

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 28, 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 ALBERT MERUBIA, Ward Memorial Methodist Church.

Councilman LaRue moved that the Minutes of the Meeting of May 14, 1964, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 8.60 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. A. G. BROOKS SURVEY NUMBER 28, 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.
(Riverbend, Section 2)

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 PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 87.71 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES TRAMMEL SURVEY NUMBER 4 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Unplatted land)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing at 10:15 A.M., June 11, 1964. 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

The Mayor announced it was 10:30 A.M., and the public hearing on annexation ordinances covering WINDSOR PARK HILLS, SECTION 6; NORTHCAPE, SECTION 1; 4.9 ACRES, THOMAS ELDRIDGE SURVEY unplatted; NORTH LAMAR PARK, SECTION 3; and NORTHWEST HILLS, MESA OAKS, PHASE 1 would be opened. No one appeared.

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 (A) 20.18 ACRES OF LAND OUT OF THE JOHN APPLGATE SURVEY; (B) 9.19 ACRES OF LAND OUT OF THE S. Q. WHATLEY SURVEY; AND (C) 4.9 ACRES OF LAND, MORE OR LESS, OUT OF THE THOMAS ELDRIDGE 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. (Northcape, Section 1; Windsor Park Hills, Section 6; and unplatted land)

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 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 21.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAIT 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.
(North Lamar Park, Section 3)

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 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 38.49 ACRES OF LAND, SAME BEING OUT OF THE T. J. CHAMBERS GRANT AND THE GEORGE W. DAVIS 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. (Northwest Hills, Mesa Oaks, Phase 1)

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement, five (5.00) feet in width, was granted the City of Austin, for public utility purposes, in, upon and across a part of Lots 41 and 42, Block J, Highland Park West, a subdivision of portions of the Daniel J. Gilbert Survey, the C. J. Strother Survey and the Albert Sillsbe Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4 at Page 299 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of above described property has requested the City Council of the City of Austin to release the hereinafter described easement for public utility purposes; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

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

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

Two strips of land, each of the said two (2) strips of land being five (5.00) feet in width, the strip hereinafter described as Number 1 being out of and a part of Lot 41, Block J, Highland Park West, a subdivision of portions of the Daniel J. Gilbert Survey, the C. J. Strother Survey and the Albert Sillsbe Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4, at Page 299 of the Plat Records of Travis County, Texas, and the strip of land hereinafter described as Number 2 being out of and a part of Lot 42, Block J, said Highland Park West; each of the said two (2) strips of land five (5.00) feet in width being more particularly described as follows:

NUMBER 1 BEING all of the east 118.05 feet of the south five (5.00) feet of said Lot 41, Block J, Highland Park West;

NUMBER 2 BEING all of the east 118.05 feet of the north five (5.00) feet of said Lot 42, Block J, Highland Park West.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in

the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in SPRINGDALE ROAD, from Wally Avenue northerly 134 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said SPRINGDALE ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in GLOMAR AVENUE, from Springdale Road westerly to the west line of Flournoy Heights, Section 1, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said GLOMAR AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in BURNET ROAD, from a point 134 feet south of Greenlawn Parkway southerly 267 feet, the centerline of which gas main shall be 5.5 feet west of and parallel to the east property line of said BURNET ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in MOHLE DRIVE, from a point 160 feet west of Oakhurst Avenue westerly 77 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said MOHLE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water

must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

The City Manager submitted the following:

"TABULATION OF BIDS - Sale of Houses
Bids Opened May 26, 1964

5003 Cameron Road		1904 Lake Austin Boulevard	
Improvements Only		Improvements Only	
Containing Approximately 1,248 sq.ft.		Containing Approximately 1,062 sq.ft.	
M. J. Kouri	<u>\$1,027.87</u>	Southwest Wrecking, Inc.	<u>\$723.23</u>
Cashier's Check	\$60.00	Cashier's Check	\$75.00
Leonard Snyder	\$ 887.87	Leonard Snyder	\$587.87
P.M.O.	\$80.00	P.M.O.	\$80.00
Southwest Wrecking, Inc.	\$ 737.37	M. E. Graves	\$226.00
Cashier's Check	\$75.00	Cashier's Check	\$40.10
M. E. Graves	\$ 576.00	Ralpe Hudson	\$114.50
Cashier's Check	\$40.10	P.M.O.	\$ 5.75
Ralpe Hudson	\$ 51.00		
P.M.O.	\$ 2.55		

"Amount underlined represents high bidder.

2864 Guadalupe Street
Improvements Only
Containing Approximately 954 sq.ft.

No Bids

Councilman Long moved that the Council authorize the sale of the following houses:

5003 Cameron Road to M. J. KOURI in the amount of \$1,027.87

1904 Lake Austin Boulevard to SOUTHWEST WRECKING, INC. in the amount of \$723.23.

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

The Council had before it the recommendations from the Building Standards Commission on condemned structures, on which hearing had been held on May 12, 1964. The City Attorney stated this was a matter of routine before the Council wherever orders of the Building Standards Commission and Building Official had not been complied with. Councilman Long inquired if these had gone through all procedures of persuasion, notice, and final hearings, etc. The Building Official described the procedures, listing the contacts made with the owners, both orally and written and by registered letters and citations. Condition of each structure was described and discussed fully. Mayor Palmer inquired if in each case, the citation was served on a person who would have been in charge of the property, if it were an estate, and if all the proper persons had been served and notified, so that each would know about this. The City Attorney stated each had been notified by registered mail, and signed receipts were returned; and in some cases different ones had been contacted personally. Councilman Shanks inquired as to the legal procedure. The City Attorney stated this had not been litigated in Texas, but he saw no reason why this would not be sustained here as it had in other states assuming that the City would follow, as it carefully had attempted to do, every safeguard for the protection of the private property owner's interest that could be followed--notifying him specifically of the defect in the structure, why it had to be corrected, giving him adequate time to present reasons why it should not be, giving him an opportunity to be heard by the Building Standards Commission, and avoiding anything that could appear to be arbitrary or in the mere opinion of one individual and offering every protection that due process of law affords.

