

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 6, 1965
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 MAJOR LEWIS E. STILLEY, Salvation Army.

Councilman White moved that the Minutes of April 29, 1965, be approved.
The motion, seconded by Councilman Long, carried by the following vote:

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

The City Manager submitted the following:

"May 6, 1965

"To the City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work
Improving Portions of Certain Streets
in the City of Austin Being Assess-
ment Paving Contract Number 64-A-14

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract Number 64-A-14, dated August 6, 1964,

between the City of Austin and Jack A. Miller, has been performed and completed by Jack A. Miller in full compliance with the contract and the plans and specifications therein contained:

<u>Street</u>	<u>From</u>	<u>To</u>
Camino Real	NPL Koenig Lane	SPL Pequeno Street
West Croslin Street	EPL Marcell Street	WPL Guadalupe Street
Guadalupe Street	NPL St. Johns Avenue	A Point 138' north of NPL Croslin Street
Hackberry Street	EPL Navasota Street	WPL San Bernard Street
Lawnmont Avenue	EGL Woodview Avenue	WPL Burnet Road
Lipscomb Street	NPL West 32nd Street	SPL West 33rd Street
Marcell Street	NPL St. Johns Avenue	A point 138' north of NPL Croslin Street
Marlo Drive	WPL Rimrock Trail	NGL Pecan Springs Road (East)
Montview Street	NPL Lawnmont Avenue	SGL Shoalmont Drive
East Powell Lane	EPL Georgian Drive	A point 753' east of EPL Georgian Drive
Rimrock Trail	A point 417' south of SPL Marlo Drive	SPL Pecan Springs Road
Sheridan Avenue	NPL Clayton Lane	A point 131' north of NPL Broadview Street
St. Joseph Boulevard (North Drive)	EGL Burnet Road	WPL Hardy Drive
Touchstone Street	EPL Rimrock Trail	WPL Springdale Road
East 12th Street	EGL Chicon Street	WGL Airport Boulevard
West 30 1/2 Street	EPL Lamar Boulevard	WPL West Avenue
East 55th Street	EPL Link Avenue	WPL Duval Street
East 56th Street	EPL Helen Street	A point 349' east of EPL Bennett Avenue

"I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans and specifications referred to above.

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING CAMINO REAL AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY JACK MILLER; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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, Long, Shanks, White, Mayor Palmer
Noes: None

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, Long, Shanks, White, Mayor Palmer
Noes: None

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, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor announced a request from MR. VOLMA OVERTON, N.A.A.C.P., and a delegation for 30 minutes to discuss the Commission on Human Relations. Mr. Overton referred to previous times he and the same people had appeared, requesting the Council to do something about the problems of their people; and on several occasions they had dramatized this problem loud and clear stating they would be back again and again. He said the minorities are still suffering the humiliations of denial, and segregation in Austin. Several work sessions have been held, but they amounted to nothing. He said the Council, at the last appearance of this delegation, appointed him, MR. KENNETH LAMKIN and the City Attorney to work on specifics. This turned out to be another delay of action because nothing had come of this. Mayor Palmer asked Mr. Overton if he had any report to make from this Committee to which he had been appointed, along with Mr. Lamkin and the City Attorney? Mr. Overton replied he had no report from this Committee. Mr. Overton expressed assurance that Austin would not be allowed to return to the old days or the good days until something is done about the problem of racial segregation in Austin or else there will be a long hot summer doing it. He stated if the Council were interested in preserving the image in Austin, he would urge it to make haste in appointing a Commission on Human Relations to deal with their racial problems which are still here. He had heard from the Council that Austin was all right and problems did not exist; but he said on Tuesday he was thrown out of a place that refused to serve Negroes, and it was said, "This is a private club", where whites can go and be served without presentation of a card. In answer to Councilman Shanks' inquiry if he had made his complaint to the Justice Department, Mr. Overton answered he had. He said as other sections of the Civil Rights Bill become effective, there would be more and more problems involved in racial incidents; and they would see to it that these problems are brought before some type of justice. Mr. Overton stated there were other people who would like to talk on the Commission and ways of solving this problem.

The Mayor asked if those speakers who were members of the N.A.A.C.P. would

identify themselves at this time, so it would be known if they were official representatives of the N.A.A.C.P. or interested citizens. Mr. Overton stated they did not request their people to identify themselves by their membership. He said he was the only one officially speaking for the N.A.A.C.P. and in his absence he would designate someone to do so. He listed those who were to speak, stating MR. B. T. BONNER would give a summary statement and would be the official representative should he be absent.

DR. JOE P. WITHERSPOON, Attorney, Professor of Law, University of Texas School of Law, stated he was not a member of the N.A.A.C.P. and did not represent them. Dr. Witherspoon recalled the last time he appeared before the Council on December 17, 1963, that great progress was made at that time, and the contribution they made was still present. Since December 1963, approximately 200 cities had created Human Relations Commissions, have had good results and have made progress, some of which had been small, and some had been exceptional. One of the cities was Corpus Christi, which made permanent their Human Relations Commission. He had a unanimous report of that Committee, detailing the problems they found. It is a document indicating cities could have problems far less than New York City or cities in other sections, but they still have substantial problems which distinguished business men, professional men, educators and representatives of a cross section of the community felt should be dealt with. Mayor Palmer asked if he were saying Corpus had made more progress than Austin. Dr. Witherspoon said he did not know; all he could say was they had made very substantial progress. The Mayor asked if he did not admit that Austin also had made progress, and Dr. Witherspoon stated he did. Councilman Shanks inquired if he realized the Council did appoint a Commission? Dr. Witherspoon stated he did and the Council created a useful device; and the wisdom of its choice had been documented many times over in that other cities had done the same. He discussed the extensive study he had made since 1964 in the field of Civil Rights Law and had written an article showing the best device for getting at relationships of the majority groups and minority groups in the City and a Human Relations Committee having certain characteristics. In his study he found many misconceptions in people's thinking the Human Relations Commission would be a complaint processing device. He listed three functions of a Human Relations Commission:

1. Fact-finding and solution-recommending body relative to a City Council to help in fact-finding and investigating. This would be the most important function of a Human Relations Commission.
2. Beyond the fact-finding function, there would be "constructive action", to start a dialogue with respect to the problems in the community and facilitating people's getting together to talk about them; providing service to minority groups and of taking advantage of local things available, providing a plan of communication and a device for gathering in one basket what is available in solving the problem. The success of local Human Relations Commissions over the country has been due to the fact-finding function and the constructive action service function.
3. The complaint-processing function is a minor function. It is a function that should be utilized very little.

The Council did take a step forward; it has a good legal device; and it

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performed the act of appointing a Commission, but there is no Commission. What is needed is to take the next step forward and appoint members to this Commission making a selection just as it made before of people who were knowledgeable and distinguished. The Constructive Active Function and Fact-Finding Service require money. Corpus Christi took a member of its City Solicitous Department and devoted a portion of his salary to his work as Director of the Human Rights Commission. Anything worthwhile is worth spending money. He submitted a list of appropriations by various cities. Dr. Witherspoon recommended the need of someone who has been in this field, or to learn this field, to be the Executive Director to help the Commission to do the function for the Council.

Dr. Witherspoon reported a representative from a local bank expressed regret there was not a closer relationship between the business community and the University of Texas, and that both should work towards this. Dr. Witherspoon said he was trying to promote this objective. He too would want better cooperation between the University and the City Government. The Mayor announced in order that there would be no misinformation, that the University of Texas, the Administration of the University and Board of Regents have been most cooperative and the City recognizes the University as one of its finest institutions, and it had always worked very, very closely with them on common problems.

Councilman Shanks noted Dr. Witherspoon thought the Grievance Committee was not the most important thing but it was consultation. He asked Dr. Witherspoon if he thought an organization such as the Community Council could fit in. Dr. Witherspoon agreed; but it was their thought a private group could decide, as it is not the City Government's function alone. He felt that the government needed to do something of this sort.

