

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 25, 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 THOMAS LOVETT, University Presbyterian Church.

MRS. ALDEN DAVIS appeared before the Council, stating for many years Travis County and Austin had needed an ornamental horticulturist; and now through a joint program, the first in the State to be originated, Austin and Travis County through the Agricultural Extension Department of A. & M., have made the services of a horticulturist possible. She introduced MR. JOE ROGERS, Chairman of the Horticulture Committee, who outlined the work the Associate Agent would do, stating he would office in the County Court House under the supervision of the County Agent and would work primarily with the people in Austin on ornamental horticulture problems. The program will be educational and planned on an annual basis by the Associate and an advisory committee composed of representatives of the City of Austin. The Commissioners' Court, Austin Area Garden Center, the County Horticulture Committee, City Parks and Recreation Department, Austin Public Schools, Senior and Junior Chambers of Commerce, the Travis County Home Demonstration Council, the Austin Nurserymen's Association, and the Austin Florists' Association. He will work primarily with the people of Austin but will assist also other Travis County residents in problems related to ornamentals, lawns, plant disease, and insects. Mr. Rogers introduced MR. HURLEY C. THOMPSON, former instructor at A. & M. and who holds B. S. and M. S. degrees in Ornamental Horticulture, from the University of Illinois. MR. THOMPSON expressed hope that he could be of service to the City and the people of the County. The Mayor welcomed Mr. Thompson, stating the Council felt this was a fine project.

The Mayor announced that the member of the Parks and Recreation Board asked that appearance before the Council be postponed until the following week.

MR. WARREN BEAMAN appeared before the Council to discuss their lease of city-owned property on Town Lake, for Botanical Gardens, and outlined the importance of such a project to the City of Austin. He stated this was first mentioned to the City in 1960, and they had met with the Council over 20 times. He discussed tourism stating many cities approach tourism in different ways, private industries and private attractions and city-owned attractions. Business men raised more than \$7,000,000 to support "HEMISPHERE" opening in San Antonio and for the purpose of bringing tourists to San Antonio. In January, San Antonio passed a \$30,000,000 bond issue for acquiring land for Hemisphere. Many areas are proceeding on the idea that Tourism is good for their area. Comparison was made with Aquarena and Cypress Gardens. He stated tourists enjoy this type of attraction, but Texas has very few, with the exception of SIX FLAGS OVER TEXAS. At Laguna Gardens, they plan family attractions that will draw large numbers of people. Cypress Gardens has a good clean tourist operation, attractive young ladies and fine young men, beautiful plantings and a good show. He stated Laguna Gardens would be in view of Highway 35 as it crosses Town Lake. He discussed the advertising that would be on billboards, brochures and on the highways into Austin. The garden will depict all of the beauty that is Texas. He gave population figures and number of tourists that went on through Austin, stating last year 400,000 people went to the Aquarena. He listed an estimate of people that would visit Laguna the first year to be 50,000; the second year 75,000 and 250,000 in 1968, the year the Hemisphere opens, and the Olympic Games in Mexico will be held. Based on these figures, they forecast there will be a return to the City of \$83,679; and there will be a 50 year lease. In the 15 year period the figure could be in excess of \$250,000. There will be a possibility of an excellent return to the City of Austin for a piece of property for which the City Planners and City Administrators can at the present time see no possible use that would bring the City more benefit than this operation. Mr. Beaman stated there must be a protection to people who invest money in an operation of this type. He asked that the City continue to work with them on the basis of a partnership. They anticipate 600,000 people in five years, coming to the gardens, and this could mean \$6,000,000 into the economy of Austin. In 15 years, it could be some \$50,000,000. He asked the Council for a complete agreement in this matter; and stated they were ready to proceed with the project. The Mayor explained the question was the inclusion of some additional land in the original lease brought about by the fact there was a misunderstanding on the boundary line, and there was no place to build their building and viewing stand unless the additional area was included. The Council did not want to lease to include any part of the sand beach reserve for a privately owned facility. That area will be protected for the public use, and will be opened to the public at all times regardless of the improvements that may be done there. There will be no prohibition to the public to the sand beach reserve, as it belongs to all of the people of Austin. The Stroburb Tract was purchased outright by the City, and the former Council felt the lease would include only that portion of the land purchased outright and in no way involve the sand beach reserve. The Mayor said Mr. Beaman and Mr. Perkins are asking the City to include additional City property (designated on the map) to become part of the original lease. Councilman Shanks stated the City was fortunate in having men like these taking venture capital to put this in. The lease is a good thing, and the amended lease is good proposition for Austin and for the public, and he moved that the Council enter into the amended lease. Councilman White wanted Councilman LaRue to make his report.

Councilman LaRue made a report on meetings with Mr. Perkins and Mr. Beaman, as well as with one of their bankers, who submitted a recommendation. Councilman LaRue inquired of the gross sales for the first five year period. Mr. Beaman stated for the first year, the total gross sales was estimated at \$116,500, broken down in admissions, \$83,250 of which the City would have 8%; general sales, \$33,250, the City receiving 2.75%. For the first five years his estimate was

\$1,466,850. Mr. Beaman estimated the highest year's sales to be \$416,750 for admissions and sales to be \$166,750, in 1968. Councilman LaRue stated in 1968 there is anticipated a revenue of a little over \$500,000. Councilman LaRue taking the first five year period, states based on the contract as now drawn, if the City found it necessary to reacquire the property, it would have to pay 10 times the annual gross income; and ten times their best year, which is \$500,000, would be \$5,000,000 to reacquire the property. That could be carried on under paragraphs b, c and d of the contract. The sales would increase after the fifth year, and in the second period the multiplier would be eight times the annual gross sales, and that would be in the neighborhood of \$5,000,000 for the City to reacquire the property. The life of the lease is 50 years with an option to renew up to 90 years. Mr. Beaman stated after 15 years, it would be two times or $9\frac{1}{2}$ times net. Councilman LaRue stated under paragraph d the operation would have progressed to the point where the City could acquire the property at a less figure under paragraphs a, b and c; but in paragraph d, another phrase is put in there that is not found in the other paragraphs and that is $9\frac{1}{2}$ times net would be used as the figure to determine the reacquisition cost. Instead of progressively becoming less to reacquire the land this provision keeps it pretty much on the same figure as it was in the beginning. On figures of \$500,000 sales and the end of the fifth year a concession would have a net out of \$500,000 gross sales of at least \$150,000. Using either two times the gross income or $9\frac{1}{2}$ times the net, there would be \$1,500,000 or \$2,000,000 as a minimum. This contract is different from any other contract the City has with concessionaires of leased property anywhere else in the City. Councilman LaRue stated it was his belief that all the protection the other people have should the City reacquire this property or any other property, it could reacquire it through condemnation proceedings and the lessee would be protected by the Courts and be given all the protection a jury could give them; but the City would not have to pay the sums that would be provided under this contract. Councilman LaRue reported on the meeting with the banker, which was at the request of Mr. Perkins and Mr. Beaman. The banker indicated another formula that would be more compatible with the other leases the City has and would put the City in a much better position than it is under the contract now under consideration. The City Attorney stated the communication he received was a suggestion for revisions that ten times the net income not to exceed \$400,000 or be less than \$200,000; and if at any time the depreciated value of capital improvements exceeded \$200,000, then the maximum purchase price shall be twice the depreciated book value. This would reduce to a formula that is already defined in the contract in that the term "net income" as defined in the contract is slightly different than the ordinary understanding of what constitutes net income. It includes management expense of $7\frac{1}{2}\%$ of the book value of the property, and there would be no mechanical difficulty in drafting a simple amendment that would put that formula into effect as a substitute for the formula that is there now. Councilman Long stated at the end of 50 years the property did not revert to the City. It still belongs to these people forever, and the only way the City can get it back is to go through the process of paying a great sum of money. She said sometimes after a certain long period of time, like 50 years, the whole property would revert to the City and the operation would be the City's, and she wanted the lease to terminate at 50 years--25 and 50 years. Councilman White asked Mr. Beaman if they were in on this discussion of the new formula. Mr. Perkins stated they had looked at a number of different formulas, and this was one that was hurriedly put together. The only problem is the ceiling that is placed. If \$500,000 is put in the project, no investor will go into it if someone could repurchase the project at \$400,000. Councilman White asked if they were willing to proceed with this new suggestion. Mr. Beaman stated they could not. The City Attorney stated there was a misunderstanding about the formula, and explained it, in that if the depreciated values exceed \$200,000 then the maximum purchase price shall be twice the book value of

