

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 5, 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, Mayor Palmer

Absent: Councilman White

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

Councilman White was absent due to illness.

Invocation was delivered by MR. DOREN ESKEW.

MAYOR PALMER announced that bids would be received on Contract No. 110 Traveling Water Screens for the Holly Street Power Plant No. 3. It was determined that all had received the addendum, and there were no questions raised. Bids were opened as follows:

<u>BIDDER</u>	<u>BID BOND</u>	<u>ITEM I Two SCREENS</u>	<u>ITEM II Spare Parts</u>	<u>ITEM III Per Diem Rate</u>	<u>Escala- tion</u>	<u>Drawings in Calen- dar days</u>
CHAIN BELT CO.	\$10,000	\$27,231	\$ 858	\$379 1st day \$93 each add'l.day	-	14
LINK BELT CO.	\$10,000	\$22,284	\$ 687	\$75	-	60

The bids were then referred to Brown & Root, Inc., Consulting Engineers.

The City Manager inquired if all who submitted bids on Water Treatment Equipment - Contract No. 115, Holly Street Power Plant No. 3 received the addendum. All had and there were no questions. Bids then were opened as follows:

<u>BIDDER</u>	<u>BID BOND</u>	<u>ITEM I Water Treat. Equip.</u>	<u>ITEM II Per Diem Rate</u>	<u>Escala- tion</u>	<u>Drawings in Calen- dar days</u>
COCHRANE DIV. CRANE CO.	\$10,000	\$32,475	\$ 100	5%	30
GRAVER WATER CONDI- TIONING COMPANY	\$10,000	\$33,827	\$ 125/ Air fare	-	42
ILLINOIS WATER TREAT- MENT COMPANY	\$10,000	\$29,890	21 days in- cluded at \$2,000 in Item I	-	30
PERMUTIT COMPANY	\$10,000	\$26,077	\$ 125	-	30

The bids were then referred to Brown & Root, Inc., Consulting Engineers.

Later in the meeting the City Manager submitted the following:

"September 5, 1963

"Mr. W. T. Williams, Jr.
City Manager
City of Austin
P. O. Box 1160
Austin, 64, Texas

"Dear Mr. Williams:

"Brown & Root, Inc. has examined the bids for Traveling Water Screens, Contract No. 110, which were opened by you in open council meeting at 10:00 A.M., September 5, 1963. Bids were submitted by the Chain Belt Company and the Link Belt Company. Both bids submitted were in accordance with the specifications and prices were firm.

"On the basis of the lowest and best bid, we recommend that the contract for supplying Items I and II of Contract No. 110, Traveling Water Screens for Holly Unit No. 3, be awarded to the Link Belt Company for the total firm sum of \$22,971.

"Yours very truly,
s/ D. V. Boyd
Project Engineer
Brown & Root, Inc.

"Approved:
s/ D. C. Kinney
Director of Electric Utility
City of Austin"

Councilman Long moved that the City Manager be authorized to enter into a contract with LINK BELT COMPANY, the lowest and best bidder, for Items I and II, Contract 110, Traveling Water Screens for Holly Unit No. 3, in the sum of \$22,971. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager submitted the following:

"September 5, 1963

"Mr. W. T. Williams
City Manager
City of Austin
P.O. Box 1160
Austin 64, Texas

Dear Mr. Williams:

"Water Treating Equipment-Contract No. 115
Holly Street Power Station-Unit No. 3

"Brown & Root, Inc. has examined the bids for Water Treating Equipment, Contract Number 115, which were opened by you in open council meeting at 10:00 A.M. September 5, 1963. Bids were submitted by the following companies:

- A. Cochrane Division of the Crane Co. (Repr. by Alliger & Sears Co., Inc.)
- B. Graver Water Conditioning Co. (Repr. by Datum Engineering Co.)
- C. Illinois Water Treatment Co. (Repr. by the Tennant Co.)
- D. The Permutit Company.

"All bids were found to be in accordance with the specifications and are tabulated as follows:

<u>BIDDER</u>	<u>ITEM I</u>	<u>ESCALATION</u>
A.	\$32,475.00	5% MAX
B.	33,827.00	Firm
C.	29,890.00	Firm
D.	26,077.00	Firm

"Therefore, on the basis of firm price, lowest and best bid it is recommended that the Permutit Company be awarded a contract for supplying ITEM I, all equipment, materials, special tools, accessories, inspection during the erection, instruction and commercial start-up for complete Water Treating Equipment, of Contract No. 115 "Water Treating Equipment" for the lump sum of \$26,077.

