

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 11, 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

MRS. LOUENDA WALKER, 3105 East 12th Street, explained her problem of being land locked and unable to move her home to this lot, behind 3105 East 12th Street. The lot is 60 x 103'. The Building Official explained this lot was subdivided in 1956 without Planning Department approval. Councilman Long stated Mrs. Walker had an interest in the lots in front and sold them. The Building Official stated the front portion of the lot was sold by metes and bounds, and the rear part is land locked. Mrs. Walker wanted to move her house on the rear, and the man who purchased the property told her it was all right to have an access to 12th Street. The Mayor said the Council would check on this and go by and see the situation on the ground.

MR. and MRS. BOOKER T. BONNER, MRS. VOLMA OVERTON, and six others were present to demonstrate. Mayor Palmer asked the group to lower their signs so that all could see and hear the Council, and the Council could see and hear the others in the Council Room. Councilman Shanks stated the signs should not be permitted, as people were not allowed to come in like this; and since the Council was a dignified body, he suggested that the signs be removed. After the demonstrators' failure to move the signs at the Mayor's request, Councilman Shanks moved that the signs be removed. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long voting against the motion with the following statement:

"As long as the signs are not disturbing the people out in front, and they are held properly and if they observe the request of the Mayor, I will not vote to have them removed."

MAYOR PALMER asked the group to remove their signs, as the Council had their message and understood what it was, and asked that they please be removed. The Chief of Police asked that the signs be turned over to him. After the group failed to give up the signs to the Chief of Police, he asked the group to please hand the signs to the Police Officers. The demonstrators refused, and the signs were removed.

Councilman LaRue moved that the Minutes of the Meeting of June 4, 1964, and correction of Minutes of May 28, 1964, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Mayor Palmer announced the hearing on the Ordinance annexing 87.71 acres of land out of the James Trammel Survey - unplatted land, was opened. No one appeared to be heard.

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 87.71 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES TRAMMEL SURVEY NUMBER 4 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

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

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

At 10:30 A.M. the Mayor opened the hearing on the Zoning Text, amending Section 10-C, Chapter 39 of the Code to provide boundary change pertaining to off-street parking requirements. No one appeared to be heard. The Planning Director and City Attorney reviewed the request that the area south of 12th Street between Colorado and Lavaca Streets (Block 135, Lots 1-6 and the vacated 20' alleyway between Colorado and Lavaca Streets) be included in Section 10-C. The Council would determine the adequate number of parking spaces. Councilman

Long inquired about the parking spaces now required. The City Attorney stated it would depend on the uses proposed, and there are different requirements for off-street parking depending upon type of uses. Councilman Long inquired if this were an office below and apartments above, how many parking spaces would be required. The Director of Planning stated there would be one space per apartment and one space for every 300 feet of office space. One proposal submitted called for 125 apartment units which would normally require 125 parking spaces; but under this amendment, the Council would determine the number. Councilman LaRue moved that the hearing be closed. The motion, seconded by Councilman Long, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 10-C OF CHAPTER 39, OF THE AUSTIN CITY CODE OF 1954 CONCERNING OFF-STREET PARKING, ALL ZONES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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: (A) LOT 1, BLOCK 1, BRINWOOD, SECTION 4, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND (B) BLOCK 7, ROSEDOWN, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

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

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

Noes: None

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO SEC. 34.9 MAKING IT UNLAWFUL TO WILLFULLY SWIM, BATHE, WADE OR GO INTO THE WATERS OF THE COLORADO RIVER FROM TOM MILLER DAM DOWNSTREAM TO THE EAST SIDE OF OLD MONTOPOLIS BRIDGE WITH CERTAIN EXCEPTIONS; PROVIDING FOR A SEPARABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: Councilmen Long, White

The Mayor announced that the ordinance had been finally passed.

Councilman LaRue announced that amendments would now start to be considered, as the Council realized changes would have to be made; but to protect the public immediately it was necessary to pass this ordinance. The City Attorney stated Mr. Trenckman was to send in a report, making suggestions for the open water swimmers.

Councilman Shanks inquired if the Council Room was going to be used for Demonstrations, stating this was a Demonstration and it was not orderly. The Council is a Legislative Body, and the Council Room should be maintained with all dignity as a Legislative Body, but it is not being done. The Mayor called a three minute recess.

The Council resumed its business, Councilman Shanks absent.