the improvements. If they had \$500,000 invested, the City would not be obliged to pay more than \$1,000,000. Mr. Beaman stated this would take no significance of the earning capacity of the project. He stated the investors would not go along with this particular proposition. He stated if it appeared they could not proceed with unanimous agreement, perhaps other steps should be taken to negate the lease with the thought in mind there is some loss suffered by Mr. Perkins and him. Councilman LaRue stated one major difference in this contract and the other contracts with the City, was that other contracts do not take into consideration good will or potential earning power of the business. It could easily come to \$5,000,000 to reacquire the property during the first five years of the life of the contract. He stated he could not enter into such an agreement, and stated the City Attorney had explained they would still have protection two times, if they had \$500,000 invested, the City would have to pay \$1,000,000 for the property. Councilman Long believed many people would be interested in investing and would consider 25 years a long investment with renewals. Mr. Beaman stated basically the City was selling the property, except the potential return over this property over this period of time can be so many times the sale price that it is advantageous to both. Even if the property were sold, the City would still have the right of eminent domain. He stated there were evidences of the situations something recreational or for amusement would stand a much stronger chance of being recaptured by some future City Government than a bank, grocery store, filling station, etc. That is why their investors felt it unwise to become involved in something that could be lost. The Mayor stated all of these eventualities were taken into serious consideration at the time. He pointed out the City has Town Lake that consists of approximately six miles from the low water dam to Tom Miller Dam; and on both sides, the largest property owner is the City. There is such a large area to be developed and beautified that the Council felt it would be fine if private enterprise would risk their money and put it into a venture. Austin has reached a new dimension in tourist attraction, and he stated this project would be an attraction that many would stop to see. He said if it did attract the number of people anticipated and with the income the City would receive, he could not conceive of any reason at all why the City ever would want to take it over. He said he personally felt this would be a fine thing for the City, the same as he did several years ago when he voted for it. Councilman Shanks moved that the amended lease be entered into. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced it was 10:30 A.M., and hearing on the ordinance annexing BALCONES WEST, SECTION 2 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 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)

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, White, Mayor Palmer
Noes: None

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, White, Mayor Palmer
Noes: None

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 23.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Fairmont Park, Section 1)

Councilman White 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., July 9, 1964. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager stated in this case the island or "hole in the doughnut" was being left out of the ordinance.

The Council had under consideration annexing 11.99 acres of land out of the Henry P. Hill League - Proposed BARTON TERRACE, SECTION 3. The City Manager recommended that the area surrounded by the City be included in the Ordinance. The Director of Public Works pointed out the area in the city limits and the area asked to be annexed. He said there are 5.54 acres under one ownership completely surrounded by the City and there is a house on this property located outside the city limits. The owner does not want the property to be annexed. Councilman LaRue noted leaving this area out would possibly interfere with running service lines, etc. and this property would either have to be bypassed or a more circuitous route would have to be taken to serve the other property. Councilman Shanks moved that the area between the present city limits and the proposed BARTON TERRACE, SEC. 3 be included in the annexation ordinance to be brought in. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Shanks stated with reference to the demonstrators, that the signs should be taken down. 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, stating she had not even noticed them.

Mayor Palmer made the following statement:

"I do not feel that at any public body whether it be a County Court, Federal Court, or the Congress itself, or the Senate, would permit any of these types of signs at the times they are considering legislative matters and matters of public concern; and in all fairness, I would like to ask that they be moved voluntarily, and if they are not then I will vote 'aye'."

He then asked that the signs please be removed. The demonstrators did not remove their signs, and the Chief of Police was asked to remove the signs.

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) LOT NO. 10, IN PINE CREEK SUBDIVISION, A RESUBDIVISION OF ALL OF LOTS 9, 10 AND THE EAST 16 FEET OF LOT NO. 8, IN BLOCK NO. 2, OF RIVERSIDE ADDITION, IN OUTLOT NO. 36, DIVISION "O", FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) LOTS 1-4, F. WILHELMS, SR. SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) A TRACT OF LAND, LOCALLY KNOWN AS 5813-5821 BURNET ROAD, FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (4) SOUTH 218 FEET OF LOT 3 AND THE WEST 8 FEET OF THE SOUTH 218 FEET OF LOT 2, BLOCK 2, FREDERICKSBURG ROAD ACRES, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (5) A TRACT OF LAND OUT OF THE JOHN APPELGAIT SURVEY, BEING ALSO A PORTION OF LOT 10, BLOCK "A", IN NORTH LAMAR PARK SECTION 1, LOCALLY KNOWN AS 8903-8907 NORTH LAMAR BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) A TRACT OF LAND CONTAINING 1492 SQUARE FEET OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE, LOCALLY KNOWN AS REAR OF 5304-5308 BURNET ROAD, AND REAR OF 2104-2106 NORTH LOOP BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (7) 1517 SQUARE FEET OF LAND OUT OF LOTS 6 AND 7, BLOCK 13, GLISSMAN'S SUBDIVISION, LOCALLY KNOWN AS 1815 MANOR ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (8) 1517 SQUARE FEET OF LAND OUT OF THE J. C. TANNEHILL LEAGUE, LOCALLY KNOWN AS REAR OF 4603-4610 EAST 7TH STREET, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (9) (A) LOT 2,

BLOCK 2, JAMES BYRNES SUBDIVISION OF OUTLOT 69, LOCALLY KNOWN AS 2828 RIO GRANDE, FROM "BB" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (B) THE NORTH 43 FEET OF THE EAST 20 FEET OF LOT 14, BLOCK 3, SUBDIVISION OF OUTLOT 68, LOCALLY KNOWN AS 603 WEST 29TH STREET FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND (10) THE SOUTH 100 FEET OF LOT 23 AND THE SOUTH 100 FEET OF THE EAST 55 FEET OF LOT 22, SUBDIVISION OF OUTLOT 55, LOCALLY KNOWN AS 1022-1030 EAST 11TH STREET AND 1150-1154 WALLER STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL 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 LaRue 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 LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, 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 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 introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE DESIGNATION AND CHANGING USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: THE NORTH ONE-HALF OF LOTS 1 AND 2, BLOCK 8, HABICHT SUBDIVISION, LOCALLY KNOWN AS 1305 CHICON STREET; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council postponed decision on the following zoning application pending from last week, until the following week:

CHARLES VILLASENOR

Tract 1
1214 Vargas Road
6506-6510 Porter Street

From "A" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission

Tract 2
Rear of 1214 Vargas Road
and 6508-6510 Porter St.

From "A" Residence
To "C-1" Commercial
NOT Recommended by the
Planning Commission

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR SUCH COSTS BY ASSESSMENT OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OR TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (San Jacinto Street and East 7th Street)

The ordinance was read the first time and Councilman Long moved that the

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"June 19, 1964

"To: W. T. Williams, Jr., City Manager Subject: Bids on 69 KV Oil Circuit Breakers

"Bids were opened at 10:00 A.M., June 19, 1964 for six 69 KV Oil Circuit Breakers by the Purchasing Agent, and sent to the Electric Department for evaluation and recommendation.

