

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 6, 1964

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

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

Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND JOHN W. PLATT, Asbury Methodist Church.

MR. C. T. JOHNSON appeared regarding the rental prices charged at the Auditorium, and presented figures showing charges at other Auditoriums and Concert Halls in comparison. Austin with a population of 209,000 has a fee of \$500 or \$270 against 10%. Austin has competition from the University of Texas that presents ten concerts at \$12.00 for a season ticket and it likewise has competition from the Austin Symphony. In listing charges of Auditoriums in other cities, he listed the theater seating capacity. It was brought out the Austin seating capacity far exceeds any of those he listed; there were no parking fees nor charges for the Public Address System. Councilman Shanks asked for a comparison of the adequacy of the Auditorium. Mr. Johnson stated it was the most beautiful of any he had ever seen, but the problem was to attract the people to the Auditorium and bring them here. He suggested that the Council promote the Auditorium and send data to all of the Agencies, Artists, and that it advertise in the Variety Magazine, and that the price be reduced to \$350. The financial formula of bringing in a show runs about 70% of the proceeds goes to the talent; 10% to the Auditorium and 20% to the promotor, out of which comes almost \$1000 for costs of advertising, stage hands, rent on a concert grand, ticket agents, and printing. Councilman LaRue pointed out Mr. Johnson would be ahead with Austin's fee of \$270.00 if there were a rainy night or bad turnout. Mr. Johnson pointed out since there is a minimum guarantee to the artists, the promotor takes a terrific gamble, but the Auditorium management takes no gamble. The City Attorney pointed out the \$3,500,000 which the promotor did not have invested in the facilities that the public did have. The City Manager said with the minimum fee of \$270, the cost per seat was six cents; and compared the cost with other Cities running up to 11.6¢. If the 10% fee is used, the cost would depend on the charge

for the occasion--\$2.00, \$1.50, or \$1.00 per seat. Councilman Long suggested that Mr. Johnson continue as he is, and bring in the shows as scheduled; and if he feels it is not fair, to bring in his earnings and what he thought he should earn for his efforts. Mayor Palmer stated when comparisons are made there are so many other contingencies that enter into the picture, conceivably, this could not be a fair comparison. He said the Council had the public's interest at heart as well as the individual's interest, but the City did have an investment of three and a half million dollars, and it is necessary to try to get the operating costs out of the Auditorium. Air conditioning, lights, custodial services, and many other things are furnished; and it was his hope the promotor could make what he could; and also that the people that voted the bonds to pay for the Auditorium would have fair treatment. He thanked Mr. Johnson for bringing the fine, outstanding shows into Austin. The City Manager pointed out the operating expense was \$90,000 a year, and an average daily cost would be \$246.00. It costs more to use the Auditorium than it does not to use it; and it was his belief the fees now in effect do no more than pay the operating costs for the use of the building, and the public is still donating a three and a half million dollar building without any charge. The Mayor stated when public interests were reconciled against individual interests, the Council had to be very careful. He again thanked Mr. Johnson for bringing in these artists.

The Council opened the hearing on the Amendment to the House Moving Ordinance, advertised for 10:30 A.M. MR. ED FULLER, Attorney, represented the house movers. The Assistant City Attorney, MR. DUDLEY FOWLER, reviewed the existing ordinance and a brief of the proposed amendment, and pointed out the changes as covered in the draft. The City Attorney stated these changes were instigated by the house movers sometime ago. MR. C. E. GUSTAFSON expressed opposition to repeating information on their application for a permit when the data is required by the owner when he obtains a building permit. The house movers do not want the responsibility of furnishing all the data required on their application form. The City Attorney asked if it would be satisfactory to say that a house moving permit not be issued until there had been a building permit issued for the removal of a building from its present location and a building permit issued at the new location. This entailed a discussion of the jurisdiction of the City outside the city limits. The City Manager summarized the conditions and the types and number of permits that would be necessary in moving within the city limits, passing through the city, moving from the city limits to outside within five miles; and beyond the five mile limit.

MR. GUSTAFSON was opposed to the house movers' being responsible for filing tax certificates with each application. The City Manager suggested that this might be done by amending the Building Code to provide before any permit was issued for the removal of a structure that the tax certificate be required. The house mover would not get his permit to move the house until the owner had obtained two building permits, and the building permits would not be issued until the tax certificates were filed. MR. FULLER stated those two points were agreeable. Another point of trouble is the requirement that the permit is to be attached to the building, and many times the permits get torn off. The Building Inspector stated he would be agreeable to making up extra copies at the time--one to be attached to the building, one for the mover, one for the Police Officer.

