

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 3, 1966
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

All in the Council Room stood in silent prayer in memory of one of Austin's outstanding community leaders, MR. TOM BROWN.

Invocation was delivered by REVEREND THEODORE McELROY, Hyde Park Christian Church.

Councilman LaRue moved that the Council grant the request from Krimm and Glenn Welsch that the following zoning request be withdrawn:

KRIMM & GLENN	1009-1103 Shelley Avenue	From "A" Residence
WELSCH		To "B" Residence
		NOT Recommended by the Planning Commission

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

Pursuant to published notice thereof the following zoning applications were publicly heard:

BRADFIELD- CUMMINS, INC.	3900-3966 Far West Blvd.	From Interim "A" Residence 1st Height & Area To "GR" General Retail 1st Height & Area
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RECOMMENDED by the
Planning Commission
except 150' buffer strip
along western and north-
ern edge which was
recommended "B" Residence

Councilman Long moved that the change be granted as recommended. 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 change had been granted to "GR" General Retail 1st Height and Area except for the 150' buffer strip along the western and northern edge which was granted "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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A. J. DOBROWOLSKI	1419-1423 East 7th Street	From "C" Commercial 2nd
	614-618 Onion Street	Height & Area
		To "C-2" Commercial 2nd
		Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman LaRue moved that the change to "C-2" Commercial 2nd Height and Area be granted. 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 change had been granted to "C-2" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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CAPITAL PLAZA	1007-1009 East 50th Street	From "A" Residence
MEDICAL CENTER		To "O" Office
By Richard Matz		RECOMMENDED by the
		Planning Commission

Councilman White moved that the change to "O" Office be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. LORA M. LEE	112-122 Brushy Street	From "A" Residence 2nd
	801-803 East 2nd Street	Height & Area
	113-123 Interregional	To "C" Commercial 2nd
		Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman Long raised the question regarding signs, as it would be contrary to National Policy to have signs along the highway. Councilman LaRue moved that the change to "C" Commercial 2nd Height and Area be granted. 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 change had been granted to "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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RICHARD R. HOOPER	900 East 55th Street	From "A" Residence
	5501-5503 Helen Street	To "B" Residence (as
		amended)
		RECOMMENDED by the
		Planning Commission

Mr. Hooper stated the recommendation was agreeable. Councilman White moved that the change be granted to "B" Residence. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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RICHARD R. HOOPER	4712-4714 Interregional	From "C" Commercial 5th
	Highway	Height & Area
		To "C-1" Commercial 5th
		Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman White moved that the change to "C-1" Commercial 5th Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-1" Commercial

5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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PEARL H. PATTON,
ET AL,
By Gary Moore

7128-7152 U.S. Highway
290

From Interim "A" Residence 1st Height & Area and "C-1" Commercial 6th Height & Area

To "C-1" Commercial 6th Height & Area

AMENDED to "C" Commercial except for the south 125' of Lot 3 which is presently zoned "C-1" Commercial

RECOMMENDED by the Planning Commission as amended

Councilman Long moved that the change to "C" Commercial 6th Height and Area be granted except for the south 125' of Lot 3 which will remain "C-1" Commercial 6th Height and Area. 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 change had been granted to "C" Commercial 6th Height and Area except for the south 125' of Lot 3 which will remain "C-1" Commercial 6th Height & Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN CREST HOTEL, 111 East 1st Street
INC., By Richard
Baker

From "C-1" Commercial 4th Height & Area

To "C-2" Commercial 4th Height & Area

RECOMMENDED by the Planning Commission

Councilman Long moved that the change to "C-2" Commercial 4th Height and Area be granted. 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 change had been granted to "C-2" Commercial 4th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN MOOSE LODGE
By Ronald Zent

Tract 1
Rear of 2103 Redwood
Avenue

From "O" Office
To "C-2" Commercial

Tract 2
Rear of 2101-2103 Red-
wood Avenue

From "C-2" Commercial
To "O" Office
RECOMMENDED by the
Planning Commission

Councilman Long moved that the change to "C-2" Commercial for Tract 1 and to "O" Office for Tract 2 be granted. 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 change had been granted to "C-2" Commercial for Tract 1 and to "O" Office for Tract 2 and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN SAVINGS &
LOAN ASSOCIATION
By Campbell &
Patterson

1014-1016 East 39th
Street
3900-3912 Interregional
Highway

From "C" Commercial 6th
Height & Area
To "C" Commercial 5th
Height & Area
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C" Commercial 5th Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. R. MAYHALL

Tract 1
2113 Shoalmont Drive
Tract 2
2117 Shoalmont Drive
Tract 3
2121 Shoalmont Drive
5423-5425 Montview

From "A" Residence
To "C" Commercial
From "A" Residence
To "LR" Local Retail
From "A" Residence
To "O" Office
NOT Recommended by the
Planning Commission

Mr. Mayhall built a home in this area in which he lived for 17 years after coming back from overseas. No duplexes or commercial operations were permitted due to deed restrictions in this area, then outside of the City limits. Since annexation, there is a duplex next to him and a garage apartment

across the street. He built two nice brick homes next to his, but he had to move into one of these new homes he had built for rental property due to the duplex next door. Mr. Mayhall operates Belltone Hearing Service, and he said he might want to move his office out to this area, demolishing the frame house and building an office, with adequate parking space. Since there are other unchallenged zonings, it might be that a challenge would prove the deed restrictions had been abandoned. It was pointed out zoning had nothing to do with deed restrictions. It was decided his operation could be permitted in "LR" Local Retail which was acceptable to Mr. Mayhall. Councilman Long moved that Tract 1, 2113 Shoalmont Drive be zoned "LR" Local Retail, and the remaining tracts be zoned "O" Office. 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 change had been granted to "LR" Local Retail for Tract 1, 2113 Shoalmont Drive, and to "O" Office for the remaining tracts and the City Attorney was instructed to draw the necessary ordinance to cover.

