

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 26, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen Long, Shanks, White, Mayor Palmer
Absent: Councilman LaRue

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 VICTOR GOERTZ, Cristo Rey Catholic Church.

MRS. W. R. DUNKELBERG, Travis County Democratic Women's Committee, stated a recent article in the paper reported the Mayor had brought up the possibility of a local sales tax, and her group considered this a bad kind of tax and wanted the matter brought out publicly. The Mayor answered that the article noted such a tax was several years away and that every city was exploring the possibility of new revenues. This tax is something to be kept in mind as many feel that the little homes are being taxed to the maximum and that there should be another source of revenue. This matter is one that should be given long and careful consideration, and there should be many public hearings before a new tax is levied. Councilman Long stated rather than a sales tax, she would like to see the City obtain part of the gasoline tax for maintenance, paving and rebuilding streets.

MRS. E. S. JOHNSON submitted a petition signed by 23 property owners expressing opposition to the paving, curbing, or guttering of Montview at this time. The Director of Public Works gave a report on this area, stating there were Lawnmont, Shoalmont, and Montview being considered for paving as they were of the County type of improvement now; and there is a drainage to be worked out in this section. Mrs. Johnson opposed the paving as she stated it was not needed, and it would work a hardship to pay nearly \$500 for her share. MR. JOHN LEHMAN, property owner on Shoalwood, asked that the paving on this street be checked as it was cracking. The Mayor stated the Council would make a personal inspection of this area and will notify the people.

Councilman Long moved that the Minutes of the Meeting of September 12, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

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

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

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

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

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

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

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 FAWN RIDGE DEVELOPMENT, INC. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman Shanks, carried by the following vote:

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

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

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

That subject to such adjustments as may be found necessary by reason of appeals pending, the tax assessment roll, showing a total amount of \$589,327,690.00 valuation for said year, be and the same is hereby approved and adopted.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1963; AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager noted this has been the same rate for the General Fund ever since 1959, and the Interest and Sinking Fund rate has been the same for ten years.

The City Manager submitted the following:

"September 24, 1963

"To: W. T. Williams, Jr., City Manager Subject: Assessment Paving

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, September 24, 1963, for the construction of approximately forty-four (44) blocks of pavement and accessories known as Assessment Paving Contract Number 63-A-14, consisting of 16 units.

Bowden & Associates	\$112,592.04
Lee Maners	116,753.43
Jack A. Miller	117,094.70
Giesen & Latson Const. Co.	119,053.00

"Pat Canion Excav. Co.	\$121,034.50
Southwest Highway Const. Co.	125,154.48
Werneburg Const. Co.	128,662.59
City's Estimate	120,147.98

"I recommend that Bowden & Associates with their low bid of \$112,592.04 be awarded the contract for this project.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 24, 1963, for the construction of approximately forty-four (44) blocks of pavement and accessories, known as Assessment Paving Contract Number 63-A-14; and,

WHEREAS, the bid of Bowden & Associates, in the sum of \$112,592.04, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works, of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Bowden & Associates, in the sum of \$112,592.04, 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 Bowden & Associates.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL ALL THAT CERTAIN PORTION OF A STREET KNOWN AS EAST 18TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, RETAINING THREE EASEMENTS IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL A PORTION OF THAT CERTAIN ALLEY, LOCALLY KNOWN AS EAST 2ND STREET ALLEY, EXTENDING FROM THE WEST LINE OF BRUSHY STREET IN A WESTERLY DIRECTION TO THE EAST LINE OF EAST AVENUE; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON LOT 27 AND THE WEST 15 FEET OF LOT 28, STANHOPE PLACE, IN THE CITY OF AUSTIN, TEXAS: AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Mayor Palmer brought up the following zoning application:

CAPITAL NATIONAL BANK TRUSTEE, By Mr. W. H. Bullard	Tract 1:	From "A" Residence 1st
	610-710 St. Johns Avenue (rear of) 7200-7324 Interregional Highway	Height & Area and "C" Commercial 5th To "C-1" Commercial 5th Height & Area RECOMMENDED by the Planning Commission with condition
	Tract 2:	
	404-608 St. Johns Avenue	From "A" Residence 1st Height & Area To "C" Commercial 1st Height & Area RECOMMENDED by the Planning Commission with condition