MR. FULLER discussed the liability insurance provision of the ordinance requiring \$25,000, \$50,000, \$50,000 coverage, stating the big problem was the ability to secure the insurance. It was explained this coverage involved

liability, and not the cargo; but there could be a provision that this would not be construed to cover cargo. The City Attorney stated this item needed to be given more detailed study in the State Insurance Department. MR. DICK RATHGEBER said the liability was high, referring to the State's requirements of \$10/\$20/\$5.

MR. FULLER read the section under DAMAGE OR INJURY TO PRIVATE AND PUBLIC PROPERTY AND TREES, that if the moving of the building had caused any damage to public or private property of any nature, the house mover shall "forthwith" place the same in as good repair as it was. Mr. Fuller asked that the "forthwith" be changed to "reasonable time". He asked that "failure to do so within 10 days..." be considered, as more time should be allowed in this instance. Objection was made on future permits' being withheld from the mover until satisfactory settlement of claims for damages had been made. Councilman Long asked that there be provided for an appeal to the Council from the Building Inspector's denial of a permit, and that it be included in the ordinance.

POLICE CHIEF MILES recommended against the requirement of a police escort, as he did not have the man power nor equipment; and that there would be times where it would be impossible to supply a Police Escort. If there were special problems where the movers needed a Policeman he would be glad to furnish one. It was decided that the Building Inspector would note the conditions and obstacles and determine whether or not a Police Escort were necessary. Mr. Rathgeber suggested this be put on the optional basis. The City Manager suggested that where it was determined that someone should escort the mover, but there were no traffic problems, the Building Inspector could furnish personnel for that, as the matters would be cleared through all Departments. The City Attorney stated the whole matter would be reviewed along these lines. He stated it would be included if the mover required a city official to be present, this could be covered. He stated if it were possible to get the draft reworked, he would bring it back next week; if not, he would notify Mr. Fuller. Mr. Gustafson said the group was very appreciative of the way this has progressed, and for the state it is in now, and thanked the Council for its indulgence.

Mayor Palmer announced the hearing on the ordinance annexing PRESWYCK HILLS, SECTION 2 was open. The City Manager said this annexation was requested by the developer of the subdivision. No one appeared. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE S. Q. WHATLEY SURVEY, 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.
(Preswyck Hills, Section 2)

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 White, carried by the following vote:

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

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

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

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

MAYOR PALMER had a memorandum from MRS. CLARA OGDEN DAVIS asking for approval of acceptance of a greenhouse from MRS. BROOKS OAKLEY in memory of her son, COLONEL GERALD K. HANNAFORD. Councilman Long moved that this request be referred to the Parks and Recreation Board and Director of Recreation to study and recommend to the Council. The motion, seconded by Councilman White, carried by the following vote:

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

MAYOR PALMER submitted a request of DR. S. H. DRYDEN, the Chief of Staff at Brackenridge Hospital for a meeting of the Staff, Doctors, Administrator and Hospital Board with the Council on Wednesday, February 19th or Tuesday, February 25th, at 7:30. The Council selected 7:30 P.M. February 19th.

The Council reviewed the proposed amendments of the first four chapters of the Building Code. Discussed was 202(a) wherein the Building Inspector stated they wanted the power of entry but not the powers of a police officer. The City Attorney listed the several advantages.

Councilman Long stated that under Section 204(f) APPEALS, an aggrieved person has been given a definite time to appeal from a decision of the Building Official. She suggested the appeal be made before the Council rather than a Board of Appeals. The Building Official suggested that an appellant go before the Board, and then if his grievance could not be worked out, he would appeal to the Council. It was decided that Paragraph 204(h)(2)(g) could have added to it "any person aggrieved by a decision of the Board may appeal to the Council by filing such an appeal within 15 days."