Recommendation of the Building Standards Commission:

Structure at 207 Dunlap	-	Demolition either by private contract with the City or through an agency of the City and the costs thus incurred charged against the property.
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Councilman LaRue moved that the Council sustain the recommendation of the Building Standards Commission. The motion, seconded by Councilman Long, carried by the following vote:

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

Recommendation of the Building Standards Commission:

Structure at 409 West Monroe	-	To be made to comply with the Minimum Housing Code either by repair or demolition within 90 days from May 12, 1964, or if the owner fails to do so that the Council refer the matter to the Legal Department for enforcement.
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Councilman Long moved that the Council sustain the recommendation of the Building Standards Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Recommendation of Building Standards Commission:

Structure at 1408 Canterbury - That the structure be repaired so it will comply with the Minimum Housing Code; and if the owner does not do so, within 90 days from May 12, 1964, that the Council refer the matter to the Legal Department for enforcement.

Councilman Long moved that the Council sustain the recommendation of the Building Standards Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Recommendation of Building Standards Commission:

Structure at 1209 Sabine - That the structure be demolished within 30 days from May 12, 1964; and if the owner fails to comply with the Minimum Housing Code, that the structure be demolished by private contract or through an agency of the City and the cost incurred charged against the property.

Councilman Long moved that the Council sustain the recommendation of the Building Standards Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Recommendation of Building Standards Commission:

Structure at 1217 Sabine - That the structure be demolished within 30 days from May 12, 1964; and if the owner fails to comply with the Minimum Housing Code, that the structure be demolished by private contract or through an agency of the City and the cost incurred charged against the property.

Councilman Long moved that the Council sustain the recommendation of the Building Standards Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Recommendation of Building Standards Commission:

Structure at 1700 Houston - That the owner be given 30 days from May 12, 1964, to comply with the Minimum Housing Code; and if he fails to do so that the Council refer the matter to the Legal Department for enforcement.

Councilman Long moved that the Council accept the recommendation of the Building Standards Commission, with the exception that the owner be given 90 days to comply instead of 30 days from May 12, 1964. The motion, seconded by Councilman LaRue, carried by the following vote:

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

No action was taken on the recommendation of the Building Standards Commission regarding the property at 1100 Jewell, as the owner had taken out a building permit to bring it up to standard, within 60 days of the date of permit.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A 2.44 ACRE TRACT OF LAND LOCALLY KNOWN AS REAR OF 1911-2015 RIVERSIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (2) THE NORTH 150 FEET OF LOT 1, MORNINGDALE ADDITION, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (3) A 3.19 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7012-7044 U. S. HIGHWAY 290, FROM "GR" GENERAL RETAIL DISTRICT TO "C" 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 Shanks, carried by the following vote:

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

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, Shanks, White, Mayor Palmer
Noes: Councilman Long

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 1.35 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3008-3014 SOUTH 1ST STREET AND 600-610 OAK CREST AVENUE, FROM "A" RESIDENCE DISTRICT TO "IR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman 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, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman Long

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) (A) TRACT 1: LOTS 17 AND 18, BLOCK 1, R. NILES GRAHAM ADDITION, AND TRACT 2: LOTS 14 AND 15, BLOCK 1, R. NILES GRAHAM ADDITION; AND (B) LOT 16, BLOCK 1, R. NILES GRAHAM ADDITION, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (2) LOTS 1 AND 2, BLOCK 3, OUTLOT 5, DIVISION Z OF THE CITY OF AUSTIN, SILLIMAN ADDITION, FROM "C"

COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) LOT 33, SIMMS ADDITION, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (4) (A) TRACT 1: A TRACT OF LAND LOCALLY KNOWN AS 2101-2103 REDWOOD AVENUE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND (B) TRACT 2: A TRACT OF LAND, LOCALLY KNOWN AS REAR OF 2101-2103 REDWOOD AVENUE, FROM "A" RESIDENCE DISTRICT TO "C-2" COMMERCIAL DISTRICT; (5) A TRACT OF LAND LOCALLY KNOWN AS 1426-1502 BEN WHITE BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) (A) LOT 7 AND THE SOUTH TWO FEET OF LOT 8, BLOCK 3, OUTLOT 68, DIVISION D, AND (B) LOTS 1-4, 6, 9 AND 10, AND THE NORTH 48 FEET OF LOT 8, BLOCK 3, OUTLOT 68, DIVISION D, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND (7) A 1.42 ACRE TRACT OF LAND, LOCALLY KNOWN AS 912-1012 PEYTON GIN ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue 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 LaRue 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 LaRue 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 ON A TRACT OF LAND LOCALLY KNOWN AS 5222-5332 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN,

TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING
THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman 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.

Action was deferred on the following zoning applications until the applicants could be contacted:

JOE GILBRETH	117 Lightsey Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "LR" Local Retail
ROBERT H. BOWMAN	2201-2203 Hancock Drive 5006-5012 Lynnwood Street	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "GR" General Retail

The City Manager submitted the following:

"May 25, 1964

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, May 22, 1964, at the Office

of the Director of the Water and Sewer Department for the installation of 12-INCH AND 8-INCH CAST IRON WATER MAINS IN STECK AVENUE AND GREAT NORTHERN BOULEVARD. The purpose of this installation is to increase the reliability of water service to Northtown and Northtown West Subdivisions. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter Schmidt	\$14,570.00	15
Bill Tabor Construction Company	16,692.00	27
Austin Engineering Company	16,735.00	30
R-B Construction Company	16,896.50	30
Bland Construction Company	17,455.50	20
J. C. Evans Construction Company	26,539.00	--
City of Austin (Estimate)	16,873.50	--

"It is recommended that the contract be awarded to Walter Schmidt, on his low bid of \$14,570.00, with 15 working days.