The Council had before it further consideration of the request for amended lease between the City of Austin and Tom Perkins and Warren Beaman. Councilman LaRue questioned Paragraph 10, Page 8, which pertained to the cancellation clause, expressing concern about the future needs by the City for this land and asked if the City could cancel this with any reasonable provision for protecting both the individuals and the City. He noted under (b) if there were \$150,000 gross sales, it would cost the City \$1,200,000 to recover. In effect the amount goes up rather than declining. He maintained he would insist that the lessee and the lessor both have protection; but in his opinion this was over protection, as a minimum to recover in the first five year period would be \$1,000,000. Mr. Beaman stated this 10-15 year period was the time the City could foresee no use for the land; and after 15 years, the formula goes from 8% to 2 times. After that time the investment would have been recouped. Councilman LaRue stated in the latter part of the contract, there would be perhaps a much larger investment and it would be more realistic; but \$1,200,000 as a minimum would be required by the City to recover this property until after 15 years; and he did not believe the lessees would need a million or a million and a half the first 15 years to protect their investment. Councilman LaRue asked if the City had other examples of similar leases. The City Attorney stated this was unique. The Mayor stated an almost parallel was the Chamber of Commerce lease, and explained the necessity of a long time lease for financing. If this enterprise is compatible with the lake development and is the type of attraction that brings many people into Austin, and if the City is still making the percentage of the gross, he could not see what immediate use the City would have of it. If it were a real attraction like Cypress Gardens and others, it would be desirable to continue the operation. Councilman Long suggested the lease should be only 20 years rather than 50 years. Discussion was held on amortizing investments; the terms of the 52-55 year lease with the Chamber of Commerce and its schedules of depreciation, and the provision that the City would never have an obligation to retire more than it had previously approved in the way of investments in the buildings in case of cancellation; the Chamber of Commerce being a non-profit organization, and rendering a service to the City in relation to the Auditorium and the City's paying for the parking lot on the Sand Beach Reserve. Councilman LaRue stated he would favor a 100%-200% retirement, but he did not think the investors would need a guarantee of a minimum of \$1,000,000. The City Manager stated it would have been better to have provided for cancellation after 15 years; but he had no objections to the provisions contained in the lease for earlier cancellation. Councilman LaRue, in discussing the rewritten lease or supplement, stated he would like to request a reconsideration of Paragraph 10, suggesting a 200 or 300% protection to the individuals rather than 10 or 12 times. He wanted to put the City in the same position the lessees are in; that in case the City does need it within 15 years it would have an opportunity of getting it back on favorable terms. He said he realized the lessees needed assurance to get financing, but not 10 or 12 times. He suggested the lease just be reappraised. Councilman Long inquired about the motor boats, and if they would be a disturbance to anyone. She said she had heard some objections to the ski events on the river, but the people knew this would be only for a day or two; but these operations at the botanical center will be everyday. It was stated these boats were quiet compared to the racing boats, and it was thought there would be no objections, as the houses in close proximity had been moved away, with the exception of one. Councilman LaRue stated the City should not be kept from recovering this property if it were to the best interest of the Community; but at the same time these men should be protected, and he suggested perhaps 200

to 300%. Mr. Beaman stated it was their hope the amount would be large enough that the City would not take over the operations down the line. Mayor Palmer stated if this development could get the same recognition as Cypress Gardens in Florida, it would be a terrific asset to the City, and that private enterprise should be encouraged to help beautify the overall lake. The Mayor asked if there were any other portion of the lease the Council wanted to study further--or enlarging on the area. Councilman Long stated that part would not worry her. Councilman LaRue suggested in order to expedite this, that they discuss this with the City Attorney and City Manager. Mr. Beaman asked Councilman LaRue to meet with them. The Mayor announced they would get together and go over this, and thanked Mr. Perkins and Mr. Beaman.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 18.13 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES MITCHELL 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.  
(Balcones West, Section 2)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing at 10:30 A.M., June 25, 1964. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement ten (10.00) feet in width, was granted the City of Austin for public utility purposes, in, upon and across a part of Lot 1, Block F, of a resubdivision of Blocks A, D and F and a portion of Blocks B and E of Shoalmon Addition, Section 3, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Shoalmon Addition, Section 3, of record in Book 4 at page 227 of the Plat Records of Travis County, Texas; a map or plat of said resubdivision of Blocks A, D and F, portion of Blocks B and E of Shoalmon Addition, Section 3 being of record in Book 5 at page 77 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described easement for public utility purposes, SAVE and EXCEPT, however, an easement for overhead electric lines which is to be retained over and across the entire portion of said public utilities easement; and,

WHEREAS, the City Council has determined that the hereinafter described

easement is not now needed and will not be required in the future; Now, Therefore,

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utilities easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of Lot 1, Block F, of a resubdivision of Blocks A, D and F and a portion of Blocks B and E of Shoalmont Addition, Section 3, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Shoalmont Addition, Section 3 of record in Book 4 at page 227 of the Plat Records of Travis County, Texas; a map or plat of said resubdivision of Blocks A, D and F portion of Blocks B and E of Shoalmont Addition, Section 3 being of record in Book 5 at page 77 of the Plat Records of Travis County, Texas; said strip of land being more particularly described as follows:

BEGINNING at a point in the north line of said Lot 1, Block F, same being the south line of Lot 2, from which point of beginning the northwest corner of said Lot 1 bears N 60° 39' W 110 feet, more or less;

THENCE, S 23° 41' W 52.40 feet to point of termination in the north line of an existing sanitary sewer easement ten (10.00) feet in width, from which point of termination the intersection of the said north line of an existing drainage easement and the west line of said Lot 1 bears N 59° 40' W 115 feet, more or less.

THERE is to be retained, however, an easement for overhead electric lines over and across the entire portion of the public utilities easement to be released as described above.

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

The City Manager submitted the following:

"June 8, 1964

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

Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, June 5, 1964, at the Office of the Director of the Water and Sewer Department for the INSTALLATION AND RELOCATION OF WATER MAINS IN WEST 35TH STREET. The purpose of this project is to prepare the area for Mo-Pac Boulevard. 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	\$10,754.10	20
Walter W. Schmidt	10,879.10	45
Bland Construction Company	12,746.50	40
Bill Tabor Construction Company	18,961.50	60
Ford-Wehmeyer, Incorporated	19,692.25	40
M and A, Incorporated	19,743.70	65
City of Austin (Estimate)	13,478.25	--

"It is recommended that the contract be awarded to the Austin Engineering Company, on their low bid of \$10,754.10, with 20 working days.