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LOUIS F.
SOUTHERLAND &
LOUIS C. PAGE

1008-1102 Lambie
51-55 Interregional
Highway

From "O" Office 2nd
Height & Area
To "C" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission

MR. SOUTHERLAND wanted to zone the property "C" Commercial as other property in the vicinity, and referred to the high-rise Holiday Inn. On Lambie Street the traffic was scarce, and he saw no reason for making it a 60' street. The 5½' which is being asked for widening the street is needed for off street parking. If the Fish Hatchery is abandoned and if traffic increases on Lambie Street he would be willing at this time, if "C" Commercial is granted, to construct their building 5½' off the property line, so if the City ever had to come in at some future date and widen that street to 60' they would not have a building on it. Now, they prefer to have that 5½ feet for parking on site. Their first plan was to build a motel, but the state took a large piece of land off the front for the expressway and now they are considering a large office development--not a high rise. MR. CHARLES PAGE stated they might develop an apartment project, and they would need "C" Commercial rather than "GR" General Retail. Mayor Palmer asked about the set back on Lambie. Lengthy discussion was held on set back requirements on Lambie and also the Interregional. It was pointed out the property should be replatted. The Chief of Plan Administration stated when the subdivision came up, one foot of right of way would be required to bring the street up to 50'. After discussion, Councilman Long moved to change the property to "C" Commercial 5th Height and Area subject to the replatting of the subdivision. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "C" Commercial

5th Height and Area subject to the replatting of the subdivision and the City Attorney was instructed to draw the necessary ordinance to cover.

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FRANK BARRON

1119-1121 & 1201-1205
St. Johns Avenue
7104-7110 & 7105-7111
Grand Canyon Drive

From Interim "A" Residence 1st Height & Area
To "B" Residence 1st Height & Area
NOT Recommended by the Planning Commission

The Chief of Planning Administration explained the change of the preliminary plans to be made on the subdivision. Mr. Barron said he was in agreement with the change to remove the cul de sac and tie it into the street, and he showed the new plan. Councilman Long moved that the zoning be granted to "B" Residence 1st Height and Area subject to Mr. Barron's filing a resubdivision plat. 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 change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. LOIS McGEE
and DON J. JACKSON
By Ronald Zent and
Frank Montgomery

7205-7207 Guadalupe
Street
513-515 Odell Street

From "A" Residence 1st Height & Area
To "B" Residence 2nd Height & Area
NOT Recommended by the Planning Commission

MR. FRANK MONTGOMERY representing the applicant, amended the request from "B" Residence 2nd Height and Area to "BB" Residence 1st Height and Area, and the Council considered the application as amended. Mr. Montgomery wanted to make it clear as to the limited height of the building, and that there would be no change in the character of the neighborhood. His proposal now would be a 10 unit apartment, which would provide homes for teachers. In answer to Councilman LaRue's question, Mr. Montgomery said the original plans called for two story buildings. The lot has 14,000 square feet, and would provide the necessary off-street parking. Mr. Montgomery showed on a map the areas in the vicinity where various commercial zones had been granted. He believed this new development would be an injection of new life into the area, and did not believe people who chose to reside in apartments should be segregated from a residential area. MR. EDWIN HODDE and MRS. D. R. MOORE expressed opposition asking that the area be left residential. MR. H. F. SLATAPER favored the zoning change, as this type of development would be an improvement in the area and would help to raise the property values in the area. The Mayor said the Council wanted to make an on site inspection of this area. The Council deferred action.

Councilman White moved that the Minutes of the Meeting of October 27, 1966 be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Present but not voting: Councilman Shanks (as he was absent on that date)

The Council had under discussion an amendment to the Electrical Ordinance. The Assistant City Attorney, MR. GLENN CORTEZ, said this was proposed by the Electric Board to clarify the height requirement of a three or more story building. The present ordinance provides where a building is three stories or more in height, an apartment would require a conduit or rigid cable for the wiring. The Electric Inspector has had some difficulty in administering this. By clarifying this section, to include parking areas under apartment houses, this area would be considered as a floor. The amendment would define "floor" in the ordinance and specify so many floors would require conduit instead of flexible cable. The Mayor stated when the Electric Ordinance was under study and adopted this matter was debated at that time as to whether the parking area underneath should be considered a story. The Electric Inspector explained the inquiries received about the underground parking area's being considered as a floor. Councilman Long suggested that this ordinance lay over for a week, that notice go out to the interested parties and a hearing be held next week. Mayor Palmer asked that this hearing be given publicity that it would be held next week.

Mayor Palmer introduced the following ordinance:

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

The ordinance was read the first time and Councilman 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.

The City Attorney announced this contract is a happy ending to one of the difficulties the Council was confronted with in relocating a church on East 12th. The church is relocated on Heflin Lane, and the building is almost completed.

The Mayor and Council greeted and welcomed students from the Public Affairs Classes at the University of Texas.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following locations is less than thirty (30) miles per hour; and,

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

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Rockmoor Road	Stevenson Avenue	Cherry Lane
Scenic Drive	Bonnie Road	Rockmoor Road
Cherry Lane	Bonnie Road	Rockmoor Road

Now, Therefore,

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

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

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

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

Noes: None

Councilman Long said when this goes into effect, signs should be posted and people should be warned in the beginning, as they are not accustomed to have a 20 mph speed limit.

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 application of Southwestern Bell Telephone Company to construct and maintain a buried telephone cable system in and under a part of

Robert Mueller Municipal Airport; such system not to exceed a width of five (5) feet; the centerline of said assignment being more particularly described as follows:

A strip of land five (5.00) feet in width, same being out of and a part of Austin Municipal Airport in the City of Austin, Travis County, Texas; the centerline of said strip of land five (5.00) feet in width being more particularly described as follows:

BEGINNING at a point in the west wall of the Trans-Texas Airways maintenance building, and from which point of beginning an iron pin at the northwest corner of Lot 1, Block 2, Cresthaven Addition bears N 17° 02' W 11.00 feet, N 81° 28' E 67.00 feet, S 23° 52' E 715 feet to Southwestern Bell Telephone Company Manhole #251, S 29° 29' W 773.05 feet and S 19° 49' E 18.80 feet;

THENCE, S 81° 28' W 2.50 feet to a point;

THENCE, N 8° 32' W 9.00 feet to a point;

THENCE, N 81° 28' E 95.00 feet to a point;

THENCE, S 8° 32' E 47.00 feet to a point;

THENCE, S 81° 28' W to point of termination in the east wall of the Hertz Rent A Car car wash building.

be and the same is hereby granted and the Building Inspector is hereby authorized to issue a permit for the construction of such improvement, said grant and permit to be subject to the following conditions:

(1) The improvement shall be constructed and maintained in compliance with all ordinance and regulations relating thereto, pursuant to plans and specifications approved by the City's Director of the Department of Public Works.

