Co. - Houston	\$.1132 lb.	\$9,056.00
Betz Laboratories - Philadelphia, Pa.	.1149 "	9,192.00
Calgon Corporation, Pittsburgh, Pa.	.1148 "	9,184.00
Thompson Hayward Chemical Co. - San Antonio	.1164 "	9,312.00
Nalco Chemical Co. - Chicago, Ill.	.1170 "	9,360.00
McKesson Robbins - San Antonio	.1190 "	9,520.00
Dixie Chemical Co. - Houston	.1192 "	9,536.00
Chem-Products Inc. - Austin	.1233 "	9,864.00

"On bids taken April 16, 1963 the low bid was \$.1164 per pound by Calgon Inc. (Then known as Hagan Chemicals Inc.)

"It is recommended that award be made to Maintenance Engineering Company of Houston, Texas on its low bid of \$9,056.00.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 19, 1963, for 80,000 lbs. of Sodium Hexametaphosphate, for use by the Filter Plants; and,

WHEREAS, the bid of Maintenance Engineering Company of Houston, in the sum of \$9,056.00, 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 Maintenance Engineering Company of Houston, in the sum of \$9,056.00, 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 Maintenance Engineering Company of Houston.

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

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

Noes: None

Councilman LaRue introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and that it be set for public hearing on December 5, 1963, at 10:30 A.M.:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 28.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. A. G. BROOKS SURVEY NUMBER 28, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Riverbend, Section 1)

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

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

Noes: None

Councilman LaRue introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and that it be set for public hearing on December 5, 1963 at 10:30 A.M.:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF

2.78 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT 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 motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman LaRue introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and that it be set for public hearing on December 5, 1963 at 10:30 A.M.:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 5.00 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE, 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. (Hill and Dale Addition)

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

Councilman LaRue introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and that it be set for public hearing on December 5, 1963 at 10:30 A.M.:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.5 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE WILLIAM BARTON LABOR 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. (Jack Andrewartha's property)

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

The Council greeted and welcomed MR. BOB LANDIS ARMSTRONG, the newly elected Representative from Travis County.

Mayor Palmer announced it was 10:30 A.M., and a public hearing on improvements of the following streets was open:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Chalmers Avenue	Riverview Street	Holly Street
Chicon Street	Riverview Street	Holly Street
Comal Street	A point 382' south of Haskell Street	Holly Street
Driskill Street	Red River Street	East Avenue
Haskell Street	Waller Street	Lynn Street
Maple Avenue	A point 175' south of East 21st Street	Manor Road
Oaklawn Avenue	Stafford Street	Walnut Avenue
Pecan Springs Road	Marlo Drive	Springdale Road
Rainey Street	River Street	Driskill Street
Red River Street	South curb line of Davis Street	East 1st Street
River Street	Bierce Street	East Avenue
Stafford Street	Rogers Avenue	Oaklawn Avenue
Waller Street	East 1st Street	East 3rd Street
Walnut Avenue	East 12th Street	East 19th Street

The City Attorney reported this public hearing was advertised in the American-Statesman on November 9, 10, and 11th. No one appeared to be heard. Councilman Long moved since there was no one present to be heard that the hearing be closed. 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 CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY,

AND PROVIDING THAT THIS ORDINANCE SHALL BECOME
EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Chalmers
Avenue and sundry other streets)

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 LaRue, carried by the following vote:

Ayes: Councilman 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 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 Long 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.