MRS. HARRY HALL spoke on why a Commission was needed. When the President is able and willing to make such a stand as President Johnson took; and when Congress is an overwhelmingly integrationists as this Congress is, she asked then why not have the City Council form a Human Relations Commission, as mediator. The Mayor stated one was appointed. Mrs. Hall stated by establishing a seven man commission, as mediator, this would eliminate the necessity of picketing and humiliation caused by all concerned, and there has been a lot of this. This would protect the image of Austin and save the necessity of street demonstrations, for this will not stop unless those suffering abuse and discrimination have some place to go and file complaints. She suggested establishing a Commission and keeping violations and punishment off the sidewalks. When this Commission is established the Negro will have begun at last to walk in the land of the free in the City. The Mayor explained there is a Court of Jurisdiction already established; there is a place to file complaints. There is this avenue in existence all over the United States. Any one that is discriminated against has every opportunity to file his complaint. Mrs. Hall stated they would like to have a Commission. Councilman Long said Mrs. Hall would like to have something closer to home and not have to file in the Courts. Councilman Long stated there were certain subtle things that go on, that through good will could be eliminated.

MR. HARRELL BRADLEY, University Coach of Basketball, stated they wanted to get some Negro basketball players to come in, but the parents are hesitant in letting these boys go into places where there may be problems. He did not know if a guarantee could be made that a Commission would take away all of these problems; but with these demonstrations and things of that type, it would be worth while to try a Commission to see if these demonstrations could be taken away so that these parents would not be afraid to let these boys come in here. The Mayor asked if he knew of any University town in the United States that is absolutely

free of that possibility. Mr. Bradley had not made a study, and did not know. The Mayor asked if the University were losing any students because of this. Mr. Bradley stated they had not been in a position up to now to take Negroes, but they are now in a position. The Mayor asked if this was the University Policy or City Policy. Mr. Bradley said it has been a University Policy. The Mayor stated this must be clear, and he announced that every public facility in the City of Austin has been integrated for many, many years. Negroes were employed long before any other City included them. Austin has made progress beyond protest. When comparisons are made with other cities as to what they have or have not done, all that is necessary is to read the newspapers and see what is going on in nearly every college town in the United States. Mr. Bradley admitted things were going very good here. Councilman Shanks asked if he knew of any college town better integrated than Austin. Mr. Bradley stated the situation last week could hurt them, as they were trying to get their first colored boys to come in here. Mayor Palmer asked if he would want his basketball players going into a lounge? Mr. Bradley stated from a parent's standpoint, they would wonder what kind of treatment their boys would get. The Mayor asked if a parent would want their children to be able to go into a lounge. Mr. Bradley finally answered he would not want any of his boys in there. The Mayor said that was about the only thing not integrated in the City. Councilman Shanks expressed hope he could get the best basketball team in the United States.

MR. BOOKER T. BONNER, member of the N.A.A.C.P. stated if most of Dr. Witherspoon's suggestions were taken, the City would go a long way in improvement. He discussed the pros and cons of Dr. Witherspoon's suggestions or agreements, and called attention to Dr. Witherspoon's idea of the functions of a Human Relations Committee, and noted he did not say the complaint section was completely unnecessary and not a part of it. Dr. Witherspoon had agreed that the Community Council should serve this function but he did not know all the people that composed this group. Mr. Bonner thought the Council, elected by the majority of the people, should take the responsibility of appointing the Commission, or whatever group does run this commission should have its membership free and open to all people of the City. A point brought out was there is an area where a person who is discriminated against can file complaints, but the only system now where they can file complaints are in areas that violate a Civil Rights offense and applies only in an area where the Federal Government has some control. There are other areas where discrimination occurs, and the people need relief--some on the state level and some on city level. There has to be some kind of system to change these conditions because those conditions are what make life so miserable. Another point was made that Austin employs Negroes; and they were not here to start howling who is better than the other; but they are worried about the capacity the Negroes are employed in. They wonder if they were just going to sit there and decide Austin is pretty good compared to other people. It was his opinion the Council should appoint the members to the Commission; and in this society when a man chooses not to serve in a capacity, they get rid of him and get someone else in his position. They do not sit there and continue to pretend they have done their duty by appointing somebody that resigned. They worry that abuses would be made because of behavior or complaint; and they would like to have it where they could always feel someone is concerned about their well being. He said worrying about past image and what a great City Austin is should stop, and worrying about really doing something in the area where people feel they are really abused should begin. Mr. Bonner suggested that the Council should take into consideration, in making these appointments, that those named be persons who are definitely concerned about doing something about this problem. They must recognize this is a problem and does exist.

Councilman Shanks moved that the time for MR. BONNER be extended five minutes. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

The Mayor suggested that he go ahead and make his summary statement, and that might answer any questions.

MR. BONNER, in review, stated all must have learned in the last eight years that there is a definite problem of segregation throughout the country--not just in the south; not just in Austin. He said if a stranger were taken into Montgomery, Alabama and were told who had this building and who had this, and who does this and who does that; and then bring that same stranger to Austin and do the same thing to him, this poor man would think that race relations in Montgomery were much better. There is a Negro Church within one block of the State Capitol--not behind it--but right in front of it. The problem was not well handled in Montgomery. There has not been the motivation on the part of the persons that were demonstrating the inequities in the society in Montgomery that were really able to put the forces to work to show this thing existed, and they are working in a different area.

He said he was talking about an area that is so subtle and so sensitive there is very little a person can do about it if the argument is in semantics. It just has to be admitted the problem is there; and if one wants to find fault, whether it is a lounge that there is talk about integrating; but what has to be understood, every time a man is offended something happens to him as a person--then he is a potential criminal--not that he intends to commit a crime, but his mind is preoccupied. Who wants a bunch of people floating around with pre-occupied minds, so that the Police Department has to be doubled, that they have to go out and investigate these small traffic accidents. These are the problems he was talking about he said.

Councilman Shanks asked in view of the fact the N.A.A.C.P. has threatened to tear the town up if they do not get a human relations commission appointed if he had given any consideration to objecting or approving the suggestion made that the City Council serve for an interim of six months period as a Human Relations Commission itself? Mr. Bonner said if the N.A.A.C.P. has said it was going to tear the town up, he would not vote for it. Mr. Bonner said this would be a full time job for five people in a town of 212,000 people. Even though it is said public places in Austin are integrated, that is confusing. The Mayor said all publicly owned facilities and everything as far as the City is concerned is integrated.

MR. BONNER discussed difficulties encountered in cafes, and it was never known how the Negro would be received or whether they would be insulted or not. He did not know whether the Civil Rights Bill applied. Another thing is, if he has to file complaints, the attitude of the average man when he walked into his place was "that he was in there to cause trouble." He said if there is a Commission set up to handle this type of thing, they could devote their full time to it. He was not sure the members of the Council had actually studied the problem or could function because part of the attitude that had been expressed and part of the statements that had been made by different individual members worried him as to whether or not they understood the problem. If this is the best they can have, it should be made public. The Council is serving in its function. There are problems the Council thinks it needs someone to help to make Austin a better

place to live then bring the problem to the City Council. No one knows where to go with their problems. Mr. Bonner's summary statement was what they would like was some kind of assurance how soon some kind of action can be expected as they would like to operate in good faith.