(2) The permit shall be issued and accepted subject to all reasonable police, traffic, fire and health regulations of the City of Austin, now existing or hereafter adopted.

(3) The repair or relocation of any and all utilities in the vicinity necessitated by the laying of this improvement shall be done at the expense of Southwestern Bell Telephone Company.

(4) Southwestern Bell Telephone Company will indemnify and save the City of Austin harmless from any and all claims against the said City growing out of or connected with the construction or maintenance of said improvement.

(5) The City of Austin may revoke such permit or require relocation of facilities installed for good cause after notice to Southwestern Bell Telephone Company, and hearing thereon, and upon such revocation or requirement for relocation the owner of such improvement will remove or relocate the same and pay all costs and expenses attendant therewith.

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, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit crossing TRINITY STREET, from a point in the east property line of said TRINITY STREET westerly 5 feet; the centerline of which underground telephone conduit shall be 22 feet north of and parallel to the centerline of Willow Street.
- (2) An underground telephone conduit in TRINITY STREET, from a point 22 feet north of the centerline of Willow Street northerly 190 feet, more or less; the centerline of which underground telephone conduit shall be 5 feet west of and parallel to the east property line of said TRINITY STREET.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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, by an instrument of record in Volume 1658 at Page 146 of the Deed Records of Travis County, Texas, easements for public utility purposes were granted the City of Austin, in, upon and across portions of Lot 31, Block M, Resubdivision of a portion of Block M, North Acres, Section 1, according to a map or plat of said Resubdivision of a portion of Block M, North Acres, Section 1, of record in Book 7 at Page 145 of the Plat Records of Travis County, Texas; and,

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

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

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

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

Two strips of land, each being five (5.00) feet in width and each being out of and a part of Lot 31, Block M, Resubdivision of a portion of Block M, North Acres, Section 1, a subdivision of portions of the John Applegate Survey and the J. O. Rice Survey in Travis County, Texas, according to a map or plat of said Resubdivision of a portion of Block M, North Acres, Section 1, of record in Book 7 at page 145 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land five (5.00) feet in width is to be released from the public utilities easement provided by an instrument of record in Volume 1658 at Page 146 of the Deed Records of Travis County, Texas, and each being more particularly described as follows:

NUMBER ONE: BEING all of the east five (5.00) feet of the south 125.00 feet of said Lot 31, Block M;

NUMBER TWO: BEING all of the west five (5.00) feet of the south 125.00 feet of said Lot 31, Block M.

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:

"October 31, 1966

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

Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, October 28, 1966, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF APPROXIMATELY 2511 FEET OF 16-INCH CONCRETE STEEL CYLINDER WATER MAINS IN PLEASANT VALLEY ROAD FROM EAST FIRST STREET TO EAST SEVENTH STREET. This is a prepare for paving project, also will provide water service to a portion of the future loop in this area as called for in the City of Austin's long range planning. The bids were publicly opened and read in the Council Chambers in the Municipal Building, Austin, Texas.

"The following is tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Walter W. Schmidt Construction Company	\$31,612.68	40
Ford-Wehmeyer, Inc.	33,497.00	45
Bland Construction Company	33,766.75	20
J. C. Evans Construction Company	36,128.50	50
Austin Engineering Company	42,983.61	50
City of Austin (Estimate)	\$34,907.00	45

"It is recommended that the contract be awarded to the Walter W. Schmidt Construction Company on their low bid of \$31,612.68 with 40 working days.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 28, 1966, for the installation of approximately 2511 feet of 16-inch concrete steel cylinder water mains in Pleasant Valley Road, from East First Street to East Seventh Street; and,

WHEREAS, the bid of Walter W. Schmidt Construction Company, in the sum of \$31,612.68, 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 W. Schmidt Construction Company, in the sum of \$31,612.68, 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 W. Schmidt Construction Company.

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

The City Manager submitted the following:

"October 31, 1966

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

SUBJECT: Bids for Fire Hydrants for Water Distribution for a twelve (12) months period.

"Sealed bids were opened in the office of the Purchasing Agent at 10:00 A.M. October 28, 1966 for the estimated quantity of Fire Hydrants for a twelve (12) months period beginning November 15, 1966 and ending November 14, 1967. These

materials are used by Water Distribution and are stocked by Central Stores and are to be delivered by the vendor as required by the City of Austin.

"The bids received are as follows:

<u>"Bidder</u>	<u>Manufacturer</u>	<u>Net Total</u>
The Rohan Company	M & H	\$20,970.06
The Rohan Company (Alternate)	M & H	20,267.77
Darling Valve & Mfg. Co.	Darling	23,388.68
Trans-Tex Supply Company	Mueller	<u>18,800.32</u>

"This tabulation is submitted with the apparent low bid meeting the City of Austin specifications and conditions underscored."

Councilman Long inquired as to the number of fire hydrants that would be used in a 12 months' supply. The City Manager listed the various sizes: four sizes of which only two each would be needed; seventy $3\frac{1}{2}$ '; fifty 3'; six $4\frac{1}{2}$ ' two 5' hydrants; two 4'; two $2\frac{1}{2}$ ' hydrants; and two 2' hydrants, totaling 134 for \$18,800.32.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 28, 1966, for estimated quantity of Fire Hydrants for a twelve (12) months period beginning November 15, 1966 and ending November 14, 1967; and,

WHEREAS, the bid of Trans-Tex Supply Company, in the sum of \$18,800.32, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Trans-Tex Supply Company, in the sum of \$18,800.32, 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 Trans-Tex Supply Company.

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

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

Noes: None

The City Manager submitted the following:

"October 28, 1966

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

SUBJECT: Bids on 6,000 feet of $2\frac{1}{2}$ " Fire Hose and 500 feet of $1\frac{1}{2}$ " Fire Hose for the Fire Department.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. October 26, 1966 for 6000 feet of $2\frac{1}{2}$ " Fire Hose and 500 feet of $1\frac{1}{2}$ " Fire Hose for the Fire Department. Invitations to bid were sent to all known prospective bidders.