MR. BILL BULLARD appeared in the interest of his zoning application, stating the developers would give a deed dedicating the street (Duval Street) and a bank guarantee of participation in the paving. The City Attorney stated the amount he was speaking of was based on the front footage policy used in voluntary paving. Mr. Bullard stated the developers did not want the street but had agreed to dedicate the land and agreed to this paving, and the whole area would be developed - one area to be a 150 unit motel immediately with an additional 150 units later, and the area on the west to be developed into an area of 35 residential lots. The City Attorney reviewed the existing policy of accepting streets and suggested in this case, if the Council accepted a warranty deed to the land it could dedicate it for street purposes and assess properties on both sides of the street for the full cost of the paving. He discussed extension of utilities. Mr. Bullard stated if this were a part of a general program, it would not be too undesirable. If the whole thing were done as a program, it would benefit the area, and it would benefit this property to a certain extent to have that circulation around the area. Mr. Bullard again outlined his offer of a deed to the property and the submission

of a bank letter that the owners of the property which is to be rezoned will pay on the paving on a voluntary paving basis an amount of roughly \$4,200 when the City wants to put it in. The City Manager stated when the Council dedicates the street and declares the necessity for paving, if there were a voluntary program or flat rate at that time, and if it were the same as it is now, anyone who was subject to the assessment would be permitted to pay the flat rate or whatever the policy is of the Council at this time would apply. The City Attorney stated the City would receive a warranty deed to the property, and the City may desire to dedicate the property for street purposes. Councilman Long stated whe would like to see this street put in now. Mr. Bullard said he would get a petition for voluntary paving. The City Attorney explained the petition would include signatures of 51% of the property owners or owners of 51% of the property; and the owners on both sides of this area would probably be a majority. Councilman White moved that the change to "C-1" Commercial 5th Height and Area for Tract 1 and to "C" Commercial 1st Height and Area for Tract 2 be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Palmer

Noes: None

Absent: Councilman LaRue

The Mayor announced that the change had been granted to "C-1" Commercial 5th Height and Area for Tract 1 and to "C" Commercial 1st Height and Area for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Long stated she certainly wanted to see that street paved before the people came in and bought the property and would be backing up to this street and have to put up a big sum of money themselves to pave behind them.

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The City Manager made a report in connection with the apartment house being constructed on Longview Street, stating there had been a problem of the extension of Longview Street into Lamar Boulevard. The owner of the property had reached an agreement with reference to putting a cul de sac at the end of Longview rather than extending the street into Lamar and said at the present time, he would omit a driveway entrance into Lamar as previously planned. He did not want to make a contractual agreement that he would not open a drive later on, and he said it would be all right with him that an ordinance be passed which prohibited curb breaks. Then if, at a later date, it would be appropriate to repeal that ordinance, he would not perpetually be deprived of entering the street by a driveway. The City Manager stated the City Attorney had prepared an ordinance prohibiting curb breaks through a section of Lamar Boulevard. The City Attorney reported the Traffic Engineer and Director of Public Works had recommended that this section be from 24th Street to 30th Street. Mayor Palmer stated traffic coming from Longview into Lamar would create a real traffic hazard. Councilman Long suggested having a public hearing so that the property owners would be aware of what was being done. The Mayor stated the property owner was willing to cooperate and not ask for a curb break which would create a traffic hazard. The City Manager read an inter-office memorandum from the Director of Public Works and from the Traffic Engineer pointing out the extension of Longview Street northward to an intersection with Lamar Boulevard would produce one of the most hazardous intersections in the City and recommending the retention of the superior