"Yours truly,

s/ W. K. Hunkler, Jr.

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

s/ Victor R. Schmidt, Jr.

Victor R. Schmidt, Jr., Director  
Water and Sewer Department"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 5, 1964, for the installation and relocation of water mains in West 35th Street; and,

WHEREAS, the bid of Austin Engineering Company, in the sum of \$10,754.10, 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 \$10,754.10, 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 White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

The City Manager submitted the following:

"June 8, 1964

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



"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, June 5, 1964, at the office of the Director of the Water and Sewer Department for the construction of the NORTH BRANCH OF LITTLE WALNUT CREEK, SANITARY SEWER MAIN. The purpose of this construction is to provide sanitary sewer service to the area adjacent to the Interregional Highway and North of Walnut Creek. 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>
Ford-Wehmeyer, Incorporated	\$49,431.85	50
Walter W. Schmidt	53,041.07	70
Eland Construction Company	56,051.15	70
Capitol City Utilities	61,793.49	100
Austin Engineering Company	62,051.00	75
City Estimate	58,475.00	

"It is recommended that the contract be awarded to Ford-Wehmeyer, Incorporated on their low bid of \$49,431.85 with 50 working days.

"Yours truly,  
s/ Rodger H. White  
Rodger H. White, Acting Superintendent  
Sanitary Sewer Division  
s/ Victor R. Schmidt, Jr.,  
Victor R. Schmidt, Jr., Director  
Water and Sewer Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 5, 1964, for the construction of the North Branch of Little Walnut Creek sanitary sewer main; and,

WHEREAS, the bid of Ford-Wehmeyer, Incorporated, in the sum of \$49,431.85, 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 Ford-Wehmeyer, Incorporated, in the sum of \$49,431.85, 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, on behalf of the City, a contract with Ford-Wehmeyer, Incorporated.

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

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 22.583 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE S. Q. WHATLEY AND THE THOMAS ELDRIDGE SURVEYS 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 3; a portion of Rogge Lane; and unplatted areas)

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"TABULATION OF BIDS Sale of Houses Bids Opened June 9, 1964

3801 Duval Street  
 Improvements Only  
 Containing 1,467 square feet

M.M.A. Inc.		<u>\$1,610.00</u>
Cashier's Check	\$136.40	
H. E. Stanley		\$1,387.00
Cashier's Check	\$ 70.45	
M. J. Kouri		\$ 827.87
Cashier's Check	\$ 90.00	
Southwest Wrecking Co.		\$ 819.00
Cashier's Check	\$ 75.00	

1915 West 35th Street and  
 3413 Funston - Improvements Only  
 Each Apartment Containing 840 sq. ft.

M.M.A. Inc.		<u>\$1,118.00</u>
Cashier's Check	\$136.40	
M. J. Kouri		\$1,005.87
Cashier's Check	\$ 90.00	
Southwest Wrecking Co.		\$ 557.00
Cashier's Check	\$ 75.00	
R. L. Ogden		\$ 500.00
B.M.O.	\$ 25.00	
H. E. Stanley		\$ 22.00
Cashier's Check	\$ 70.45	

"Amount underlined represents high bidder."

The Council discussed the sale of houses at 3801 Duval and at 1915 West 35th Street. It was stated the owner retained the garage apartment at 3801 Duval, paying 25% of the appraised price for the improvement and this was a better buy for the City. The purchase of this property was for straightening 38th Street at Duval. The property at 1915 West 35th Street was purchased for the overpass on West 35th Street. The Director of Public Works stated as soon as the duplex on 35th is moved, they will start on the overpass. As soon as the house is moved

at 38th and Duval, they will proceed with the engineering. After discussion, Councilman Long offered the following resolution and moved its adoption, urging that they move on with taking out the "dog leg" on 38th Street:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 9, 1964, for the sale of improvements only located at 3801 Duval Street, and 1915 West 35th Street and 3413 Funston; and,

WHEREAS, the bids of M.M.A. Inc., in the sum of \$1,610.00 for the improvements located at 3801 Duval Street, and in the sum of \$1,118.00 for the improvements located at 1915 West 35th Street and 3413 Funston, were the highest and best bids therefor, and the acceptance of such bids 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 bids of M.M.A. Inc., in the sum of \$1,610.00 for the improvements located at 3801 Duval Street, and in the sum of \$1,118.00 for the improvements located at 1915 West 35th Street and 3413 Funston, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with M.M.A. Inc.

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

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

Councilman Long moved that the Ordinance limiting the number of chickens, pigeons and other fowl which may be kept in the City, be set for public hearing at 2:00 P.M., June 25, 1964. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Absent: Councilman Shanks

MR. WILLIAM KAY MILLER, and about eight or nine others were present stating they were against the Ordinance as it pertained to homing pigeons. The Boy Scouts were interested in this part of the Ordinance. Councilman Long asked that copies of the Ordinance be made available at the public hearing.

Councilman LaRue moved that MR. AMOS HEROLD be heard for 20 minutes to discuss traffic problems.

The motion was seconded by Councilman Long.

Roll call showed a unanimous vote.