"The bids received are as follows:

	<u>Net Total</u>
Alamo Fire Equipment Co.	\$6,948.20
Simms Fire Equipment Co., Inc.	8,124.20
Texas Rubber Supply, Inc.	7,295.07
M. Jacks Fire & Safety Equipment Co.	7,670.00
Howe Fire Apparatus Co.	7,087.36
Fabric Fire Hose Co.	6,776.70
Fire Control Engineering Co.	8,465.00
Alamo Iron Works	8,844.26
Eureka Fire Hose Division	*6,017.20
Texas Instrument Supply Co.	8,241.80
Sure Fire Equipment Co.	8,055.00
Barbee Fire & Safety Equipment	7,150.00
Fire Appliance Co. of Texas	6,930.00
Houston Fire and Safety Equipment Co.	8,820.00
Lorey's Fire Protection Service	6,492.00
The Texacoach Company, Inc.	<u>7,355.00</u>

"*Our specifications require the "inner jacket to have rubber liner and be loose at the folds" to permit more hose to be placed in the hose bed per cubic foot. The bid by Eureka took exception to this part of our specification and stated their rubber liner was fully adhered to the jacket.

"This tabulation is submitted with the apparent low bid meeting the City of Austin specifications and conditions underscored."

Councilman LaRue inquired about the specifications, stating someone had taken an exception. The City Manager stated the Fire Department had specified a hose that could be rolled tightly or was more collapsible. Two bidders do not make the hose that way. They sent in a bid, but stated they did not meet the specifications.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 26, 1966, for 6000 feet of 2-1/2" fire hose and 500 feet of 1-1/2" fire hose for the Fire Department; and,

WHEREAS, the bid of Lorey's Fire Protection service, in the sum of \$6,492.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Lorey's Fire Protection Service, in the sum of \$6,492.00, 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 Lorey's Fire Protection Service.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

The City Manager submitted the following:

" TABULATION OF BIDS
Sale of Houses
Bids Opened November 1, 1966

Improvements Only	1221 E. 51st St. (To be moved)	1221 E. 51st St. (To be demolished)	1223 E. 51st St. (To be moved)	1303 E. 51st St. (To be moved)	2303 Holly St. (To be demolished)	2716 Webberville Road (To be demolished)
Gilbert Senkel	\$50.00					
W.C. Parker		\$ 3.00		\$ 400.00		
Vivian Wilhite			\$905.00			
Janice Bayer			\$875.00			
Joe Allen, Jr.			\$896.00	\$896.00		
Fred C. Barkley			\$1,755.00	\$1,705.00		
Dick Rathgeber			\$1,268.00	\$838.00		
Michael M. Phillips			\$2,010.00			
George W. Peterson, Jr.			<u>\$2,065.00</u>			
James E. Neeley			\$3,333.00			
H.H. Chapman	<u>\$362.00</u>	<u>\$22.00</u>				
M.J. Kouri			\$1,257.87	\$1,257.87		
Victor E. Smith	\$256.00	\$ 5.00		<u>\$2,605.00</u>		
Gene L. Freudenberg	\$68.00	\$17.00			<u>\$48.00</u>	\$22.00
Florence Leistico			\$1,511.00			
Robert Kastner	\$50.00			\$1,412.00		
Rev. J.T. Bayless				\$1,875.00		
Ray Ramariz						<u>\$45.00</u>
Murray Owens			\$1,700.00	\$1,700.00		

*Combined bid for both 1223 East 51st Street and 1303 East 51st Street.

Amount underlined represents high bidder."

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 1, 1966, for the sale of six (6) houses to be demolished or moved; and,

WHEREAS, the bids of H. H. Chapman in the sum of \$22.00 for storage building located at 1221 East 51st Street to be demolished, and the bid in the sum of \$362.00 for house located at 1221 East 51st Street to be moved; the bid of Gene L. Freudenburg in the sum of \$48.00 for house located at 2303 Holly Street to be demolished; the bid of Ray Ramirez in the sum of \$45.00 for house located at 2716 Webberville Road to be demolished; the bid of George W. Peterson in the sum of \$2,605.00 for house located at 1223 East 51st Street to be moved; and the bid of Victor E. Smith in the sum of \$2,605.00 for house located at 1303 East 51st Street to be moved, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the above enumerated bids of H. H. Chapman, Gene Freudenburg, Ray Ramirez, George W. Peterson and Victor E. Smith, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with said named parties.

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

The City Attorney discussed the amendment to the Zoning Ordinance Text concerning sale of beer and wine; and asked for clarification on provisions applying to "D" Industrial and "E" Heavy Industrial. He understood the intention of the Council was to remove the restrictions and make the provision as it is in "C-2" Commercial. The Council agreed that the provisions in "D" Industrial and "E" Heavy Industrial with regard to the sale of beer and wine would be the same as is in "C-2" Commercial, where a package store or tavern is permitted. Later in the meeting Mayor Palmer brought up the following ordinance for its third reading to include the clarification that to have a permit for a package store or tavern, it would be necessary to apply for "C-2" Commercial:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: DEFINING "GROCERY STORE"; ALLOWING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION IN A GROCERY STORE; ALLOWING THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION IN A RESTAURANT IN THE "GR" DISTRICT; ALLOWING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION IN "C" DISTRICT; DELETING SECTION 7; DELETING REFERENCES TO "C-1" DISTRICTS FROM SECTION 3, SECTION 8, SECTION 18 AND SECTION 25; DELETING PARAGRAPH 51 OF SECTION 9; DELETING CERTAIN EXCEPTIONS PERTAINING TO THE SALE OF BEER AND WINE FROM SECTION 10; DELETING PARAGRAPH (h) OF SECTION 12; AMENDING THE USE DISTRICT MAP TO

RE-DESIGNATE AREAS NOW DESIGNATED "C-1" TO "C" DISTRICTS;
AND AMENDING SECTION 11 RELATING TO SIGNS; AND DECLARING
AN EMERGENCY.

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.