The Mayor announced the public hearing on amendments to the TEXT of the ZONING ORDINANCE was open. The City Attorney reviewed the three amendments stating one was to amend the Text to allow electronic wholesale distributors to operate in "GR" General Retail; one was to allow, in "GR" General Retail, automobile rental agencies; and the other was to update the definition of "Boulevard Streets" to include the designation as Boulevard Streets EAST AVENUE, LAMAR BOULEVARD, EAST 7TH STREET, MANOR ROAD from East Avenue to Airport Boulevard, and the INTERREGIONAL HIGHWAY (Interstate Highway 35). MR. OSBORNE discussed each of these amendments stating automobile rental agencies could go into shopping centers and commercial retailing areas rather than in the heavy commercial. On the electronics wholesale distributors, the Planning Director pointed out the difference in the classification in that this change would include those distributors who dealt in home appliances and merchandise and small repairs rather than those larger firms which had heavy trucking and relatively few customers and which would normally fall in Commercial or Industrial classification. The General Retail Use would limit the size of the electronics wholesale distributors' establishments to 10,000 square feet floor area. MR. RICKEY KEY expressed interest in Part 3 of the proposed ordinance concerning electronic wholesale distributors noting there was no reference to off street parking. The Director of Planning stated it was to be his recommendation that the Council consider, as an additional item, on condition of this that the off street parking requirements for these operations going into the retail area conform to off street parking requirements for retail business. The people call themselves wholesale firms, and they go to reduced off street parking requirements - one space for 1,000 square feet of area, whereas a retail store is required to provide one space for every 200 square feet. If these wholesale electronics operations go into the retail area, they will be dealing with a customer type of business, but would not fall under the usual off street parking

provisions. MR. KEY inquired as to the exact difference between the wholesale merchandise and industrial merchandise. It was explained this proposed change would cover only household merchandise. The Mayor stated these classifications would easily be identified. Mr. Key inquired about the enforcement or policing of this ordinance. The City Attorney stated it would be the Building Official's responsibility in this respect. The person who proposed to make use of this classification would have the responsibility of conforming to the Zoning Ordinance in area, off street parking, etc. Mayor Palmer stated the Council would make a study of this proposed amendment and go into it thoroughly with the Planning Department, City Attorney and City Manager. Councilman Long moved that the Council continue the hearing. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Noes: None

MR. BOB BRIGHT, Agent, and MR. HOWARD BARKSDALE, one of the owners of the property at 2707 Rio Grande Street and 2819 Rio Grande Street, appeared before the Council submitting revised plans for the building which would include an elevator, and change the arrangement where the building would be elevated, and provide 89 off street parking spaces. This change of plans will cost \$40,000 more per apartment building. He said this would mean a million dollar addition to the tax rolls. As a maximum, there could be 224 persons to each building. Mayor Palmer, after discussion, stated these developers had gone as far as anyone could go when they had gone to the extra expense to raise the building and provide the entire lot for off street parking. Councilman Shanks commended them for their cooperation. Councilman Long said she thought this was as reasonable as could be expected for this area. The Building Official stated he would work out some details with them whereby there might be even more spaces provided. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of John Baldwin for a building permit together with a site plan dated October 31, 1963 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2707 Rio Grande Street, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting an apartment hotel the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is eighty-nine (89) parking spaces; Now, Therefore,

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

That eighty-nine (89) spaces is an adequate number of parking spaces for the establishment shown on the site plan of John Baldwin dated October 31,

1963, for use of the premises for the purpose of apartment hotel.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of John Baldwin for a building permit together with a site plan dated October 31, 1963 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2809 Rio Grande, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting an apartment hotel the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is eighty-nine (89) parking spaces; Now, Therefore,

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

That eighty-nine (89) spaces is an adequate number of parking spaces for the establishment shown on the site plan of John Baldwin dated October 31, 1963, for use of the premises for the purpose of erecting an apartment hotel.

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

Councilman White made the statement with his vote that the number of spaces was so close to the amount needed in this case that he would vote to approve this, but he thought the Council should give a lot of thought and set a policy and stay with it.

At 11:30 A.M., the Mayor opened the hearing on the AUSTIN TRANSIT CORPORATION request for an adjustment in their rates. MR. FRANKLIN DENIUS, representative of the Company, introduced MR. RAYMOND KRAUSE, President of their Union; MR. CLARENCE PARKER, representative of the Mechanics of the shop; MR. CARL PETERS and MR. BILL HERRING; and MR. CLYDE MALONE, Operating Manager. Mr. Malone stated he had been with the Company since 1946 and had been Local Manager since June 1955 when the American Transit Corporation acquired the franchise of this transit company. He reviewed the change in operations since 1955 in that the local company's bookkeeping is done in St. Louis, and a savings is effected in the administrative costs. A charge of about 3% of the gross is made for this service. Since 1955, the equipment has been modernized, and diesel busses have been added, and 17 gasoline busses have been retired; there are 62 busses in operation now, two of which are rented. Eighteen busses are air-conditioned, and they are used on 40% of their routes. In addition there are 18 school busses.