"The bids are tabulated as follows:

"ITEM 1. - Five Oil Circuit Breakers, 69 KV, 2000 amp., 5000 MVA interrupting duty.

Allis Chalmers Mfg. Co.	\$115,000.00	21 weeks
Westinghouse Electric Corp.	\$115,240.00	41 weeks
Pennsylvania Transformer		
Division of McGraw-Edison Co.	\$112,000.00	16 weeks

"ITEM 2. - One Oil Circuit Breaker, 69 KV, 1200 ampere, 3500 MVA interrupting duty.

Allis Chalmers Mfg. Co.	\$ 17,600.00	21 weeks
Westinghouse Electric Corp.	\$ 13,023.00	(including tank lifter) 21 weeks
Pennsylvania Transformer		
Division of McGraw-Edison Co.	No Bid	

"All deliveries are satisfactory. All prices are firm and all terms are net 30 days.

"I recommend that we accept the lowest and best bid of the Pennsylvania Transformer Division of McGraw-Edison Company for five Oil Circuit Breakers shown in Item One for \$112,000.00.

"I also recommend that we accept the lowest and best bid of Westinghouse Electric Corporation for one Oil Circuit Breaker shown in Item Two for \$13,023.00.

"FROM: D. C. Kinney, Dir. Elec. Utility
SIGNED: D. C. Kinney"

Councilman Long inquired about the difference in sizes--five of one size and one of the other, and inquired of the use that was made of the circuit breakers. The City Manager stated they were set in the general distribution system, and the difference depended entirely on the load that is required for the area as to the size of transformers that would be used. In this particular case, one transformer is to be used at the Seaholm Plant in the Distribution Substation, and four at the Holly Street Plant. These breakers are of the capacity that are needed to provide the flow of energy and to give the protection required at those particular locations. Item 2 would be at the Seaholm Plant, on Generators 5 and 6.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 19, 1964, for six 69 KV Oil Circuit Breakers; and,

WHEREAS, the bid of Pennsylvania Transformer Division of McGraw-Edison Co., in the sum of \$112,000.00 for five Oil Circuit Breakers, 69 KV 2000 amperes, 5000 MVA was the lowest therefor, and the bid of Westinghouse Electric Corporation, in the sum of \$13,023.00 (including tank lifter) for one Oil Circuit Breaker, 69 KV, 1200 amperes, 3500 MVA, was the lowest therefor, and the acceptance of such bids has been recommended by the Director of Electric Utility 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 Pennsylvania Transformer Division of McGraw-Edison Co., in the sum of \$112,000.00, and of Westinghouse Electric Corporation, in the sum of \$13,023.00 (including tank lifter), 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 Pennsylvania Transformer Division of McGraw-Edison Co., and Westinghouse Electric Corporation.

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

The City Manager submitted the following:

"June 19, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for Sodium Hexametaphosphate - Filter Plants

"Sealed bids were opened at 2:00 P.M. June 17, 1964 in the office of the Purchasing Agent for 80,000 pounds of Sodium Hexametaphosphate. This material is used in filtration at the City Filter Plants and represents approximately a six months supply.

"Invitations to bid were sent to all firms that have asked to bid or that we thought could possibly bid.

"The bids received are as follows:

	Unit	Total for 80,000#
Nalco Chemical Company - Chicago, Ill.	.11700 lb.	\$9,360.00
Calgon Corporation - Pittsburg, Pa.	.11210 "	8,968.00
Dearborn Chemical Co. - Chicago, Ill.	.11722 "	9,377.80
Maintenance Engineering Co.-Houston, Texas	.11390 "	9,112.00
Olin Mathieson Corporation-Houston, Texas	.10990 "	8,792.00
Sline Chemical Services, Inc.-Houston, Texas	.10890 "	<u>8,712.00</u>

"On bids taken November 19, 1963 the low bid was \$.1132 per pound by Maintenance Engineering Company.

"RECOMMENDATION: It is recommended the award be made to Sline Chemical Services, Inc. of Houston, Texas in the amount of \$8,712.00 for 80,000 pounds of Sodium Hexametaphosphate as the lowest and best bid.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 17, 1964, for 80,000 pounds of sodium hexametaphosphate for use by the Filter Plants; and,

WHEREAS, the bid of Sline Chemical Services, Inc. of Houston, Texas, in the sum of \$8,712.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Sline Chemical Services, Inc. of Houston, Texas, in the sum of \$8,712.00 be and the same is hereby accepted, and that W. T. Williams, Jr. City Manager of the City of Austin be, and he is hereby authorized to execute a contract, on behalf of the City, with Sline Chemical Services, Inc. of Houston, Texas.

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:

"June 25, 1964

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, June 12, 1964, at the office of the Director of the Water and Sewer Department for the construction of MONTOPOLIS AREA SANITARY SEWER. Due to an error in the interpretation of the specifications concerning working days, the contract was awarded to Bill Tabor Construction Company on our recommendation. It is now necessary to review this recommendation and consider a revised Tabulation of Bids covering the bid price as well as the total number of working days submitted by each contractor.

"The following is a revised Tabulation of Bids:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
Austin Engineering Company	\$13,630.90	25
Bill Tabor Construction Company	13,868.30	45
Walter W. Schmidt	14,284.60	20
Austin Paving Company	15,641.25	35
Bland Construction Company	16,199.85	20
Capitol City Utilities	16,254.30	40
Ford-Wehmeyer, Incorporated	18,037.80	40
City of Austin (Estimate)	17,393.00	

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$13,630.90 with 25 working days.

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 "

The City Manager discussed the tabulation submitted last week where there was a mistake in the calculation of the low bid.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on June 18, 1964, the City Council of the City of Austin authorized the City Manager to execute a contract with Bill Tabor Construction Company for the construction of Montopolis Area Sanitary Sewer; and,

WHEREAS, said contract has not been executed because a review of the bids has revealed that said Bill Tabor Construction Company was not, in fact, the low bidder and that the bid of Austin Engineering Company, in the sum of \$13,630.90 and 25 working days, was the lowest and best bid for the construction of said

Montopolis Area Sanitary Sewer, 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 Resolution mistakenly awarding a contract to Bill Tabor Construction Company, which was adopted on June 18, 1964, be and the same is hereby revoked, and that the bid of Austin Engineering Company, in the sum of \$13,630.90 and twenty-five (25) working days, 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 Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"June 23, 1964

"To: W. T. Williams, Jr., City Manager Subject: Assessment Paving Contract
No. 64-A-10

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, June 23, 1964 for the construction of approximately fourteen (14) blocks of pavement and accessories known as Assessment Paving Contract Number 64-A-10 consisting of 1 unit.

Pat Canon Excavating Co.	\$ 83,294.35
Maufrais Brothers	\$100,693.95
City's Estimate	\$ 74,495.49

"I recommend that Pat Canon Excavating Company with their low bid of \$83,294.35 be awarded the contract for this project.