"Yours truly,
s/ W. K. Hunkler Jr.
W. K. Hunkler, Jr., Acting Superintendent
Water Distribution
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr., Director
Water and Sewer Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 22, 1964, for the installation of 12-inch and 8-inch cast iron water mains in Steck Avenue and Great Northern Boulevard; and,

WHEREAS, the bid of Walter Schmidt, in the sum of \$14,570.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Walter Schmidt, in the sum of \$14,570.00, 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 Walter Schmidt.

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

The City Manager submitted the following:

"May 25, 1964

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, May 22, 1964, at the Office of the Director of the Water and Sewer Department for the installation of a 6-INCH CAST IRON WATER MAIN IN MONTOPOLIS DRIVE. The purpose of this installation is to increase reliability and stability of water service in the Pilot Knob Area. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter Schmidt	\$6,549.00	15
Bill Tabor Construction Company	6,942.00	13
Austin Engineering Company	7,389.20	--
R-B Construction Company	7,650.00	15
Bland Construction Company	8,114.40	10
Ford-Wehmeyer, Incorporated	8,396.40	8
J. C. Evans Construction Company	14,577.50	--
City of Austin (Estimate)	8,272.00	--

"It is recommended that the contract be awarded to Walter Schmidt, on his low bid of \$6,549.00, with 15 working days.

"Yours truly,
s/ W. K. Hunkler, Jr.
W. K. Hunkler, Jr., Acting Superintendent
Water Distribution
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr., Director
Water and Sewer Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 22, 1964, for the installation of a 6-inch cast iron water main in Montopolis Drive; and,

WHEREAS, the bid of Walter Schmidt, in the sum of \$6,549.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Walter Schmidt, in the sum of \$6,549.00, 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 Walter Schmidt.

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

The City Manager submitted the following:

"May 25, 1964

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, May 22, 1964, at the Office of the Director of the Water and Sewer Department for the installation of 8-INCH AND 4-INCH CAST IRON WATER MAINS IN CRESTWAY DRIVE. The purpose of this installation is to provide sufficient pressure for adequate service to high property on the west side of Crestway Drive. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Bland Construction Company	\$10,601.50	15
Austin Engineering Company	10,913.00	30
Walter Schmidt	11,583.75	25
City of Austin (Estimate)	10,100.00	--

"It is recommended that the contract be awarded to the Bland Construction Company, on their low bid of \$10,601.50, with 15 working days.

"Yours truly,
s/ W. K. Hunkler, Jr.
W. K. Hunkler, Jr., Acting Superintendent
Water Distribution
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr., Director
Water and Sewer Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 22, 1964, for the installation of 8-inch and 4-inch cast iron water mains in Crestway Drive; and,

WHEREAS, the bid of Bland Construction Company, in the sum of \$10,601.50,

was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Bland Construction Company, in the sum of \$10,601.50, 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 of Austin, with Bland Construction Company.

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

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

Noes: None

The Council had before it an ordinance regulating swimming, bathing or wading downstream from Tom Miller Dam. The City Attorney stated the way this ordinance was written, the regulations cover the area from the Tom Miller Dam to the city limits, which is 250' downstream from the old Montopolis Bridge. Councilman Long stated she was not going to vote for this at all, as she had given it some thought and she believed warning signs could be placed and they would be sufficient. Some people feel they are prevented from even looking at it. Discussion was held on defining this line of regulation in some specific manner. The City Attorney reported his statement to the people was that the Council was interested in taking some emergency action now but was not interested in foreclosing further consideration of amending, modifying and making it more workable; but that the Council felt it was an emergency, for the protection of the public. The City Manager suggested definition of the eastern boundary as the eastern Highway Department Bridge at Montopolis as there should be something physical to define the area. Several drownings have occurred between the Montopolis Bridge and the Dam. Councilman White stated it seems the new dam would be sufficient, as they would be down there fishing, swimming and wading all around. Councilman LaRue suggested going on down to the Montopolis Bridge, as the whole purpose is to persuade people not to get into this dangerous body of water. Councilman Shanks and Mayor Palmer also preferred listing the Montopolis Bridge as the boundary. The Mayor stated in light of this, the discussion would cover the area from Tom Miller Dam to the eastern edge of the Montopolis Bridge. The City Attorney stated there would be no doubt that there would be other types of regulations where the maximum full enjoyment of the lake without unduly restricting anyone would be allowed. Councilman Long stated she was concerned with the danger of the river, and that she brought it up in the first place and asked that signs be erected or put up and asked the City Manager's Department to look into it, and there was a meeting of the City Manager's Department, the Director of Public Works, the Fire Department, and Police Department, and they discussed this and came up with the suggestion more or less in line with her suggestion that certain types of signs be erected or constructed and put up at every 300'. She said the Council felt from discussions from the City Attorney that swimming should be eliminated altogether. She said the lake was there, and its purposes are already limited to sail boating; and she believed with proper precautions with signs, that it could be safe enough for people who wish to jump in and cool off at their own risk, and she wanted to try that before swimming was prohibited altogether.

Councilman LaRue stated he called the Assistant City Manager as soon as the last incident occurred and asked him to investigate the possibilities of what could be done. This seems to be the most immediate action the Council could take. He said the signs would probably follow this action, designating a special area to be used for swimming, if there is such an area. He stated this ordinance was the first step, and he thought it should be taken. Councilman Shanks stated if a club wanted to provide a supervised area, he would be willing for that to be done. The City Attorney stated this would not prohibit that from being done.

Councilman LaRue moved that MRS. JEAN LEE be heard. Councilman Long seconded the motion. Roll call showed a unanimous vote.

MRS. JEAN LEE stated when Town Lake was first built, it was supposed to be an asset to the City, and it is an asset, but she thought it should be used, and expressed regrets over the prohibitions that are being placed on the lake more and more, even though she did realize there should be safety regulations. The ordinance seems to be negative in character; that first there might be established the safe areas, and then prohibit activity in those unsafe areas. She asked that something be done only of a temporary nature--say in a 30 day period maybe, of prohibiting swimming, while this could be studied a little more. Councilman LaRue stated that point was well taken; but any moment delayed is a chance that someone else may drown. Any publicity that can be given that the water is dangerous and that people should stay out of it until something could be done, is incumbent upon the Council. Councilman Shanks pointed out the character of the lake was changing daily due to excavations; and until there is some stability that there should be a prohibition of swimming there.

