

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 18, 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

Invocation was delivered by REVEREND HAROLD GRIFFITH, Emmanuel Methodist Church.

The City Manager submitted the following:

"August 12, 1966

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

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, August 12, 1966, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF APPROXIMATELY 1978 FEET OF 12-INCH and 370 FEET OF 8-INCH CAST IRON WATER MAINS IN EAST AVENUE, FLORES STREET AND INTERREGIONAL HIGHWAY. The purpose of this project is to provide adequate water service to the proposed commercial area at Town Lake and Interregional Highway. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

August 18, 1966

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Griffin Construction Company	\$17,149.56	30
Bill Tabor Construction Company	17,177.70	14
Capital City Utilities	17,358.75	25
Fairey-Simons Company	17,511.88	30
Walter Schmidt Construction Company	17,615.35	30
Ford-Wehmeyer, Incorporated	17,947.60	40
J. C. Evans Construction Company	18,133.70	30
M. & A., Incorporated (Marshall, Texas)	19,503.57	15
Bland Construction Company	19,934.05	15
A and P Construction Company	22,364.50	30
City of Austin (Estimate)	17,328.75	

"It is recommended that the contract be awarded to the Griffin Construction Company on their low bid of \$17,149.56, with 30 working days.

Approved:
W. T. Williams, Jr.
City Manager

"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 August 12, 1966, for the installation of approximately 1978 feet of 12-inch and 370 feet of 8-inch cast iron water mains in East Avenue, Flores Street and Interregional Highway; and,

WHEREAS, the bid of Griffin Construction Company, in the sum of \$17,149.56, 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 Griffin Construction Company, in the sum of \$17,149.56, 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 Griffin Construction Company.

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

The City Manager submitted the following:

"August 16, 1966

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

Subject: Assessment Paving Contract
No. 66-A-8

"Following is a tabulation of bids received at 10:00 A.M. Tuesday, August 16,

1966, for the construction of approximately forty-seven (47) blocks of pavement and accessories known as Assessment Paving Contract Number 66-A-8.

"Texas Bridge Company Inc.	\$ 92,437.86
Austin Paving Company	\$ 98,817.91
Frank Habecker	\$ 99,143.85
Pat Canion Excavating Company	\$ 99,952.62
Lee Maners	\$101,307.43
Ed H. Page	\$104,339.68
Jack A. Miller	\$109,652.00
City's Estimate	\$ 99,202.34

"I recommend that Texas Bridge Company Incorporated with their low bid of \$92,437.86 be awarded the contract for this project.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 16, 1966, for the construction of approximately forty-seven (47) blocks of pavement and accessories known as Assessment Paving Contract Number 66-A-8; and,

WHEREAS, the bid of Texas Bridge Company, Incorporated, in the sum of \$92,437.86, 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 Texas Bridge Company, Incorporated, in the sum of \$92,437.86, 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 Texas Bridge Company, Incorporated.

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

Councilman White reported the Director of Public Works, Building Official, and he checked a request for a retaining wall by Mr. Wroe Owens and Mrs. Ila B. Maberry, and he recommended approval. Councilman White moved the construction of shoreline improvements consisting of a retaining wall on a portion of Lots 14 and 15, CE Bar Ranch, Lakeview Acres - Wroe Owens and Mrs. Ila B. Maberry, be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A 875 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 370 HANCOCK CENTER AND THE REAR OF 930 EAST 41ST STREET, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) THE SOUTH 30 FEET OF LOT 8, BLOCK 66 OF THE ORIGINAL CITY OF AUSTIN, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (3) LOTS 64 AND 65 OF THE WOODLAWN ADDITION, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (4) (A) LOT 29 OF THE SUBDIVISION OF OUTLOT 41 AND (B) ADDITIONAL AREA: LOT 30 AND THE EAST 20.5 FEET OF LOT 31 OF THE SUBDIVISION OF OUTLOT 41, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (5) A 15.29 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1118-1306 ATKINSON ROAD AND THE REAR OF 6900-7108 CAMERON ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (6) (A) A 2.6 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7313-7325 NORTH LAMAR BOULEVARD AND 7401-7409 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND (B) A 1.68 ACRE TRACT OF LAND, LOCALLY KNOWN AS REAR OF 7313-7325 NORTH LAMAR BOULEVARD AND REAR OF 7401-7409 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (7) A 10.74 ACRE TRACT OF LAND, LOCALLY KNOWN AS 614-628 SOUTH FIRST STREET, AND REAR OF 700-800 SO. 1ST ST., FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (8) A 3.11 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1900-1918 TILLERY STREET, 3200-3234 EAST 19TH STREET AND 1901-1907 AIRPORT BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND (9) A 229,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4633-4703 MANOR ROAD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long made the following statement:

"I was not at the public hearing and will pass on all of these."