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

Councilman Long inquired about the extra width of East 19th Street. The Director of Public Works stated portions were already 60'. Most of the widening would be from Lavaca to the Interregional Highway taking 10' on each side. The City Manager stated this project would terminate at West Avenue, but there will be some widening farther west at a later date. The City has the right of way all the way to West Avenue. Councilman Long inquired about the paving contractors, if they were pretty busy now, and if that were the reason no more bids were received. The Director of Public Works listed the big projects underway by some of the contractors who were not able to bid on this job. He described the manner in which the work was planned to least disturb the traffic. He stated weather permitting, and barring unforeseen problems, they hoped to have this ready by the first of November. Mayor Palmer stated this was a job that needed to have been done for many, many years.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 23, 1964, for the construction of approximately fourteen (14) blocks of pavement and accessories known as Assessment Paving Contract Number 64-A-10, consisting of one (1) unit; and,

WHEREAS, the bid of Pat Canion Excavating Company, in the sum of \$83,294.35, 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 Pat Canion Excavating Company, in the sum of \$83,294.35, 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 Pat Canion Excavating Company.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for public utility purposes was granted the City of Austin on a map or plat of Western Trails, Section 5, a subdivision of a portion of the James Trammel Survey Number 4, in the City of Austin, Travis County, Texas, said map or plat being of record in Book 9 at Page 38 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of said premises have granted an easement at a more desirable location; and,

WHEREAS, the owners of said premises have requested the City Council of the City of Austin to release the hereinafter described public utility easement; and,

WHEREAS, the City Council has determined that said easement in, upon and across the following described property 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 utility easement, to-wit:

3,330 square feet of land, same being out of and a part of the James Trammel Survey Number 4 in Travis County, Texas, and being the same easement as shown on a map or plat of Western

Trails Section 5, a subdivision of a portion of the James Trammel Survey Number 4 in the City of Austin, Travis County, Texas, said map or plat being of record in Book 9 at Page 38 of the Plat Records of Travis County, Texas, said 3,330 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of Lot 18, Block F, said Western Trails Section 5, same being the most westerly corner of the herein described tract of land, from which point of beginning the most northerly corner of said Lot 18, Block F, same being the southeast corner of Lot 17, Block F, bears North $68^{\circ} 10'$ West 105.88 feet;

THENCE, with the west line of the herein described tract of land with the following two (2) courses:

(1) North $57^{\circ} 13'$ East 117.54 feet to a point;

(2) North $03^{\circ} 13'$ East 103.93 feet to the northwest corner of the herein described tract of land;

THENCE, with the north line of the herein described tract of land, South $86^{\circ} 47'$ East 20.00 feet to the northeast corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land, South $03^{\circ} 13'$ West 113.83 feet to a point in the northeast line of Lot 23, Block F, said Western Trails Section 5;

THENCE, with said northeast line of Lot 23, North $60^{\circ} 26'$ West 11.16 feet to the most northerly corner of said Lot 23;

THENCE, with the northwest line of said Lot 23, South $57^{\circ} 13'$ West 115.70 feet to the most westerly corner of said Lot 23, same being the most easterly corner of the aforesaid Lot 18;

THENCE, with the aforesaid north line of said Lot 18, North $68^{\circ} 10'$ West 12.13 feet to the point of beginning.

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

The Council had under consideration the off-street parking requirements at the southeast corner of Lavaca and 12th Street, 232 spaces for a commercial and apartment building. The Building Official described the building as an office building on the lower floors, with the next five floors for parking, apartments above that, and then a restaurant and club. The Building Official recommended the approval of the 232 parking spaces as being sufficient, listing his reasons, and stating because of the various types of occupancies, the use of each would not be simultaneous, and there would be ample parking.

Councilman White moved that MR. TOM SHEFFELMAN be heard. The motion was seconded by Councilman

LaRue. Roll call showed a unanimous vote.

MR. SHEFELMAN made inquiry about the maximum off-street parking spaces. The Building Official explained the ordinance to Mr. Shefelman.

Councilman LaRue moved that MR. BOW WILLIAMS be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. BOW WILLIAMS inquired if the cafe would be able to sell liquor in view of the fact it was across the street from the Methodist Church. It was answered there would have to be a zoning change on that.

After discussion, Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of The Lumbermen's Company by Fehr and Granger, Architect for a building permit together with a site plan dated June 23, 1964 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City of Austin, for certain building establishment at the southeast corner of 12th and Lavaca more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purposes of erecting a building to house apartments, offices, a restaurant, and a private club the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site is two hundred thirty two (232) spaces;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT two hundred thirty two (232) spaces is an adequate number of parking spaces for the establishment shown on the site plan of The Lumbermen's Company by Fehr and Granger Architects dated June 23, 1964 for the use of the premises for the purpose of erecting a building to house apartments, offices, a restaurant, and a private club.

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:

"This was more or less settled two or three years ago when the Lumbermen's acquired this property and decided to build here, but I frankly am opposed to a skyscraper in the front yard of the Capitol, and I am not going to vote for it. I know it is a mere protest, but I feel that way about it, so I vote 'no'."

Councilman LaRue moved that MR. BOW WILLIAMS be heard again. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. BOW WILLIAMS asked Mayor Palmer if he were a member of Lumbermen's Association. The Mayor stated this was not the Lumbermen's Association of Texas in any way, and they had no financial interest in this. This is the LUMBERMEN'S COMPANY OF TEXAS. The Mayor stated he owned absolutely no stock in the Lumbermen's Investment Corporation or the Lumbermen's Company. He said his firm was a member of the Lumbermen's Association of Texas, which is a trade association, and he attended that as a representative of his firm. This application is not for the LUMBERMEN'S ASSOCIATION OF TEXAS.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BARTON TERRACE, 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 AUSTEX DEVELOPMENT CO., LTD. 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 HAL STARKEY 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 W. H. BULLARD 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 third 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 CARRINGTON'S UNIVERSITY
HILLS 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: Councilman LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager discussed the amendment of leases of the Braniff and Trans Texas Companies, stating a recommendation had been sent to the Council listing the proposed landing fees and charges for space in the terminal building. Recommendation sent to the Council is as follows:

"June 23, 1964

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

Airline Rentals and Fees

"Under the terms of lease agreements with Braniff and Trans-Texas Airways effective June 1, 1959, rentals and fees may be adjusted each five years. Both airlines were notified six months prior to June 1, 1964, that the City desired to renegotiate these charges. Several conferences have been held commencing January 10, 1964, and we have reached complete agreement with Braniff and have not heard any objections from T.T.A. As a consequence, I believe it is now incumbent upon the City to establish rates for this period, and charge the airlines accordingly.

"I recommend the following schedule of charges:

"Ticket counter areas increase from \$4.25 per square foot per annum to \$4.50 per square foot per annum. Operations area increase from \$3.82 per square foot per annum to \$4.25 per square foot per annum (airlines agree to this portion). This gives the City an increase of \$110.07 per month.

"Establish landing fees as follows:

"First 15,000,000 pounds per month -- \$.08 per 1,000 pounds
Second 15,000,000 pounds per month - \$.06 per 1,000 pounds
Over 30,000,000 pounds per month -- \$.05 per 1,000 pounds

"The above scale to apply to monthly maximum approved landing weight of all regularly scheduled flights. The number of trips shown on the face of the time table as scheduled to arrive at the airport shall be the number of trip arrivals for which the full monthly payment shall be made, except for flights scheduled only one day a week. For example, a trip scheduled to arrive every day except Saturday shall be billed at the full monthly rate, but a trip scheduled to arrive Saturdays only replacing a trip cancelled on Saturday will not be charged against the airline.

"Based on present schedules, landing fees will be increased by \$976.00 per month. The annual increase for landing fees and building rentals combined, will amount to \$13,032.84.

"During Calendar year 1963, Braniff boarded 59,244 passengers compared to 50,576 in 1962, an increase of over 17%. Based on January - May averages, Braniff boardings this year will exceed 67,000 for an increase of approximately 14% over 1963.

"With the tremendous growth Austin is experiencing in all respects, particularly in airline revenue passengers, I feel the rents outlined above are fair and equitable.

"As pointed out above, Braniff has agreed to these landing fees. Their original proposal represented only a token increase of \$349.10 per month, and would establish Austin landing fees at a much lower level than other cities of comparable size and activity.