"Yours very truly,
BROWN & ROOT, INC.
s/ D.V. Boyd
Project Engineer

"Approved:
s/ D.C. Kinney
Director of Electric Utility
City of Austin"

Councilman Long moved that the City Manager be authorized to enter into a contract with PERMUTIT COMPANY, the lowest and best bidder, for supplying ITEM I, all equipment materials, special tools, accessories, inspection during erection, instruction and commercial start-up for complete Water Treating Equipment, Contract No. 115 "Water Treating Equipment", for \$26,077. The motion, seconded by Councilman LaRue, carried by the following vote:

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

MR. KIRK KUYKENDALL, representing Liberty Investment Corporation, in the purchase of City property, submitted an offer of \$60,000.00 for portions of Lots 6, 7, 20, 21, 22, 23 and the alleyway in Block E of the R. C. Lambie Subdivision; portions of Lots 11, 12 and 13 of Block F of the same Subdivision and Flores Street between Waller and the service road paralleling Interregional. He had been instructed by the President of the Liberty Investment Corporation, Mr. C. B. Dodson, to announce this development would be a one and a half million dollar project, a motel with a minimum of 100 units, a swimming pool and restaurant. The Mayor reviewed the policy of the City where it had tracts of land large enough to be sold as a complete tract, it would either take bids or auction it off; where there were little parcels of land, the City liked to negotiate with the abutting property owner. He asked Mr. Kuykendall if Mr. Dodson would bid on it, and Mr. Kuykendall stated he would, but it had been hard to know what the City had in mind as to valuations. The City Manager made a report on whether or not Flores Street should be closed so as to combine the property with that on the north. The Traffic Engineer had suggested to him that Flores Street could be closed provided the present entrance way from under the bridge back up the east side could be moved farther north. The plan was shown Mr. Kuykendall, who stated it might change his offer; that his group was thinking about separate parcels rather than one large tract. The Mayor and Councilman Long stated they thought the offer was too low. MRS. MARION ROSS, representing Miss Littman, stated she wanted to buy the city property adjoining hers, regardless. The City Attorney discussed in detail an indication of an offer on that property which was withdrawn. The Mayor stated the City wants to be assured that it has Highway approval of moving the exit ramp; and the Council wants to discuss this matter to determine how it should go about disposing of that property. The Mayor stated the Council would try to give MR. KUYKENDALL an answer at the earliest possible time.

Councilman Shanks moved that the Minutes of the Meeting of August 29, 1963, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White
Present but not voting: Councilman Long

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

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

The ordinance was read the 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, Mayor Palmer
Noes: Councilman Long
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

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

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NELSON PUETT, JR., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN

UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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 Shanks, carried by the following vote:

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

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, Long, Shanks, Mayor Palmer
Noes: None
Absent: Councilman White

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 AUSTEX DEVELOPMENT CO.,
LTD. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY
OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMER-
GENCY.

The ordinance was read the first time and Councilman Shanks moved that the 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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer announced that September 5th marked the fifth anniversary of the DEPARTMENT OF AVIATION.

The City Manager submitted the following:

"September 5, 1963

"To the City Council
City of Austin, Texas

"Re: Completion and acceptance of work
improving portions of certain streets
in the City of Austin, being Assessment
Paving Contract Number 63-A-1

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract 63-A-1 dated January 24, 1963 between the City of Austin and Lee Maners, has been performed and completed by Lee Maners in full compliance with the contract and the plans and specifications therein contained:

<u>"Street</u>	<u>From</u>	<u>To</u>
Alpine Road	EPL South 1st Street	WPL South Congress Avenue
Cumberland Road	EPL South 1st Street	WPL South Congress Avenue
Forest Avenue	NPL Cumberland Road	A point 438' north of NPL Cumberland Road
Herndon Lane	A point 100' west of WPL South 6th Street	WPL South 1st Street
Juanita Street	A point 101' west of WPL South 6th Street	A point 120' east of EPL South 4th Street
West Live Oak Street	EPL South 5th Street	WPL South 1st Street
East Mary Street	EPL Nickerson Street	WPL Brackenridge Street
Parker Lane	NPL East Live Oak Street	SPL East Riverside Drive
Taylor Gaines Street	A point 209' west of WPL Parker Lane	WPL Parker Lane
South 5th Street	NPL Terrell Hill Drive	SPL West Annie Street
South 6th Street	NPL Herndon Lane	A point 100' north of NPL Juanita Street
South 6th Street	A point 31' south of SPL Brodie Street	SPL West Mary Street

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF
IMPROVING ALPINE ROAD AND SUNDRY OTHER STREETS IN

THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HERE-BELOW DEFINED, PERFORMED BY LEE MANERS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Councilman Long inquired if Del Valle had filed a petition for incorporation. The City Manager reported a petition had been filed which proposed a separate incorporation of an area north of the Bastrop Highway beginning on the west boundary of the Hillcrest Dairy Farm extending easterly between the Bastrop Highway and the River beyond where the road crosses the River. A part of it is in Water District No. 12. The City Manager stated the contracts the City has with the Water Districts provide that the Districts will not serve any customer lying within another separately incorporated city. If the District violates that provision, the City ceases to serve the District with water. The City Attorney made a report on the District's contract and on the meeting held on September 4th, stating the group was being told the City planned to annex them and start taxing them which, of course, nothing could have been more untrue. Another area, Pilot Knob, had been interested in incorporating also. The City Manager made a report on plans by the Highway Department for widening Bastrop Highway in this area.