The City Manager stated the Council had asked for information concerning which land on the north side of the river east of Highway 35 was to be acquired and which had already been purchased. There were two plans - one to acquire land to replace land which the city is turning over to the school system, and the other was the plan for the acquisition of the land to comply with the Master Plan for Town Lake and recommendations of the Parks and Recreation Board that land be acquired for public parking and development of park facilities. The two areas were pointed out on a map. The school is reimbursing the City for the cost of land over to Chicon Street. The land to the east of Chicon is proposed to be acquired in connection with the Master Plan, as recommended by the Parks and Recreation Board. The land already purchased was pointed out. The open space applications are being prepared in two parts--one in the area related to the school, and the other in relationship to the various sites pointed out as park sites and park roadways. All parking would be public parking. The Recreation Director wanted to move the parking from the area near the water. The City Manager stated the contract with the Fiesta Gardens requires a parking area on the south side of the building, unless equal parking space is provided elsewhere. Councilman LaRue noted there were to be 500 spaces provided. Discussion of the funds was held. The City Manager stated Recreation development would come from Recreation funds; and streets would be financed from street bonds. Park roads would be under park development as they would be private drives for the park and not public streets. In this particular plan, the roadway is a loop through the area, and would be limited to the use of those wanting to get to the sand beach reserve. The two items of consideration are for applications for open space funds on the area in connection with the school and that adjacent to Fiesta Gardens. Councilman White suggested that the Council go look at these areas. After due deliberation, Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the Secretary of Housing and Urban Development to States and local public bodies to assist them in the acquisition and development of permanent interests in land for open-space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision and development of open-space land as part of the comprehensively planned development of the urban area; and,

WHEREAS, the City of Austin (herein sometimes referred to as "Applicant") desires to acquire fee simple title to certain land known as 5.10 acres of land, being all of Lots 6 through 9 and 22 through 25 of Chalmers Addition in the City

of Austin, which land is to be held and used for permanent open-space land for a playfield adjacent to the Sam L. Martin, Jr. High School; and,

WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land acquired and/or developed; and,

WHEREAS, it is recognized that the contract for Federal grant will impose certain obligations and responsibilities upon the Applicant and will require among other things (1) assurances that families and individuals displaced as a result of the open-space land project are offered decent, safe and sanitary housing, (2) compliance with Federal labor standards, and (3) compliance with Federal requirements relating to equal employment opportunity; and,

WHEREAS, it is estimated that the cost of acquiring said interest will be One Hundred Sixty Thousand Seven Hundred Forty-Five and No/100 Dollars (\$160,745.00); and,

WHEREAS, there will be no net demolition costs; and,

WHEREAS, it is estimated that the total amount of relocation payments to be made to eligible site occupants displaced from the property to be acquired will be Twenty Thousand Nine Hundred Forty-Five and No/100 Dollars (\$20,945.00); Now, Therefore,

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

1. That an application be made to the Department of Housing and Urban Development for a grant in an amount authorized by Title VII of the Housing Act of 1961, as amended, which amount is presently estimated to be One Hundred One Thousand Three Hundred Seventeen and 50/100 Dollars (\$101,317.50), and that the Applicant will pay the balance of the cost from other funds available to it.
2. That W. T. Williams, Jr., City Manager, is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department to act as the authorized correspondent of the Applicant.
3. That the proposed acquisition and development is in accordance with plans for the allocation of land for open-space uses, and that, should said grant be made, the Applicant will acquire, develop, and retain said land for the use designated in said application and approved by the Department of Housing and Urban Development.
4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Title VII of the Housing Act of 1961, as amended, provides for the making of grants by the Secretary of Housing and Urban Development to States and local public bodies to assist them in the acquisition and development of permanent interests in land for open-space uses where such assistance is needed for carrying out a unified or officially coordinated program for the provision and development of open-space land as part of the comprehensively planned development of the urban area; and

WHEREAS, the City of Austin (herein sometimes referred to as "Applicant") desires to acquire and develop fee simple title to certain land known as 17 parcels of land in Bergman Valley View Addition, which land is to be held and used for permanent open-space land for park, play area, picnicking, park road and accessory parking area as part of the park and open space area along Town Lake; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Department of Housing and Urban Development effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land acquired and/or developed; and

WHEREAS, it is recognized that the contract for Federal grant will impose certain obligations and responsibilities upon the Applicant and will require among other things (1) assurances that families and individuals displaced as a result of the open-space land project are offered decent, safe, and sanitary housing, (2) compliance with Federal labor standards, and (3) compliance with Federal requirements relating to equal employment opportunity; and

WHEREAS, it is estimated that the cost of acquiring said interest will be Fifty-five thousand one hundred fifty eight dollars (\$55,158.00); and

WHEREAS, it is estimated that the cost of necessary demolition and removal of improvements on said land will be Two thousand one hundred sixty dollars (\$2,160.00); and

WHEREAS, it is estimated that the total amount of relocation payments to be made to eligible site occupants displaced from property to be acquired will be Five thousand four hundred dollars (\$5,400.00); NOW, THEREFORE,

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

1. That an application be made to the Department of Housing and Urban Development for a grant in an amount authorized by Title VII of the Housing Act of 1961, as amended, which amount is presently estimated to be Thirty-five thousand one hundred thirty nine dollars (\$35,139.00), and that the Applicant will pay the balance of the cost from other funds available to it.

2. That adequate open-space land for the locality cannot effectively be provided through the use of existing undeveloped or predominantly undeveloped land.

3. That W. T. Williams, Jr., City Manager, is hereby authorized and directed to execute and to file such application with the Department of Housing

and Urban Development, to provide additional information and to furnish such documents as may be required by said Department, to execute such contracts as are required by said Department, and to act as the authorized correspondent of the Applicant.

4. That the proposed acquisition and development is in accordance with plans for the allocation of land for open-space uses, and that, should said grant be made, the Applicant will acquire, develop, and retain said land for the uses designated in said application and approved by the Department of Housing and Urban Development.

5. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

6. That there exists in the locality an adequate amount of decent, safe, and sanitary housing which is available to persons displaced as a result of the open-space land project, at prices which are within their financial means, and which are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families, and it is the sense of this body that such displacees, if any, will be relocated in accordance with applicable regulations of the Department of Housing and Urban Development.

7. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Applicant with the Federal labor standards imposed under Title VII of the Housing Act of 1961, as amended.

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

Councilman Long moved that the Council extend the contract for one year with the Austin Equal Citizenship Corporation. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Shanks requested that the Corporation itemize how they spent the past appropriation. The City Attorney stated the Council budgeted \$25,000 for the year. The City Manager stated it had been suggested that in extending the contract that it be extended for the next year, and continued thereafter as long as the Council appropriates the money. Councilman Long stated the contract should be on a year to year basis and when the contract comes up it could be reviewed.