"Vance E. Murphy
Director of Aviation"

The City Manager said notice had been sent to the two lessees that the City wanted to renegotiate with them, and after working this out with them they were able to negotiate an increase which would provide over \$1,000 a month. Additional rental for the building and landing fees will amount to \$13,032 per year, beginning June 1, 1964. Councilman Long moved that the Council authorize the execution of the amendment to these two leases increasing landing fees and office rental charges. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION INCREASING THE NUMBER OF MEMBERS
OF THE URBAN RENEWAL AGENCY.

WHEREAS, Section 16(b) of the Urban Renewal Law of Texas provides that an Urban Renewal Agency shall consist of not less than five (5) nor more than nine (9) members to be determined by the governing body of the City at the time of appointment and that the number may not be increased or decreased more than once every two years; and,

WHEREAS, the City Council desires to increase the number of Commissioners of said Urban Renewal Agency; Now, Therefore,

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

SECTION 1. It is hereby determined that on and after July 23, 1964, the Urban Renewal Agency of the City of Austin shall consist of seven (7) members.

SECTION 2. The terms of office of the five (5) Commissioners of the Urban Renewal Agency now serving shall not be affected by this Resolution.

SECTION 3. The terms of office of the two (2) Commissioners of the Urban Renewal Agency who have not previously served shall each be two (2) years.

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

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

MAYOR PALMER announced, as his appointments that MR. ROBERT WORMLEY and MRS. CHARLES VILLASENOR be the two that will be added to this Commission subject to confirmation by the Council. Councilman Shanks moved that the Council confirm the appointments of MR. ROBERT WORMLEY and MRS. CHARLES VILLASENOR to the Urban Renewal Agency. 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 Council had under consideration a building permit for the construction of an apartment house to be located at 1708 Sabine Street in the hospital area. The City Manager stated this was in the general area which the consultants had advised should be reserved for future use for the development of the Medical Center. This is south of the present Little Campus and at the extreme far end of the area from the present hospital. He said the City was not in a position at this time to proceed with the acquisition, and that the permit should be issued. Councilman Shanks stated this pointed up the need that the Council should give consideration to the selection of an Architect in order to find out what is going to be done. Councilman LaRue agreed. The City Manager stated they would be very much concerned about anything south of 16th Street. The City Manager described the area under consideration for the hospital itself. The Council wanted to go by and look at this area. Later in the afternoon meeting the Council discussed this property again. The City Manager pointed out the group of blocks surrounding the hospital site, as the ones necessary to work with in the development of the hospital and to be acquired; and if those are purchased, there probably would be no additional funds. The Mayor stated perhaps at this moment, it would be best not to try to acquire the property at 1708 Sabine. The City Manager noted that the development in this block could very well serve the needs, as nurses' dormitories, interns' dormitories, medical students' dormitories, etc. Councilman LaRue moved that the request for a building permit at 1708 Sabine Street be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager read a letter from CRITTERS UNLIMITED, addressed to the Natural Science Association, which works with the Recreation Department in the operation of the Natural Science Center at Deep Eddy, outlining their proposal to produce animal acts by coin operated machines, and describing the exhibitions. The business proposal was they would install the first act about July 1, the number of acts to be determined by mutual agreement. They will remain at Barton Springs during the summer months on a trial basis. Income from the machines will be split on a 50-50 basis. The cashier at Barton Springs would open the coin boxes. Critters Unlimited would furnish the trained animals, exhibition booth and apparatus involved in each act. The City would be responsible for the feeding and watering of the animals, and putting them away at night; for routine maintenance of equipment; and buying the feed. Further proposals were read. The proposal stated eventually they would like to establish a large number of original animal acts in a way similar to Marine Land in Florida. The Director of Recreation had sent a memorandum that the Natural Science Association has proposed that it buy the food and feed the animals. The City Manager said the proposal really was that the Association be permitted to enter into the contract and it would receive the benefits to be used in connection with the activities at the Natural Science Center. He would recommend that the Natural Science Association be given permission to enter into this sort of contract and permit the facilities to be located at a place designated by the Director of Recreation. Councilman Long moved that the City Manager be authorized to allow the Natural Science Association to enter into a contract with these young men with all the necessary protection and liabilities provided. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

MR. STEWART stated he wanted to connect electricity to his building. He lives on Lake Travis, and would like to get a release so he could wire the building and get the electricity turned on. His building is a barbecue building and will be open to the public. The City Attorney and City Manager explained the Ordinance covering this, whereby the work would have to be done by a licensed electrician. The City Attorney stated the Ordinance could be amended repealing that provision. Councilman Long moved that the Ordinance be amended so that Mr. Stewart could do his own work at his particular place or building (Route 7, Box 492). The motion, seconded by Councilman White, lost by the following vote:

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

Councilman LaRue moved that the Council recess until 2:00 P.M. The motion, seconded by Councilman Long, carried by the following vote:

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

RECESSED MEETING

2:00 P.M.

At 2:00 P.M. the Council resumed its business.

MAYOR PALMER announced the public hearing on an ordinance to limit the number of chickens and fowls was open. The City Attorney read the present ordinance and then the proposed amendment. MR. WM.K. MILLER expressed concern over the portion of the ordinance pertaining to pigeons, stating his personal interest was in homing pigeons. Many persons, the Boy Scouts and 4-H Clubs had taken on the program of raising pigeons other than homing pigeons, but most of those present at the hearing are homing pigeon fanciers. He described the uniqueness of the homing pigeon. Mr. Miller filed a petition with about 340 signatures requesting that these pigeons be excepted from the ordinance regulating the keeping of livestock and poultry within the City. He explained some pigeons are never let out of their coops. The homing pigeons are released, but they come directly back to their loft. These pigeons are not like those at the depot or public squares. There are four clubs in Austin and many young boys interested in this pigeon hobby. Councilman Long suggested that the pigeon fanciers suggest how many pigeons and how they should be housed and what limitations should be placed on them in an ordinance. Mr. Miller said he had ordered ordinances from Dallas, Wichita, Kansas, and other cities, but had not received them as yet. Each ordinance excepts pigeons. Councilman Shanks inquired as to what complaints had been made about pigeons. MRS. EUGENE TYLER who lived next door to a lady who raises pigeons, stated they were a nuisance as far as odor was concerned, and that they are turned loose and light on her house top. This neighbor has raised as many as 100 at one time.

Interested in the show or the Mondain Pigeons were MR. RED MESSER, Georgetown, MR. GEORGE TAYLOR and MR. HARRY JOHNSON, speaking for himself and reading a letter from MR. WM. KNUDSEN, President of the Texas French Mondain Club, asking that the Council give due consideration to excluding Mondain or show pigeons from the ordinance.

MR. EMORY THOMPSON, SERGEANT TEX PHILLIPS, MRS. FRED HART, and LESLIE CALDWELL and SCOTT SAMUELSON, two young boys, were all interested in the homing pigeons pointing out the number of young people who raised these pigeons as a hobby; discussing the necessity of maintaining perfect cleanliness to keep the birds in peak condition and revealing the great interest in this program of training and racing these pigeons.

MR. FRANK GROHMANN, 715 West St. Elmo Road, raised bantams as a hobby, keeping them fenced in, and they did not bother his neighbors. At this time he had 75 baby chickens, and he would come out with about 50 at the end of the season. He did not want a limitation.

MR. JOHN E. WILLIAMS said he had just filed a complaint in Corporation Court against his neighbor whose chickens come over into his yard pestering him. The neighbor lives a block away. He suggested those who wanted to raise chickens should move to the farms. Councilman Shanks asked if the pigeons bothered him. Mr. Williams said they did, as they were all over his house. He said he used to raise pigeons, and they would go to other people's houses and collect their pigeons and bring them back.

MRS. HAZEL RIGGS was concerned over the limitation to be placed on the number of chickens, stating she had about 19 or 20 from which she depended for her egg supply. Her neighbors had no complaints and she kept the fenced area sanitary.