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:

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

12.705 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES TRAMMEL SURVEY NO. 4, 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. (Western Trails, Section 8)

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

The City Manager submitted the following:

"September 3, 1963

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

Sealed Bids opened at 2:00 P.M., Tuesday, August 27, 1963 in the office of the Purchasing Agent. Tabulation and Comparison of bids made by A. H. Ullrich, Superintendent, Water and Sewage Treatment.

SUBJECT: Bids for 21,000 Gallon per Minute Low Service Pumping Unit, Filter Plant No. 2

Bidder	Bid Price	Guaranteed Efficiency	Evaluated Price	Shipment Calendar Days	Make of Pump	F.O.B.
Southern Engine & Pump Company Houston, Texas	<u>\$29,863.00</u>	83.5%	<u>\$29,863.00</u>	140	Fairbanks-Morse	Austin
Smith Pump Company Waco, Texas	\$32,310.80	79.81%	\$41,904.80	150	Byron-Jackson	Austin
Smith Pump Company Alternate Bid	\$34,019.80	81.18%	\$40,051.80	150	Byron-Jackson	Austin
Layne Texas Company Houston, Texas	\$30,949.00	78.7%	\$43,429.00	94	Layne & Bowler, Inc.	Austin
A.M. Lockett & Company, Ltd. Houston, Texas	\$43,052.00	79.89%	\$52,438.00	274	Worthington	Austin
DeLaval Turbine Inc. Houston, Texas	No Bid					
Allis-Chalmers Mfg. Co. San Antonio, Texas	No Bid					

"Comments: Purchase and installation of this proposed pumping unit is part of the general expansion program of the No. 2 Water Treatment Plant located at 3500 West 35th Street.

Our estimate of the cost of the subject pumping unit was \$30,000.00. This will be our first 21,000 gallon per minute (30 million gallon per day) pumping unit. In 1957 we purchased a 14,000 gallon per minute (20 million gallon per day) pumping unit of the same type and design at a cost of \$22,846.00.

The 1963 budget provides funds for the purchase of the subject pumping unit. Since it is too late for delivery of the unit in fiscal year 1963, these funds will not be used in 1963. However, the proposed 1964 budget, if approved, will again provide the necessary funds.

"Comparison of bids: It is noted that the Southern Engine & Pump Company bid price on equipment as specified is low and that their guaranteed efficiency is high. The evaluated price of their equipment is, therefore, also low.

"Recommendation: It is my recommendation that the Southern Engine & Pump Company low bid in the amount of \$29,863.00, on the 21,000 gallon per minute pumping unit, be accepted.

"Respectfully submitted,
s/ A. H. Ullrich"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 27, 1963, for the furnishing of one 21,000 gallon per minute Low Service Pumping Unit, for Filter Plant No. 2; and,

WHEREAS, the bid of Southern Engine & Pump Company, in the sum of \$29,863.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent, Water and Sewage Treatment, and by the City Manager; Now, Therefore,

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

That the bid of Southern Engine & Pump Company, in the sum of \$29,863.00, 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 Southern Engine & Pump Company.

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

Councilman Long moved that the Council approve the request of the T. E. WILEY COMPANY to withdraw the following zoning application:

W. J. PANNELL	3117-3131 Manor Road	From "GR" General Retail
By T. E. Wiley Company		To "C" Commercial
		NOT Recommended by the
		Planning Commission

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on November 1, 1962, the City Council of the City of Austin passed an ordinance declaring the necessity for and ordering the improvement of South 3rd Street in the City of Austin by grading and paving the same and constructing curbs and gutters where necessary; and,

WHEREAS, on March 14, 1963, the City Council of the City of Austin passed an ordinance levying special assessments for a portion of the cost of the improvement of such street, payable to the City of Austin, such special assessment being hereinafter more particularly described; and,

WHEREAS, B. J. Reimers, of Hays County, Texas, has expressed a desire to obtain the certificate and the rights accruing thereunder by means of a transfer and assignment from the City of Austin, in consideration of said B. J. Reimers paying to the City of Austin the full amount due under said certificate; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a transfer and assignment of the following special assessment certificate to B. J. Reimers, of Hays County, Texas:

Special Assessment Certificate Number 6307-2557-62-188(c), P-2794(r) for the improvement of South 3rd Street, such certificate evidencing the special assessment in the sum of \$613.77 for a portion of the cost of improving South 3rd Street levied against all of Lot 10, Block D, Loma Linda, City of Austin, Travis County, Texas, according to the plat of addition in Book 4, page 216 of the Plat Records of Travis County, Texas, and against the owners thereof, including Jesus Trevino, and wife, Eulalia Trevino, the apparent owners thereof.