Councilman LaRue moved that MR. CHARLES TRENCKMAN be heard. Councilman Long seconded the motion. Roll call showed a unanimous vote.

MR. CHARLES TRENCKMAN stated the Council was trying to protect the public against certain dangers, particularly those people who are unskilled and uninformed; and at the same time it does not wish to deprive the use of a very valuable facility to those who are skilled and informed enough to use it properly. Councilman Shanks brought up a discussion of determining the competent swimmers; and suggestions were made by Mr. Trenckman. He understood the worthy purpose of the Council to provide immediate protection at this time to those, because of lack of knowledge of how to swim, lack of knowledge of the most elementary life saving techniques or water safety procedures, or through ignorance or carelessness or even foolhardiness would go into the lake and get drowned. The Council should look to an enactment of any ordinance which would restrict the use of the lake insofar as people who are not qualified to use it. People who are not competent swimmers should not be permitted in the lake. He suggested that the ultimate solution would be to enact an ordinance that would prohibit the use of the lake for those persons who are likely to befall an accident; but at the same time not to prohibit and preclude those who could use it properly and safely. He submitted statistics he had requested from the Police Department, summarizing the drownings that have occurred in Town Lake since 1952. He said almost in every case, the lake was being used by some person who was uninformed or unskilled in the use and enjoyment of the water, and perhaps only one incident was a competent swimmer who was swimming alone. Several drownings prior to 1960 were attributed to release of water from Tom Miller Dam. There have been no drownings from the release of water from the Dam since the construction of the

low water dam. Out of the 30 drownings, 11 of the victims were believed to have been drunk, and three believed to have been drinking. Those people were not competent or capable of using or enjoying the lake at the time of their accident. Mayor Palmer brought out that even by checking and determining qualified swimmers, that would not prevent the qualified swimmers from getting into difficulties under those conditions. Mr. Trenckman, speaking of a projected ordinance that would set up a code of proper safety regulations, stated swimming while intoxicated or swimming alone would be a violation, and there would be no responsibility to the City. He said this was not a problem of the lake; and the fact these drunks get into trouble is no reason to preclude a competent swimmer from swimming in the lake. A number of drownings was very young children under no supervision at all or inadequate supervision. Five or six of the fatalities occurred resulting from persons' falling in--a senile person, a three year old child who had wandered from home, one who could not swim when his boat capsized, and another believed to have had heart trouble. Essentially all of the accidents that have occurred are on the part of those who are not skilled swimmers. The ordinance as presently written would preclude a fisherman in a standard flotation gear, preclude swimming from a boat, and generally is too broad. He asked that if the ordinance is enacted, that subsequently an ordinance be passed that would not deprive those wishing to enjoy the lake with proper training from its benefits. Councilman Long noted also those people who wade in boots and fish, would be denied the water, and where they go is about the best fishing place. Councilman Shanks and Councilman LaRue asked that the ordinance be passed as an emergency, and then have the City Attorney after a study bring in amendments. Councilman Long suggested that this little floating boat be included in the amendment. Councilman Shanks suggested that a very comprehensive study be made. The idea is not to keep people from using the lake, but to save them so they can use it.

Mayor Palmer introduced the following ordinance:

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

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

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

Councilman White made the following statement concerning his vote:

"I think this is a very important ordinance if it is written out right. I do not hardly agree with all of it. I would go along down to Longhorn Dam, but I would have to say 'no' on the balance of it."

Councilman Long made the following statement:

"When this is amended and people are allowed to use it

under regulations and when it is made safe, then
I will reconsider and probably vote for something;
but what we are voting on today, I am not for that."

Councilman LaRue asked that the press and news media give good coverage on this.

CHIEF BOB MILES introduced a group of young men from Explorer Post 406, who are extremely interested in a traffic safety, safe driving and skilled driving project, and stated the Police Department is behind their project 100%. MR. GLENN RILEY explained their project in which about 40 boys in the Post participate, in that they are going to the various high schools and conducting safety driving contests picking the best driver from each school, who in turn will compete in an overall contest. The winner from that contest will be awarded a prize from Governor Connally, who backs this project. Their project includes taking note of drivers violating traffic ordinances, listing their license number, and dropping them a card telling them of their violation and asking for their cooperation in making Austin a city of safe drivers. The Chief of Police stated this group was encouraging traffic safety among the young people in Austin, and are corresponding with other cities encouraging them to do the same thing. Councilman Long moved that the Council commend the Explorer Post 406, and endorse its safe driving program, congratulate the group and wish it all the success in the world in their contests as well as their educating the people of Austin. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer thanked Mr. Riley and the group stating this was a fine undertaking. Mr. Riley inquired if there were someone, representing the City Council that would like to work with the Explorers, as they intended to enlarge upon their project. Councilman Long stated she would be happy to talk with them and advise them on what was feasible and practical and present it to the Council and get their acquiescence.

The Council had before it resolutions establishing two hour parking meters on the East and West sides of Lavaca in the 1400-1800 blocks and two hour parking meters in the 2000 block of the West side of Speedway. Councilman White had some calls on the Lavaca parking and asked that this be deferred until he could check up on it. He said he had never failed to find a parking place in that neighborhood and asked who had requested this. The City Manager stated 36 property owners or proprietors of the stores petitioned this. Councilman White had no objections to the Speedway parking. Councilman Long inquired if there was a petition regarding the Speedway parking. It was stated six property owners on Speedway signed the petition. Councilman Long wanted to go look at these two locations. Later in the afternoon meeting, Councilman Long stated she did not want to vote on Speedway; but on Lavaca she saw no problems. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions at the location and street below designated are such that an urgent need for enforcement of strict limits upon the time of

parking of vehicles at this location upon this street makes it advisable to use mechanical devices in such enforcement, and has found that such location should be placed in the following Parking Meter Zone:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
120	Speedway	From 20th Street to 21st Street	West

Now, Therefore,

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

That the location upon the street of the City of Austin as above described be and the same is hereby placed in Parking Meter Zone 120, and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 33.43 of the Traffic Register.