MAYOR PALMER announced (1) that this Council was as sensitive to this problem as any group of citizens in the City whether they be ministers, school teachers or anyone else; (2) mutuality cannot be forced nor compelled by law, by a Commission or by anyone else. It is something that individuals will have to learn to live with. There is a good law; and although Mr. Bonner said it did not cover enough the Mayor asked each to live with this part of the law, and show that this will be carried out in good faith. At the last meeting, late at night, the Council felt that the due process of law which is stated so that any of these cases that would go from a Commission eventually to the U.S. Attorney General, should be filed in the form that could be carried on, because if the matter were not settled within 30 days, the complaint would go on to the U.S. Attorney General. MR. OVERTON, MR. LAMKIN, and the City Attorney, MR. ESKEW are members of that Committee. The Council has been waiting for a report back from them, and it has not been received at this time. It will be necessary for a procedure to be drawn for these complaints to be filed; and it should be properly done. It was suggested that during the interim that the Council serve, and the Council was going to wait for a decision from that Committee if even this would be the proper way to do it, but the Committee has not reported. The Mayor called attention to one large city just integrated the kindergarten to the 5th grade; while Austin has been completely integrated for years all the way down the line. He recognized there were problems; but instead of trying to tear down things he suggested building bridges and cross them, meeting the problems as they appear. He said members of the Council had met with people and tried to persuade them to go ahead with the integration, whether it be the business colleges or others. He repeated that the Council was just as sensitive to this problem as any other citizen; and more so. He said it cost the taxpayers \$1,000 a night to have extra policemen on duty just because a group is marching out at the lounge. He asked why would this be in a town where so many things were available. In conclusion the Mayor said the Council would visit with Mr. Lamkin and Mr. Overton and find out what they have come up with and see if they have a recommendation

Mr. Bonner urged getting a Commission now, get it started, and then iron out some of the problems. Councilman Shanks asked if he thought if there were a Commission that all demonstrations would stop forever. Mr. Bonner doubted it seriously. If the demonstrations persist, the Council would have a better potential of solving the problem and saving the taxpayers money by having a recourse for these people to go to. They are trying to negotiate as private citizens.

COUNCILMAN LONG, referring to the delay in receiving a recommendation of a report on the delay from the three member committee said this little business of having a little Committee appointed to look into legal technicalities is all right; but in the meantime why not appoint a Commission whether it has a legal group behind it or not. All that is being asked is that this Commission, that has already been set up, be appointed. She stated if a Commission were appointed and this Council names it, she would go along with it, because she had been blamed for causing the situation that exists. Councilman Shanks inquired if she would resign if it were turned over to the Community Council. Councilman Long stated they had a large problem now, working out most of the City's problems on the Community Development Program and the Poverty Program, and they have their hands full. There are other citizens fully qualified who can do this and they

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should be brought in and not turn everything over to the Community Council. Councilman Shanks asked if she would agree to the Council's serving on an interim time. Councilman Long said she would not. The Mayor stated there were four members of the Council voted for the Commission and one voted against. Councilman Long said she voted to set up a Commission; but when the members of the Commission were appointed, she felt it was not a balanced commission and voted against it. She said they were all good men, but someone in the field that felt the problems deeply and would communicate more deeply on the problems should be named on the Committee, that the Committee was not well balanced.

COUNCILMAN LARUE stated it seems there is no great difference between the two suggestions, and he suggested to take either course of action such as re-filling the Commission as originally appointed or the Council itself acting as a temporary commission. Councilman Shanks stated individuals themselves should work on the problem, and he did not believe the problem would be solved by a lot of demonstrations. The Mayor thanked Mr. Bonner, stating this matter was important to the Council.

The City Manager submitted the following:

"May 3, 1965

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, April 30, 1965, at the Office of the Director of the Water and Sewer Department for the installation of 1,650 feet of 16-inch concrete steel cylinder WATER MAIN IN MANCHACA ROAD. The purpose of this installation is to provide adequate future service to South-West Austin. The bids were publicly opened and read in the Second Floor Conference Room of the Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Bill Tabor	\$16,890.00	30
Capitol City Utilities	19,266.25	20
Austin Engineering Company	20,401.50	40
H and M Construction Corporation	21,121.50	30
Bland Construction Company	23,117.60	35
Walter W. Schmidt	27,663.75	45
Ford-Wehmeyer, Incorporated	29,883.25	45
City of Austin (Estimate)	17,291.50	30

"It is recommended that the contract be awarded to Bill Tabor on his low bid of \$16,890.00, with 30 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr. Director
Water and Sewer Department"

Councilman Long inquired about Mr. Tabor. The Director of Water and Sewer Utilities stated he has been doing work for the City for about two years, and does a good job.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 30, 1965, for the installation of 1,650 feet of 16-inch concrete steel cylinder water main in Manchaca Road; and,

WHEREAS, the bid of Bill Tabor, in the sum of \$16,890.00, 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 Bill Tabor, in the sum of \$16,890.00, 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 Bill Tabor.

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:

"May 4, 1965

"To: W. T. Williams, Jr., City Manager Subject: Assessment Paving Contract
No. 65-A-4

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, May 4, 1965 for the construction of approximately thirty-two (32) blocks of pavement and accessories known as Assessment Paving Contract Number 65-A-4 consisting of 14 units.

Pat Canon Excavating Company	\$101,883.00
Jack A. Miller	\$103,188.40
City's Estimate	\$106,706.50

"I recommend that Pat Canon Excavating Company with their low bid of \$101,883.00 be awarded the contract for this project.

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

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Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 4, 1965, for the construction of approximately thirty-two (32) blocks of pavement and accessories known as Assessment Paving Contract Number 65-A-4 consisting of 14 units; and,

WHEREAS, the bid of Pat Canion Excavating Company, in the sum of \$101,883.00, 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 \$101,883.00, 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 Pat Canion Excavating Company.

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

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

Noes: None

The City Manager submitted the following:

"April 30, 1965

"TO: Honorable Mayor and Members of the City Council.

SUBJECT: Bids on Police Uniform Clothing.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. March 29, 1965 for the estimated requirements of Police Uniform Clothing for a period of twelve (12) months. This Uniform Clothing will be delivered to the Police Department as required during this period.

"Invitations to bid were advertised in the Austin American-Statesman on March 14 and March 21, 1965 and were sent to local distributors of uniforms of this type.

The bids received are as follows:

		J. C. Penny Co.	Austin Army & Navy Store	Joseph's Man's Shop	Lorey's Custom Tailoring	Jorace Men's Wear
Ties	300 Ea.	\$ 195.00	\$ 210.00	\$ 210.00	\$ 195.00	\$ 175.23
Caps	250 Ea.	1,465.00	1,147.50	1,237.50	1,065.00	932.81
Summer Shirts	425 Ea.	1,955.00	1,946.50	2,061.25	1,610.75	1,416.63
Winter Shirts	425 Ea.	2,273.75	2,125.00	2,405.50	1,899.75	1,776.08
Trousers	300 Ea.	5,979.00	4,434.00	5,964.00	4,659.00	4,253.63
Jackets	12 Ea.	327.00	281.40	323.88	270.00	264.00
Net Total		12,194.75	10,144.40	12,202.13	9,699.50	8,818.38

The Council had before it an ordinance covering the following zoning change:

WALTER BOHN &	3401-3405 Kerbey Lane	From "A" Residence
MRS. ADDIE SMOTHERS	1510-1512 West 34th St.	To "O" Office

The City Attorney stated the owner dedicated sufficient right of way to straighten out Kerbey Lane.

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: LOTS 1, 2 AND THE WEST 12.5 FEET OF LOT 3 OF THE WILLIAM THIELE SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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 White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

The Council had before it a resolution authorizing execution of agreements with the Texas Highway Department for relocation of utilities necessary for grade separations on Interstate 35 at Rundberg Lane, Yeager Lane, Braker Lane and Coxville. The City Manager stated the replacement was paid for by the Highway Department; and on occasions where a 12" line is substituted for an 8" line, the City pays the betterment part and the Highway Department pays for the relocation. In this case, there is only the relocation, which will be paid fully by the Highway Department. The Director of Water and Sewer Utilities reported they would cross Interstate Highway north of Braker Lane with a line needed in the future, but this would be the best time to lay this line. The City Attorney said this involved the electric relocations also. The City Manager said a Water District line would be involved, but the City would relocate this and it would come under the same policy. Councilman Long asked if City forces would do this work. The

City Manager explained the City contracts with the Highway Department to relocate these utilities, and the Highway Department reimburses the City. The City gets contractors to do the work. After explanation by the City Manager, Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the proposed agreements between the State of Texas and the City of Austin for the adjustment and relocation of all water utilities and electric utilities within the proposed areas of construction on Interstate Highway 35 from East 51st Street to 3.1 miles South of Williamson County Line are hereby approved and W. T. Williams, Jr., City Manager is hereby authorized to execute said agreements on behalf of the City of Austin and to transmit the same to the State of Texas for appropriate action.