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

MRS. MARIAN ROSS appeared again in the interest of the property on the Interregional between Clermont and Flores Street. The City Manager made a report on the Flores Street matter, stating the Highway Department District Engineers had agreed it would be a good thing to vacate this street and said written approval would be sent. Mrs. Ross inquired if the Council understood that her letter for property next to the Littman land was a bona fide offer. The City Attorney stated if this were an offer, he recommended that the Council decline the acceptance of the letter because anything that may have been construed as an offer by the City had been withdrawn. The City Manager pointed out the policy the Council had on selling remnants of property; in that if the remnant was so small it could not be sold as a separate tract, it would be sold to the adjoining property; and if it were of the size to be used as a separate tract, it was either auctioned or bids were taken and the property sold to the highest bidder. The Mayor stated it was pointed out that the Town Lake was in such early development stages that the Council wanted to make certain before it disposed of any City property that there would not be any City need for the property. He stated the Council was going to go by and look at this area again.

The City Manager read an invitation from the City of Brownwood to the Council to attend the opening of the Brownwood Coliseum on Thursday, September 12th; the Auditorium manager would be attending this dedication ceremony. Councilman Long moved that Brownwood be commended on their new Coliseum and that the Council's congratulations be sent; and that MR. FRANCIS VICKERS be appointed as the official representative of the City. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor read a letter from HONORABLE RALPH W. YARBOROUGH expressing appreciation for the courtesies extended during his visit to Austin and stating he was watching Austin's growth and development as one of the finest cities in the Southwest.

The Mayor read a letter from MR. DAVID BLAND, Race Chairman, Alamo Region S.C.C.A., regarding the Carrera el de la Capitol, stating the S.C.C.A. hoped it was felt its participation was an asset to the 1963 Aqua Festival and expressing thanks for letting them have this pilot street race.

Mayor Palmer read a letter from MR. TOM PINCKNEY, President, Austin Firefighters Association, expressing gratitude to each member of the Council, City Manager, Assistant City Manager, and Fire Chief in helping solve the problem of hours and vacations for the Fire Department.

The Mayor read a letter from GLASTRON BOAT COMPANY thanking the Council for allowing the use of Town Lake during the last Glastron Distributors' Meeting, as the convenience of having their on-the-water demonstration made an ideal situation.

The Mayor had an invitation to the Council from Region 9, Girl Scouts of U.S.A. to a reception and premier of the film "Journey into Friendship", September 26th, 8:00 P.M., at the Gondolier Hotel.

Councilman Long made a report on COUNCILMAN WHITE, recuperating at the hospital, stating he was getting along just fine.

Mayor Palmer read a letter from GOVERNOR JOHN CONNALLY and letter he enclosed concerning Continental air service in Austin, in that the Civil Aeronautics Board would give consideration to all facts presented favoring retention of service by Continental in Austin.

The Mayor read a letter from the Citizens' Committee of Antidiscrimination requesting they have a meeting with the entire Council on September 11, and suggesting a meeting place at 1017 East 11th Street. The Mayor, after checking with MRS. J. H. MEANS, set 4:00 P.M. as the hour to meet with the group at its suggested location.

Councilman Long moved that October 6, 1963 be proclaimed as "GERMAN DAY IN TEXAS." The motion, seconded by Councilman LaRue, carried by the following vote:

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

At 11:20 A.M., the Council recessed until 3:30 P.M.

RECESSED MEETING

3:30 P.M.

At 3:30 P.M., the Council resumed its business.

The Mayor proclaimed this day, September 5, "QUADRUPLETS DAY IN AUSTIN" and announced quadruplets were just born at St. Davids, the first time this had happened in Austin. Councilman Long moved that the Council join the Mayor in this proclamation. The motion, seconded by Councilman LaRue, carried by the following vote:

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

MR. FRANK DENIUS, representing SOUTHERN UNION GAS COMPANY, introduced MR. SAUNDERS GREGG, Attorney for United Gas Company, Shreveport; MR. VINCE BRENNAN, Director of Sales, and MR. W. O. ALLEN, District Manager, San Antonio; and MR. JIMMY HAYNES, representatives of United Gas Company. Also introduced were MR. JACK WARE, Corpus Christi, and MR. WILL ODOM, Austin, of COSTAL STATES GAS PRODUCING COMPANY; MR. DAN CROWLEY, MR. AL WIEDERKEHR, Vice-President, of SOUTHERN UNION GAS COMPANY.