MR. AMOS HEROLD said last fall he appeared before the Council reading a paper about traffic needs in Austin, and said he had studied not only the State Laws but the Northwestern University Traffic Accident Investigators' Manual. He said he had been told by one of the Lieutenants last fall that they used no book at all. Police investigations of traffic accidents affect from 12-15,000 citizens

annually, as some 7,000 accidents with two drivers in each car would affect 12-15,000 people. He requested last October that a complete list of traffic violations with the fines attached to them be made. The City Manager stated that had been done before he asked for it; there is a list of offenses and the fine attached is up to \$200 on every offense. The Judge has discretion in determining the amount of fine. Mr. Herold said as far as pay for police were concerned, two or three years ago he investigated the comparative pay of city school teachers with that of the firemen and policemen and found with the educational backgrounds the firemen and policemen were paid better than the Austin school teachers. The Mayor explained it was difficult to compare the Fire and Police Departments with private enterprise and other employment. Mr. Herold charged the Police Department and Corporation Court with maladministration and injustice to Austin citizens. He read a statement, "Some Traffic Needs of Austin Concluded" itemizing his suggestions and charges. Mayor Palmer answered Mr. Herold's charges.

Councilman Long moved that MR. DON W. ALLFORD be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. DON W. ALLFORD read a statement, "What it Means to be Silent on Racial Discrimination", including reports on harassment to him and his family due to his being the campaign manager for MR. B. T. BONNER in his race for County Commissioner, and incidents of discrimination that occurred toward the end of the War, and others to which he was close. He stated this was no time to be silent on the issue, and it was no time to default to that minority of persons who are filled with terror and hate.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received for the construction of 1817 feet of 8-inch concrete sanitary sewer approach main from the City's Country Club Creek sanitary sewer system to Greenbriar, Section I; and,

WHEREAS, Joe Gilbreth, the owner of said Greenbriar, Section I has agreed to cause said line to be constructed according to City specifications and to transfer title to said line to City for 82% of the actual cost thereof, not to exceed \$5,300.00; and,

WHEREAS, the City Manager and the Director of Water and Sewer Utilities have recommended the extension to said sanitary sewer system above described; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a contract under the terms of which the City of Austin shall acquire title to said 1817 feet of 8-inch sanitary sewer approach main extending from City's Country Club Creek sanitary sewer system to Greenbriar, Section I, from Joe Gilbreth and to pay him therefor the sum of 82% of the actual cost thereof not to exceed \$5,300.00.

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

The Council recessed for lunch, to return to Executive Session.

## RECESSED MEETING

4:45 P.M.

At 4:45 P.M. the Council resumed its business.

All Council Members present.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 620510-H  
PERTAINING TO SALARIES FOR CADETS AND CLASSIFIED  
EMPLOYEES IN THE POLICE DEPARTMENT; AND DECLAR-  
ING AN EMERGENCY.

Councilman Shanks asked the Chief of Police if these amounts that are discussed here are those recommended to the City Manager and in turn if the City Manager was recommending them to the Council. He asked if he were right in assuming that with these pay increases that this would be satisfactory to the men on the force at the present time; and at the same time allow the filling of the openings or commitments of the men he desired to seek. The Chief of Police stated that was his firm belief. The City Manager stated he also recommended this, as these rates of pay should satisfy the needs. Councilman Long said she had wanted to study these recommended increases, and had done so, and she believed these increases would make Austin equal to other cities in these same categories. She asked that since the position of Assistant Chief of Police had not been filled, that this be dropped until the next budget and until such time that job is filled; and if someone is found for it at the next budget time, that it be set up. She saw no reason for having a job set up and not having it filled. The Chief of Police stated he would like to maintain the provision within the schedule. He stated the law required that unless authorized by the Council, the job could not be filled. He stated this job was not included in the budget; it was merely a classification. The City Manager stated in computing the estimate of what the cost of this raise would be it was estimated at \$9,300 or \$111,000 if all jobs were filled. The City Attorney discussed the Civil Service Law covering this and the Classification Ordinance.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer made the following statement regarding his vote:

"I want to vote 'aye' on this and again observe as was pointed out we feel that this was necessary; and according to this new proposed monthly base pay, the City of Austin is paying comparable salaries with other cities, and we have always felt we had an excellent Police Department and we hope we can now bring it up to the strength that the Chief feels is necessary to give us the proper protection in the City."

MAYOR PALMER stated since it was mentioned about considerations of pay increases for some of the other employees, it might be well to hear from the City Manager on whatever suggestions or recommendations he may have. The City Manager said this matter of what might be done about improvement of pay rates of other employees had been studied. He stated estimates of revenue for next year had been made based on present tax rate, and on present rates of charges for services the City renders, estimating on basis of projection on past trends. The estimates of revenue for next year and the analysis of the position of the City with reference to required new services indicated that in the preparation of next year's budget there will be available for a pay raise for other employees of the City \$400,000 or \$500,000 without any increase in taxes or rates of charges for services. That would in turn provide an average pay increase of around four percent. That is not a great increase in rates of pay, and he stated he did not know that it would be applied strictly on the basis of four percent, as an adjustment in rates of pay which would not amount to four percent in all cases and maybe more than four in some, might be recommended to the Council. He stated he did want to report there would be funds enough to provide for at least 4%. Councilman Long stated it was her feeling that if a percentage increase is given, that it should not be given to any one making above \$7,500; and then, in those categories re-examine those fields where there are deficiencies and where it is hard to keep people, and give the pay raises in that area. The City Manager stated it would be examined from that point of view. Those jobs above \$7,500 usually cover the professional people who are prone to be lured away from the City to other cities. Another group covers the nurses who are employed by other hospitals in Austin. Councilman Long stated she would like to see a 5% for employees up to \$7,500, and then spread the rest of the money in those needed categories. The City Manager said he wanted to report now that there will be some funds available for some adjustments in the pay raise scale. Councilman White stated he was more lenient than Mrs. Long. Four percent is very little, but he was thinking about giving the other people up to \$10,000 four or five percent, if it goes to the percentage basis. The little fellows down the line like some that the City had lost just recently--those are the ones that will have to have a little increase. They were not getting \$10,000. Mayor Palmer said when the City Manager had completed all of his calculations, the Council would be happy to go into this area with him. It will be necessary to have all this basic information that the City Manager just mentioned, and he felt in many of the City jobs that it is necessary to always recognize the prevailing wages of comparable jobs of local enterprise. Councilman Shanks stated the City had to be competitive. The City Manager stated