Mr. Malone discussed the section of Comparison of Rates noting some of the 16 cities had no air-conditioned busses, and only Houston and Dallas had more air-conditioned busses percentage wise than Austin.

The Section on Availability of Seats was explained, and it was brought out that on an annual basis 25.29% of available seats were used; 9.52% seats were used on Sunday operations; 24.15% on Saturday runs; 18% on weekday operations from 7:00 P.M. until 12 midnight; and 33.25% on the weekday regular operations. Figures on the school bus usage were discussed in that there was a 5.11% usage. Councilman Long asked that since the off-peak hour percentages were submitted that the peak hour percentages also be provided. Mr. Malone stated these figures would be prepared.

Mr. Denius and Mr. Malone reviewed in detail the Financial Statement. Councilman LaRue asked about the cost charged to the Austin Transit Corp. by the Home Office in St. Louis for handling the bookkeeping, volume purchasing, etc. Mr. Malone stated this figure was shown five times on these two sheets of Detailed Operating Expenses, totalling about \$28,000 or about 3% of the gross revenue.

Councilman Long noted under "Traffic Promotion" the supervision cost more than what was being supervised. Mr. Malone stated he had no information on why the break-down was only on five categories, as there were many more than five categories. Besides the administrative supervision, analyses of problems and solutions from all of the companies are made by the St. Louis Office. Volume buying, purchase of equipment, parts, and fuels are items developed in this manner. Councilman LaRue inquired about the \$35,000 savings due to this bookkeeping's being handled in St. Louis. Mr. Malone stated prior to the change of ownership, the Company had a President, Vice President, and Secretary-Treasurer. Now the Operating Manager is in charge, and is the highest paid officer. Councilman Shanks stated the 3% administrative charge was a negligible amount. Mr. Denius in reviewing the operating expenses pointed out at the present rates for the next 12 months, everything else remaining constant, the Company would show a loss of \$1,918.92.

A Monthly Transit Traffic Report which showed a decline in bus usage generally was discussed. It was pointed out that approximately the same number of passengers are using the bus service as did during 1940.

In answer to Councilman Long's inquiry as to what had contributed to the \$1,918 loss, Mr. Malone answered that increased costs, including a 5% labor cost effective August 1, 1963, were the main factors. The increase in Insurance Costs was discussed, Mr. Denius stating the costs go up in the casualty cases; workmen's compensation rates are geared to payroll; and as the payroll increased there would be a larger percentage to be paid on workmen's compensation. He explained the difference in the insurance coverage for this present company and the one preceding it. Questions were asked by members of the Council about depreciation, operating rents, and other items of the Financial Statements, and as to why no increase in salaries was indicated. Each inquiry was discussed by Mr. Malone and Mr. Denius. Regarding the salary increase costs' not being shown, Mr. Malone stated the next contract would be in May, and it was not known what the contract would be, so the projection was not made.

MR. DENIUS discussed the Statement of Income, and the figure of \$40,181.93 as a new income after revised fares. The \$40,000 would be derived

from discontinuance of the tokens, the two cent charge for transfers, and a reduction in the gross receipts tax. Mr. Denius made a comparison of rates with other cities to show the cash fare and zone fares are in line with other cities, except Fort Worth and Wichita Falls which have gone to 25 cents cash fare.

As to the Gross Receipts Tax, Mr. Denius asked the Council to note how that tax was worked out in other cities. Austin Transit Corp. pays \$2,000 Franchise Tax plus 2% gross receipts tax. He asked that the 2% be reduced to .1 of 1% which would amount to a savings to them of \$17,056.75. If this adjustment in gross receipts taxes were not made, the other possibility would be to permit a 15 cent student fare on the "special" school bus. The regular 10 cent half fare would remain on the regular bus. If the increase were made to 15 cents on the "special" school bus, the net increases in revenue would be \$16,428.75. The Mayor stated on the special school bus where people were getting special service, those people should pay for that rather than spreading it all over.

MR. DENIUS discussed expanded service which would be made when the Internal Revenue Building opened in January, and said Southwest Austin and Ford Village would have service in that area when the cross-over at the railroad is completed by the City.