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

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: Councilman Long

Absent: Councilman White

Councilman Long made the following statement concerning her vote:

"I am not for it and those students have few enough places to park out there now, and the few businesses that will be affected are those with walk-in trade anyway, and it is just taking more parking spaces from the students."

Councilman LaRue moved that MR. CHARLES SANDAHL be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. CHARLES SANDAHL stated he had discussed with 50 or 60 vendors who worked closely with the Police Department, and they agree the Department is underpaid, their morale is low, and that they are entitled to a salary increase. He had read in the newspaper that \$15,000 is to be given in behalf of the Chamber of Commerce; and everyone he had talked to without exception was opposed to this transfer of money, as they do not believe it should be taken from the Police Department and put in Tourism. If \$50.00 does the job across the Board; or if it takes more they were in favor of more. He stated they were aware of the fact when the Policemen are given an increase, the Firemen and the other city employees would want more money; but if the City is short 40 Policemen it should have 40 more. As to tourism, Mr. Sandahl said he would start that fund off with \$200, and there would be only 75 more men to finish it out. He stated the people he had talked with are not in favor of a percentage increase, because they think the problem is in the pay of the first year patrolmen. The old seasoned officers definitely are not getting enough money, but the City was not going to lose them. Councilman Shanks inquired if he had read that article about the \$15,000 real well. The City Manager explained at the present time there is a situation involving locating funds that are not budgeted for this fiscal year, and it has nothing to do with future years. There is a situation now in the Police Department where there has not been expended all of the payroll account by about \$120,000. If the men are raised a straight \$50.00 a month each, it would cost about \$48,000 for the remaining four months of the fiscal year. If additional

40 men are added it would cost \$68,000 for the remaining year. The two together would run about \$112,000, and 40 men could not be employed by the first of June. Funds could be diverted without hurting the Police Department in any way. If it is not done that way, the monies that are left unexpended by the end of the fiscal year, revert to the General Fund anyway. Mr. Sandahl said he had no objections to that. The Mayor asked Mr. Sandahl if this increase involved a tax increase, would he still be for it. Mr. Sandahl said he never objected to his taxes. He stated services in Austin were cheap. The Mayor asked what the overall reaction of the group would be. Mr. Sandahl said they would be in favor of a tax increase; as they pay it anyway. So many windows were knocked out of one of his stores, he had to brick the whole thing up. Last week \$31,000 of postal money orders were stolen. This costs money. Mayor Palmer stated it was necessary to have the benefit of information which they are presently accumulating, and study this with the City Manager. Every member on the Council has tried to see that City employees' salaries are in line with other comparable cities; and many times when comparisons are drawn with Texas cities, it would be well to get the information on how Austin compares with other Capital Cities that have the same unique problem Austin has where 52% of property evaluations are exempt. Mr. Sandahl suggested at least an across the board increase of \$50.00; that percentages did not work. Councilman Shanks stated he wanted it explained that the Council was not taking \$15,000 out of the Police Department and depriving the Police. Mr. Sandahl stated he understood, and would withdraw his \$200 donation to tourism. The Mayor thanked Mr. Sandahl, stating the Police Department was the finest anywhere.

Councilman Long submitted the problem of REV. THURMAN McCASLAND, Pastor of the Shoal Crest Baptist Church, stating they had sold their property and are building now 300' outside of the city limits, and have been trying to arrange for water. The line that will go in sooner or later down to the school will go in front of their Church. They are told they would have to pay \$3.00 a foot for extending the line. The City Manager stated this was the 100' rule. The Director of Water Utilities said he had been trying to work something out for this situation, but he did not know how it could be done; even if they were annexed, they would have the first 100', but they would have to pay for 200'. The City Manager stated it would be to their advantage to be annexed due to their paying higher insurance rates and higher water rates outside the city limits. The Director of Water Utilities stated if the property were annexed the first 100' extension would not cost them anything, but they would have 200' to go, and that would be \$600, and he believed they could settle on that basis. Councilman Long stated she would talk with them.

Councilman Long submitted the request of MR. JIMMIE CLINE, 404 Hammack Drive, for some kind of traffic control at Denson Drive and Guadalupe. There have been 40 accidents there, two within the last two weeks, according to Mr. Cline. She asked that the Traffic Department make a new study of this and see if something could be done. Councilman Long moved that the City Manager have this studied. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Council recessed for lunch, to go into Executive Session immediately upon return.

RECESSED MEETING

6:15 P.M.

The Council resumed its business at 6:15 P.M.

Councilman White absent.

Mayor Palmer announced that the Council after four hours working in Executive Session had certainly realized the importance to the Community of this particular committee, and there have been differences of opinion among the members of the Council; and on some who were suggested perhaps the Council were not unanimous, but the Council feels that they have come up with a very, very strong Commission which the Council feels will continue the fine relationships and fine progress that has been made in the area of human relations. The Mayor stated the Council was happy to announce this Commission this afternoon which will consist of the following:

MR. CHARLES E. GREEN, Chairman
MR. JESSE KELLAM, Co-Chairman
DR. ED HEINSOHN
MR. VIRGIL L. LOTT
MR. CECIL CABINESS
MR. WALTER KOCH
MR. DAN CROWLEY

Councilman Shanks suggested that each one be voted on individually. The City Attorney stated the Council was not obligated to take a vote publicly if it did not wish to do so. Appointments can be made in Executive Session and the announcement could be made publicly. Councilman Long stated she saw no reason to vote for one at a time, as she did not intend to vote for this slate of people for the Human Relations Commission, and she read the following statement:

"I am sorry the Council cannot agree on seven members of the Commission. I feel that a well balanced commission is necessary to accomplish what we have set out to do, and this one is not.