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 following zoning application:

E. N. MacPHERSON	1045-1117 Clayton Lane	From "A" Residence 1st
	1052-1110 Reinli	Height & Area
		To "B" Residence 2nd
		Height & Area

The City Attorney explained the request of MR. E. N. MacPHERSON through his Attorney, Mr. Richard Baker, for reconsideration of his zoning application to approve "B" Residence 2nd Height and Area, due to change of circumstances-- a more recent zoning of "B" Residence 2nd Height and Area in the close proximity to his property, the exchange of City property for the Zager property, and providing right of way for widening the streets. After discussion, Councilman Shanks moved that the property under discussion be zoned "B" Residence 2nd Height and Area. (Former application was the Zager zoning case) The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE 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: A TRACT OF LAND, LOCALLY KNOWN AS 1045-1117 CLAYTON LANE AND 1052-1110 REINLI STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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

MR. HIGGINS, representing MR. ROY EAZOR, stated Mr. Eazor is charged with violation of the "C-1" Commercial zoning ordinance. There are some 600 bars in the City, and perhaps about half were in violation of this ordinance. He asked if a change could be worked out so that the business people would not be in violation of the ordinance which has been on the books, but which has not been enforced. He explained the "C-1" Commercial requirement for on-premises consumption and stated in a "C-2" Commercial zoning it is not necessary to have 51% of the sales in food. His client did not realize he was in violation of the zoning, and he would like to make application for the proper change of zoning. Councilman Long asked if there were any way he could operate in a non-conforming situation until this zoning change is processed, as she would be unwilling to change the zone to "C-2" Commercial as in many areas the taverns are far more undesirable where 51% of the sales does not consist of the sale of food. The City Attorney stated this property had been used in compliance with the zoning law; but as soon as the Building Official found it was not in compliance, he filed a complaint in Corporation Court. The City Manager explained there were requirements for certain facilities to handle food. Mr. Higgins said his client had kitchen facilities, but he is not serving food. The City Attorney stated ordinarily these complaints are brought by citizens; or on routine inspections and reinspections on renewals, violations are picked up. There is not a concerted drive by the Building Official to seek out cases; as he assumes if one has his investment in kitchen facilities, a restaurant permit, and a food handlers permit from the Health Department etc., there is an indication one is in the restaurant business. There was a complaint filed and the Building Official made an inspection. Mr. Higgins said they were still open.

Councilman Long moved that MR. RICH RUBOTTOM be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. RUBOTTOM pointed out ROY'S LOUNGE is located about two blocks from the University property, and he assumed that one of the reasons of the "C-1" Commercial zoning was the proximity to the University. He would think the University would not want a legal bar operating in such close distance to the University. The Mayor pointed out the routine necessary for a change in zoning consisted of hearings, notification to property owners within 300', and two published advertisements of the hearings. He said it must be recognized there was no vested right in any type of permit to sell beer or whiskey. If Mr. Higgins applies for a change of zoning, at this time it will be about 10 weeks before it is presented before the Council. The Director of Planning pointed out the nearest "C-2" Commercial zoning areas were at 29th just off of Guadalupe; one at 17th and San Jacinto; and a non-conforming use on 19th Street.

Councilman LaRue moved that MR. BILL BEKENS, State representative of the Texas Tavern Association, be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. BEKENS said he understood the Building Official would continue to file these cases, and about half the taverns in the City would be affected. Mr. Bekens said now one tavern owner found food sales were so profitable that he is converting the tavern into a restaurant gradually and it will take about six months.

On the other hand there were taverns that were losing money on the sale of food and they revert to the sale of beer. He asked the Council to tell him what to tell his organization exactly what was required. The City Attorney gave a detailed explanation of the ordinance, and the enforcement, and said unless the Council repealed the ordinance, the enforcing officials would have no choice except to enforce it. The Building Official charged with enforcement of the zoning ordinance, stated there was not a drive as inspections are made all along, and would be continued until there is a change in the ordinance, or until these places comply. He said if others are in violation they will be filed on also. Councilman LaRue stated as a Council Member in support of the procedure that has been followed and suggested by the Building Official and Attorney, he thought there was no other choice.

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

MR. RILEY, a student at the University, stated he did not go to nor approve of bars. He said the question of zoning on Guadalupe Street by the University is very much a question of integration as the Council knows. Roy's Lounge is covered by the Civil Rights Act, and that is why he took out his kitchen facilities and why he is in violation of the zoning ordinance. Now Mr. Eazor requests a zoning change within one half a block from cooperatives for the purpose of maintaining a segregated establishment less than one block from cooperative houses, the University, and in an area inhabited entirely by students. Councilman Long stated she did not understand what he was referring to; and she did not know this was Roy's Lounge at first. She said the zoning change had not been granted and if application were made it would go through all the channels; and it had been said this law was going to be enforced equally throughout the City. The Mayor stated there was no application before the Council; when there is, there will be a public hearing, and Mr. Riley could come up and express himself.

The City Manager stated last week the Council discussed some minor changes in the bus routes requested by the Austin Transit Company, one on 30th Street which is the Speedway Bus Route, and the other concerned rerouting around the Capitol. Councilman Long had requested that these changes be reviewed by the Traffic Department. The Assistant City Manager reported the two sketches of the routes as presented last week to the Council had been referred to the Traffic and Transportation Engineer, and he concurs with their request and recommends that the changes be granted on the basis it would improve their timing and would reduce the left turn movements which are major traffic problems. Councilman Long asked if the Bus Company would inform these people and hand out leaflets a week or so before these changes were put into effect. The Assistant City Manager said the change maps and bus timings would be publicized in advance and the people would be notified. Councilman White moved that the Council grant the request of the AUSTIN TRANSIT, INC. to change these two routes as indicated. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long in voting for the change stated it could be given a try; and if it does not work the Council will reconsider it.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

The City Manager called attention to the plans and specifications for restroom facilities at Bartholomew Park, and said bids are to be taken next Tuesday morning, May 11th. These facilities will serve the Little League Ball Park and the picnic area.

The City Manager reported he had specifications for vertical pumps and traveling water screens for the new Power Plant, and it was suggested that the bids be opened in the Council Meeting as follows:

10:00 A.M. June 3, 1965 - Vertical Pumps
10:00 A.M. June 10, 1965 - Traveling Screens.

The Council informally agreed to open these bids on those dates.

The City Manager had a request to permit the use of motor boats to take movies of some of the activities on Town Lake. The Assistant City Manager explained the Public Relations Department of Sears Roebuck Company was shooting some film on Highland Lakes. Mr. Tom Perkins, Chamber of Commerce, would like to have some motor boats for the purpose of filming ski events on the lake on May 15th and 16th. Councilman Shanks stated these pictures would be used in a national presentation, and moved that the Council grant the request. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager stated there was a recommendation from the Library Commission regarding the relocation of the CARVER BRANCH, now in the Kealing Project in what now is designated as a playground, to a place on Oak Springs Drive. This site has been discussed with the General Neighborhood Renewal Program group. There is some Federal participation for the construction of this branch. The people think this site will be more acceptable to them; and the Library has very poor patronage at the present location. The Planning Director stated it would be moved to City owned property, was near the high school, close to the housing project with 300 apartments, next to a grocery store and shopping center, and a branch at this site would serve the entire area. The Mayor noted this would be a Branch Library rather than a substation. The City Manager stated there would be a bookmobile placed here to go to the outlying areas, and this site would be a much larger facility. It had been approved by the Library people, but he wanted to be sure about the drainage and that this particular site was not going to be subject to drainage problems. Councilman Long asked who located this site. The City Manager stated Miss Rice and Mrs. McCurdy had been trying to find a location for some time, and found this site to be desirable. Councilman LaRue stated this seemed to be a very large area and asked if it would be tied in with the poverty program, etc. The Planning Director stated this would be under a special grant for library construction and furnishing, to receive Federal assistance. Councilman Long asked if application had been made through the State for funds. The Planning Director stated this was one reason Miss Rice needed to have a site. Councilman Long suggested that there is only a certain amount of money available, and Austin wanted to get its part as soon as possible. The Mayor stated the City Manager would check out on all the drainage, and other things.