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

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) 4.65 ACRES OF LAND OUT OF THE ISAAC DECKER LEAGUE, LOCALLY KNOWN AS 125-209 ST. ELMO ROAD AND THE REAR OF 123 ST. ELMO ROAD; AND (B) 0.27 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4420-4434 SOUTH CONGRESS AVENUE, FROM "A" RESIDENCE DISTRICT TO "DL" LIGHT INDUSTRIAL 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 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.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

Mayor Palmer opened the hearing on an amendment of the Master Plan. The Planning Director listed the two items in this proposed amendment--(1) a pending request for a change of designated manufacturing to residential on 175 acres between Ed Bluestein Boulevard, East 19th Street, the M.K.&T. Railroad and the Tracor tract; and (2) the application by Tracor for a 200 acre area between Ed Bluestein Boulevard and the M.K. & T. Railroad for a designation of manufacturing and related uses. In addition another 100 acres south of the Tracor site between Ed Bluestein Boulevard and the M.K. & T. Railroad were added for hearing purposes. The recommendation from the Planning Commission was to retain the industrial designation of a tract approximately 80 acres at the corner of Ed Bluestein Boulevard and F.M. 969 including a 50 acre strip north of Tracor and to change the 200 acres as applied for by Tracor to manufacturing and related uses. The Commission had made a statement that the 100 acres should be designated for the future as industrial, but did not take any action on the 100 acres. Mr. J. D. Mitchell and Mr. I. E. Regiene, owners of the 100 acre tract, were present. Mr. Robert Sneed, representing Mr. A. R. Sandstrom and Mr. Cal Marshall, stated they were in agreement now with Tracor in their making their change; and in turn Tracor does not object to his clients' amendment to residential. Councilman Shanks moved that the Master Plan be amended to designate that 200 acres

known as the Tracor tract for manufacturing and related uses; and that the area north of the Tracor tract known as the Cal Marshall and Sandstrom tract be designated as low density residential. The motion, seconded by Councilman White, carried by the following vote:

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

The Council took no action on the 100 acres, south of the Tracor tract. (between Ed Bluestein Boulevard and M.K. & T. Railroad)

The City Manager reported the downtown merchants would like to have the Christmas lights turned on Thanksgiving night. He recommended they be turned on the night before for adjustments if necessary. Councilman Long moved that the City Manager be authorized to turn on the Christmas lights and have them on the night before Thanksgiving. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Manager had a communication from the Recreation Director that MR. LARRY CLARK and MR. LLOYD PAYNE representing the Southwest Optimist Club, requested the use of the Rabb tract, for a Little League Ball Field. The Parks and Recreation Board had objected. The memorandum from its Chairman to the Recreation Director was read, stating she would find no serious objection providing no permanent improvements were made; that the Master Plan of Zilker Park, which she had not yet presented, provided that this area has a possibility for a historical restoration area. Her principal objection would be to the lights which would reflect in the faces of the hillside theatre audiences. Another problem which would develop when the land is opened would be the easy access to the swimming pool from the south. With all the people moving into the Barton Hills Subdivision, the problem of controlling the entrance to the pool is apparent. She would not wish to deny youngsters to play ball on this property and would be willing to work with the Southwest Optimist if they would commit themselves to making it a temporary operation. The Recreation Director, Mr. Sheffield favored the request as long as it was a temporary location and that no lights were requested. He said Mr. Payne was willing to take this on any kind of a basis; however Mr. Sheffield wanted to get this firmly established for the other use for this area. The City Manager read the recommendation from the Parks and Recreation Board, in which it voted that the request by the Southwest Optimist Club to use a part of the Zilker Park, (the Rabb tract) for a Little League Base Ball Field be denied. The Parks and Recreation Board had studied the Master Plan of the Park and noted the possibility of using this site as a historical restoration area. Even a temporary baseball operation at this location would require the removal of a few trees and harm the landscape of the area where historical buildings could be placed. Mention also was made of the lights in connection with the hillside theatre. Members of the Board were interested in the Parks and Recreation Department's finding another site for this Little League Baseball Field. In answer to Councilman LaRue's inquiry about the trees, the Recreation Director stated if the field were kept at a minimum, there would be no loss of any trees; there might be some small minor trees affected. MAYOR PALMER stated there were 90 little boys in the neighborhood who had no place to play ball. The Council wanted to look at this area.

The City Manager said each member of the Council received a copy of a letter from MR. KELLY McADAMS, asking to purchase some City property adjoining his, offering \$2.00 per square foot. Reply to him was the City needed this property. Mr. McAdams then wanted to sell his property to the City for \$45,000 which is about \$4.00 a square foot. If the City property is worth \$2.00 per square foot, the adjoining tract would be. Councilman Shanks suggested offering him the same as he offered for the City property. Councilman LaRue moved that the City Manager be authorized to negotiate for this property. The motion, seconded by Councilman White, carried by the following vote:

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

MAYOR PALMER announced it was 3:00 P.M. and the Council would open a hearing on a parade ordinance. The Legal Department had prepared three suggested ordinances. The City Attorney stated it was recognized the City does not have a parade ordinance as such, although there has been an inadequate ordinance on the books since 1908. No standards are set for a parade permit for the Chief of Police to follow; and for years the Council has passed upon the issuance of parade permits. During recent litigation, it was mentioned there was not a uniform ordinance regulating parades. He said the Council perhaps might want to consider one or more types of regulations and his department had prepared three ordinances, which were distributed. The Assistant City Attorney, MR. DON BUTLER, reviewed the first ordinance prohibiting parades excepting funeral processions, students going to and from classes or participating in educational activities, and governmental agencies acting in the scope of their function. Mayor Palmer stated this ordinance could be eliminated, as the Council seemed opposed to eliminating all parades.

The second ordinance provided if the Council found the parade to be in the best benefit to the public as would justify the temporary closing of a street, then the streets could be temporarily closed and the permit issued. Councilman Long pointed out this ordinance set no standards. The City Attorney stated this ordinance verbalizes the present practice and would be a substitute for the now archaic language contained in the code. Councilman Shanks said this was explicit when it says the streets and alleys are primarily for the interest of traffic. Councilman LaRue said this would not be based on a matter of fact but of opinion. The City Attorney explained this ordinance would not permit a parade unless the Council found that the proposed procession or assembly would be of such overruling interest to the public as a whole--not to some segment--to justify the temporary closing of the streets.