MR. ROBERT WESTBERG complained that his neighbor turned his 60 pigeons loose and they roost on his house top, leaving a bad condition. The way the neighbor cared for these pigeons was very unsanitary.

MRS. LULA HANLEY, 3204 South 2nd Street, reported her neighbor as having hundreds of chickens, which had destroyed her greenhouse, flowers, and ate her goldfish. When she complained to her neighbor, she said her chickens needed fresh fish. Mrs. Hanley complained about the odor from this chicken yard, stating the pens are not kept clean.

MAYOR PALMER inquired of Mr. Miller if the ordinance he was obtaining set a limit on the number of fowls, or did they pertain to sanitation and health standards. Mr. Miller said two of the ordinances had no limits. Discussion was held on a reasonable limit of pigeons. Mr. Thompson stated as far as sanitation was concerned, the limit would be meaningless. Several pigeon fanciers indicated a maximum number of 100 pigeons would be reasonable. Councilman Long stated 100 chickens would be too many; also she thought there should be a limit on the Mondain pigeons far under a hundred. She noted that people are disposing of the birds that do not come up to the standards, and they sell them for food, thereby placing those people in a commercial venture. MAYOR PALMER asked MR. HARGIS, Sanitary Engineer of the Health Department, about the enforcement problems. Mr. Hargis said it was difficult with regard to those who raise pigeons and do not take care of them. He was not speaking of the fanciers. Mr. Taylor stated the Mondain Club was vitally interested in producing the Mondain pigeons and in cleanliness, and said if there were a member of his group that was not taking proper care of the pigeons, the Club would like to have them reported to it, and the Club would send a committee out to talk to the fancier. Mr. Taylor asked that no limit be set on the number of Mondain pigeons, but that strict enforcement on cleanliness be maintained. Councilman Long suggested that Mr. Taylor might be called upon to help police this hobby, and perhaps he could have an education program for people who have these pigeons and do not care for them.

MR. ELMER RIDDEN stated the common pigeons under bridges and on buildings are a nuisance to the homing pigeon fanciers as they are to anyone, and that 70% of these common pigeons were diseased. MR. STOVAL filed a Pigeon Journal, in which there was an article that a bird rightly cared for would not carry a disease to human beings.

The Mayor stated Mrs. Long had just asked Mr. Miller to bring in copies of the ordinances from other cities for study, and he thanked the group for attending the hearing.

MRS. ENMANN, owner of 3401-3403 Hollywood, inquired about people on Werner Street who were raising bees. Where she lived on Ieland, a man had raised bees and sold honey for 20 years, and never paid a commercial tax. She inquired about people's building concrete walls to stop the natural flow of water. She stated her attorney was handling that for her, but she inquired if the City should not regulate what is built and charge for it as it does for additions to houses, etc. This wall caused water to be 15" deep on her lot during the last rain. The Mayor suggested that she was doing the proper thing by discussing this with her attorney.

The Mayor announced the AUSTIN TRANSIT COMPANY representatives were present to give the Council a report. Councilman Long reported there had been several routes the Company had cut back, beginning with Speedway, then the Holly Street-Main; Kinney Avenue, and some of the routes had been cut back in minutes which makes it so that the busses do not converge down town at the same time, where, at 11:00 o'clock, the people could leave one bus and get another on home. Those busses were not leaving at the same time now. She pointed out specific cases, one being the Red River Bus which gets down town too late to meet the other bus out. She said in November an increase was given to the Company, based on mileage and other expenses, and there was no mention at that particular time that these cut backs would be made. She believed the City should require the Company to continue on those same routes unless there is some real good reason for cutting them back. MR. FRANK DENIUS said Mr. Malone was experimenting on several routes; that service had to be installed in the Ford Village area requiring revisions to be made in some of the other routes. Rather than come to the Council and ask prior permission to change the schedules on a day to day basis, they first were doing some exploratory work on it. He referred to putting in the University Service, the hearing before the Council, and then having to take the Council's time two weeks later to request withdrawal of the service. He discussed their desires to extend their routes in accordance with traffic moods and with the Origin and Destination Survey which showed the movement of people. He discussed particularly the extension of service to the Ford Village area, listing the streets involved. Ford Village will have a bus every 30 minutes for 25 trips a day. No service had been cut, but the route pattern of the bus was revised to extend this service. Councilman Long stated the change of timing cut down on service. Mr. Malone stated no service during the day had been cut at all. In order to go to Ford Village, they needed 15 minutes, which necessitated rescheduling. The same bus service is given every 30 minutes; but in order to get the 15 extra minutes to go to Ford Village, the St. Edwards Bus was tied into the Airport Bus. Councilman Long stated the Kinney Avenue Bus was changed, stating it was scheduled 30 minutes later. Mr. Malone stated this bus was not changed one bit to his knowledge during the week. He stated there might have been a change on Sunday or holidays and he would check this out. Councilman Long reported the Travis Heights Bus has been speeded up so that the round trip is 25 minutes instead of 30. Mr. Malone stated no trips had been cut out. The Travis Heights and St. Edwards line had been combined at night, as they had been for

years. No trips have been cut out; the same number of trips are made, once an hour as has been done in the past. Both routes are being made with one bus. He did not know where the complaint of speeding it up came from. He explained during the week days, five minutes had been taken from the Airport line, South First and Lake Austin lines. They want to give the fastest service possible. Councilman Long said she was quite sure that this business of taking people that ride downtown in the evening and then they are left without having all the busses meet downtown to take them to their destination is not complying with what the Company used to do; it is not as good a service, and these people wanted the service. Mr. Malone said he did not know of any but one that did not make a trip in at 11:40 and that was the Lake Austin Bus, which does not have anyone riding it at that time. He said he had not had a single complaint. MR. DENIUS stated any change would bring about some temporary inconvenience to a few people who had become customized to a particular time and place. The Company believed the changes would result in an overall benefit to the most people. Mr. Denius stated the Company was continually studying the arrangement to take care of new schools, and people in new areas. Mr. Malone stated when changes are made they must be when they would inconvenience the least people. The change in the Speedway Bus from 6:30 P.M. until midnight affected four people from 31st and Speedway to 45th and Speedway. He discussed the additional service in Govalle. Councilman Shanks said Mr. Malone was experimenting trying to help the people; and if he makes any change, he would come before the Council to get permission. Mr. Malone, with regard to the timing, said there had been only one schedule during the day that had been changed and that was the Airport Bus, which left at 20 minutes after and 20 minutes until each hour; it now leaves on the hour and on the half hour, with the same number of trips. The Lake Austin Bus leaves five minutes later and comes in five minutes later. Councilman Long inquired about the revenues. Mr. Malone stated they were experiencing the three percent decline, which has been pretty consistent. The decline occurs on nights, Sundays, and during the middle of the day. The Mayor summarized the hearing, stating Mr. Malone pulled off five minutes from three different routes to get 15 minutes for the Ford Village service and that there are four people being inconvenienced on the Speedway line. He asked if Mr. Malone felt he was still giving as good a service prior to June 1st? Mr. Malone stated during the daytime from 5:30 A.M. until 7:00 P.M. he felt he was giving better service; they certainly had not cut out anything. Three routes had been speeded up which would help the bus riding public. As to the night service, some lines had been combined, but the schedule was still on an hourly basis. Councilman Long reported unsatisfactory service on the Red River Route affecting people going home from St. Davids. He asked if there were some specific instances where people at St. Davids were being missed he would certainly like to know so that he could work something out for them. Where they have called he had worked out something for them. Mr. Malone asked Councilman Long for specific information as to particular busses, and he would be glad to try to work it out. Mr. Malone explained plans for extending service into Manor Hills. Limitation on transfers was discussed, Mr. Malone stating they were good until the next schedule; and that no one was ever turned down on a first transfer stating they were unaware of change of schedule. Also the regulation of transferring at a given point had been changed, and riders may transfer anywhere on Congress Avenue, 6th Street, West Avenue and East Avenue.