operating characteristics along Lamar Boulevard from West 19th Street north to West 30th Street brought about by the infrequency of intersections. The City Manager recommended that this section from 24th to 30th Streets certainly should be included in this curb break restriction. He stated the paving, curbing, and all of the construction of Lamar Boulevard was paid for through bonds, without cost to the abutting property owners and that no property owner participated in the development of this street. He said the records should reflect that this property did not and does not have frontage on Lamar, as Lamar was cut through and there is a question of these properties having property rights on Lamar. Councilman Shanks said the City should exercise the authority for the protection of the public, and the Council should go look at this situation. The Mayor announced the Council would drive out there and make an on-site inspection of this. MR. R. L. STRUHALL, who was involved in the building on this site, said when the property owners purchased this site, Longview was dedicated into Lamar. The Building Official held up the permit, and the property owners agreed to close Longview and make a cul de sac, and he believed it would be unfair for the City to pass this ordinance without giving the owners a chance to explain the situation. The City Attorney reported on a meeting with the property owner, Mr. Ezon, and his attorney, who stated as far as they were concerned this was a solution to the problem. Mr. Struhall stated this ordinance would close the door to ever getting a driveway into Lamar. The City Manager explained that if the situation changed, the Council could repeal the ordinance; and if Mr. Ezon had contracted not to put a curb break in, he could not even if the ordinance were repealed and that is what he did not want to do. He said they recognized if the City prohibited a curb break there, they do not have the property right. Later in the afternoon meeting, MR. PHIL MOCKFORD, Attorney for the builders on Longview, came before the Council in the interest of this ordinance to prohibit curb breaks on certain sections of Lamar Boulevard. The City Attorney told Mr. Mockford that his clients had been very cooperative and amended their permit to eliminate a curb break and agreed to provide sufficient right of way for a cul de sac into Longview Street. The question under consideration now was preventative measures on other locations in this same category.

The City Attorney explained the ordinance, stating the Council could take another look when someone who had not been permitted to make a curb break came before it stating there had been a street pattern change or some other change.

A detailed discussion was held with Mr. Mockford covering this matter. Councilman Long asked if making this cul de sac, would take away the dedication of the street? The City Attorney stated that was something in the future, that Mr. Ezon indicated he was not interested in title to any property beyond the center line; and he thinks he has a situation satisfactory to all - his architect, engineer, contractor, and lenders; and he has no intention of ever changing. Mr. Mockford stated Mr. Ezon and he anticipated a girls' dormitory construction; and if anything develops on the Wicks' property, they may be creating a problem with this cul de sac, and they would not want to vacate that property. There may have to be another look on opening Longview. Councilman White asked if the ordinance were passed, and if someone applied to the Public Works Director for a permit for a curb break in this area would the Public Works Director advise him that he could appeal to the Council. The City Attorney stated the City Manager would write a directive to both the Public Works Director and the Building Official. Councilman White stated if instructions were given to the Public Works Director that he inform applicants for permits for curb breaks that they could appeal to the Council, he would vote for this ordinance.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 33 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW SECTION PROHIBITING CURB CUTS AND DRIVEWAYS ONTO LAMAR BOULEVARD BETWEEN WEST 24TH STREET AND WEST 30TH STREET; AND DECLARING AN EMERGENCY.

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

MR. MOCKFORD stated he would be forced to vote as the Council did if he were sitting there right now, but he felt the traffic situation might change with this construction.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL 3360 SQUARE FEET OF LAND OUT OF AND A PART OF THAT CERTAIN STREET IN THE CITY OF AUSTIN, LOCALLY KNOWN AS GRANDVIEW STREET; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; 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 Long, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman LaRue

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

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 "BB" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON LOTS 5 AND 6 OF ASSMANN'S ADDITION AND THAT TRACT OF LAND 7 FEET BY 175 FEET, SAME BEING THE MOST EASTERLY 7 FEET OF THE DEDICATED RIGHT OF WAY OF GRANDVIEW STREET, 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 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 Long, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman LaRue

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

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

The Mayor announced that the ordinance had been finally passed.

Mr. Don Hill, National Safety Council, presented to CHIEF MILES the International Association of Chiefs of Police Certificate of Achievement in Police Activities for 1962. The Mayor congratulated the Chief of Police for his leadership and for the accomplishments made in the Police Department.