The third parade ordinance was reviewed by the Assistant City Attorney, Mr. Don Butler, stating this was a slightly revised version of a model ordinance by the National Institute of Municipal Law. He discussed every provision. The City Attorney, regarding the provision for the fee, said it was not for a revenue matter, but was based upon the expense of the administration of the ordinance, maintaining traffic, and moving traffic. The Council would fix that based on its estimates on what the costs to the public would be. Standards for issuance and notice of rejection, contents of the permit were read. The Council discussed various provisions of the ordinance. Councilman Shanks saw no reason to deny any group a permit to march other than that of traffic or public interest. Councilman LaRue stated this ordinance covered the things the Council had been doing and is a check list and guide to remind the Council each time that it is abiding by this guide. Councilman Long did not want to see sidewalks included in this

ordinance. Councilman Shanks preferred the second ordinance over this detailed ordinance.

MR. HALSEY TICHENOR, Local Legislative Chairman, Central Texas Chapter of the American Civil Liberties Union, presented the A.C.L.U. statement of policy on organizational expression, Policy No. 38, which the local Chapter is morally obligated to follow to give necessary assistance if people complain to the Chapter. He read Paragraph 2 of the Policy regarding the right of assembly. The Chapter had asked PROFESSOR JAMES TREECE, Associate Professor of Law at the University to elaborate upon the constitutional issues involved. PROFESSOR TREECE outlined points on problems of regulating parades and applied them to the ordinance before the Council. He conceded the Council had the power to regulate parades, traffic and control the streets, and perhaps to prohibit parades. He discussed rights of groups (not that they had rights to violate ordinances of the City Council) and rights of groups less than parades or processions, stating they would have rights to disrupt traffic on the sidewalks. He set out some bases of denial of a parade, as being on consideration of time, route, duration of length of parade and consideration of the manner of the parade. He opposed setting a fee that would actually be commensurate with the cost of the City in permitting the parade. It would be safer for the City to charge no fee, or a nominal fee connected with the cost of issuance of a permit. He opposed the distinguishing among the applicants for parades. Professor Treece stated the first and second ordinances were bad; and the comprehensive ordinance now under consideration is the best. He said this should be narrowed to streets, and parks should be excluded from this type of ordinance. His suggestion for the fee was \$5.00 or \$10.00 to cover the paper work. He asked that the ordinance be redrafted with the knowledge a parade is to be in the public interest, informative, and entertaining and to get the parades on the streets rather than off the streets.

MR. WILLIAM ROTH, Unitarian Council for Social Responsibility, read a statement regarding marches on streets and assemblies in public parks and places as being the only means by which minority groups could make their needs and wishes known, and to have freedom of speech and of assembly at minimal costs. MR. CHARLES HOWELL said the ordinance was too important to be rushed through without giving the public time for expression. The Mayor explained this ordinance had been announced for many months, and the public hearing was set for today to give all an opportunity to discuss it. Councilman Long reported a letter from MARIE FARNUM, Secretary, Unitarian Council for Social Responsibility, asking the Council to pass this parade ordinance on three separate readings, so it would be widely publicized and understood. Mayor Palmer suggested that the Council decide on which ordinance to consider, and pass it through its first reading so people would know which one was under consideration. Legality of the ordinances was discussed. The City Attorney stated the ordinances would be legal. He said the Council probably would want to change the definition or consider regulating activities in parks and on sidewalks. Councilman Long said she certainly did not, and this section could be taken out. Councilman Long introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 33 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 33.8 THEREOF; REGULATING PARADES; AUTHORIZING THE CITY COUNCIL TO RECEIVE APPLICATIONS AND ISSUE PERMITS; PROVIDING STANDARDS FOR ISSUANCE THEREOF; PROVIDING FOR NOTICE OF REJECTION; PRESCRIBING DUTIES OF PERMITTEES; MAKING IT UNLAWFUL TO CONDUCT A PARADE WITHOUT PERMIT

AND REQUIRING COMPLIANCE WITH PERMIT CONDITIONS AND APPLICABLE LAWS AND ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the Parade Ordinance (the more detailed one) be passed through the first reading with the understanding the general public would know which ordinance is planned to be considered. Councilman LaRue seconded the motion.

Councilman Long stated this does not mean she was going along with the ordinance as written, as she intended to take out "sidewalks and parks".

In discussion MR. JOHN DOWNES, member of the Unitarian Council of Social Responsibility, expressed concern about the seriousness of the ordinance, and that not too many people had notice of the hearing; nor was there any publicity about it. Councilman LaRue listed some dates this matter had received publicity. Mr. Downes, referring to parades of the students for Democratic Society, the Ku Klux Klan, and Farm Workers, said it was extremely hazardous for controversial groups to be forced to march on sidewalks and they should have marched in the street with police protection. The Mayor said the Police were not there to protect only the marchers themselves; they were there to enforce the law. Councilman Shanks asked if there were danger and hazards of a parade, if that would not be a reason to deny such groups to parade. Mr. Downes said they should have marched in the street where there could be control and protection. He submitted an alternative ordinance, which was not restrictive, but one which was permissive and emphasized the right to parade. (Ordinance on file)

MRS. JOHN BARROW favored marching in the street, as that was more of a protection to the marchers.

The City Attorney explained if Mr. Downes' ordinance were construed as what was being discussed was a right, and if it were an unqualified right, there would be no need for any ordinance. The Supreme Court had pointed out this was not a right that could not be regulated at all. Councilman Long asked Mr. Downes what his objections were to the ordinance before the Council now. He suggested clarifying the uses of the words "parks" and "sidewalks", as assembly rights may be involved; studying carefully the amount of the fee; and twenty days' notice is rather long.

Councilman LaRue said the discussion had been a confusion of free speech; that Mr. Downes' opinion basically concerned freedom of speech; also he contended that these parades should be permitted and encouraged to be held at any place-- in the middle of the street which has as its primary use the moving of people, traffic, etc. Referring to his comparison of using the Library, Councilman LaRue noted Mr. Downes was contending free speech should be encouraged, even at the expense of the other individuals in the Library who were there for other purposes.