Councilman Shanks stated the bus service had not been hurt and he thought the Company was doing a very good job. He asked Mr. Malone to contact Father Walsh at the Montopolis Catholic Church about bus service. Mr. Malone reported plans to extend the service around the Sims School area. He asked permission to continue the experiments to serve these people, and he certainly was not going

to do anything to hurt his passengers. Mr. Malone stated he had inaugurated a long ride on the bus for 35 cents, on Sundays, and he was studying the idea of lake tours under a Greyline Franchise. He is working on giving the people in Windsor Park better service. Councilman Long asked if the Bus Company representatives would come in and report back to the Council on these experiments. Mr. Denius stated they would come back in and ask permission to make the permanent changes. Mayor Palmer thanked them for giving this information.

MAYOR PALMER announced that MISS LYNDA BIRD JOHNSON was to christen the ship in the New York Naval Ship Yard, Brooklyn, June 27th at 11:00 A.M., and it will be known as "AUSTIN".

The Mayor read three letters pertaining to the pigeons--one from the Humane Society, one from the Boy Scouts of America, and one from an interested person, all urging the Council not to disturb the hobby of pigeons.

MAYOR PALMER noted that the Senate had passed permissive legislation regarding Policemen on Social Security, and said there will be a certain type of procedure to set it up as far as the City is concerned. The City Attorney stated he would submit a written report. He reported it would be necessary to have a referendum. The Council would ask the State Welfare Department to conduct the referendum. He had been informed it would be possible under the legislation for Firemen as well as Policemen to obtain Federal Social Security coverage for the reason that the State Legislation to which reference had been made prohibits Social Security for Firemen and Policemen in cities over 250,000; and the way the State and Federal Acts are construed it would be possible to hold a referendum for coverage in the Police Department and a separate one for coverage in the Fire Department or a joint referendum. Mayor Palmer stated the President of the Fire Fighters Association had asked that the elections be held separately. The City Attorney stated the State Agency preferred to have a separate referendum. The City Manager reported the Firemen are contributing $7\frac{1}{2}\%$ to their Firemen's Retirement System and the City is matching it. The police are contributing the same amount to the City Retirement System and there are matching funds; but a portion of what the Policemen pay into the City System was set up as a separate plan in lieu of Social Security. If the Policemen go into Social Security the additional percentage that the Policemen are paying will go to Social Security and not to the Retirement System. The City Manager explained this would be a referendum among the employees only; not a city wide one. The Mayor stated the Firemen had asked to be heard before the Council asked the State Welfare to conduct a referendum for them. The City could go ahead on the Policemen.

The City Attorney explained the situation when City employees voted for coverage under Social Security. If a majority voted for coverage, coverage became mandatory as to the covered departments, then and in the future. In the referendum which is conducted now if the man himself votes NOT to go into it, he is excluded and may not be thereafter covered. New employees are automatically covered. The City Manager reported on the Retirement System as it applies to the Police Department, the $7\frac{1}{2}\%$ contribution is mandatory. It would be his recommendation that a Policeman who does not want Social Security should be required to continue his contribution of $7\frac{1}{2}\%$ to the City Retirement System.

The City Manager pointed out another problem to be resolved. When Social Security becomes applicable to a particular group of people, they are not covered

until they have been members for a minimum time. They become partially covered but not fully covered until 10 quarters have elapsed. In the case of Policemen who have been depositing their money, some of their money and some of the money the City deposited to match that could be used to buy this retroactive coverage from the day they started. The City Attorney stated the election could be held 90 days after the law became effective, and the instructions that the State Agency needs will be available to the City as early as possible. He said the City Council would appoint three people for the purpose of holding an election under the supervision and direction of the State Agency. Mayor Palmer asked that the City Attorney get this in written form so that the Council would know just how to proceed.

Chief Miles discussed the payments the Police had made into the City Retirement System in lieu of Social Security payments, and the disposition of that fund. The City Manager stated that was something the Council controlled, and it would be his recommendation since it was set up to give the Police protection, that any man in the Police Department that failed to go into Social Security should be required to remain in the present system, in exactly the same set up as he is under now. The money is there as a retirement system in lieu of Social Security. Until they are protected by Social Security it would be unwise for any of them to withdraw it.

Mayor Palmer brought up the ordinance appropriating the funds necessary to fulfill the contract with the Chamber of Commerce which is to furnish certain services on Tourism. At the Mayor's request, the City Manager read the provisions of the contract as to what the Chamber of Commerce had agreed to do, which covered studying the resources of the Austin area and preparing a program of publicity and promotion to develop the tourist industry; advertising; producing brochures, maps, billboards, and arranging for distribution; operating tourist seminars; continuing promotion programs of Highland Lakes, Aqua Festival, informing travel promotion and organizations such as the State Highway Department, oil company tour guide services, travel agencies, etc., of Austin's attractions; assisting organizations in promoting events that attract business and focus attention on tourist and recreation opportunities; providing facilities and offices to execute a tourism development program; paying expenses incurred in connection with advertising; employing personnel to enable the Chamber to carry out its obligation in a workmanlike and professional manner; and furnishing a quarterly financial report to the City Manager. Councilman White wanted to be assured that this money, if not used in the Police Department, would be returned otherwise to the General Fund. It was stated it would be.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 630919-C,
TRANSFERRING FUNDS FROM ACCOUNT NO. 2101, PUBLIC
SAFETY, POLICE DEPARTMENT, TO ACCOUNT NO. 1901,
ADMINISTRATIVE AND FINANCE, GENERAL OVERHEAD; AND
DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long inquired if the Chamber of Commerce had informed any Council Member whether or not they proposed to have a referendum to determine if the people wanted to make this kind of expenditure legal. Councilman Shanks stated there was no question about its legality, as this was a legal contract. Councilman Long differed, stating there should be an election on this kind of expenditure. The Mayor inquired if this contract were any different from those in which the City participated in baseball, the Austin Symphony, Laguna Gloria, and other activities. The City Attorney stated it was not.

The City Manager said in view of the request of the Chamber of Commerce to reduce the amount from \$15,000 to \$9,000 because it was too late in the year to accomplish objectives with advertising this summer, the contract should be revised to provide the smaller sum of money, \$9,000 instead of the \$15,000. Councilman Shanks moved that the contract be amended as outlined by the City Manager. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Shanks moved that MR. FRANKLIN DENIUS be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. DENIUS made a report on the possible acquisition by CAPITAL CABLE COMPANY OF T. V. CABLE COMPANY. He reviewed the obtaining of franchises by both of these companies for installation of cable TV systems. CAPITAL CABLE COMPANY as of June 24th, subject to all agencies having regulatory authority over the systems, had made a tentative agreement with owner, stockholders, and people that have liens and claims against T.V. CABLE, to acquire the stock interest of T.V. CABLE, subject to a continuing financial interest on behalf of the stockholders to T.V. CABLE. He said there had been many stories concerning this matter. The people of Austin would get a better and speedier service in their cable systems with the combination of the two. The Council has complete jurisdiction over a community antenna system even more so than a system that has authority to operate from the Federal Communications Commission. There will be no change in the authority of the Council and no change in the contract relationship between Capital Cable

and the City of Austin. He wanted to advise the Council of some of the speculation, stating Mr. Johnson, now the President of the United States (not speaking of him personally, but because reference had always been to "L.B.J." and not the Trustees) has a right to acquire 50% of the capital stock of CAPITAL CABLE. It would be acquired at whatever the investment Capital Cable has. If it is \$10,000,000 the 50% option could be exercised and \$5,000,000 be paid. This option has not been exercised and he did not know if it ever would be exercised. If it is there would be no change as far as the regulation of the City Council is concerned. They would operate under the contract. He explained Capital Cable Company is presently owned by the Little Rock Associates, and Mr. Johnson's Company has the option to buy 50% as granted in 1957. The consideration, he was not at liberty to disclose, but it was substantially less than that reported in the newspaper. Mr. Denius discussed the position with reference to the micro-wave system and antenna system, stating it was Capital Cable's belief the signal being transmitted is better on the community antenna system, speaking of the quality of the signals as received by the customer. Mr. Denius answered various questions, and stated he would keep the Council continuously advised, and let it know about the future installation.