MR. C. J. PRUITT and MR. O. A. WILLHOITE appeared before the Council in the interest of widening Alice Avenue. Mr. Pruitt stated they had one of the greatest traffic hazards on Alice Avenue and that the street was only 30' wide. The Traffic Department check showed a very high traffic count. He stated when he developed the corner of 40th and Alice Avenue he asked the Public Works Department to fix that point for the street, not for today, but for the future also; and he would give a deed without any cost to the City for whatever is needed there. MR. WILLHOITE pointed out the inconveniences and dangers involved on this heavily traveled, narrow street. Filed were letters from MR. R. G. WIERESHESKE and MR. WALTER YATES favoring the widening of Alice Avenue. Mayor Palmer stated the Council would check with the City Manager, and it had the requests and these letters endorsing this widening.

At the request of MR. ED ST. JOHN, President, Austin Aqua Festival, and MR. VANCE E. MURPHY, Commodore, Austin Aqua Festival, that the use of the auditorium area for conducting a sanctioned Sports Car Club of America Regional Race be permitted for the 1964 Aqua Festival, Councilman Long moved permission be granted to repeat the car races for next year. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Attorney stated in discussing alternatives with the property owner in connection with the development on Longview Street and Lamar Boulevard, one of the alternatives discussed was the City's buying the property. The owners were asked to submit an amount which they would take for the property, and they did with the understanding it would be accepted or rejected today. The City Attorney stated it was recommended that their offer for their property of \$135,000 be rejected. Councilman Long moved to turn down this offer. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager said inquiry had been received regarding purchasing the City owned property on the corner of 51ST STREET and BERKMAN DRIVE which was acquired in the 1930's from a defunct bank. The development of 51st Street and plans for future development destroy any utility of this property in connection with Airport use. MR. NASH PHILLIPS, who owns property on both sides of this site has made inquiry about purchasing it. The City Manager stated the Council might want to decide how to go about the sale of this or whether or not it should sell it. It had been thought that a good part of the tract should be reserved,

Schools had asked that the City make available the north half of the tract that belongs to the City which was once used for the Travis County Vocational School. The Schools need a site between Lamar on the West and some point halfway between the Interregional and Shady Lane on the east.

The City Manager displayed on a map three acres which might be worked out by the Schools - one which would involve a subdivided tract with substandard houses; another area which would necessitate closing Haskell Street; and the possibility of the Schools taking about a fourth of City owned property on an equal amount of land which would also involve closing Haskell Street. He stated since the City needs to get a roadway in the area, there might be an arrangement worked out with the Schools that they take the north half of the City owned property and pay the City for the acquisition of an equal amount of land in the area. He showed on the map the location of this property. He pointed out the advantages to the City of having more lake frontage. The Mayor stated this would be a good trade for both the Schools and the City if it could be worked out on that basis. Councilman Long moved that the City Manager and Councilman Shanks, the liason member of the Council between the Council and the Schools, be authorized to explore this further with the Schools. The motion, seconded by Councilman White, carried by the following vote:

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

MR. DAVID PERRY, University of Texas Young Democrats, distributed copies of a resolution of the Executive Committee of the University of Texas Young Democrats adopted September 23, 1963, regarding the Southwestern Bell Telephone Company as a public utility which should provide service to all persons on an equal basis and conform to the rates and practices authorized by the Council and which was requiring some subscribers to pay an unreasonable high deposit on their telephone service while offering other subscribers the same service for smaller deposits or for none at all. The resolution pointed out it was apparently the hidden policy of the telephone company to fix higher deposit fees for students and that it would refuse to state concretely the basis upon which it fixed deposit rates, and would make contradictory statements which are apparently designed to mislead the public. Set out in the resolution were the three practices of the Southwestern Bell Telephone Company which the Executive Committee of the Young Democrats Club of Texas were protesting:

- (1) Unfair and discriminatory fixing of "Deposit" rates.
- (2) Placing an unfair burden on students as a group.
- (3) Not only refusing to inform the public as to the policies of the Company but misleading the public.