in the case of firemen and policemen, the only comparison that could be made is with what the City pays and what other cities pay. Such a study will be made in the case of the firemen. As to other employees, it seems a better comparison would be with what other people in Austin pay their employees.

Councilman Long moved that the following be appointed to the Building Code Board of Appeals, the terms to be determined by a drawing:

MR. W. CLARK CRAIG  
MR. CHARLES MILLHOUSE  
MR. CHARLES MORTON  
MR. GLENN GARNER  
MR. HENRY HOLMAN

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

Councilman Long moved that MR. BOB BRIGHT be appointed as a member of the Building Code Study Committee, filling the vacancy of Mr. Forest Pearson (resigned) in the classification of Real Estate and Insurance. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman LaRue moved that MR. LEO HERZOG be appointed as a member of the Building Standards Commission. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Shanks moved that MR. ARTIE N. McCALLUM be appointed to the Board of Equalization for a period extending to June 1, 1965. (Replacing Mr. Carl Widen resigned) The motion, seconded by Councilman LaRue, carried by the following vote:

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

MAYOR PALMER announced that the Council had studied for sometime the possible appointments to the Human Relations Commission, and the Council needs to do a little further study, and they are not ready at this time to announce this Commission, but this will be done at a very early date.

Councilman Long moved that the City Manager be authorized to plan with the Labor Day Group for the Parade on September 7th. (Requested by Mr. Ben Hendrickson) The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long moved that the Council appropriate \$75.00 a month for the increase of pay of MR. FRANKLIN RAYMOND from \$40.00 to \$75.00 per month who takes care of the Pension Fund business for the Firemen. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long stated last week the Council took official action asking the Bus Company to show cause why they are cutting back on their bus service, in certain areas, and she did not believe they had been notified. The Council asked that they come in and explain this and what they are going to do about the St. Elmo Underpass service, and the shrinking of the rest of the bus service. The Mayor asked that the Bus Company be requested to meet with the Council at 2:30 P.M. next Thursday.

The City Manager reported on a letter he had received from MR. FRANK BROOKS of the Austin Community Livestock Processors, Inc., stating there were certain repairs they thought needed to be made at the Abattoir, some of which are requirements by the Federal Meat Inspectors. The request was referred to the Law Department to check with the contract, and some of the repairs would be the City's obligation, and some possibly would not be. He explained the contract provided for the City's responsibility for major repairs, and they are defined completely. Other repairs are the obligations of the lessee. There is no indication in the lease as to who should pay for extensions, enlargements or new kinds of facilities. He stated some of the items would fall under the City's responsibility to do; but the enlargement of facilities, addition of additional rooms, enclosing areas, etc., are items of minor repair and would not be the City's obligation. The City Manager listed the items which the Law Department specifically concluded would be repairs the City should make. Replacement or repair of the roof over the loading dock and the repair of the tank house floor were items of major repair, for which the City would be obligated to make; and if it fails to, the lessee would be entitled to make the repair and offset it against the cost of his rent. Some of the items which they asked the City to do, but which the Law Department felt would not be the City's obligation under the contract would be the matter of enclosing the front loading dock and providing floor drains in the floor of the loading dock; enclosing an area which is not now enclosed in which barrels are washed, enlarging the Government Inspector's Office, placing a roof over the cattle holding pen, and placing a drained concrete floor in the holding pen. In discussion, the City Manager stated in his opinion, if the City ever took the Abattoir over, it should close it, and any improvements made would be of no value to the City in the future. The Council discussed the Abattoir at length. Mayor Palmer suggested authorizing the City Manager to make those necessary repairs and the Council would look into the request before it acted on any other repairs. Councilman White suggested doing only the necessary work and nothing more than is provided in the contract. The City Manager stated there were two items listed, which he felt would be necessary to meet the City's obligation:

1. Repair the roof over the loading dock.
2. Fix the floor in the tank house.



After discussion, Councilman Long moved that the City Manager be instructed to go ahead and do those necessary repairs that are covered by the contract, and that the Council go down and take a look to determine what other expenditures are necessary. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer read a letter from the Austin Junior Chamber of Commerce, which stated they had been and continue to be vitally interested in the welfare and progress of the Austin community, and they felt that a vital part of the welfare of the community was the maintenance of a high calibre police force; and the citizens of Austin could be justifiably proud of the manner in which its police force had served. In order to encourage a continued recruitment and retention of high calibre personnel on the force, the Junior Chamber of Commerce Board of Directors unanimously voted to go on record in support of a pay raise for the local police department in at least the amount recommended in the City Manager's proposal.