Discussion was held on Section 301 and 301(a). The Building Official explained the problems. The Mayor said the City had been criticized

on its former code because it was too lax, and this had affected financing from the big eastern companies because of the lack of a good substantial building code. Some of these changes may seem severe and drastic compared to the present code; but with the minimum housing standards and everything set up to try to make a house habitable and livable, it will be necessary to strengthen the Code. Councilman Long asked how this provision of these sections would affect every home and family in the city if a family wanted to repair steps, repair a door; and if this would keep people from doing this repair work. The Building Official stated this provision would require them to come in to see if a permit were needed. The City Manager read the Exceptions in 301 (a). Mayor Palmer read an excerpt pertaining to the Workable Program, in that the communities would show progress from the start of one certification period into the next in each of the elements of the program. Specifically pointed out was the necessity of adopting an up-to-date Building Code Requirements. Other objectives relating to fire prevention and plumbing codes, plans for city wide house code compliance activities, etc., were listed in the excerpt.

Councilman Long made inquiry about Chapter 3, Section 301 (b) and (c). The Building Official explained this section did not include two story houses, apartments, homes, commercial buildings, but applied to construction over two stories in height. Councilman Long inquired about holding some kind of hearing. The City Manager stated in the sections where the Council felt there would be need for a public hearing, it should hold one; and if it felt there was no controversy and the portions were purely routine it could pass the Amendment to the first reading. Councilman LaRue moved that the Council accept the recommendation of the Building Code Committee as it pertained to Sections 1-4 inclusive. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

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

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

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

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

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

by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH WESTERN TRAILS 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CERTAIN CONTRACT WITH A REALTY INCORPORATED
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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:
(1) A 0.53 ACRE TRACT OF LAND AT THE SOUTHEAST INTERSECTION OF BULL CREEK ROAD AND JACKSON AVENUE, LOCALLY KNOWN AS 4205-4213 JACKSON AVENUE AND 4206-4212 BULL CREEK ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;
(2) LOT 8 AND WEST 10 FEET OF LOT 7, GLENVIEW ADDITION, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
(3) AN 0.81 ACRE TRACT OF LAND FRONTING 130.8 FEET ON THE SOUTH RIGHT OF WAY LINE OF TOOMEY ROAD AND 270 FEET ON THE WEST RIGHT OF WAY LINE OF JESSIE STREET, LOCALLY KNOWN AS 310-318 JESSIE STREET AND 1500-1508 TOOMEY ROAD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;
(4) SOUTH 75 FEET OF LOTS 5 AND 6, BLOCK 2, BANISTER ACRES, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (5) (A) TRACT 1: LOTS 1, 7, 8, 9, 10 AND WEST 1/2 OF LOT 2, BLOCK 16, JAMES P. HART RESUBDIVISION OF CHRISTIAN AND FELLMAN ADDITION, FROM "BB" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND (B) TRACT 2: LOTS 3, 4, 11 AND EAST 1/2 OF LOT 2, BLOCK 16, JAMES P. HART RESUBDIVISION OF CHRISTIAN AND FELLMAN ADDITION, FROM "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

The ordinance was read the second time and Councilman White moved that the

rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 19.43 ACRES, MORE OR LESS, OUT OF THE CHARLES H. RIDDLE SURVEY #19; (B) 35.4 ACRES OF LAND, MORE OR LESS, OUT OF THE J. C. TANNEHILL LEAGUE; (C) 18.95 ACRES OF LAND OUT OF THE JAMES P. DAVIS SURVEY NO. 14 AND THE GEORGE W. DAVIS SURVEY NO. 15; (D) 24.14 ACRES OF LAND OUT OF THE GEORGE W. DAVIS SURVEY NO. 15 AND (E) 1.24 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY #57; ALL BEING 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. (Porter Junior High School, Albert S. Johnston High School, Gullett Elementary School, Sidney Lanier Junior-Senior High School and Jamestown Drive)

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

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

The Mayor announced that the ordinance had been finally passed.

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

T. C. BARNES	Rear of 5516-5522 Burnet Road	From "A" Residence
By A. B. Beddow	Rear of 5509-5511 Montview	To "C" Commercial
		(As amended)
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "C" Com-
		mmercial for West 60'

Councilman Long moved that the Council grant the zoning on the West 60' as recommended by the Planning Commission and that the matter be referred back to the Planning Commission for study and recommendation on zoning the East 30' of the tier of lots fronting on Montview, and the west 60' fronting on Burnet Road for appropriate zoning. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "C" Commercial for the West 60' 5516-22 Burnet Road and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to Thomas A. Graham, Mrs. Hulon W. Black, Mrs. Garrie Bray, Clint Small, Jr., John F. Thomas, Roy Butler, and Tom G. Brown, Jr., as members of the Board of Trustees of the Austin Independent School District, the following described property, to wit:

1.15 acres of land, same being out of and a part of that certain tract of land out of the Santiago Del Valle Grant, lying partly within and partly without the corporate limits of the City of Austin, Travis County, Texas, which certain tract of land was conveyed to the City of Austin, a municipal corporation by warranty deed dated February 21, 1953, of record in Volume 1325 at Page 387 of the Deed Records of Travis County, Texas; said 1.15 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the herein described tract of land, same being the southeast corner of the said City of Austin Tract of land, same also being the northeast corner of that certain tract of land conveyed to the Austin Public Free Schools, now the Austin Independent School District, by warranty deed dated February 3, 1953, of record in Volume 1317 at Page 449 of the Deed Records of Travis County, Texas, which point of beginning is in the west line of Valdez Street;

THENCE, with the south line of said City of Austin tract of land, same being the north line of said Austin Independent School District tract of land North 56° 39' West 175.28 feet to the southwest corner of the herein described tract of land;

THENCE, North 37° 03' East 291.45 feet to the northwest corner of the herein described tract of land;

THENCE, South 52° 57' East 174.91 feet to a point in the said west line of Valdez Street for the northeast corner of the herein described tract of land;

THENCE, with the said west line of Valdez Street, same being the east line of said City of Austin tract of land, South 37° 03' West 280.14 feet to the point of beginning.

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

Decision on off-street parking requirements at 405 West 7th Street was postponed until the following week.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles at the following locations is less than thirty miles per hour on school days during the hours 7:00 A.M. to 4:30 P.M. when pedestrians are present; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour on such days and during such hours at the following locations:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Burnet Road	Pasadena Street	300 feet north of St. Joseph
Burnet Road	300 feet south of Teakwood	200 feet north of Shamrock Drive
U. S. Highway 183	Lamar Boulevard	500 feet east of Purnell Drive

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

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

The City Manager submitted the following:

"February 4, 1964

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

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, February 4, 1964, for the construction of a Reinforced Concrete Culvert and widening of a Reinforced Concrete Bridge on Riverside Drive at Blunn Creek.

Ed H. Page	\$25,521.90
Southwest Highway Const. Co.	\$25,835.30
Norman L. Larson	\$29,228.88
Maufrais Brothers, Inc.	\$31,999.64
Texas Bridge Company	\$35,633.64
City's Estimate	\$28,657.40

"I recommend that Ed H. Page with his low bid of \$25,521.90 be awarded the contract for this project.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 4, 1964, for the construction of a reinforced concrete culvert and widening of a reinforced concrete bridge on Riverside Drive at Blunn Creek; and,

WHEREAS, the bid of Ed H. Page, in the sum of \$25,521.90, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Ed H. Page, in the sum of \$25,521.90, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Ed H. Page.

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

The City Manager submitted the following:

"February 3, 1964

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, January 31, 1964, at the Office of the Director of Water and Sewer Department, for the CONSTRUCTION OF A

12-INCH WATER MAIN AND A 8-INCH SANITARY SEWER MAIN ALONG SOUTH CONGRESS AVENUE FROM ST. ELMO ROAD TO WILLIAMSON CREEK. This project will provide sanitary sewer service to the property along both sides of South Congress from Bergstrom Field Railroad Spur to Williamson Creek. The project is scheduled for this line to coincide with the completion of the Williamson Creek Sewage Treatment Plant. The water part of this contract is included in order to permit an undersized 2-inch water line to be removed from the assignment of the proposed sanitary sewer line. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>Firm</u>	<u>Amount</u>	<u>Working Days</u>
Austin Engineering Company	\$24,718.90	45
Capitol City Utilities	31,446.95	50
Fairey-Simons Company, Incorporated	33,008.35	65
Bland Construction Company	33,919.70	55
Walter W. Schmidt	34,124.50	55
Ford Whemeyer, Incorporated	47,015.60	75
City of Austin, Estimate	30,135.50	

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$24,718.90, with 45 working days.

"Yours truly,

s/ W. K. Hunkler, Jr.
W. K. Hunkler, Jr., Acting
Superintendent Water Distribution

s/ Rodger H. White
Rodger H. White, Acting Superintendent
Sanitary Sewer Division

s/ Victor R. Schmidt, Jr. T.E.B.
Victor R. Schmidt, Jr., Director
Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 31, 1964, for the construction of a 12-inch water main and an 8-inch sanitary sewer main along South Congress Avenue from St. Elmo Road to Williamson Creek; and,

WHEREAS, the bid of Austin Engineering Company, in the sum of \$24,718.90, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Austin Engineering Company, in the sum of \$24,718.90, 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 Austin Engineering Company.