MR. FRANK DENIUS distributed a brochure and gave a brief review of historical facts covering the City's granting Texas Public Service a 30-year franchise in 1947; the merger, in 1949, of Texas Public Service with Southern Union Gas Company which took over the franchise. He stated there were two gas supplies now in Austin - (1) the Power Plant gas supply which the City awarded last year to COASTAL STATES GAS PRODUCING COMPANY for a 20-year period, and (2) the general Service supply purchased by SOUTHERN UNION GAS COMPANY at the City gate for retail sales inside the City to domestic householders' use, commercial and industrial uses, exclusive of the Power Plant contract. Mr. Denius stated the Council was to be highly commended on the procedure they used and the decision they came up with to get the best contract they could; and that was the feeling of Southern Union last year when the contract was given to Coastal States.

Mr. Denius stated the 20-year contract between Texas Public Service, Southern Union Gas Company, and United Gas Company would terminate April 1, 1967. In view of the market conditions and the nature of the gas business, Southern Union Gas Company followed the approach the Council used in Austin and began negotiations with the two possible gas suppliers in Austin; that is, United Gas Company and Coastal States Gas Producing Company. Southern Union took a determined approach, as did the City, and traded hard and capitalized on the market conditions. Although Southern Union has three and a half more years on its present contract, it felt this was an advantageous time for it to negotiate with Coastal States which is in the process of constructing a new line in the City of Austin.

Mr. Denius stated Southern Union was before the Council today to let the Council be fully aware and oriented with the gas problems and to acquaint it with what Southern Union is doing in anticipating the needs of the growth of Austin, and to comply with its franchise. Their franchise runs until November 30, 1977. In order to enter into a long-term contract which they believe to be favorable, Southern Union is requesting that their franchise be extended 25 years from now. He stated two contracts were available to them at this time - UNITED GAS COMPANY and COASTAL STATES GAS PRODUCING COMPANY. Mr. Denius said their main interests were (1) price, and (2) ability to perform. He reviewed the brochure just presented to the Council members which contained reserve information. He then compared the prices of the two companies shown on page 12 of each contract as follows:

COASTAL STATES GAS PRODUCING COMPANY

1964	19.5 (Contract runs actually from 1964, but prices discussed now are from 1967-1987.)
1967	19.5
1970	20.5
1975-1978	21.5
1979	23.5
1984-1987	24.5

UNITED GAS COMPANY (Basically it is a 20-year gas contract for all requirements present and future.)

19.5	for first 5 years
20.5	for next 5 years

After January 1, 1975, the following formula would be in effect. At that time, United would quote to Southern Union a price. If the price were not acceptable to Southern Union, then United would have one of the three following alternatives:

1. To supply gas to Southern Union at the then current price being paid by the City for its gas.

2. To meet a competitive bona fide offer that Southern Union might get from another supplier, or
3. To cancel the contract.

Mr. Denius read the reasons why Coastal States Gas Producing Company's contract was recommended:

1. Current competitive conditions in the gas industry more than justify securing a long-term contract at prevailing competitive gas prices.
2. The City chose Coastal as its supplier for natural gas for a 20-year contract.
3. Coastal States is satisfactorily performing its contract with other companies.
4. A gas supply contract for the minimum term of 20-years and with firm prices through such term is believed to be most beneficial.

MR. DENIUS then compared the prices with Houston, Houston Pipe Line Company and United Gas Company - today's price paid at the City gate is 28.7 per mcf. In Dallas the rate at the City gate is 35.4; Fort Worth 35.4; San Antonio 21.75; El Paso which Southern Union serves, 32.24; West Texas - Odessa, Midland, and Lubbock, 28.00; Port Arthur, which Southern Union serves, 28.2; Galveston, which Southern Union serves, 28.7. Councilman Long and Mr. Denius discussed interstate gas and prices.