Councilman Shanks moved that the City Manager be instructed to execute the contract with the Chamber of Commerce regarding the \$15,000 for Tourism. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long stated she did not think this would be legal.

The City Manager stated there was a signed contract on the one-fourth of a block on 13th and Sabine Streets--1207-1211 Sabine, and 601-605 East 13th Street. Councilman Long moved that the City Manager be authorized to enter into a contract not to exceed \$30,000 for this property. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Discussion was held on the houses on this property. Councilman Long suggested that the lumber be advertised for sale; and see if someone would haul it off.

The Council discussed the Adams property on Deep Eddy and Lake Austin Boulevard. The City Attorney stated the Council indicated a desire to acquire this property if it could be obtained at a reasonable price. The owner wanted to trade for certain property, but there was no city property that would be of comparable value that could be exchanged. The appraised value the City has on this property is beneath by several thousand dollars his asking price and he asked if the Council wanted to move out with condemnation on it or have further negotiations on it. Councilman Long stated she did not think it was needed at this time. The City Attorney said he believed the property could be acquired at a price far under the asking price. Councilman Long stated she did not think

the matter was urgent and the status quo is not going to change and suggested holding up on this. The Mayor asked if this were the feeling of the Council.

The City Attorney stated the Director of Public Works would like to make a new turn out from the East frontage road to 51st Street, and he needs to take part of the brick facade from the building at 5009 Cameron Road. This would reduce the parking area available to the lot. The Council had asked that estimates be obtained on the cost to get the building in repair for rental. The Mayor stated on that particular intersection, if this would help alleviate part of the traffic problem there, the first consideration would be to permit the Director of Public Works to do this widening. Councilman White moved that the building at 5009 Cameron Road be advertised for sale. The motion, seconded by Councilman IaRue, carried by the following vote:

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

Noes: None

Councilman IaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the improvement of West 35th Street by the construction of an overpass in the vicinity of the intersection of said West 35th Street with the proposed Missouri Pacific Boulevard, and the construction of an access road connecting the northbound roadway of the proposed Missouri Pacific Boulevard to West 35th Street in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the construction and improvements hereinabove mentioned; and,

WHEREAS, the owner of said tract of land, being a Councilman of the City of Austin, is precluded by Article XII, Sec. 2 of the Charter of the City from selling said land to said City; Now, Therefore,

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

That W. T. Williams, Jr., the City Manager, be and he is hereby authorized and directed to file or cause to be filed against the owner a suit in eminent domain to acquire title for the purposes hereinabove enumerated to the following described property, to-wit:

Being all of Lots 1, 2 and 3, Block 15, Happy Hollow, a resubdivision of Camp Mabry Heights No. 2 and Block 11 and part of Block 12, Camp Mabry Heights; said Happy Hollow being a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Happy Hollow of record in Book 3 at page 227 of the Plat Records of Travis County, Texas; a map or plat of said Camp Mabry Heights being of record in Book 3 at Page 10 of the Plat Records of Travis County, Texas; a map or plat of said Camp Mabry Heights

No. 2 being of record in Book 3 at Page 60 of the Plat Records of Travis County, Texas; which lots 1, 2 and 3 were conveyed to Louis Shanks by Warranty Deed dated August 5, 1960 of record in Volume 2217 at Page 19 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, White, Mayor Palmer  
Noes: None  
Present but not voting: Councilman Shanks

The City Manager called attention to the Progress Report on Water and Sanitary Sewer Capital Improvement Projects, sent out with the Agenda.

The City Manager stated if it were agreeable with the Council, bids would be received at 10:00 A.M., July 30th on the General Contracts for Holly Street Unit No. 3 covering the following:

- (a) Site Improvement, Contract No. 120
- (b) Power Piping, Contract No. 121
- (c) Power Wiring, Contract No. 122

The Council indicated its approval.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the opening, widening, and improving of Redwood Avenue and Manor Road at the intersection of such streets in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and,

WHEREAS, the City Council of the City of Austin has found that public necessity requires the improvement of airport facilities for the municipal airport at the intersection of Manor Road and Redwood Avenue in order to provide for the health, safety and welfare of persons using the municipal airport facilities; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the opening, widening, and improving of said Redwood Avenue and Manor Road and for municipal airport purposes; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire title for said purposes to the following:

A portion of Lot 13, Block 1, Crest Haven Addition, a subdivision of a portion of a 92.08 acre tract of land in Outlots 51 and 52, Division "B" of the J. C. Harrelson Survey 22 in Travis County, Texas, according to a map or plat in Book 502, Pages 425-426, Travis County Deed Records, and being the same tract as conveyed by L. D. Turner, et al to Warren L. Driggs and wife, Nellie A. Driggs, dated the 29th day of May, 1963, and recorded in Volume 2620, Page 482, Deed Records of Travis County, Texas.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of an East-West thoroughfare known as East 2nd Street, to connect Interregional Highway and East 1st Street to provide for the free and safe flow of traffic between such streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the connection of existing segments of East 2nd Street in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owner of such land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owner and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

Being Lots 4 and 5 of the Timothy Burns Subdivision of Block No. 3, Outlot 22, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said Timothy Burns Subdivision of Block No. 3 of Outlot 22, Division "O", being of record in Book 1 at page 57 of the Flat Records of Travis County, Texas, which Lot 5 was conveyed to Harlan M. Burns by Warranty Deed dated April 6, 1953, of record in Volume 1339 at page 3 of the Deed Records of Travis County, Texas, reference to which deed is here made for all purposes.