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

The City Manager submitted the following:

"February 3, 1964

"TO: Honorable Mayor and Members of the City Council

"SUBJECT: Sealed bids for Fire Hose. Bid No. 1009

"Subject bid for Underwriter approved fire hose were opened in the office of the Purchasing Agent at 10:00 A.M. January 30, 1964.

"Bids are as follows:

Firm	8750 ft. 2½" Hose	3200 ft. 1½" Hose	300 ft. 3" Hose	2000 ft. 1" Chemical Hose	Net Total
Engineering Supply Co.	\$ 8489.25	\$2163.84	\$549.78	\$1764.00	\$12966.87
W. H. Richardson Co.	8317.75	2101.12	726.18	2381.40	13526.45
Goodall Rubber Co.	8902.57	2109.90	522.14	2505.66	14040.27
American LaFrance Co.	10032.75	3449.60	No Bid	2508.80	- -
Lorey's Fire Service Co.	7536.38	2059.20	412.83	1774.80	11783.21

"All prices shown above are net totals. Lorey's Fire Service Company's bid is based on receiving the entire order and his total is \$921.80 under the lowest combination.

"The last 2½" hose was purchased in March, 1962 at a cost of \$.905 per foot against the present low bid of \$.8613 per foot. The 1½" hose on last bid was \$.645. We have not purchased 1" booster hose or 3" hose in several years.

"RECOMMENDATION: It is recommended that low bid of \$11,783.21 for all hose be awarded to Lorey's Fire Protection Service of Austin on Blaze Guard Hose. We have purchased Blaze Guard in the past and the service has been excellent and is recommended by the Fire Chief.

In view of the low prices quoted, the Fire Department requests that 1,200 feet of 1½" hose be added to the order at an additional amount of \$772.20.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 30, 1964, for Underwriter approved fire hose; and,

WHEREAS, the bid of Lorey's Fire Service Company, in the sum of \$12,555.41, was the lowest and best bid therefor, and the acceptance of such

bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Lorey's Fire Service Company, in the sum of \$12,555.41, 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 Lorey's Fire Service Company.

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

The City Manager called attention to the Open House of the AMERICAN FOUNDERS LIFE INSURANCE COMPANY, 6937 North Interregional, February 6th, from 4:00 P.M. until 8:00 P.M.

Mayor Palmer read a letter from MR. MIKE W. BUTLER requesting official action be taken to name the area south of the river, acquired from the Butler family and referred to as the Butler Tract, as no formal action had been taken to name or designate this land as the Butler Tract or Butler Park. Councilman LaRue suggested the name "BUTLER CENTER". Councilman Long suggested "BUTLER BEACH". Mayor Palmer stated this area would be the Auditorium Center, or Civic Center, as it was a service center. The Director of Recreation was asked to contact MR. MIKE BUTLER as to his preferences.

The City Manager stated he had just received a document from the Urban Renewal Office in Fort Worth, amending the contract with the Government as to the Community Renewal Program. The contract originally was to provide for the Community Renewal Program which would entail certain studies, but not nearly as many as the Government had set up now. In this year's Budget the appropriation for the City's share was increased, and this is the formal contract by which the Government would agree with the City on amending the old contract by which the amount involved in the study is increased and the scope of the work is increased. The amendment amount is \$73,258 to cover the Community Renewal Study. The Council had voted to cover one-third of the \$73,258. The Director of Planning read the contract. Action was postponed until the following week. Mrs. Leon Donn made inquiry about provisions to minimum standards for commercial buildings.

The City Manager submitted a memorandum from the Director of Recreation regarding concessions at the swimming pools and the Morris Williams Golf Course. The City Manager discussed the proposals of both vending machine operators, MR. PAUL HAMNER and MR. GORDON W. NEELLEY. It was recommended by the Director of Recreation that the contract be given to MR. NEELLEY for the four swimming pools, GIVENS, BARTHOLOMEW, NORTHWEST and DEEP EDDY. It was pointed out MR. NEELLEY'S proposal was on a five year basis. Following are copies of proposals by Gordon W. Neelley and Paul Hamner:

"December 30, 1963

"Mr. Beverly Sheffield, Director
Recreation Department
City of Austin
Austin, Texas

"Dear Mr. Sheffield:

"Thank you for the opportunity to submit our enclosed proposal to install and operate automatic vending equipment at Northwest swimming pool and Deep Eddy swimming pool for the 1964 season, and also our alternate proposal to operate vending equipment at the additional pools listed on a five year contract basis.