Mr. Denius pointed out the price for Southern Union for 20 years and the price of United for 10 years, and said they were looking at a price of 24 or 25 cents in 1987 compared to 28, 35, and 32 cents that is currently being paid today by other big markets equal to Austin. The price Southern Union is paying today is 17 cents at the City gate. Southern Union will supply the City with United Gas Company's gas until April 1, 1967. Under the terms of that contract between United and Southern Union, that price is subject to negotiation and renegotiation, and currently UNITED GAS COMPANY has indicated a renegotiation is in order and the price should be increased. Mr. Denius said Southern Union has this request under consideration, and it would fulfill its part of the contract. It could not agree on anything in negotiating without the City Council's prior approval, and Southern Union will be in continual contact with the Council on these negotiations. Mr. Denius said the Council would have to study this matter, and his company would like to meet with the Council and discuss it all in detail. He noted any amendment to the franchise would take approximately 90 days to comply with the Charter, but the approval of the contract might be the date the Council chose. Coastal States' offer is through September 15th.

Councilman Long asked if Coastal States were declared interstate; in what position would the City be. Mr. Denius stated it was anticipated the gas would be intrastate; and if the F.P.C. jurisdiction were extended and if that jurisdiction were upheld by the Supreme Court, everybody would be in the same position. The gas now planned is intrastate gas. He said if Police power of the Federal Government is in existence, whether or not it were exercised is another thing; so, if a contract is made today, it is made subject to the police power.

MR. SAUNDERS GREGG, Sttorney for United Gas Company, stated the last increase United had in their price in their contract was set in January 1, 1947. There had not been an increase in their price since 1947; also the contract provides for a redetermination every five years, and there had been no redetermination, and that is why the price comes up at this time. United felt they were

entitled to an increase under the terms of their contract. Mr. Gregg stated there were several questions the Council should realize as to reserves and it would be impossible for this group to make an independent study of Coastal States gas reserves by September 15th. In a matter of this importance, there should be an independent survey made, as there is a tremendous amount of gas in question. The peak load at the City gate is 90,000,000 under this contract, in addition to the quantities of gas recently contracted for by Coastal States under the power plant contract and in addition what went to L.C.R.A. There is an additional quantity of about two trillion cubic feet that he did not believe was in the statistics presented, and that was something the Council should look into. Mr. Gregg stated, under the present contract, the City of Austin had done real well; and for that reason, and no other, that United should be very carefully considered. He said anytime the price as set under this contract should be confiscatory, all Coastal States had to do was to go to the Railroad Commission, and they would be entitled to an increase under their contract. It is for that reason principally that United does not want to enter into a long-term contract. Their experience with long-term contracts had not been good. The mayor stated, in most cases, these long-term contracts had been good for everybody except the supplier. MR. GREGG said the City had saved money on the 1960 contract. He asked that the Council consider its action very carefully and before it let the citizens of Austin permit the best gas supply in the world go away from them, the Council should cautiously study this matter. He asked why it would select one supplier purely on promises. Mr. Gregg said there was not enough information in Coastal's brochure for anyone to tell that there is any 20-year supply of gas. The Mayor asked Mr. Gregg if, on the present contracts on which he was obligated, he had a 20-year supply to furnish all of those customers. Mr. Gregg stated they did not have. They had about 14 years' supply; that the F.P.C. requires only 12 years'. The Mayor stated the Council had gone into the reserve study in 1960; and reserves were important, but deliverability was more important. He said the City issued bonds for 20 years for financing the power house, and it was most important to get a fixed price for 20 years and to know where the fuel cost was. He said it seemed that United, with the tremendous reserves it had, could work out a 20-year contract if anyone could. The Mayor stated the Council would study this; but in his judgment, as far as the people of Austin were concerned when he looked at a price of $24\frac{1}{2}$ ¢ twenty years hence, he would have to think long and hard before he would agree to a 10-year contract. Mr. Gregg stated Coastal, if the prices became confiscatory, had the right to go to the Railroad Commission.

MR. JACK WARE, Senior Vice-President, Coastal States Gas Producing Company, stated their contract spoke for itself. Referring to Mr. Gregg's statement, Mr. Ware said Coastal States made no hollow promises to anybody, that it had bonds and indentures outstanding which required that it have a 15-year forward deliverability of gas behind its contracts at all times. Otherwise, the bonds are accelerated and Coastal States was penalized. That is the assurance the Council has that the gas would be there. Besides the reserves in the ground, there is the assurance behind the bond. United sells and has contracts for a great deal more than Coastal; consequently, United needs a much larger reserve. They have more markets that Coastal is required to have gas behind its pipe lines. A strict analogy could not be drawn from figures in this case. He stated they looked forward to serving Austin in the Power Plant as well as being able to serve Austin domestically. He announced that construction had been commenced and it is planned to be in Austin on November of this year.