The Chief, Plan Administration, MR. ED STEVENS reviewed zoning cases on the pending list, and the following were removed:

MISS ANNA GARDNER	300 East 30th Street	From "B" Residence
	3001-3003 Speedway	To "C-1" Commercial
		NOT Recommended by the
		Planning Commission

The Attorney, Mr. Robert Sneed had reported to Mr. Stevens that his client wanted to withdraw the application. Councilman Long moved that the Council permit Miss Gardner, through Mr. Sneed, to withdraw this zoning application. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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TEX-MART IND.	7944-8124 Burnet Road	From Interim "A"
	2810-2822 Anderson Lane	Residence and "A"
		Residence
		To "GR" General Retail
		NOT Recommended by the
		Planning Commission

Mr. Stevens, Chief, Plan Administration, reported the ownership has changed, and the area was rezoned under a new owner, MR. JIM CROZIER. Councilman LaRue moved that this zoning case be removed from the pending list. The motion, seconded by Councilman Long, carried by the following vote:

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

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TEXAS & NEW ORLEANS	419-421 Koenig Lane	From "A" Residence
RAILROAD COMPANY	711-713 East 53 $\frac{1}{2}$ Street	To "C" Commercial
	6901-6903 Airport Blvd.	NOT Recommended by the Planning Commission

The Chief, Plan Administration stated these applications were made to permit bill boards along the railroad right of way at these intersections. The advertising company is no longer in business. Councilman Shanks moved that these items be removed from the pending list. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Shanks asked that Mr. Ed Stevens study as many other items as he could and get them off the pending list as soon as possible.

MR. ED STEVENS was asked to make a study of as many other applications as he could, to get them off the pending list as soon as possible, including the applications of the following:

MRS. THOMAS SUTHERLAND	201 West 39th Street 200 West 38 $\frac{1}{2}$ Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
H. G. LINSOMB	2519-2707 Thornton Road	From "A" Residence To "C" Commercial
ROY F. BEAL	2317-2409 Thornton Road	From "A" Residence To "C" Commercial

The City Manager had plans for the 15th Street cut-off. Councilman Long reported that Mr. Kingsbury had called her stating since the City proposes to buy the two pieces of property on Parkway, and he felt it would be better for him and the people next door, as well as for the City to purchase theirs now. The City Manager displayed a map showing the right of way initially needed to make the first development which would include one bridge over Lamar, Shoal Creek and Parkway. That would be the first phase. It will be one roadway and one bridge that will carry four lanes of traffic. When the expressway comes in later another bridge will parallel this one and additional lanes would be provided for the expressway. The "cross-hatched" area of the map shows the additional land needed to develop the expressway at a later date. He pointed out

the land needed now, and the land needed to be acquired at some future date. It was his recommendation that if an owner's land fell in both the shaded area and "cross-hatched" area, that all of the tract be purchased. He stated many inquiries were coming in, and if this plan meets with the Council's approval, they were ready to tell the people. Councilman Shanks said if this is what the Engineers came up with, he was glad to see that there was something available to show these property owners. The Director of Public Works said this plan fits in with the Urban Transportation Study Plan for the 15th Street extension but some will have to be relocated. The City Manager stated it had been planned to get the contractor under way this year. The Director of Public Works stated the field surveys and design would be done this fiscal year, so everything will be ready to go next year. Councilman White moved that the City Manager be authorized to start acquiring this property. (Strip map on file under Property-Right-of-way (15th Street)) The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced it was 3:00 P.M., and the Council would hear the reports from the Mount Bonnell Committee.

MR. DAVID BARROW, Chairman of the Mount Bonnell Study Committee read his report, as follows:

"Austin, Texas
May 6, 1965

"To the Honorable Mayor and City Council
Austin, Texas

"Gentlemen and Mrs. Long:

"This is the report from the Committee which you recently appointed to consider and recommend what should be done, if anything, by the City in view of a proposed residential subdivision of the privately owned land adjoining Mount Bonnell in the northwestern part of the City. The latter part of this report represents the view of the writer and substantially the view of those on the Committee who advocate purchasing the privately owned tract for enlarging the Mount Bonnell park area. Mrs. Fagan Dickson, a member of the Committee and Chairman of the Parks and Recreation Board will report for herself and the members who opposed purchase of all of the private tract.

"The members of the Committee are as follows:

Mr. Howard Cox	Mrs. Millard Ruud
Mrs. Alden Davis	Mr. Leon Stone
Mrs. Fagan Dickson	Mr. Louis Southerland
Mrs. Homer Garrison	Mr. Conway Taylor
Miss Margaret Hill	Mr. E. R. L. Wroe, Jr.
Mr. S. P. Kinser	Mr. Wm. D. Youngblood
Mr. Robert Mueller, Jr.	Mr. David B. Barrow, Chairman
Mr. Arthur Pihlgren	(Elected by Committee)

"The Committee met at several different times and explored many different and possible solutions to the problem. They secured information from City Departments and had the cooperation of the City in this respect. While we have

not been able to agree on a specific over-all recommendation to you, we have agreed on some aspects of the matter. These are, generally stated, as follows:

"The Mount Bonnell park is very vital to the City. It should be improved and better maintained so that its value to the City can be preserved and better utilized. Attached is a resolution passed unanimously by the Committee in this respect. We were not entirely certain as to the status of the park from the standpoint of the County and the City, hence the wording of the resolution."

At this point Mr. Barrow read the following:

"We recommend that the City of Austin and the County of Travis enter into a cooperative agreement whereby the County would make certain capital improvements at Mt. Bonnell Park, with the City agreeing to provide adequate maintenance for the park in the future. The capital improvements suggested by this Committee include: (1) Repair the existing steps with installation of hand rails; (2) Night lighting at the summit; (3) Walkways across the top of the mountain; and (4) Construction of additional observation points. Any capital improvements should be coordinated with the Parks and Recreation Department of the City."

Mr. Barrow continued reading his report as follows:

"The present dedicated road, 60 feet wide, should be left in the present location according to the dedication. (This was not the unanimous view of the Committee, but the majority view. If there is any danger of jeopardizing the ownership of the park and the road by moving the road, then the Committee as a whole is opposed to moving the road.)

"A majority of the Committee favors the City acquiring certain important areas, not large in themselves, which we feel will protect the park and the attractive views involved. This has reference to the area on the mountain just south of the park, and the area just south of the end of the present road leading down the mountain. No specific motion was passed in this respect, but votes on related motions indicated this position.

"As previously stated, the Committee recognizes the value and importance to the City of the Mount Bonnell Park. There was no disagreement in this respect. The Committee was unable to agree on what, if anything, should be done to preserve and enhance this value in view of the proposal to subdivide the privately owned property. The statement following is the view of the writer and six other members of the Committee on this subject:

"The writer and some members of the Committee favor purchasing the privately owned tract on the best possible terms, using that part of it which will protect and enhance the present park site, and disposing of the balance of the property - that part which will not interfere with the park itself and the splendid image which it has had and can continue to have.