MAYOR PALMER recalled that the Council spent many, many hours on this at the time it was proposed, and he said the people of Austin were receiving this cable TV at one of the lowest monthly rates of any city that they knew of at the time and with no installation charges, nor any of the other things that people have to pay in other cities. The main concern was a good deal for the City of Austin, the Mayor stated he believed the citizens could avail themselves of this service at a very low cost with no installation charge or deposits. The Council would still retain control over the charges, and hopes those people who want the service will be able to get it as quickly as possible. He expressed appreciation to Mr. Denius for making this report to the Council. Councilman Shanks pointed out that he understood from the public standpoint the contract covering the 21 points was the most favorable instrument written in the public interest of any contract covering cable television in the United States. Mr. Denius stated he was told the National Association had said the City of Austin in promulgating the rules under which these systems would be operated, was more strict and took more of the public interest into consideration than any other city. Since then, this contract has been used by other cities. Councilman Long asked if there was any likelihood that since these companies merged that there was an indication that two companies operating could not make a profit and this merger may come in for a rate increase? Mr. Denius stated he did not believe either company contemplated any such request at this time.

Councilman Long inquired in these Water Districts the City had purchased, if there were persons that had property not within the Water District, how was the City going to serve them. The City Manager stated if they were not in the Water District, they would not be served just the same as if the City had not bought the district. The City Manager said he would still recommend that individuals be handled on the basis of letting them come in and pay the back taxes. He stated the Council determined certain people would be served; and in defining who would be served would be those who are within the district. Ever since 1951 the Council has had a policy that it would not serve residential property outside the city limits unless it was within a water district. Now there is the question of what to do about these particular cases. The Council took no action to provide that those people outside the district would be served. Councilman Long brought up MR. HAMILTON'S problem on the old Burnet Road. Mr. Hamilton was not in the water district but is being served with water. He has given his son three acres

on the new Highway 183, and the son wants to build and needs water. He wants to come through his father's tract a distance of .3 of a mile, but if the line goes around the lot, it would be several miles. The Director of Water Utilities showed the map of this property, and pointed out the two problems, one being the property was outside the district. The City Manager stated it would be his recommendation that the policy be extended beyond what had already been adopted, (that is to serve those in the district and make refund contracts to those who put in water systems) and cover other customers that were not in the water district whether they are in a "hole in the doughnut" were actually excluded only if they would pay in the equivalent of what they would have paid in taxes on their property had they been in the district, for the life of the district; and if they would give a letter to the effect they would register no objection at a later date to annexation of their property when the Council decides it is proper. The Director of Water Utilities stated taxes were somewhere in the neighborhood of \$50.00 an acre for the total life of the district. In this specific case, it was suggested that Mr. Hamilton give an easement, install his line in the easement, and pay the \$150 approximately in back taxes. Mayor Palmer stated if this man were willing to do these things, that he go ahead, and the Mayor asked that the City Manager bring this recommendation in written form, and the Council would adopt this. The Mayor stated this policy would help the other districts.

The City Manager had a note from the Corporation Court Judge stating he would like to have his vacation beginning August 24th. The City Manager stated if the Council had someone in mind to serve, that would be fine; if not, the City Attorney or the Judge would try to find someone to replace the Judge during that time. The Mayor stated they would communicate with the City Attorney.

The City Manager had another request from Steve Price to close ROXMOOR DRIVE from Coventry to Exeter on the 4th of July for a neighborhood party, 3:00 P.M. Councilman White moved that this permission be granted. 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 request of the Aqua Festival group, through the Down Town Austin, for permission to put up the festival type banners during the Aqua Festival from July 29th to August 17th on Congress Avenue from 1st to 11th Streets; and on two blocks east and west on 6th Street. Councilman Shanks moved that this permission be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The Assistant City Manager stated the Junior Chamber of Commerce is having their regular 4th of July celebration in Zilker Park. They would like to hold their fireworks display on Town Lake in front of the Auditorium, as they did last year. They are furnishing the fireworks, and ask that the City participate by adding on to its public liability insurance, an amount of public liability that would cost \$58.00 in LLOYDS OF LONDON, for \$50,000/\$100,000. For many years the City has paid this as its participation in the celebration. Councilman White moved that the Junior Chamber of Commerce be given this authority, and that the

insurance premiums be paid by the City. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman LaRue inquired if this coverage were sufficient. Councilman Long suggested authorizing the City Manager to investigate this. Councilman LaRue suggested asking the City Manager to take the responsibility of getting adequate coverage.

The City Manager reported the Building Inspector and Architect for the development at 2806 Rio Grande were working on a rearrangement of the off-street parking, but at this time no conclusions had been reached.

The City Manager reported that MR. BROOKS, Austin Community Livestock Processors at the Abattoir, at Mr. Eldred Perry's request, had written to the Federal Inspector for a statement as to what work had to be done at the Abattoir to keep it from being closed down. The answers on that had not been received as yet.

The City Attorney made a brief report on the property at 19th and Clifford, stating the improvement at this location was to be a concrete block building to occupy all of the lot as far back as the creek. The widening of 19th Street is in the Master Plan. The City Attorney stated the question was also if a commercial venture were to be allowed at this place, or if the property should be purchased since it is in the area that is going to have to be acquired if the street is widened. The building at this location would encourage other people who own residential property to want to build. The Mayor stated the Council wanted to know just how much off-street parking he is going to provide, and to be sure the City has whatever right of way is needed for Clifford Street. The Mayor stated the next step would be no parking on both sides by Winn School and the cemetery before the ultimate widening.

The Director of Public Works reported paving on Riverside Drive would start, stating the street would be blocked in areas where the contractor was working, but there would be adequate detour signs. The street will be opened to traffic at night. Pat Canon is the contractor.

The Mayor read a letter from the Taylor Chamber of Commerce inviting the Council and City Officials to enter the Taylor Rodeo Parade on August 20th at 4:30 P.M., and asked that the invitation be passed on to Clubs and Organizations who might want to enter a float in the parade.

The Mayor read a letter from the Rosewood District Staff of the Recreation Department inviting the Council to attend the annual MISS EAST AUSTIN BATHING BEAUTY REVIEW at Givens Park, 7:30 P.M. Friday, June 26th.

Mayor Palmer read a letter stating at the meeting of June 8th the Board of Trustees of the Austin Independent School District conveyed its appreciation

to the Council for closing 17th Street and rerouting the water service to the addition to be made to the Campbell Elementary School.

Councilman LaRue suggested it would be appropriate to write to the League of Municipalities expressing appreciation for their meeting in Austin. Councilman LaRue moved that a letter be sent to the League asking them about the Annual or State Meeting. The motion, seconded by Councilman Long, carried by the following vote:

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

The Assistant City Manager was asked to send this letter over the Mayor's signature.

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

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

The Council adjourned at about 7:30 P.M. subject to the call of the Mayor.

APPROVED

Levin E. Palmer
Mayor

ATTEST:

Oliver Massey
City Clerk