Councilman Long filed a petition of 71 signatures which was submitted by MRS. JULIA FAY MITCHELL, in opposition to the Transit Company's receiving an increase. MR. MALONE stated this petition was circulated on the Buses in the Balcones area. Those signing it were domestic helpers, who are paid so much an hour plus bus fare. Mr. Malone explained there would be no base fare increase; that they were asking that the reduced rate be increased.

The City Attorney stated he had not found a schedule of the value of the property; although items of cost of depreciation of property are shown. He inquired about the schedule of the rolling stock. Mr. Denius stated \$773,000 shown was the present book value. Mr. Malone stated their cost was \$907,000 the past year. Most companies try to operate on 94% of their gross income and 6% profit of their gross income and not base it on equipment or property value. With the rolling stock of \$773,000 book value as of today plus their property, the figure would be close to \$900,000. Under their projected \$40,000 their profit would be 4.12%. He stated they were asking to make about 4% on their investment as against 1%.

MAYOR PALMER inquired if the gross receipts tax could be reduced for one company and not the others. The City Attorney stated it would be very difficult to justify a 2% for taxicabs and a .1 of 1% for heavy equipment as the theory is when people who do not use the equipment buy and pay for the streets that both types of transportation assist in tearing up. Councilman Long stated she did not feel that the increase of transportation should be borne any further by the people themselves--by adding two cents for transfers and doing away with the tokens. She stated she could see doing away with the gross receipts tax altogether; but as far as putting a further burden on people who are riding the buses, she could not do that.

MR. JOHN DAVIS, Manchaca Road, was the only private citizen who appeared in the interest of the rate hearing. He objected to any increase whatever in the cost to ride, stating the Company did not need any increase in fares. The Company had everything it deserved; that it had bought big air conditioned buses

and had no right to take more from these little citizens of Austin; that the Company had been getting an increase every two years. He stated the Company would not give a definite statement about their net profits, or about the cost of materials and parts from one year to the next. Mr. Denius thanked the Council for the time it had given the Company and for its consideration. The Mayor stated the Council would take these figures and go into them, study them and come up with an answer as soon as it could. Mr. Denius stated they would be glad to meet with the City Manager any time.

The Council had before it for consideration the request of Mr. Gibson, Smith-Corona Marchant, Inc., to purchase property on Lamar Boulevard south of 31st Street. The Mayor noted plans for street widening were not yet known, and that this property probably should be reserved until all plans were complete. The City Manager stated Lamar at this point should be widened. Councilman Long moved that the Council deny this offer and the City retain the property. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Council had before it consideration of vacating a portion of East 10th Street Alley from Red River Street easterly to Waller Creek. The City Manager pointed out on a plat Lot No. 7, owned by the City, would have no access; and to vacate the alley would landlock the city owned property. He said only those on the west side next to Red River had asked for the vacating of this alley. Councilman LaRue moved that the Council deny the request. The motion, seconded by Councilman Shanks, carried by the following vote:

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

In connection with the East 10th Street Alley from Red River Street easterly to Waller Creek, Councilman Long asked if the Street and Bridge Division could clean it up. The Director of Public Works stated it would do that and put a barricade down to the Creek so no one would drive into the creek.

Mayor Palmer Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL 0.618 OF ONE ACRE OF LAND OUT OF AND A PART OF THAT CERTAIN STREET IN THE CITY OF AUSTIN, LOCALLY KNOWN AS PENICK DRIVE; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, 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 White, 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 White, 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 PERPETUALLY VACATING AND CLOSING TO
PUBLIC TRAVEL A PORTION OF WEBBERVILLE ROAD; AND
SUSPENDING THE RULE REQUIRING THE READING OF AN
ORDINANCE 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 White, 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 White, 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 White, 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 Attorney stated at the time the last Cooperation Agreement with the Housing Authority was signed, the Authority had asked if it would be agreeable to pay, in lieu of taxes, an amount based on the Shelter rents actually collected instead of on a percentage of shelter rents actually charged, as provided in previous agreements. There was not a great deal of difference, and it had been found their Auditing costs made it more desirable to pay on the shelter rental charged rather than those collected. Councilman White moved that the City Manager

be authorized to execute an amendment to the latest cooperation agreement with the Housing Authority to conform to earlier agreements on payments in lieu of taxes. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer

Noes: None

Not in Council room when the roll was called: Councilman Long

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Andrew Patton for a building permit together with a site plan dated November 19, 1963 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2508 Rio Grande Street, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting a sorority house the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is twenty (20) parking spaces; Now, Therefore,

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

That twenty (20) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Andrew Patton dated November 19, 1963, for use of the premises for the purpose of a sorority house.