Councilman Long asked what activity would put Coastal States into the interstate commerce business so that it would be under Federal regulations; and if Coastal did get into that, then their contract with the City would be voided

in that the Federal Power Commission would set the rate, say at 30¢ instead of the 19¢; and if that could actually happen. Mr. Ware referred to Mr. Denius' discussion on this matter. He said in certain phases they were in interstate commerce, as they had customers that they sell to and the gas goes interstate. He stated the Lavaca Gathering Company line which will deliver the gas into the City of Austin was so designed that the gas that flows into it does not go into interstate commerce. MR. DENIUS stated on the basis of the law as it is now, all companies that operate interstate and intrastate segregate their facilities so that this is not contaminated.

Mayor Palmer thanked the group and stated the Council would give this matter very careful consideration. He said it may be that a meeting would be called to make a determination on this. Whatever decision the Council makes, he wanted to say that Southern Union had been a good citizen and Austin appreciates Southern Union and that United certainly had taken care of the City of Austin; and he expressed thanks to them.

MR. BOW WILLIAMS appeared in the interest of this change, wanting to know if the customers' rates would be reduced. The Mayor stated the rate structure was not under question at this time, but the supplier from whom SOUTHERN UNION would take its gas was under consideration, and the Council has to give them permission when they make a change. The City Manager stated with regard to the Power Plant gas, the price the city is paying is 23¢; and when it goes into the new contract at 19.5¢, the price of electricity will drop automatically.

Mayor Palmer announced the invitation to the Council members, City Manager, and Director of Public Works to attend the Kiwanis luncheon, Monday, September 9th, at its National Public Works Weeks Celebration at the Austin Hotel, 12:00 noon.

MR. HORACE ROBERDEAU, who is in the van and storage business, complained about the one-way street situation, stating trucks were made to deliver on the right hand side of the road, and the vehicles are manufactured for this right hand delivery. If delivery from the right hand side cannot be made, the trucks have to park extending out 45' into the street. He suggested that the one-way street directions be stopped around 5th Street and the industrial area not have one-way street patterns. Mr. Roberdeau stated these one-way streets would run the businesses out of town. He said one-way streets in an industrial district helped one person but discriminated against others. He stated there was this little industrial area remaining and when business leaves here, it has to go much much farther out. He asked that this industrial area down town be left alone. Councilman Shanks asked Mr. Roberdeau to talk to the Traffic Engineer. Councilman Long suggested that the Origin and Destination report might disclose how the traffic on 5th Street is affected, and she feared this industrial district might be ruined. Councilman LaRue was interested in this matter, and stated, however, that streets were made for moving of traffic, and asked in the overall picture which would be more important--the traffic arteries, or the relocation of businesses. Councilman Shanks stated his trucks had doors on both sides. Mr. Roberdeau thanked the Council for hearing his complaint.

MAYOR PALMER asked that publicity be given to the traffic pattern that goes into effect, midnight Saturday, September 7th.

MAYOR PALMER suggested that WARRIOR CONSTRUCTION COMPANY be written a letter of appreciation for its cooperation during the paving of Trinity between 9th and 10th. The Mayor complimented the Public Works Department in its accomplishments in this project.

The Mayor brought up the matter of modernizing the Building Code, giving a brief review of the endeavors and study previously made to bring the Code up to date, and pointed out the Building Code was the Number 1 item on the pending agenda. The City Manager who was on the Committee that submitted the last revision, stated the Architects, Engineers, Material Men, all a very fine group, had spent hundreds of hours in this revision, and had come up with a complete Building Code; then they encountered some resistance on the part of some contractors and architects. The differences seemed to be that the City had a specified Code, and the opposing fractions wanted a performance code. Another point in protest was the power given to the Building Official to enforce the Code. The Building Official said the old code was being enforced, and there was no protest now. The City Attorney pointed out the great importance of modernizing the present Code, stating one example of not adopting a modernized Code, was costing hundreds of thousands of dollars in insurance premiums. The Mayor suggested that the Council select a group of five to ten people including architects, engineers, and contractors, and ask them to bring this Code up to date with a recommendation to the Council. The City Manager, after explanation of difficulties with other codes, and other completely revised ordinances, recommended, in order to get more favorable reaction, that the existing code be amended Section by Section, Chapter by Chapter and either substituting a new Chapter or revising or amending it. Councilman Long suggested taking it by subject matter at a time. The Building Official suggested getting several sections passed at a time. Councilman Long suggested that a Committee go through the recently adopted codes in other cities and take out the things that would not apply to Austin and delete them and make the amendments rather than starting with the old Code, and trying to rewrite one. The Building Official suggested taking three sections at a time as he believed it would be faster than adopting a new code. Councilman LaRue suggested that the City Manager take this under advisement. The Mayor asked if the Council agreed that the City should go into this, and each member present did agree.