Through the resolution, the Executive Committee urged the City Council to protect the best interests of the public which it represented by:

- (1) Enforcing, with specific respect to "Deposit" rates, the City Ordinances prohibiting discriminatory rate fixing.
- (2) Setting a specific and reasonable rate for deposits which the Southwestern Bell Telephone Company may charge.
- (3) Requiring the Southwestern Bell Telephone Company to make these and other regulations under which it operates readily available to the general public.

perhaps the corner at 51st and Berkman Drive, and the remainder sold. Mr. Phillips wants to buy the whole tract. The City Manager said notices for the sale of the tract of land east of Bartholomew Park are now in the process of preparation; and since they will be ready to come before the Council for approval in the near future, it might be the desire to delay any action on this request until the Berkman Tract is sold. Later in the meeting, he discussed in detail the two tracts and stated pending the sale of the Berkman Tract, the Council would probably want to consider how it would like to proceed when the corner tract sale is made. This would bring up the question of whether or not to sell to the abutting property owner. He discussed the difference between this particular tract and the other tracts in that a strip of land between the creek and the City owned property would have to be developed along with the adjacent property. The City Manager stated the inquiry had been made, and it was his recommendation to wait until the Berkman Tract is sold to sell the 51st Street and Berkman Drive property. Mayor Palmer stated the Council would dispose of the Berkman Tract first, then decide what to do with the 51st Street and Berkman Drive property.

The City Manager discussed the trade with the COVENANT PRESBYTERIAN CHURCH, stating the Church understood that the City property would be conveyed to the Church for church purposes only, and the appraisals were based on the assumption that the property would be so restricted. The deed prepared by the Legal Department, conveying the property for church purposes only, provided a reversion in the event the property was used for some other purpose. The Church people were opposing the reversion clause. He stated he questioned whether it would do any good to put a restriction in at all unless it has a reversion clause. He said the Church was not adverse to the restriction, but it did not like the method used to enforce it for church purposes. After lengthy discussion, Councilman Long moved that the City Manager bring in a resolution amending the previous resolution concerning the reversionary clause in this matter. (property exchange with the Covenant Presbyterian Church whereby the City deeded three acres on Northland Drive by resolution dated August 29, 1963.) The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager stated REGION 10, MUNICIPAL LEAGUE is meeting in Georgetown on October 3rd, and the Council is invited to attend.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

The Council resumed its business at 2:30 P.M.

The City Manager made a report regarding a possible site for a junior high school, referring to the Superintendent's request that the City help to find a location since the University Junior High School would not be available. The

MR. PERRY listed several individual cases of students' applying for telephone - some having credit ratings previously, and some not - and there was no pattern as to who was required to make deposits, nor the amount. The deposits ranged from \$25 to \$60 - some not being required to make a deposit at all. Mr. Perry stated the information obtained from the Telephone Company is that the policy is either unknown, or the information is misleading as to any policy. He asked the Council request that a uniform maximum be established; and if the Company found someone with a good credit rating, that it waive the deposit. Students appearing in the discussion were MR. DAVID NELSON; MR. JERRY LAURY, graduate student; MR. JIM BENSON; MR. KARL HANNER, Manager of 22 unit apartment house; MR. ELVIN FINK; and others.

MR. TOM BROWN, Division Manager of the Southwestern Bell Telephone Company, read a statement pertaining to the policy of the Company to ask deposits from applicants who had not previously established satisfactory credit with the Company on a previous telephone account or by other satisfactory means; and pertaining to the benefits to the telephone service through this policy which reduces losses. About 38% of the new customers made a deposit, and that ratio applied in the case of student customers. Deposits are retained on only about 15% of the accounts. When service is discontinued, the deposit is used to pay any unpaid charges or is refunded to the customer. On long-term customers, deposits are refunded even though service is not discontinued. During the time deposits are held, six percent interest is paid. The statement referred to the trained employees who exercised skilled judgment in evaluating individual cases and determining deposits.