"Any of the alternatives other than purchasing the entire privately owned tract would involve substantial sums of money; and some of the proposals, such as purchasing the area west of the present road and south of the present park area, would cost so much in relation to the entire cost that they would not be advisable. It would be better to purchase the entire tract, make those additions to the park area which are concluded to be vital, and sell the remaining area for controlled private development.

May 6, 1965

"The development of the property immediately adjoining the present park would tend to serve to change the image of Mount Bonnell, and reduce its value as a scenic and historic park. Residences bordering the present road on the mountain and down its slope would have this effect.

"Austin derives its value and reputation as a desirable place to live from several sources, but one of the most important is the scenic beauty of the area and the outstanding natural attractions such as Zilker Park and Barton Springs, Town Lake and Mount Bonnell. As the City grows and population increases as it appears will immediately occur, it is very important to select those most valuable naturally scenic and strategic areas and preserve them as open spaces. The City cannot afford to own and maintain all of the desirable areas; so we should select those most vital, preserve, protect and enhance them. The value to the City and its residents in the long-term future from such a program cannot be estimated.

"Very truly yours,
s/ David B. Barrow
David B. Barrow"

MRS. FAGAN DICKSON read a report of the other half of the Committee including the motion she submitted, "I move that this Committee recommend to the City Council that the present park site and 60' wide roadway on Mount Bonnell be left just as Mr. Covert dedicated them to the public; and further recommend as the private development plans progress, if it seems advisable to buy some specific piece or pieces of property in order to make the public's enjoyment of the area even greater, then we advise the City Council to watch the planning and consider all such possibilities." She continued reading, stating Mr. Cox was doubtful of including the suggestion to look into the further purchase of any additional land. Generally those supporting the recommendation were firm in the belief that the park and roadway, which Mr. Covert gave by deed to the public must be protected; agreed that the park was dedicated, the roadway was dedicated; and that fact is sufficient to preserve the historic value of the area and the expenditure of any appreciable sum of money to acquire additional land would not be justified in this area. They felt if any additional sums of money were available for park purchases that a more thorough survey of the City's total park need be considered and some alternatives offered, in order to assure the best investment of public money.

The Mayor noted that the unanimous opinion was that the historic value should be preserved; and the park be improved and better maintained. Mr. Barrow said the Committee did not agree or disagree on changing the sharp curve in the road, but it did agree that the main part of the road down to the curve should remain as it is dedicated. The City Attorney said there are several instruments of record, that would leave room for doubt and controversy as to the result of removing the road. To move the road without risk, it would be necessary to obtain all the rights that the owners of any right of referter might have; including probably the heirs of P. J. Lawless as well as the Covert heirs. Councilman Shanks inquired about the certainty of the location of the roadway, and if it had been surveyed out. The Director of Public Works displayed a map prepared by Metcalfe Engineering Company, showing concrete monuments on various points on the right of way. The field party took a center line, and found practically all of the concrete monuments shown on this map, and the center line generally is along the center of the existing paved roadway. Councilman Shanks stated then that

was the roadway. The City Attorney reviewed in detail the dedications of the roadway; the combination of dedication of roadway and park in the same instrument; and the questions that would be raised. He pointed out there was a dedication by the Barrow family of additional area adjacent to the park itself, and that tract also has a reverter clause. Mrs. Dickson believed the public became disturbed, because it felt it was losing something, and she listed the confusing issues. It was obvious Mr. Covert knew exactly what he was doing, as he went about these dedications in two different stages of thought. Councilman Shanks asked if consideration had been taken that the owners might give some of the area adjacent to the park. Mrs. Dickson said they never offered to give it; they offered to trade it for the change of the road and other concessions. Mr. White said the owner would give 200' if he had permission to move the road. Mr. Barrow said the Committee did consider this offer to give the City 200' for the concession of moving the road and changing the set-back, and voted against it. Discussion centered around the Barrow property and it was suggested that this be called "POINT BARROW" and Mrs. Dickson revised her motion to include "POINT BARROW and the COVERT PROPERTY". The Mayor stated when land was given to the City by individuals their names should be very, very carefully preserved. Mrs. Dickson asked the Council to look into the situation about filling the lake at the bottom of the mountain. The City Manager explained the policy which the Council established years ago, in that filling the river would not be permitted to the extent it would result in narrowing it any more than already narrowed at other points. Councilman Shanks asked the City Attorney if he had made sufficient study that this were his legal opinion about the road. The City Attorney stated only that it involved risks; but he had not made sufficient study to say positively that if it is moved that absolutely the City would lose it. Councilman White asked if Covert could give permission to move the road since he dedicated it? The City Attorney explained if permission of the number of heirs of the Coverts and possibly the Lawless heirs were obtained, it could be moved. Mrs. Dickson said the Coverts were very exercised about moving the road, and they did not want it moved.

MR. BARROW read a Minority Report by MISS MARGARET LOUISE HILL dissenting from any recommendation of the Mount Bonnell Study Committee, as follows:

"Honorable Mayor and Members of the City Council of Austin, Texas:

"I dissent from any recommendation by the Mount Bonnell Study Committee which does not leave inviolate the land west of the present road and south of the dedicated park. I do so for the following reasons:

- "1. The proposed plan of your Parks and Recreation Board is the absolute minimum acreage necessary to preserve the character of the dedicated park and provide a beautiful scenic drive -- the closest such drive to the majority of homes in the City. However, I feel that indemnity payments to the Connally Corporation, possibly necessitated by this plan, would not be the wisest expenditure of City funds; that alternate plans would be more economical in the long-range view.
- "2. The proposal to purchase all land west of the road and south of the park, while reasonably adequate to protect the character of said park, if such meager and indefinite land values as were given the committee are even approximate, would cost more than the purchase of the entire tract and the sale of any property surplus to an adequate scenic drive and natural

park area.

- "3. The proposal to purchase the entire Connally properties in the Mount Bonnell area seems to me to be the most imaginative and, in the long run, the most economical. If, as some developers on the Committee have indicated, this property has increased five-fold in five years, surely in another five years the property access to the most beautiful scenic drive and park which can be planned will more than pay for the original purchase of the entire tract.

"Although mine is a minority opinion, I could not in all conscience fail to do otherwise than register my opinion with you. It has been often said of Councils and School Boards in the past that their motto was "Too little, too late". Mount Bonnell is the last unspoiled-by-houses area close to the heart of our City. This area is steeped in history, tradition and beauty. We, the people, have permitted former Councils to pursue here the short-view policy. When will this policy end? There are many citizens who are vitally interested in the development of their City, but who derive no direct monetary gain from the type of this development. When will these be allowed a more dominant role in recommending to you, their elected officials, as to what this development is to be? When will all of us give more consideration to the question of what will make our City a better place to live without crowding, than we do to how many more tax dollars the loss of our rapidly vanishing open spaces can add to the tax rolls? Other cities have faced these questions and, in their solution, produced beautiful open-vistad areas. I have sufficient confidence that Austin, a town already in this category, can continue to preserve its image as the City of the Violet Crown and not become another "God's Own Junkyard". (If you have not read this book, I heartily recommend that you and your Planning Commission and Zoning Board do so.)

"I greatly appreciate the honor bestowed upon me by you in permitting me to serve on your Study Committee. Although I find myself often in opposition to your decisions, believe me that it is in the true English sense of the "Loyal Opposition", necessary for and devoted to the best interests of our beloved Austin.