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

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

Noes: None

Action was deferred on the application of HORACE BARNHART for building permit for 13 off-street parking spaces, until Mr. Barnhart could be present to discuss this. Neither the Traffic Engineer nor the Building Official recommended this permit as it was submitted.

Councilman White inquired about the closing of the Guadalupe Street Alley north of 26th Street. Councilman Shanks stated that one of the abutting owners, Mr. Bridges, says he has been taxed for this alley. The City Manager stated there were no provisions for refunds of taxes in these cases. The Director of Planning said the University of Texas was one of the abutting property owners, and it has not given a formal report although it was represented at the hearing. Since no formal statement was made, the Planning Commission decided under the normal rules that the abutting property owners should participate in

the request, and therefore it took no action. No word from another abutting property owner, Mr. Lem Scarbrough had been received. The Director of Public Works stated the Electric Department requested that a pole-line easement be retained.

Councilman Long moved that the Council approve the request of MR. DAN GARDNER, Presiding Judge, Precinct No. 226, for the use of TARRYTOWN FIRE STATION, Engine 10, as a polling place for the Run-off Election scheduled for Tuesday, December 17th. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager reported that plans, specifications, and invitations to bid on equipment on Holly Street Power Plant were sent out to be opened by the Council on December 12th. Councilman Shanks moved that December 12, 1963, at 10:00 A.M. be approved as the date to receive bids on the following:

Contract 130 - 69 KV Sub Station
Contract 111 - Circulating Water Pipes
Contract 118 - Fuel Oil Heater
Contract 114 - Miscellaneous Tanks

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

The City Manager reported that the Construction Engineer, MR. AL ELDRIDGE, had advertised for bids on the Berkman Fire Station to be opened on December 10th, and they would be submitted to the Council on December 12th.

The City Manager stated the Traffic Engineer had been looking for a meter repair shop, sign shop, and storage facilities for signals, stop signs, etc. and he had suggested that possibly the lot on Jessie Street south of Toomey Road north of the present Red Cross Building, which is under lease to Holt Machinery Company for parking, could be used. The property is now zoned "A" Residential. All of the property surrounding it is zoned "C" or "C-1". Councilman Long moved this recommendation be referred to the Planning Commission for consideration of change of zoning. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager brought before the Council the request of MR. WILL WILSON to build on property on which there was a condition that if he did construct a building on this site, he would construct a box culvert over the ditch. (Property at North Loop and Chesterfield) Mr. Wilson wanted this condition

waived and that he be given permission to build a retaining wall instead. After discussion, Councilman Long moved that Mr. Wilson's request to build a retaining wall be denied, and that his money be refunded to him if he feels he cannot use the property otherwise. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager displayed a plat, which could be approved as a preliminary plat, of the 52.89 acre Berkman Tract which is to be sold. The Blanton Elementary School site, the tier of lots along Rogge Lane and the excluded creek property were all pointed out. It was recommended that the use of this Berkman Tract be for single family use. The City Manager listed in detail the conditions of sale and the items to which the City had obligated itself as follows:

Materials to be furnished:

- a. Topographic data at one foot contour intervals.
- b. Location of trees 6 inches in diameter or larger.
- c. Boundary survey.
- d. Suggested layout including required streets and development cost estimates.

Street dedications:

- a. Bartholomew Drive from Blanton Drive to Westminster Drive has been dedicated with 60 feet of right-of-way.
- b. Blanton Drive from Rogge Lane to Bartholomew Drive right-of-way 50 feet has been dedicated.
- c. One hundred thirty feet of Acacia Drive extending from Waterbrook Drive to east line of tract has been dedicated.
- d. City will dedicate 10 foot strip on Berkman Drive.
- e. City will dedicate Bartholomew Drive from Berkman Drive to Lantana Drive with right-of-way of 60 feet.
- f. City will dedicate Lantana Drive from Bartholomew Drive to south line of tract with right-of-way of 50 feet.