A lengthy, detailed discussion was held between the student group and the District Manager of the Telephone Company. Mr. Brown cited examples of nonpayment of bills by students and explained telephone service was not similar to sales of items where merchandise could be repossessed. Individuals are judged not only by their ability to pay but by their willingness to pay. As to the complaints made today, Mr. Brown stated, he would be happy to review any case and either ask for an additional deposit or refund a deposit that had been collected. He explained the unfairness of using an average bill as a determination of the amount of deposit. He said the Telephone Company did not want to require deposits on good accounts and reported that through the skilled judgment of their representatives, the Company's losses average only one-third of one percent. Mr. Brown, in answer to inquiry, stated in many cases letters from the students' parents who had good credit rating were accepted in lieu of deposits. One student said much feeling of discontent and dissatisfaction was obvious among the students, and it seemed the problems could be solved by an act to operate the telephone service in a more efficient, uniform, and courteous manner. Mr. Brown expressed appreciation for the criticism and said he would take note of this. After discussion, the Mayor summarized the group's request as set out in its resolution stating, as respects to enforcing the City Ordinance prohibiting discriminatory rate fixing with specific respect to "deposit" rates, that from the evidence presented, it appeared the average deposit would never take care of the extreme cases. As to their second request of setting a specific and reasonable rate for deposit, the Mayor said, while this was not in the present franchise, the Council could amend the franchise and this would take roughly 90 days. Mr. Perry stated it would not be beneficial to those here today, but it would be beneficial to other students in the future. Regarding the third request of requiring the Company to make these and other regulations available to the general public, the Mayor stated that Mr.

Tom Brown had said with a satisfactory letter from parents, provided their credit was satisfactory, that a deposit from the student would not be required; and based on historical information, in the judgment of the representatives of the Company, that if the customer is determined a good credit risk the deposit would be waived or refunded. Mr. Perry suggested that the Telephone Company do as other utilities and send out a pamphlet showing their rates and policies. MR. BROWN said there was a big book on display in the business office. As the discussion came to an end, the Mayor commended the group in the manner in which they had gathered their information and presented their problems and he stated since the group had indicated the University's Grievance Committee and the Campus Survey Committee were to make a survey along these lines, the Council would wait until this investigation had been completed. The Mayor expressed appreciation of the relationship between the University and its student body and the City and welcomed the 22,000 students to Austin.

The City Manager reported he received a letter from the Highway Department that they had made a study of R.M. 2244 near Rollingwood Drive near the southwest city limits, and they want to do some relocating work on that street. It would involve a short portion of the road that passes through Zilker Park and would change the alignment of that street. He displayed the proposed road change on a map. The City Manager stated the Highway Department proposed to straighten the road, and it wants a release of the present location and needs additional right of way. He stated if the Council approves this, he would write the Highway Department a letter that the Council approved the plan and would provide the right of way. Councilman Long moved that the City Manager enter into a contract concerning this Ranch-to-Market Road 2244. The motion, seconded by Councilman White, carried by the following vote:

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

MAYOR PALMER made inquiry about the apartment proposal on 21st and Whitis Streets. The City Attorney stated he had discussed this with the Building Official, but he had not received the report. The Mayor stated this could be discussed next week.

The City Attorney made a report on the Interregional Highway property below Clermont Street. The Council discussed the method of disposing of the property and setting a floor on the amount. The City Manager recommended that there be a provision included in the proposal that the Council would close Flores Street and the alley if it were requested by all of the property owners or if one property owner had assembled it all and requested the closing. The Council asked that the notice of auction be published in the Wall Street Journal, Houston and Dallas papers, and local papers. Councilman Long moved that the City Manager be authorized to offer for sale at public auction on November 7th three parcels abutting the east frontage road of Interstate Highway 35 owned by the City south of Clermont Street; and details concerning this be advertised and a brochure be provided; that no bid shall be accepted under \$100,000, and the Council would reserve the right to accept or reject any and all bids. The motion, seconded by

Councilman White, carried by the following vote:

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

The City Manager reported a topographical map on the Berkman Tract was being prepared so the bidders could study it with reference to cost and development. Also being prepared is a map which will show where the points on the present utilities are, where their extensions could be connected and various other conditions regarding the tract. He stated this information would probably be ready by next week.