- (1) Reseweed G.W.N.
- (2) Givens
- (3) Bartholomew

"Daily service schedules will be maintained at all installations along with our established procedure for reporting to your managers, and for handling refunds, and providing change requirements.

"Thank you for your consideration of these proposals.

"Very truly yours,
s/ Gordon W. Neelley,
President"

"PROPOSAL - SCHEDULE OF PRICES AND COMMISSIONS

<u>Product</u>	<u>Price</u>	<u>Commission</u>
Soft Drinks - four (4) flavors, 10 oz.cup with ice	10¢	28%
Candy, gum, mints, cookies, crackers and nuts	5¢ & 10¢	12%
Milk and Ice Cream Products	10¢	10%
Pastry - Fried Pies, Danish Rolls, Potato chips, Corn Chips	10¢	8%
Fresh Sandwiches - Refrigerated (Northwest Only)	30¢ & 35¢	8%

"Signed Gordon W. Neelley
Gordon W. Neelley, President

"ALTERNATE PROPOSAL - SCHEDULE OF PRICES AND COMMISSIONS

<u>Product</u>	<u>Price</u>	<u>Commission</u>
Soft Drinks - four (4) flavors, 10 oz. cup with ice	10¢	32%

Candy, gum, mints, cookies, crackers and nuts	5¢ & 10¢	15%
Milk and Ice Cream Products	10¢	10%
Pastry - Fried Pies, Danish Rolls, Potato Chips, Corn Chips	10¢	12%
Fresh Sandwiches - Refrigerated (Northwest Only)	30¢ & 35¢	10%
Cigarettes	35¢	4¢ per pack

"Signed Gordon W. Neelley
Gordon W. Neelley, President"

"January 15, 1964

"Mr. Beverly Sheffield
% Recreation Department
P. O. Box 1160
Austin, Texas

"Dear Mr. Sheffield:

"We would like to submit the following recommendations for vending machines
at Givens Park Swimming Pool:

Cigarettes	4¢ per package
Candy	15%
Cold Drinks	25%

"We have the following insurance coverage:

A. Bodily Injury	\$100,000 each person 200,000 each accident 200,000 aggregate
B. Property Damage	100,000 each accident 200,000 each accident

"Thank you very much for your cooperation.

"Sincerely,
s/ Paul Hamner
Paul Hamner

"January 15, 1964

"Mr. Beverly Sheffield
% Recreation Department
P. O. Box 1160
Austin, Texas

"Dear Mr. Sheffield:

"We would like to submit the following recommendations for vending machines at Bartholomew Park Swimming Pool.

Candy	15%
Cold Drinks	25%
Sandwiches	10%
Pastry and Pies	10%
Fritos and	
Potato Chips	10%
Ice Cream	10%
Milk	10%

"We have the following insurance coverage:

A. Bodily Injury	\$100,000 each person
	200,000 each accident
	200,000 aggregate
B. Property Damage	100,000 each accident
	200,000 each accident

"Thank you very much for your cooperation.

"Sincerely,
s/ Paul Hamner
Paul Hamner"

The City Manager submitted the following recommendation:

"February 4, 1964

"TO: Mr. W. T. Williams, Jr., City Manager Subject: Vending machine operation
at Givens, Bartholomew, Deep Eddy
& Northwest Parks

"Attached you will find propositions for concession operations at Givens, Bartholomew, Deep Eddy and Northwest Parks.

"The Hamner Vending Service has served Bartholomew and Givens the past two years and has produced the following income to the city:

	1962	1963
Bartholomew	\$1,257.21	\$1,196.44
Givens	449.95	448.57

"The Neelley Vending Company has served at Northwest and Deep Eddy the past two years and has produced the following income to the city:

Northwest	\$1,712.72	\$1,532.60
Deep Eddy	698.47	667.62

"A comparison of the proposition is as follows:

	Hammer 2 pools	Neelley 2 pools	Neelley 4 pools
Cold drinks	25%	28%	32%
Candy	15%	12%	15%
Milk	10%	10%	10%
Ice cream	10%	10%	10%
Pastries	10%	8%	12%
Fritos & chips	10%	8%	12%
Sandwiches	10%	8%	10%

"I believe Mr. Neelley has the best proposition and I recommend negotiating a contract with him for all four pools for a five-year period.