"With greatest sincerity,
s/ Margaret Louise Hill
Margaret Louise Hill"

The Mayor stated the Council would take these reports and delve further into this. These reports indicated there is much to be said on both sides, and the vote was 7 to 7 in the Committee. This tells the Council to proceed with caution. Mrs. Dickson suggested the Recreation Director be asked to get a survey on what the real needs of the parks are. It seemed they were overlooking the professionals to get the final facts on which the determination could be made. Councilman Long called attention to the fact if the Planning Commission had not wanted to do something about preserving this, the Council could not have done a thing about it, as it did not stop subdivisions. This recommendation just turns it back to the Planning Commission and all were going to have to work on this. Mr. Barrow thought it would be a good thing to get a recommendation from the Parks Director. He was surprised that the Parks Director and Chairman of the Parks Board were not in favor of enlarging the park. Councilman LaRue stated the Parks Department had to maintain this area which was quite a responsibility. The Recreation Director replied it was purely a matter of finances.

He favored a reasonable approach to have a minimum requirement to protect the scenic beauty of the peak and scenic drive. Mayor Palmer listed the tremendous growth of the City; the over-night announcement of the expansion of the University; the expansion of the State, and the City's extensions of the Hospital area, and expressway systems, and stated things are changing very rapidly. Mrs. Dickson said again if they have to pay for Mount Bonnell that a survey be made and a choice given the Council and the Parks Department to recommend where it could be spent, because lots of land could be purchased where more people could use in other areas. Councilman Long stated most of the people preferred to have Mount Bonnell than having a lot of vacant land that has no scenic or historical value. They are part of Austin's history and heritage. Councilman LaRue stated a Little League Team had just been opened at Mabson Field; and they have been using for a year just a trailer, and they have nothing whatsoever--just now building restrooms. A half million dollars would be on one location while other places would not have any facilities. The Mayor thanked the Committee for its deliberation and hard work.

MR. DAVID BARROW stated it was a healthy thing to follow the policy the Council has had to invite other people in Austin to study these matters as more people become interested in what is going on in the City. The Mayor stated whatever action the Council took on the Mount Bonnell question would be discussed for the next 40 or 50 years, whether it made a mistake or whether it did the right thing. The Mayor thanked the Committee, and said the Council would make a decision sometime in the very near future.

COUNCILMAN LONG inquired about the proposed sale of the property on Town Lake where the Department of Public Works Service Yard is now located and if such had been recommended by the Parks and Recreation Board. The City Manager stated it was his idea that the land be sold and explained why this particular property would not be needed by the City.

The City Manager read a memorandum from the Superintendent of Water and Sewage Treatment Plant, MR. ULLRICH, stating bids were opened on April 2nd for some aeration equipment to go into the Sewage Treatment Plant, and the low bidder qualified his bid to such an extent that it could not be accepted. Meanwhile it was found there are other people that may be interested in bidding, and he recommended rejecting these bids and readvertising. Councilman Shanks moved that the bids be rejected and to resubmit them. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long asked that Mr. Ullrich furnish a tabulation of the bids so she could see what they were. MR. ULLRICH stated the two bidders were INFILCO DIVISION, Fuller Company the oldest manufacturers of this type of equipment, and YEOMANS BROTHERS COMPANY, second oldest. The low bid was \$17,600; and Yeomans' bid was \$27,290. The low bidder qualified his bid, taking exception to the City's method of testing, and stated their equipment would not be tested. Mr. Ullrich said new bidders were available, and he would like to readvertise in about a month, to give everyone an opportunity to study the City's method of testing. He explained briefly the testing method.

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The City Manager reported each Council Member had received from the Building Official a memorandum attaching a proposed amendment to the Minimum Housing Ordinance concerning motels, rooming houses, etc., making the same provisions required for individual residences. After brief discussion, Councilman White moved that a public hearing be set on this amendment for 11:00 A.M., May 27th. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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

MR. JOHN PALMER, a senior in the Law School made his complaint against the Judge of the Corporation Court, about his treatment as he tried to tender a check in the full amount of fines for seven parking tickets and one red light violation. There were warrants for his arrest; but he was voluntarily trying to pay the fines, but his check was not accepted and he was jailed instead. After an hour and a half, he was called before the Judge, plead guilty and appealed the counts. His Attorney, Mr. Robert Lewis, was writing out the appeal bonds, and the Judge disappeared. Mr. Palmer was ordered back in jail for 45 minutes while the Judge approved the bonds. He was informed not to worry about missing any classes at the University, as the Judge had called the Dean and explained everything to him. Mr. Palmer feared this would involve his getting in trouble in the Law School, and he wanted to file this complaint against the Judge for his actions, since he had gone voluntarily and had not been arrested at the time he went to the Court to pay the fine. Mayor Palmer stated it would be best to hear the Judge's comments also. In answer to questions from the Council Members, MR. JOHN PALMER stated there was a warrant for his arrest; the reason he had not paid the tickets was strictly financial, and this matter had been pending for about a month. He had about eight tickets during the seven years, his violations being overparking; he had never given them a check for insufficient funds or stopped payment on a check. Mr. Palmer had appealed all of his cases. Mayor Palmer said this would be checked into.

The City Manager reported MR. GEORGE HILL, representing the Red Cross, had been back to discuss a location for its building, and it had been suggested to him to investigate the possibilities of going into the Hospital Area complex. The City Manager stated land could be made available without any time delay. Councilman Long asked if they were planning to buy land in the area. The Director of Planning had suggested that the Red Cross consider acquiring land in the area for both the local and district office, providing for a combined staff of 10 or 12 people in the immediate future. The architects were not in a position to make a specific recommendation, but they recommended generally the area below 14th Street to 11th and from Waller Creek to Trinity for consideration. A check was made of the property in the area which would be suitable for a building of about 5000 square feet as an initial building, and some parking requirements for the employees. Under the general architectural plan, there will be parking available in the area for the volunteers to use. The Planning Director stated perhaps 15,000 square feet should be considered. The Board is reviewing three possible locations, with auditorium spaces already available in the area, the Red Cross could reduce their building site. They recognize the relationship to the medical profession, downtown and public transit. Councilman Long inquired if they were

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talking about buying the property. The City Manager said it was assumed they would buy it, but that had not been discussed with them. He was not attempting to recommend or set any policy with reference to giving free use of land in the hospital complex area, and that is a matter the Council should decide what it wants to do about the United Fund Community and Civic activity organizations that locate in the area. Councilman Long did not believe the taxpayer would be in favor of buying that high priced land and turning it over to private organizations, as a gift. The City Manager stated it would not be deeded to them, but leased. The Planning Director discussed the City's providing land for organizations, stating in this particular situation, there would not be a joint use, as this was a national organization. Councilman LaRue pointed out one good example of the method would be a situation similar to the Garden Center which is available to all public and institutions to use; but he would be opposed to leasing land for the exclusive use of any group. The City Manager suggested a review of what had been done over a period of years.

The City Manager had a memorandum from the Director of Recreation related to the Economic Act project which would involve taking children from day care centers to the Natural Center or taking the animals to the Day Care Center. The Community Council had inquired if the Recreation Department could undertake this project, which would consist of the operation of a small bus, and one employee. Initially the Government would pay 90% of the cost, and the employees would be possibly in Group IX, drawing around \$4600 plus Social Security, insurance, etc. The Recreation Director stated in addition, the Library would be called upon to bring a special service to these day care centers as an enrichment program. The Community Council wants some indication as to whether or not the City would go into such a program. Councilman Long stated for the Natural Science Center it would be better to transport the children there. The City Manager stated this was also his observation. Councilman LaRue said "Project Headstart" which comes under the Schools was underway, and those children would be more susceptible to this kind of instruction and training than the day care students. It might be better used at this period of time than in the day care program, and the schools have busses and transport these children. The Director of Recreation wanted an indication from the Administration and the Council as to its part in this day care program for the total study. There would be two busses--one for the library use and one for the Recreation. The Recreation Director recommended this as a fine project, but he did not know about the future financing of these projects. Councilman LaRue, not in opposition, stated the program could be better utilized in the Headstart Project than day care. The Mayor suggested that the Community Council recommend whatever package it has, and the Council would decide. The City Manager stated in this particular case, they were not talking about any money temporarily except perhaps \$400-\$500 a year. The Mayor suggested that the Recreation Director go ahead and recommend to the Community Council and let it exclude it or include it in their package they recommend to the Council as Coordinating Agency. It might serve better under another program. The City Manager suggested coordinating this with some other program to assure it that the facilities are open for visits. The Mayor agreed.