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

Mayor Palmer asked in line with widening of East 2nd Street if negotiations with these others could be done as soon as possible; and if it is necessary to condemn to proceed as it is so important to get 2nd Street opened.

The City Manager submitted the invitation from the Texas Municipal League to the Council and the Mayor to attend an Institute for Mayors and Councilmen on June 21-23rd, at Villa Capri. He read the program. The Mayor suggested that the Council attend and asked that the Council be notified again of this meeting.

The City Manager reviewed certain provisions of the Subdivision Ordinance that pertained to development of streets, and the policy for refunds and development of subdivisions which also had some requirements with reference to streets. He said there have been some difficulties with trying to work with the rules that were developed in regard to thoroughfares. Subsequent to the adoption of the Ordinance, the Planning Commission recommended that subdividers be required to dedicate 70' for the thoroughfare, and the City be obligated to pay for any additional width above 70', the policy being that the City would pay raw land values for the acreage involved in the additional right of way width. There was also a policy that came out of the Subdivision Ordinance--a street paving policy--in that the City would accept no dedication of any street right of way without some provision being made for developing the street with paving, curbs and gutters. That was closing the gate to prevent the creation of a lot of unpaved streets while the City was trying to catch up on its back paving.

The City Manager pointed out some difficulties encountered in the case of boundary streets, in that one owner would be ready to proceed with his subdivision and make provision for the right of way for one half of the thoroughfare that is to come from his land, but he would not be able to pave it because the other half of the right of way would not even be dedicated. The property owner does not feel that he should be required to put up his money for street paving, and let it set there indefinitely with no control over its development, and he had no lots fronting on the particular thoroughfare, and never would need the thoroughfare to serve those lots. There have not been too many of these cases. The City Manager stated the Planning Director, Director of Public Works, the City Attorney, the Director of Water and Sewer Utilities, the Assistant City Manager and he met and concluded that a possible change in the policy could be worked out so that in the future on these primary and secondary thoroughfares--not collector streets--that the City buy the right of way outright as "no-access right of way." If 90' is needed, the City would buy the 90', but the owner from whom the land is purchased has no right to front lots on it or to have access to the thoroughfare by driveways. If at a later date when it is developed, and there are changed conditions which would cause the abutting property owner to want access, he could pay for it. The City would buy the land as land and not as a dedication of a right of way, and the City would dedicate it and develop it whenever the City needed to develop it, and there would be no obligation to serve the abutting property at all. A limited access roadway moves traffic much better than one that has a continuous line of driveways. If the City paves the road 44' wide, it would last as a 44' road longer if it has no driveways; so in the long run, the City would come out ahead by delaying the time it would have

to put in a six lane divided highway by owning the right of way and controlling the access. Councilman Long asked if the City bought a street and put it in, if it would tell a person who owns property there that they would not have access to it. The City Manager stated the City would not be buying a street, but a strip of land at a certain amount per acre, and it might even be abandoned later. The City would not be obligated to develop a street, so far as the property owner was concerned. Development would be solely in the interest of the general public. Only rights of way which it is thought would be needed in the future would fall in this category. The City would not want to be committed to the abutting property owner to develop it at any specified time. It may later develop that the thoroughfare should be a block over; and in that case the City should be free to abandon the land and sell it. Down the line if the thoroughfare is developed, and the property owner would like to get access to this highway, he could pay the City for access, but the City would be under no obligation to sell it to him. If it appears that the traffic conditions that are developing along the street and it could be forecast what it was going to be, and if it were concluded access could be sold, that could be done. The Mayor asked about the collector streets, if the subdivider would still be required to pave, curb and gutter them, and the City Manager answered they would.

The City Manager stated on a primary or secondary thoroughfare, the City would buy the whole thing outright. If it traverses a man's land; and if in order to develop this, he would want to develop this street and face houses on it at this time, he would still have to pave, but there are some questions as to whether or not it might be well to discontinue that policy and provide that the City would buy that strip for the thoroughfare in this proposed subdivision. If the subdivider would like, he could still add narrower right of way to what the City had purchased and develop a frontage road on which he could face lots. That is being done in Houston, Lubbock, and Dallas and other places. They are developing a thoroughfare; and about every five or six blocks there is an exit from the thoroughfare on to a frontage road, and the houses face on the frontage road. The Mayor asked if the subdivider ever wanted to front directly on this thoroughfare he would have to buy the right. Councilman Long asked what would he buy. The City Manager stated he would buy access, and the amount he would have to pay would be determined in two ways--(1) What is it going to cost the City in the way of additional development of the street if access is given. If access is granted, it might be necessary to widen the street or put in traffic signals. Those things are to be considered. (2) How much the abutting property will be enhanced in value, just as is done in the case of the sale of remnants along the highways. He explained the policy of appraising the properties in these cases. That would be one way of doing it, or it would be up to the Council to decide what it would want to sell each one for, or maybe not sell it at all. Councilman Long stated the policy sounded unfair. The City Manager stated it was unfair to the growth of the City to develop these thoroughfares and bottle them up with driveways and access ways and destroying the usefulness of the streets for the purpose for which it was built. Councilman LaRue stated it sounded good to him, but he wanted to know how much money was involved. The City Manager stated very little; that there might be possibly two miles a year; and on a 90' right of way that might be about 20 acres that would have to be acquired; and at \$3,000 an acre it would run \$60,000. Councilman White inquired if after the road were built and he wanted to build a house and face on that highway, he could not do it. The City Manager stated he could not unless he bought the right of way. As examples the City Attorney pointed out the Expressway, and the Missouri Pacific Boulevard. He said the City would be buying an expressway and would be allowing ingress and egress at cross streets. The City Manager stated there was one subdivider anxious to know what could be done, and that he would