"Mr. Neelley has two-way radios in his service trucks, so it is easy to get service on week ends and after 5:00 p.m. Also, he has a man on duty at a large operation, such as Northwest, to serve the machine during peak hours.

"If the City Council wishes to continue giving some of the business to Mr. Hammer, I recommend limiting our agreement with him to one year. Last season we received complaints on his merchandise and service and I wish to watch his service carefully, if he operates again this year.

"From: PARKS & RECREATION DEPARTMENT
Signed Beverly S. Sheffield

Councilman Shanks moved that the Council accept the recommendation of the Director of Recreation and the City Manager, and award the contract to MR. NEELLEY on all four of the swimming pools, for a five year period. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager submitted the following:

"February 4, 1964

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

"Attached is a proposition from the Neelley Vending Company for operating the vending food and drink concession at the Morris Williams Golf Course.

"Because of the excellent service given at the Municipal Golf Course, I recommend accepting this proposal.

"From: PARKS & RECREATION DEPARTMENT
Signed Beverly S. Sheffield

(Attachment)

"December 30, 1963

"Mr. Beverly Sheffield, Director
Recreation Department

"City of Austin
Austin, Texas

"Dear Mr. Sheffield:

"We enclose our proposal to install and operate automatic vending equipment at the Morris Williams Golf Course. Please note that this proposal is based on a five-year contract&is identical to the contract which we hold for the Austin Municipal Golf Course.

"Let me take this opportunity to thank you and your staff for the courtesy and cooperation extended to us in the past. This has been very helpful toward our being able to serve your vending requirements to your satisfaction.

"Very truly yours,
s/ Gordon W. Neelley
Gordon W. Neelley,
President"

"PROPOSAL FOR MORRIS WILLIAMS GOLF COURSE SCHEDULE OF PRICES AND
COMMISSIONS

<u>Product</u>	<u>Price</u>	<u>Commission</u>
Soft Drinks	10¢	35%
Hot Drinks	10¢	30%
Candy	5¢ & 10¢	20%
Milk, Ice Cream and Pastry	10¢	13%
Sandwiches	25¢, 30¢ & 35¢	15%
Cigarettes	35¢	5¢ per pack

"Signed Gordon W. Neelley
Gordon W. Neelley, President"

After discussion, Councilman LaRue moved that the concession contract at Morris Williams Golf Course be awarded to MR. NEELLEY also on a five year basis. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor stated the Council went out and looked at the fill on the property by the Hike and Bike Trail. Councilman Long stated the adjoining owner should be told to clean it up and if he did not, he should be told to move this fill. It was reported that it was cleaned off, and the Mayor suggested leaving it as is.

The City Manager stated within the near future the question of what type of policy should be applied to refund contracts with subdividers in the areas lying in the water districts, which the City has acquired. He explained the contracts used in the past, provided for refunds of the full amount of the cost to the subdivider out of 50% of the water revenue beginning years after the work was completed and continuing until the developer gets his money back, or for a

period of 10 years which ever first occurred. The formal contract worked out with the subdividers in the City is in the case of water or sewer, only 80% of the purchase price is refunded and this is paid out of 37½% of the water purchased, but three percent interest is also paid on the unpaid principal balance, along with paying out the principal. After a comparison, the City Manager stated there probably was one value in using the City's refund contract policy in these areas; if in the event later a sewer system were added, then a refund contract could be worked out easily for the sewer system by adding another 37½% and increasing the total pay out of both to 90%, and paying 3% interest. Councilman Long suggested having the contracts equal and uniform. The City Manager recommended that the same policy be used in the Water District as is used in the City. He pointed out the rule that no refund contract is made to subdividers outside the City limits except in Water Districts. Residential property outside the City is not served except in Water Districts. This would be limited to the areas which were formerly water districts. He pointed out another aspect, in that there were areas surrounded by the Water District but were not included in it and not subject to taxes by the District and those "exclusions" were not served water by the District. Owners of some of these "excluded areas" may want to develop them in the future into subdivisions. The City Manager stated this matter had been studied, and it was concluded if the area was within the district and was not one of the exclusions, the refund contract would be made, the same as if it were within the city; but if it were not in the District then the area would be treated the same as anything that was never in a District in the first place. The Subdividers could develop and put in the utilities but no refund contract would be given. An alternate could be given to the developer if he wanted to pay to the City an equivalent to what he would have paid in taxes to the District during the period it had existed, that a contract would be given. Councilman LaRue inquired if consideration should be given to whether or not the area was in the district before the City took over. The City Manager explained the present policy that if a person were outside the city limits and not was within a water district, he was told if he wanted to develop his land, he could tie into the water, but there would be no refund contract. The City Manager stated if the City were going to be consistent with the policy that has been in effect ever since there was a refund policy, it would be necessary to say to those that were exclusions that there would be no refund contract. Discussion was held on this point. The Mayor asked that this be provided in writing on what the City will do so that those interested will know what the policy is. Councilman Long stated she would like to see the whole policy written out.