Councilman LaRue moved that the Council create the Building Code Committee to revise and modernize the present Code, and appoint the following to serve on this Committee:

MR. W. CLARK CRAIG	-	Structural Engineer
MR. RAYMOND DURDEN	-	Alamo Iron Works
MR. CHARLES MILLHOUSE	-	Architect
MR. CHARLES MORTON	-	Contractor (Heavy Construction)
MR. LOUIS SOUTHERLAND	-	Architect
MR. B. SEGALL	-	Mechanical Engineer
MR. JACK ANDREWARTHA	-	Contractor (Home Builder)
MR. GEORGE ROACH	-	Masonry Contractor
MR. FORREST PEARSON	-	Real Estate & Insurance
MR. ALBERT GOULD	-	Building Materials
MR. GENE A. McNEIL	-	Journeyman Carpenter

Ex Officio Members

MR. DICK T. JORDAN	-	(Secretary) Building Official
MR. W. L. HEATON	-	Fire Marshal
MR. LONNIE DAVIS	-	Chief Building Inspector

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

Councilman LaRue moved that the Council appoint the following members on a Committee to revise and modernize the present Plumbing Code:

MR. BILL BRYDSON	-	Mechanical Engineer
MR. ALBERT ULLRICH	-	Water & Sewer Treatment
MR. ROGER WHITE	-	Sanitary Sewer
MR. JOHN KAVANAUGH	-	Appliance Dealer
MR. AL WILLIAMS	-	Layman
MR. JIMMY MIDDLETON	-	Master Plumber
MR. TOM BRADFIELD	-	Home Builder & Real Estate
MR. CHARLIE PURYEAR	-	Master Plumber
MR. BARTON RILEY	-	Architect
MR. BILL MILSTEAD	-	Plumbing Supply

Ex Officio Members

MR. DICK T. JORDAN	-	(Secretary) Building Official
MR. GERALD FRY	-	Chief Plumbing Inspector
MR. LONNIE DAVIS	-	Chief Building Inspector

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

The Council received notice from the City Manager that the following zoning applications were referred to the Planning Commission, and have been set for public hearing before the Council for October 10, 1963:

CHESTER & MARY KOOCK By J. Malcolm Robinson	811-817 W. Live Oak St. Rear of 811-817 & 901- West Live Oak and 2201- 2203 South 4th Street	From "A" Residence 1st Height & Area and "IR" Local Retail 1st Height & Area To "C-1" Commercial 1st Height & Area
CONWAY TAYLOR	1805 West 35th Street	From "BB" Residence To "O" Office
EDGAR S. DAUGHERTY By Richard Baker	1918 Anita Drive 1701-1707 Blue Bonnet Drive	From "C" Commercial To "C-1" Commercial
THALBERT R. THOMAS	2910 (2906) Rio Grande and 2911 Salado	From "BB" Residence To "IR" Local Retail
W. N. ALEXANDER	2149 South Lamar Boulevard	From "C" Commercial 2nd Height & Area To "C-1" Commercial 2nd Height & Area

MRS. JUNIE C. KNAPE By W. W. Knape	601-603 West 8th Street 704-706 Nueces Street	From "B" Residence 2nd Height & Area To "O" Office 2nd Height & Area
WILLIAM L. YOUNG By Hub Bechtol	1414-1416 Justin Lane 6901-6905 Arroyo Seca	From "A" Residence To "C-1" Commercial
H. WARREN SMITH	3502 Mills Avenue	From "LR" Local Retail To "GR" General Retail
LYNN W. STORM By Gibson R. Randle	910-1206 East Oltorf 915-1115 East Live Oak Street	From Interim "A" Resi- dence and Interim 1st Height & Area To "GR" General Retail 1st Height & Area
E. T. MCGREGOR By Richard Baker	3805-3807 Red River 901-905 East 38 $\frac{1}{2}$ Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
NELSON PUETT	Tract 1: 5300-5332 Manchaca Road Tract 2: 5212-5224 Manchaca Road	From "A" Residence 1st Height & Area To "GR" General Retail and "C-1" Commercial 1st Height & Area
NASH PHILLIPS, et al By The Marvin Turner Engineers	2111-2139 & 2126-2208 Wheless Lane	From "A" Residence 1st Height & Area To "GR" General Retail 6th Height & Area
R. G. KUYKENDALL, et al By Johnson & Baker	1100-1102, 1106-1108 West 22nd Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area

The Mayor announced a Special Meeting would be called for 2:00 P.M., Monday, September 9, 1963, to discuss the gas proposal and to appoint a Citizens Advisory Committee.

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, Mayor Palmer
Noes: None
Absent: Councilman White

The Council adjourned at 6:15 P.M. subject to the call of the Mayor.

ATTEST:

Edna Mosley
City Clerk

APPROVED

Lowell E. Palmer
Mayor