like to get his reaction. Councilman Long suggested having a lot of subdividers come in and discuss this. The City Manager said this particular subdivider did not see how this thoroughfare would benefit his property in the least, and he does not want to put up any money for paving. It might be suggested to him that the City buy the land from him, and tell him the street will be opened when the City deems it necessary, and the City will develop it, but that he would have no access to it, as he said he did not need it nor want it. The Council Members discussed this. The Mayor suggested that the City Manager discuss this alternate with the particular subdivider he had in mind, and the Council would defer action and Councilman White wanted to do more checking into the proposal.

Councilman Long submitted a matter for consideration, stating MR. DENDE has a son who is just a month under the age of 16, and he wants to get an electrical helper's license from the City. She suggested that the ordinance be amended and set out the age limit to read that the City Council have a dispensation of special cases where a boy is almost 16 and is trying to get employment during the summer, and that it be up to the Council to grant these particular licenses upon examination of the facts. The City Attorney asked if she would like to amend the Ordinance instead of prohibiting the issuance of an apprentice license to anyone under the age of 16 to say "any one whose nearest birthday is 16 or more." Councilman LaRue inquired about the requirement of 16 years instead of 15. The City Attorney stated Workmen's Compensation was not available as far as employers were concerned to protect them until the employee is 16 years old. He stated he was not certain that the Child Labor Law would apply. The City Attorney stated from the Council's point of view in regulating the extra hazardous business of handling electricity, the Council is within its rights, if it set 18 years. It is in the Council's discretion to determine what the minimum safe age is. He stated if this were not in conflict with the State Labor Law, the amendment could read, "whose nearest birthday is 16 years or more." Councilman LaRue said when the age 16 was picked in the beginning there evidently was a good reason. Councilman Long stated frankly if this Council did not make up its mind to help youth, she did not know what they were going to do if a boy that is almost 16 years old is kept from getting a summer job. If this is set at 15½ she did not think anybody would be hurt. There will not be a lot of young people working for an electrician. The Mayor asked that the City Attorney do some research to see what the Federal Child Labor Law is in this respect. Councilman LaRue stated this might be permitting children to do something they should not be doing. The Mayor stated all of the Council are trying their best to have jobs for these youngsters. He stated he wanted to be sure about the City's liability in case this particular electrician who was licensed by the City should happen to be sued, and to be sure the City was protected in every way possible. Councilman Long suggested that an amendment be brought in next week. The Mayor stated the concern was licensing as far as the City was concerned. The City Attorney stated he would strongly recommend against a provision that allowed the governing body of the City to pass on the particular qualifications of a specific individual; for then, there would be a question of liability.

The City Manager discussed the terms of the Building Code Board of Appeals, and stated one person would be appointed for one year, another for two, another for three, one for four, and one for five year terms. The Mayor suggested that when the Board met, they could draw for the terms. Councilman Long stated that was as good a way as any.

The City Council received notice from the City Manager that the following applications for change of zoning had been referred to the Planning Commission and set for public hearing before the Council at 11:00 A.M., July 16, 1964:

KARL B. WAGNER By Bryant-Curington, Inc..	8700-8842 Research Boulevard 1901-1931 Peyton Gin Road	From "A" Residence 1st Height & Area To "GR" General Retail 5th Height & Area
LELAND R. WILSON	3101-3103 Walnut Avenue 2700-2704 Manor Road	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
H. T. BAKER By George T. Wall	410 Pampa Drive	From "A" Residence To "C" Commercial
MILO WEAVER By Robert C. Sneed	1600 West 38th Street	From "A" Residence To "O" Office
CHESTER D. BROOKS	3001-3003 East 12th Street	From "C" Commercial To "C-1" Commercial
W. C. BROWN	2100-2116 South 5th Street 1001-1013 Brodie Street	From "A" Residence To "B" Residence
MR. & MRS. LEON MALKIN	812-816 West 12th Street	From "C" Commercial 2nd Height & Area To "C-2" Commercial 2nd Height & Area
HAROLD HICKS By John D. Reed	2318-2328 South Congress Ave. 2319-2329 College Avenue	From "C" Commercial 2nd Height & Area To "C-1" Commercial 2nd Height & Area
C. B. SMITH, SR. By M. B. Braswell	Rear of 7019-7109 Lamar Boulevard	From "D" Industrial To "C-1" Commercial
LEO M. BLACK By Herbert Smartt	2401-2405 Enfield Road 1408-1414 Elton Lane	From "A" Residence To "B" Residence
EDWIN H. GOLDEN	3907-4015 Wadford Street 118-128 Ben White Boulevard	From "A" Residence To "C" Commercial
JOSEPH W. BROWN, SR. By Paul D. Jones	2705, 2707 & 2709 Hancock Drive	From "A" Residence To "C" Commercial

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



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

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

APPROVED

Leo E. Palmer  
Mayor

ATTEST:

Ellis Henley  
City Clerk