Councilman Shanks had stated throughout the discussion that the Council had denied no one the right to march; that the Council had not abused the parade ordinance at all, and the whole matter would be based on the integrity and honesty of the City Council.

Councilman Long asked Mr. Tichenor to review the ordinance and let her know what objection he had to it; that the Council would pass it through its first reading amending it to their liking, or may not pass it at all; but it would be taken up again next week.

Roll call on Councilman Long's motion, that the Parade Ordinance (the one setting the standards) be passed through the first reading with the understanding the general public would know which ordinance was planned to be considered, showed the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Present but not voting: Councilman Shanks

The City Attorney reviewed an offer made sometime ago of \$50,250 for a tract of land on the east side of the Interregional Highway, north of Flores Street from an Oil Company which forfeited the earnest money posted. There is a purchaser interested in blocking the property to be purchased before the end of the year. He reported a check had been made with all of the City Departments and also District 14 of the Highway Department, and no need for this land had been indicated. The triangle to the south would not be for sale. The property was pointed out on a plat and its dimensions given at the request of Councilman White. After lengthy discussion, Councilman LaRue moved that the City Manager be authorized to advertise that sealed bids will be taken on this property (as a package deal) with a floor of nothing less than \$100,000. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Councilman Long inquired about the adjacent property owner's being given first consideration. The City Attorney stated they would not be on this size tract. These tracts are building sites.

MR. JIM HINES demonstrated a traffic signal pointing out its automation and accuracy, and effectiveness in cutting 62% of property damage at Abilene's No. 1 intersection and 60% of accidents. He gave statistics on their research and tests over nine years. The Traffic signal has a count-down on the amber light, before the green light changes from green to amber to red. The numbers are visible at 700'. Councilman White asked if the Traffic Engineer had recommended this and what was the cost. MR. HINES said the Traffic Engineer had gone over this with him but said he would not make a hasty decision, but he would talk with Mr. Hines later. He said their prices were competitive. A "fourth phase" controller and a light with the count-down would be about \$1,115. He explained the technicalities and how this system could be worked in with all systems. Mr. Hines stated he did not yet have highway approval of these as standard signals, but he anticipated approval very shortly. He explained they were getting started, and would be coded by next June. The Mayor stated the Council would visit with the Traffic Engineer and the City Manager and make a decision. Mr. Hines asked that the City pick out a No. 1 intersection, and he would install the lights for the City to test for six months. At the end of six months, if the lights had not reduced accidents to the Council's satisfaction and if the public does not like them, he would personally see that Austin did not pay a thing for them, and remove them.

Councilman Shanks moved that the Council reconsider the application for Special Permit filed by Howard Brunson for an office specialty use in Highland Park Center. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilmen LaRue moved the hearing for the reconsideration of the special permit by Howard Brunson for an office specialty use in Highland Park Center be set at 10:30 A.M., November 10, 1966. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer presented a request made by Mrs. Rose McGarrigle to see if the City had any property with improvements that Hope House might use to carry on their work, the same as was worked out with the Austin Preschool Hearing Center and later passed on to another group. The Mayor asked if the Council would like to have the City Manager check to see if there is any property with some improvements that might possibly be used for this work with handicapped children. Councilman Long moved that the City Manager be instructed to see if he can find some property adequate for the Hope House. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer stated the Council had a Minute Order from the Highway Department. The City Manager reported they had not had any conferences with Mr. Wood to get more details on what the City's responsibilities would be. (Missouri Pacific Boulevard)

Councilman Long moved that the following be appointed as members to the Solicitation Board for a two year term extending to November 5, 1968:

MR. GEORGE HALDEN
MR. J. DON HOWARD
MR. HENRY DUNLOP

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

Mayor Palmer read a letter from MR. H. M. STREETY, Round Rock, regarding the Austin Radiological business practices.

Mayor Palmer read a letter from DR. CHARLES SUMNERS, thanking the Council for the opportunity to serve as Chairman of the Zilker Commemoration Committee. The first meeting has been called for November 9th.

Mayor Palmer read a letter from JOE W. TATE, Deputy Southwest Regional Director, U.S. Olympic Committee, regarding a local United States Olympic Committee in Austin to act as a source of information on the forth coming Olympic games, especially in 1968 in the Mexico Olympics. The Mayor was asked to serve as Chairman. After discussion, Councilman Long moved that this letter be referred to the Ex Students Association, attention of MR. JACK MacGUIRE, Executive Director. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Noes: None

Mayor Palmer read a letter from MR. CARL A. HOBBS regarding the Boy Scouts Camporee in Zilker Park, and thanking the City Officials for cooperation in providing a safe and healthy camping experience for boys in the Central Texas Area. The letter expressed appreciation for the freshly mowed areas, additional water faucets provided, providing for garbage cans and garbage pick up and other services. Appreciation for having Zilker Park as the camp site was expressed also. Councilman LaRue moved that copies of this letter be sent to the Public Works Department, Sanitation Department, Recreation Department and Water Department. The motion, seconded by Councilman Long, carried by the following vote:

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

Noes: None

The Mayor received letters from the Mayors of Dallas and Fort Worth asking the City Council to go on record as supporting Amendment No. 2 in the General Election on November 8th to permit a regional airport. Councilman Long moved that the Council go on record as supporting AMENDMENT NO. 2. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Noes: None

MAYOR PALMER asked the Council to go on record endorsing the idea of permissive legislation for a broad base tax. Councilman Shanks moved that the Council go on record as endorsing the idea of Permissive Legislation for a broad base tax. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer

Noes: Councilman Long

The Mayor stated it would be good to leave the matter up to the good people of Austin.

Mayor Palmer read a letter from the AUSTIN BRAVES, listing improvements

needed at the Ball Park--a new club house, scoreboard, and replacement of boards in the grandstand. Councilman Long moved that the City Manager be asked to have an investigation made to see what the costs are of improving Disch Field. The motion, seconded by Councilman Shanks, carried by the following vote:

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

MRS. JOHN BARROW questioned the advisability of the Council making a political decision as it made on the Constitutional Amendment, and on the City Council taking action on something that was not City business. (Referring to the Permissive Legislation) The Mayor stated this was City business.

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

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

The Council adjourned at 6:20 P.M. subject to the call of the Mayor.

APPROVED

James T. Palmer
Mayor

ATTEST:

Clara J. Hensley
City Clerk