"Some of the members suggested by the majority of the Council are acceptable to me and were even suggested by me, and I think will make fine members; but it must be a committee of the whole before it can function and be successful. So I cannot vote for any of them. The Committee chosen by the Council majority only represents one point of view. I hope we will not see any more strife in Austin, but I fear we will. I hope and pray we won't. I think it is unnecessary to vote for these people one at a time."

Councilman LaRue stated it would be better to vote on these as an entire Committee. Councilman Shanks inquired if Councilman Long were going to vote against all of the members. Councilman Long stated she was not voting for the Committee as a whole as she had pointed out; that there are some good men on there, but it had to be a well balanced commission before it could be effective, and she could not vote for a Commission that was not well balanced, and that would do the job that was set out for it. She said she was sorry because there were some very good men on there, but four good men could not do the job without a well balanced Commission. Mayor Palmer asked if she were saying there were

only four good men on the Commission. Councilman Shanks asked for a separate vote. Councilman Long stated she had no intentions of voting against one or the other; that there are several of the men that are on there that are good in fact many of them are good, but it is not balanced. She said maybe they were all good, but it is necessary to have a Commission that is balanced or it will not work, and that she did not think this one will.

Councilman LaRue stated he would like to say that he had given this certainly as much thought as anyone else, and all of the Council had been struggling with this for weeks. He said his personal reaction was that there be someone to represent perhaps one group and another group, this section and that section, and this political alignment etcetera; but finally after weeks it had occurred to him that this committee would have a specific and special job to perform; and if it were going to do that, it must be the type of individual who could get that job done. He said the Council was looking toward the progress of good relationship in the Austin area, and this Committee has that type of job to perform; and for that reason he thought this was the best Committee that could be selected for that job.

Councilman LaRue moved that this group which the Mayor had just announced be appointed under the Ordinance as the Human Relations Committee. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman Long made the following statement:

"No, and I hope Austin does not come in for a lot of strife and bitterness that will wreck our City. I just hope that it does not, but I fear for it. I fear greatly, because I think you missed the boat."

Councilman Shanks stated with the caliber of people that is on this Commission that everybody is certainly going to get behind this Commission, whether or not they believe in it, and give them a good fair chance to see how well they can operate.

Councilman Long moved that MR. BOB BRIGHT be appointed to fill the vacancy on the Building Code Study Committee, in the Real Estate and Insurance Designation, created by resignation of Mr. Forest Pearson. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced the Council would like to postpone the announcement of appointments to the Building Code Board of Appeals, and the seventh member of the Building Standards Commission until next week.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Title VII of the Housing Act of 1961 provides for the making of grants by the Housing and Home Finance Administration to States and Cities to assist them in the acquisition of permanent interests in land for open space purposes where such acquisition is deemed essential to the proper long-range development and welfare of urban areas in accordance with plans for the allocation of land to such purposes; and,

WHEREAS, the City of Austin desires to acquire the fee simple title to the land described in the attached field notes, which land, in accordance with the Master Plan duly adopted on June 8, 1961 by the City Council of the City of Austin lies in an area designated thereby for permanent open space land for park, playground and recreational uses; and,

WHEREAS, it is estimated that the total consideration to be paid for the acquisition of the above described land will be \$250,000; Now, Therefore,

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

1. That an application be made to the Housing and Home Finance Agency for a grant in an amount authorized by Title VII of the Housing Act of 1961, which amount is presently estimated to be \$50,000, and that the City of Austin will pay the balance of the consideration for the acquisition of the above described land and the total of all related costs from other funds available to it.

2. That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized and directed to execute and file such application with the Housing and Home Finance Agency, to provide additional information and to furnish such documents as may be required by the Agency, to execute such contracts as are required by said Agency, and to act as the authorized correspondent of the City of Austin.

3. That the proposed acquisition is in accordance with the City of Austin Master Plan duly adopted by Resolution passed June 8, 1961 by the City Council of the City of Austin, which plan provides for the preservation of permanent open space land, and that, should said grant be made, the City of Austin will retain said land for the uses designated in said application and approved by the Housing and Home Finance Agency and will not alter said use nor substitute other land for the above described lands without prior approval from the Housing and Home Finance Agency.

(Attached Fieldnotes)

"FIELD NOTES IN CONNECTION WITH
OPEN SPACE LAND ACQUISITION PROGRAM

BEGINNING at a point on a line which extends from the Southwest corner of the Richard S. Gracy 20 acre tract conveyed by deed of record in Volume 455, page 543 of the Deed Records of Travis County, Texas; said line connecting the said southwest corner of the Richard S. Gracy 20 acre tract with the southwest corner of the Richard S. Gracy, Jr. 120 acre tract conveyed by deed of record in Volume 1911, page 534 of the Deed Records of Travis County, Texas and which point of

BEGINNING on said line is the point of intersection between said line and a line 130 feet North of and parallel to the L.C.R.A. No. 669 KV transmission line to the Marshall Ford Dam (Mansfield Dam);

THENCE, in a Northwesterly direction along said line to the Southwest corner of the Richard S. Gracy, Jr. 120 acre tract conveyed by deed of record in Volume 1911, page 534 of the Deed Records of Travis County, Texas;

THENCE, with the West line of the Richard S. Gracy, Jr. 120 acre tract in a Northerly direction to the centerline of Walnut Creek;

THENCE, in a Northeasterly direction with the meanders of the centerline of Walnut Creek to the Southwest corner of the Ruth and Carry Cearley 16.7 acre tract;

THENCE, in a Northeasterly direction with the West line of the Ruth and Carry Cearley 16.7 acre tract to the Northwest corner of the said Ruth and Carry Cearley 16.7 acre tract;

THENCE, with the North line of the Ruth and Carry Cearley 16.7 acre tract in a Southeasterly direction to the Northeast corner of the Ruth and Carry Cearley 16.7 acre tract for a corner of this tract;