The City Manager had a memorandum from the Superintendent of Water and Treatment Plant, and the Director of Water and Sewer Utilities, stating the long range water and sewer system studies made in 1958 need to be updated. The planning area of the City is more extensive than it was at that time; and with the actual growth of the City and construction of houses, etc., the houses had not been developed in the same density. This was a 25 year study, but was to be

reviewed about once every five years. BLACK & VEATCH were the Consulting Engineers on the last study along with local engineers, Bryant-Curington. Mr. Ullrich and Mr. Schmidt would like to use them again and have a proposal from them for a cost plus type of contract with a maximum cost not to exceed \$35,000. At the time they made the proposal there had not been announced the new lake and its effect on future development of the City. The City Manager said they would like to have the authority to make a counter offer to add additional territory and include this in and make the contract for \$35,000. Councilman Long asked if someone else could not be brought in locally. The City Manager pointed out the advantages of having the same people to do this study as they had the general background; and at this amount of money they could give a better job than someone coming in new. In answer to Councilman Long's question about bringing in other engineers to work with BLACK & VEATCH, Mr. Schmidt, Director of Water and Sewer Utilities, stated they had been talking to other firms in the area. There are two projects which will be brought to the Council within the next two months and the other engineers will be used on those projects. With this understanding, the other engineers would not object to this selection.

The City Manager stated the City Council in 1960 determined who would be hired for engineering projects between 1960 and 1965, as the bond approval included a number of millions of dollars of engineering work to be done. The Council met with all the engineers and decided which engineer would be assigned to each project. It took into account all engineers in Austin. Their fee schedules generally are based on percentage of construction costs of the job, but it is a graduated scale. A million dollars worth of work was allocated to the engineers, and they agreed to $3\frac{1}{2}\%$ on the design. Councilman Long asked for a list of the projects and a list of engineers on the projects, because she had not the slightest idea of who had which project. The City Manager listed the engineers assigned to particular projects. Councilman Shanks asked whom the City Manager recommended on this particular study. The City Manager concurred in the recommendation of Mr. Ullrich and Mr. Schmidt. Councilman Shanks moved that the recommendations of the City Manager, the Superintendent of Water and Sewage Treatment Plant, and the Director of Water and Sewer Utilities be accepted, and that BLACK & VEATCH and BRYANT-CURINGTON be selected, and that the City Manager be authorized to negotiate that this fixed fee include some additional studies, and make the best deal possible. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager had submitted an inquiry from LLOYD D. McCLAIN about purchasing property the City owns at the corner of West 39 $\frac{1}{2}$ Street and Shoal Creek Boulevard. The roadway has not yet been developed through there, and it was not thought this was the best time to sell the property. Councilman Shanks moved that the property be retained. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager called attention to the filing of the Traffic Engineer's report on the Study of University situation on Guadalupe Street.

The City Manager noted the Water and Sewer Department Project Report had been filed with the Council.

The City Manager discussed employing architects to design a Service Building for the Electric Utility Building by the Power Plant to relieve congestion there, particularly in the Electric Distribution. This building would be for draftsmen for design work and headquarters for the distribution staff. There would be a small meeting room where safety meetings, etc. could be held. This property was purchased from Brown and Root for this purpose a number of years ago. It is south of the railroad track and east of West Avenue, south of the railroad track and east of West Avenue, south of the creek. Part of the designers are in the City Hall, and part are in the Service Building. Councilman Long inquired if within the next 5 or 10 years, if a new City Hall were built and some of the government activities were centralized, would their still be a need for this type of activity? The City Manager stated there would be, as this would not be the administrative office, but the design office, and it needs to be located in an area where the trucks would have ready access to it; and where members of the public who have business there would have easy access. The City Manager explained the necessity of the design section and the minute work it performed. He said now they wanted to engage an architect for the building, which would run somewhere around \$250,000. After discussion, Councilman Shanks suggested that the City Manager and Department Heads involved study the availability of the architects, quality of their work, and bring in a recommendation of three from which the Council could choose one. Councilman Long suggested that he bring in names of five Architects. Councilman White stated three would be sufficient. Councilman Shanks said after the City Manager had interviewed the architects he might bring in the names of 5 which he would recommend.

About the request of Mr. Mac Hull for part of the Zilker Park property, the City Manager asked if the Council wanted to discuss this today. The Mayor stated before he made a decision, he would like to have the area staked off. The Director of Public Works said he would have it staked off by next Thursday. Councilman LaRue stated Mr. Hull should be told the Council was not interested in removing the high line. The matter was delayed until next Thursday.

Councilman Shanks inquired as to the procedure to be taken on the request of Mr. Arthur Mitchell on the \$148,000 grant for a low cost housing project, and the zoning of the property. Councilman Long stated the Council could reconsider its vote whereby it turned this down. The City Attorney read the zoning ordinance which provided that no amendment, supplement, change, or appeal . . . which had been legally rejected by both the City Council and the Zoning Commission shall be again considered either by the City Council or Zoning Commission on an appeal or petition . . . before the expiration of one year from the date of the final action by the City Council. Councilman Shanks stated if there were no way to reconsider this, that the City Attorney call Mr. Mitchell and explain to him. The City Attorney said he had discussed this with Mr. Mitchell, and he would discuss it with him again.

The City Attorney had a contract with MR. W. D. ANDERSON, JR. for property from Lamar Boulevard to within 200-300' of West Avenue, about 68,917 square feet, on Shoal Creek Boulevard. (671' x 104') Councilman LaRue moved that the Council authorize the purchase of this property. (West 15th Street) The motion, seconded by Councilman White, carried by the following vote:

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

The City Attorney discussed the McElhenny property in southeast Austin, stating the Council's action limited the purchase of 12 acres of land for a certain amount. They would be able to acquire more land but would have to pay more per acre, and he listed the average price for 15 acres. He was not able to get the 12 acres at the authorized price. They want to work out an area in such a pattern that it would take in and go around the substation, which is a good idea, and the purchase would take in the street area and drainage area as much as possible. If Felix Avenue were ever extended, it would be extended through this property at the City's cost. The City Attorney recommended buying approximately 15 or 20 acres to pick up enough to surround the substation and drainage area generally. He stated about half of the purchase price could be recouped this way, as later some lots could be sold. Councilman LaRue moved that the recommendation of the City Attorney be accepted. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Attorney inquired about the hour of the Inauguration Ceremonies of the new Council on May 17th. The Mayor stated it would be at the normal hour, 10:00 A.M.

MAYOR PALMER said all the Council had received a letter from Johnson and Baker, stating the Aquatic Gardens, Inc., formed by business men in the City of Austin filed this letter, its application to operate excursion boats on Town Lake in the City of Austin. The proposal is to operate two different types of boats on the lake, one being approximately 10' x 24' which would accomodate about 20 persons, and another one which would accomodate approximately 200 persons. The applicant proposes to commence operations to operate the excursion boats about April 1966. They requested that a hearing be set at the convenience of the Council so the proposal can be presented in detail for consideration. The Mayor suggested that today it be filed with the City Clerk and brought up later as they were placing their application in line. The letter was filed with the City Clerk.

Appointments to various Boards were deferred until the following week.

The City Manager reported that MR. CHARLIE GREEN'S term on the Civil Service Commission expired; and according to the Civil Service Regulations, the appointment is made by the City Manager and confirmed by the Council, and he was nominating Mr. Green for another three year term extending to May 6, 1968. Councilman Shanks moved that the appointment be confirmed. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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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 5:40 P.M. subject to the call of the Mayor.

APPROVED

L. E. Palmer
Mayor

ATTEST:

Elmer Hartsley
City Clerk