Purchaser upon development will do the following:

- a. Dedicate Bartholomew Drive from Lantana Drive to Blanton Drive in approximately the location shown on the suggested plan, to connect with existing dedication of Bartholomew Drive described in a and e.
- b. Dedicate Acacia Drive from existing dedication to connect with streets system in subdivision.
- c. Remaining streets shown on plan are suggested and are not specifically required in terms of layout.

Street improvements:

- a. Pave Bartholomew Drive from Blanton Drive to Westminster Drive, 40 feet in width -- one-half cost by purchaser and one-half by schools.

- b. Pave Blanton Drive not less than 30 feet in width -- one-half cost by City and one-half cost by schools.
- c. The existing dedicated section of Acacia Drive extending 130 feet west of Waterbrook Drive will be paved at no cost to the developer.

The purchaser will be responsible for the following:

- a. Pave Bartholomew Drive from Berkman Drive to Blanton Drive 40 feet in width.
- b. Pave Lantana Drive from Bartholomew Drive to south line of tract 30 feet in width.
- c. Pave all of his streets dedicated by his plat.

Drainage dedications:

- a. The City will reserve a 50 foot drainage way and utility easement from 140 feet southeast of Rogge Lane to Bartholomew Drive and adjacent to Blanton Drive.
- b. The purchaser will dedicate a 50 foot drainage and utility easement from Bartholomew Drive and Blanton Drive to Westminster Drive in approximately the location shown on the suggested plan.
- c. Drainage easements, if required, connecting from the tract to Tannehill Branch will be provided by the City at mutually agreed upon locations.

Drainage improvements:

- a. The City will improve and line with concrete the drainage way extending 140 feet southeast of Rogge Lane.
- b. The purchaser will develop the balance of drainage way with concrete line ditch from a point 140 feet southeast of Rogge Lane to Westminster Drive.
- c. Other easements outside of the tract will be improved at no cost to the purchaser.

Utility lines:

- a. Water and sewer lines will be installed by the purchaser in all sections of Bartholomew Drive and Lantana Drive subject to the standard refund policy of the City.
- b. The City will install an 8" water line in Blanton Drive from Rogge Lane to Bartholomew Drive.
- c. The purchaser will install any approach mains from Tannehill Branch to the tract under the standard approach main policy of the City.
- d. The purchaser will install all water and sewer lines in the balance of the subdivision under the standard refund policy of the City.

The City Manager stated the attached plan is an approved preliminary on which the subdivider may submit a final plat, and the subdivider may make the following revisions in the final plat:

- a. Alteration of lot widths subject to the minimum requirement of the zoning and subdivision ordinances.

- b. Minor alteration of street layout subject to review and approval by the Department of Planning.

The Subdivider may submit his own preliminary plan subject to the conditions outlined above. Such submission shall require the payment of a preliminary filing fee to the City.

The City Manager listed the total costs to the purchaser for paving, water mains, sanitary sewers, drainage. He stated after city participation in the cost of water, sewers, drainage, the initial cost to the subdivider would be \$163,954.50, and he could get a refund contract on his water and sewer. After discussion, Councilman Long moved that the BERKMAN TRACT; the land on Ben White Boulevard and Fort View Road; and the house and lot on Banister Lane be advertised for sale on January 9, 1964. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Shanks stated he was voting against the motion as the combination of all three of these properties was contrary to good advertising.

Councilman LaRue moved that a public hearing on the following zoning application be set for 11:00 A.M., December 19th:

NELSON PUETT

Tract 1:
5212-5214 & 5222-5332
Manchaca Road
Tract 2:
5216-5220 Manchaca Road

From "A" Residence 1st
Height & Area
To Tract 1: "GR" General
Retail 1st Height
& Area
Tract 2: "C-1" Com-
mercial 1st
Height & Area

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 Shanks 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 5:35 P.M. subject to the call of the Mayor.

ATTEST:


City Clerk

APPROVED


Mayor