THENCE, in a Southwesterly direction with the East line of the Ruth and Carry Cearley 16.7 acre tract and the West line of the Edwin Cearley 16.7 acre tract to the Southwest corner of the Edwin Cearley 16.7 acre tract for a corner of this tract;

THENCE, in a Southeasterly direction with the South line of the Edwin Cearley 16.7 acre tract to the Southwest corner of the Edwin Cearley 16.7 acre tract for a corner of this tract;

THENCE, in a Northerly direction with the East line of the Edwin Cearley 16.7 acre tract and the West line of the Charles Cearley 16.7 acre tract to the Northwest corner of the Charles Cearley 16.7 acre tract and the Northeast corner of the Edwin Cearley 16.7 acre tract for a corner of this tract;

THENCE, in a Southeasterly direction with the North line of the Charles Cearley 16.7 acre tract and the Fred Cearley 16.7 acre tract to the Northeast corner of the Fred Cearley 16.7 acre tract for a corner of this tract;

THENCE, in a Southwesterly direction with the East line of the Fred Cearley 16.7 acre tract and the West line of the A. W. Cox 60.23 acre tract to the Northwest corner of the E. A. Cearley 12 acre tract for a corner of this tract;

THENCE, in a Southeasterly direction with the North line of the E. A. Cearley 12 acre tract to the Northeast corner of the E. A. Cearley 12 acre tract for a corner of this tract;

THENCE, in a Southwesterly direction with the East line of the E. A. Cearley 12 acre tract to the Northwest corner of the Will Trenckmann 20 acre tract for a corner of this tract;

THENCE, in a Southeasterly direction with the North line of the Will Trenckmann 20 acre tract to the Northeast corner of the Will Trenckmann 20 acre tract which is on the West line of U. S. Highway 81 for a corner of this tract;

THENCE, with the West line of U. S. Highway 81 and the East line of the Will Trenckmann 20 acre tract and continuing on to the East line of the Armanda LaRue 45.7 acre tract in a Southerly direction across Walnut Creek for an additional distance of approximately 200 feet more or less for a corner of this tract on the West line of U. S. Highway 81 and the East line of the Walnut Creek Baptist Church tract;

THENCE, in a curving Westerly direction parallel to and 200 feet distant from the centerline of Walnut Creek to the intersection of such parallel line with the East line of the L. G. Whitehead 53.38 acre tract described in deed of record in Volume 1799, at page 395 of the Deed Records of Travis County, Texas;

THENCE, in a Westerly direction parallel to but 135 feet distant from the Easterly prolongation of the South line of the Richard S. Gracy, Jr. 120 acre tract to a point on the East line of the Richard S. Gracy, Jr. 120 acre tract for a corner of this tract;

THENCE, in a Southerly direction with the East line of the Richard S. Gracy, Jr. 120 acre tract 135 feet, more or less, to the Southeast corner of the Richard S. Gracy, Jr. 120 acre tract and thereafter continuing in a Southerly direction 750 feet, more or less, to a point in the East line of the Richard S. Gracy, Jr. 613 acre tract;

THENCE, in a Westerly direction 1490 feet, more or less, to the point of BEGINNING and containing in all 350 acres, more or less.

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Absent: Councilman White

Mayor Palmer called attention to the telegram from HONORABLE J. J. PICKLE, Member of Congress, advising that the Office of Civil Defense approved application for Austin-Travis County for communication equipment to be used by various Austin City Departments in carrying out assigned civil defense responsibility, and listing the Federal share as a grant of \$14,612. The City Manager stated the City had qualified for 50% participation on all radio communications equipment regardless of whether it is used in the Water Department, Inspection Department or anywhere. In an emergency they will all be called into service.

The City Manager reported that a number of years ago, the City had an agreement with the Federal Government providing for the lease for a fan marker site for the Federal Aviation Agency on a tract the City acquired from J. P. Moulden. The Government no longer needs the use of this site and they have a cancellation agreement that needs to be authorized. Councilman LaRue moved that the City Manager be authorized to sign the cancellation agreement. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Mayor Palmer

Noes: None

Absent: Councilman White

Not in Council Room when roll was called: Councilman Shanks

The City Manager announced a public hearing at the Highway Department on June 9th, 10:00 A.M. regarding reconstruction of Highway No. 71 to a four lane divided highway from Bergstrom Interchange to Onion Creek. The Mayor stated the Council should all try to be there.

The City Manager stated he had a report on the problem of Mr. Warren Beaman and Mr. Tom Perkins regarding the Botanical Gardens. The Mayor asked that this be placed on the Agenda next week, and that the terms of the lease be brought down. Councilman Long asked for full information regarding the lease, as questions had arisen since there had been changes from the original purpose of the lease and the financing was not the same. The City Attorney stated he would send a set of maps together with what was leased and what was being requested, and a summary of the contract to the Council Members.

The City Attorney reported on an offer from MR. SILBERSTEIN for the sale of several parcels of property to the City, stating several months ago the City Manager had section maps put together with estimated values on the various parcels that were going to be needed. The City Attorney reported on the values. He listed the five contiguous tracts:

Three lots on East Avenue, 110' fronting on the West frontal road extending back 138', 15,180 square feet with three houses.

One lot on Sabine Street, with 69' frontage on East 12th Street and 160' fronting on Sabine but there is an alley. There are 11,040 square feet with six houses.

Two parcels on Red River, with a total of 73' frontage on Red River Street and 138' deep; three houses.

On 13th Street, a 34 x 128' lot, 4416 square feet.

On 14th Street, a 47 x 127' lot, 6016 square feet.