The City Manager stated there had been an offer on property on Highland Terrace which will be needed for the 45th Street bridge separation. The City Attorney showed the location on the map. The City Manager recommended the purchase. The City Attorney explained that the owner wanted to rent the improvements until such time as the City needs it. The City follows the same evaluation practice as is followed by the Highway Department in buying property, in that the owner moves the house off at the end of the term when the Highway Department needs it, for 25% of the appraised price of the house. The City would own this land, and the present owner would have the right to keep his house until the City needed the property. Councilman Shanks moved that the City Manager be instructed to purchase Lot 23, 4510 Highland Terrace, at the price recommended by the City Manager. The motion, seconded by Councilman White, carried by the following vote:

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

The City Attorney stated there was another piece of property in the same location, one lot removed; and he recommended that no action be taken today. The property is listed with the multiple listing service.

The Mayor brought up the new type of car wash which is coin operated and which uses detergent, pressure, and seven and a half gallons of water per car per five minutes. The cost is twenty-five cents. He stated the seven and a half gallons of water for five minutes was less than what goes into a dish washer or clothes washer. These people have been told that this type of operation must be connected to a storm sewer, and this would involve an expenditure of some \$1,000. There is concern about possible complaints of this amount of detergent. A request had been made that the City investigate this to see if it could go into the sanitary sewer since there is no oil or grease involved. The City Manager stated this would be no different from the type of car washing that is done at a service station. The City Attorney stated the restrictions on filling stations were because of the wash jobs, detergent, oils, etc. He explained these detergents, etc., affected the bacteria that is used in the Sewage Treatment Plant. Councilman Long asked the City Manager to check into this process as it is a new process

and a new industry. The Mayor asked that this be checked with MR. ULLRICH, Director of Water and Sewage Treatment.

The City Manager stated a request had been received from JEFFERSON CHEMICAL COMPANY to dispose of its waste into the sanitary sewers. He stated it might be better to buy trucks and haul this waste than to permit it to be emptied into the sanitary sewers. Councilman Long inquired if the City were considering hauling this, or requesting the Company to do it, she would like to see the City move out on this, for it is certain the Company is putting chemicals in this creek out by Chesterfield Avenue. The City Manager reported on the study made of the chemicals found in this creek.

The Council set a hearing on the following tax appeals for 2:00 P.M., Thursday, October 3, 1963:

MR. JACK SPARKS, representing WOODWARD, INC. (Real Property)
MR. THEO KEELEN, representing MRS. WORTH WAGNER (Personal
Property at 407 South Congress Avenue)
MR. WOODROW PATTERSON (Real Property at 501 Lavaca Street)

The Mayor noted the Council had been sent a letter from MR. DAVID L. STITT, President, Austin Presbyterian Theological Seminary, individually requesting the Council to enact an ordinance enabling all races to have access to all public places within the City. The letter was filed until the hearing is held.

The City Manager reported MR. KARL SCHMIDT had offered his property on Manor Road adjacent to the airport property to the City, but wanted to keep the occupancy of the area where the house is, maintain that portion, and pay 1963 taxes; and the City take over the back acreage. He would be willing to sell the back ten acres separately; the total tract is 14 acres. The City Attorney said Mr. Schmidt says he has a contract with a Dallas firm to purchase the property for \$85,000, and he would like an answer from the City this week. The City Manager showed the location of the property on a map. No action was taken by the Council.

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

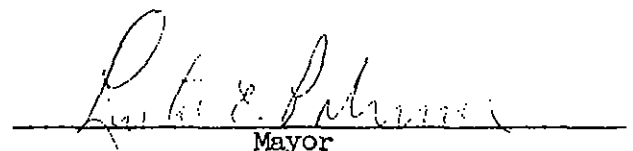
Ayes: Councilmen Long, Shanks, White, Mayor Palmer
Noes: None
Absent: Councilman LaRue

The Council adjourned at 6:30 P.M., subject to the call of the Mayor.

ATTEST:


City Clerk

APPROVED


Mayor