Mayor Palmer brought up the following zoning application:

W. L. DRIGGS	2254-2264 Redwood Avenue	From "A" Residence
By J. T. Baumgardner	3543-3549 Manor Road	To "GR" General Retail
		Recommended to Postpone
		by the Planning Commis-
		sion

After extensive discussion, Councilman LaRue moved that the request for change of zoning be denied. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

The City Manager stated the Director of Public Works had prepared a report on street paving assessments and voluntary paving. Copies were distributed to the Council, and discussion was held on this report.

The City Attorney made a report on a situation for the Council's information, stating MR. N. J. WONSLEY had a large tract of land north of Anderson Lane that comes out to the Interregional Highway in the area around T. A. Brown School. It was outside of the city limits for a long time and some of it is still outside. Five or six parcels were sold off by metes and bounds in violation of the subdivision ordinance. By some means some people were able to get their houses built and there is now a spurt of development and Mr. Wonsley is doing his best to get his subdivision plat prepared and filed. He is having some difficulty with some of the people to whom he sold the tracts by metes and bounds, as they cannot get water taps and sewer service. The City Attorney reported under the State Law, 974a, the connection of utilities for these people is prohibited until this property is properly subdivided. It is hoped the problem will be cleared up soon.

With reference to the Nelson Puett zoning application on Manchaca Road, the City Attorney reported no short form nor final long form subdivision plat has been filed. The City Attorney stated if the Council preferred delaying action until the following week, perhaps the subdivision plat would come in. Councilman Shanks suggested that the City Attorney contact Mr. Puett and be sure he understood all of the requirements, and that the Council expected a street was to go through the subdivision somewhere. Mayor Palmer stated that right-of-way for Manchaca Road and the street to go back into the area, and the buffer zone to be left "A" were required.

MAYOR PALMER read a communication from MRS. JOY MILLER SHELTON expressing appreciation for the Resolution adopted by the Council in commemoration of her Mother, MRS. TOM (NELLIE) MILLER.

Mayor Palmer read a letter from MRS. FRANK FRIEDEL, 7104 Guadalupe, complaining that Southern Union Gas Company had moved its billing dates up approximately two weeks making it impossible for people receiving their pay checks on the last of the month to take advantage of the discount. She stated she had tried to register complaints with the Gas Company, but had not been able to contact anyone that had any authority. All of the residents in her area were very concerned about this matter.

Councilman Long stated she had a complaint about the same thing; that this person received two bills during the same month. The City Manager stated in their billing system change, this move-up will happen only once.

Councilman Long moved that the Ordinance creating the Hospital Board be amended by setting the membership to seven members instead of five; and the following be appointed for a term to expire in May, 1966:

DR. JOHN KING
MR. RAMIRO DIAZ

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

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

Mayor Palmer stated the Urban Renewal Board of Commissioners would be enlarged in July, from a membership of five to seven, and he would like to appoint two citizens for a term to become official in July, the two to start serving immediately as non-voting members. He submitted the names of MR. R. L. WORMLEY and MRS. CHARLES VILLASENOR. Councilman Shanks moved that the Council confirm MR. R. L. WORMLEY and MRS. CHARLES VILLASENOR. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: None
Not in Council Room when roll was called: Councilman White

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

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

The Council adjourned at 6:40 P.M. subject to the call of the Mayor.



Mayor

ATTEST:



City Clerk