The City Attorney stated this was the same property offered to the City on a square foot basis at \$5.00 a square foot, and later offered again part for \$3.75 and part for \$3.50 which the Council rejected. The City Attorney discussed the appraisals and the offering price. He stated these were Mr. Silberstein's net asking figures and would not include title insurance, preparation of deeds, etc, but he had told Mr. Silberstein those would have to be included. Discussion of the area needed for the Hospital was held. Councilman LaRue discussed the purchases in phases. The City Manager pointed out on a map the property needed for parking lots for the public and for the employees, and other properties needed. He recommended a plan for buying the lots and discussed the financing. After discussion, Councilman Shanks moved that the City Manager be instructed to have the City Attorney start negotiating for this property. (The Silberstein Properties). The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Attorney stated the Council looked at the Oltorf property and asked if an application for a zoning change should be made. He suggested that an offer not be accepted, but that an auction be held; but the auction should not be made until the property is properly zoned. Councilman Long suggested asking the Planning Commission to make a study of this. The Mayor stated this would be held until later.

The Mayor inquired about the amendment to the pool hall ordinance. The City Attorney stated the amendments recommended were not in final form as of today.

The City Attorney inquired about the wishes of the Council regarding the Cameron Road property, as to whether it should be repaired and rented or sold. The Mayor asked that this be considered next week.

The City Manager reported he had received from the Chamber of Commerce a contract pertaining to tourism, modeled after a contract which the City of San Antonio uses with the Chamber of Commerce there. He stated this would accomplish what was proposed to be accomplished by the proposal of the Chamber of Commerce, and the only thing remaining was the matter of funds available for the purpose. Councilman Long inquired if the City Attorney had briefed the matter to see if the City could give its funds away to the Chamber of Commerce, and inquired about the contract. In discussion, Councilman LaRue asked that this be brought up when all members of the Council were present, as this is a precedent setting step, and it is necessary to have a full Council. Councilman Long stated the only action that would be taken would be passing an ordinance appropriating the money, but she thought the Council should have an opinion from the City Attorney whether or not he thinks it is legal. The City Manager stated it would be a question of whether any contract were valid, made for a purpose which is not for a municipal purpose; and what is a municipal purpose may vary completely. The only question as he saw it was whether this contract or any other contract which would accomplish any of these purposes would be legal in Austin, Texas. The Council instructed him to sign a contract. Councilman Shanks stated he would like to have this not later than next Thursday, because winter would be drawing near, and it will be too late for this summer's tourists. Councilman Long inquired if the Chamber of Commerce had mentioned anything about holding an election to get approval of the people. The Mayor stated it would be well to get the City Attorney's recommendation; but at the time it came up it was discussed whether or not this would be for municipal purposes, and it was thought that was determined. Councilman Shanks stated when he voted, he thought it was determined this was municipal activity. The City Manager discussed the funds, stating they were talking about a serious matter particularly where the money comes from as long as it is there. There are funds that are not expended; and if they are not expended before the fiscal year they have to be returned to the General Fund and reappropriated. He stated the funds he suggested to be transferred from the Police Funds would not be spent within the next four months in the Police Department. To take \$15,000 of that money would still leave ample funds for the operation of the Police Department even if policemen get a substantial pay increase and additional policemen are employed. Councilman Shanks asked if the Police Department would be deprived of anything, and the City Manager replied they would not be deprived of a thing. It was his suggestion that the money be transferred from that account to the General Overhead Account. The City Attorney explained the City Charter prohibited the City Manager

from incurring an obligation for the expenditure of money except pursuant to the annual or interim appropriation ordinance or the Budget appropriation. He is confronted with creating an obligation against the City without there being a specific budgeted amount for it. The Charter prohibits him from entering into a contract unless funds are available. The Council may transfer an unencumbered appropriated balance from one office or agency to another. Mayor Palmer discussed transferring this from the utility fund, stating it would be a more appropriate expenditure out of the earnings of the Utility System than from earnings of any tax money. Councilman LaRue stated it was his opinion no money should be taken from the Police Department for this type of expenditure, and he would vote against it. He pointed out there were two problems, and maybe they should be discussed at the same time, or at least some priority should be allocated to these two problems. There is a problem that is more pertinent to the City than this discussion of \$15,000 for advertising and that is a pay raise for the Police Department; and prior to taking care of that he said he would vote against taking money out of the Police Fund. The City Manager explained that whatever is done for the Police Department this year has to be carried forward next year and year after year. He stated they would have to be guided on what could be done on Police pay by what is going to be available in the future, and that is what will place the limitation on what can be done for them now. Councilman LaRue stated the Police Department was the priority now. Councilman Shanks asked the Chief of Police if this \$15,000 would hurt his Department. The Chief stated he was in agreement with the City Manager's interpretation. Councilman LaRue reiterated he would not vote to take any money out of the Police Fund until that matter had been taken care of. Councilman Long noted they were 45 short now and asked why money should be taken out of the Police Funds to advertise for tourists. Mayor Palmer inquired how many civilian personnel and patrolmen were the Police short of what it had this time last year. The Chief of Police stated there were 101 patrolmen and 202 policemen. The Chief of Police stated there were 212 last year; now they have 202. The Mayor went over the statistics, stating the impression was that 41 men had been lost during the past year. He asked for statistics on the number of recruits, the number of application, etc. The Chief stated during the past three years, 33 men had been recruited; during that same time 57 men had been lost, but they were down ten from last year. The Mayor stated this would require an afternoon of full study, and stated the Council would wait until this information was available and the City Manager was ready to bring it in. The City Manager suggested a special meeting to discuss this. Regarding the contract with the Chamber of Commerce, the Mayor stated the Council would wait, as suggested by Councilman LaRue, until all members of the Council were present.

The Building Official submitted the request of MR. R. W. CAIN operator of the Longhorn Cleaners for permit to demolish a sheet metal building in the rear of the building and replace it with a small addition of concrete blocks. When the building is torn down and rebuilt, he will be required to furnish off-street parking. Ninety-five percent of his trade is walk-in trade at this location. There is a driveway running through from Guadalupe to San Antonio for his customers' pick-up and leave station. After discussion, Councilman Shanks moved that the Council grant the request of Mr. Cain. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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, Mayor Palmer

Noes: None

Absent: Councilman White

The Council adjourned at 7:40 P.M. subject to the call of the Mayor.

APPROVED

Sam E. Palmer
Mayor

ATTEST:

Elin M. Wiley
City Clerk