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 5 AND 6, BLOCK 20 OF THE HIGHLANDS, 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: AN 18,254 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4217-4227 BURNET ROAD, 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE DESIGNATION AND ORDERING A CHANGE IN THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: THIRTEEN AND ONE HALF (13-1/2) ACRES OF LAND, LOCALLY KNOWN AS 231-609 WEST POWELL LANE, 221-231 WONSLEY DRIVE AND 8018-8030 PURNELL DRIVE, FROM "A" RESIDENCE DISTRICT AND "C" COMMERCIAL DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion,

seconded by Councilman White, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 33.28 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 800-1114 ANDERSON LANE, 1116-1214 ANDERSON LANE, REAR OF 1216-1228 ANDERSON LANE, 1230-1232 ANDERSON LANE, 1215-1301 DALE DRIVE AND 7906-8172 U. S. HIGHWAY 183, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

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

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

August 18, 1966

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.18 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Portion of Highway 183 immediately west of Fairfield)

Councilman Long moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on September 15, 1966 at 10:30 A.M. 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 consideration of settlement of electrical antitrust cases with MOLONEY ELECTRIC COMPANY and FEDERAL PACIFIC ELECTRIC COMPANY. The City Manager stated a communication from McGinnis, Lockridge, Kilgore, Hunter, and Wilson was sent out with the Agenda regarding this subject and recommending the settlement, and MR. JAMES WILSON was present to make the report.

"August 16, 1966

"Mr. Doren R. Eskew
City Attorney
Municipal Building
124 West Eighth Street
Austin, Texas

"Re: Electrical equipment antitrust cases

"Dear Doren:

"I am pleased to report that we have negotiated two additional settlements of Austin's electrical equipment antitrust claims which we recommend be accepted by the City Council. These are the claims against Moloney Electric Company and Federal Pacific Electric Company. Subject to the City Council's approval we have agreed to settle with Moloney for \$50,000 and with Federal Pacific for \$40,000.

"The \$50,000 Moloney settlement is a lump-sum settlement and is not geared to any particular settlement formula. However, it is obviously an extremely favorable settlement from the City's standpoint since it represents 10.8% of Austin's 1956-1959 Moloney purchases. During the 1956-1959 period, Austin bought \$463,453 in equipment from Moloney consisting of \$333,529 in distribution transformers and \$129,924 in instrument transformers. You will recall that our previous settlements for shelf item purchases such as these have been based on 5% to 6% of '56-'59 purchases, and the Moloney settlement is substantially in excess of this figure.

August 18, 1966

"Under the terms of the Moloney settlement the \$50,000 will be paid in two equal installments of \$25,000, the first payment to be made upon execution of the settlement papers and the second to be made within one year. No interest will be paid on the deferred installment.

"The \$40,000 settlement with Federal Pacific is also extremely favorable. Like the Moloney settlement, this is also a lump-sum settlement and represents 11.2% of Austin's \$356,993 purchases of Federal Pacific circuit breakers during the 1956-1959 period. Most previous settlements of circuit breaker claims have been based on $7\frac{1}{2}\%$ to $8\frac{1}{2}\%$ of '56-'59 purchases, and the Federal Pacific settlement is significantly above this figure.

"Under the terms of the settlement, Federal Pacific will pay the \$40,000 in five equal installments, the first installment of \$8,000 to be paid upon execution of the settlement papers and the balance to be paid in four successive annual installments of \$8,000. Interest will be paid on the deferred installments at the rate of $4\frac{1}{2}\%$ per annum.

"The Federal Pacific settlement was concluded only after extensive preparation for the trial of all remaining circuit breaker claims in Federal Court in Chicago, and this preparation required that substantial expenses be incurred for data processing economic analysis, and the like on behalf of our clients and other electric utilities involved in the Chicago case. As a part of the over-all settlement with Federal Pacific we insisted that Federal Pacific pay \$10,000 toward our client's share of these expenses in addition to the amounts settled upon as damages. We have not received complete detailed statements of these expenses as yet, but we are of the opinion that the \$10,000 will cover all of these expenses. Any excess will be applied against other expenses incurred by our clients in connection with the circuit breaker litigation.

"If these settlement offers are accepted, we will have disposed of all of Austin's antitrust claims except those against Sangamo Electric Company and I-T-E Circuit Breaker Company. The claim against Sangamo is the only substantial claim remaining involving approximately \$400,000 in purchases of meters, instrument transformers and power capacitors. The claim against I-T-E Circuit Breaker is based on approximately \$35,000 in insulator purchases.

"If you have any questions about the foregoing please let me know.

"Sincerely
s/ Jim
James W. Wilson"

MR. WILSON stated the Moloney Electric Company's settlement is \$50,000 on approximately \$463,000 worth of equipment and this is slightly over 10% of the 1956-1959 purchases. This is a better settlement than was reached on this type of equipment before. The Federal Pacific Company's \$40,000 settlement is a little over 11% of the purchases, compared to those in the past of $7\frac{1}{2}\%$ and $8\frac{1}{2}\%$. Mr. Wilson said these were extremely good settlements, and he recommended acceptance. Councilman LaRue asked if these would be classified under the heading of shelf items or electrical apparatus. Mr. Wilson said the Maloney Electric Company would be the shelf items, and Federal Pacific Electric Company would be the apparatus. Councilman LaRue agreed that these were good settlements. In the Westinghouse and General Electric cases, the settlement was based on $7\frac{1}{2}\%$ of the electrical apparatus, and 5% on shelf items during the period of 1956-1959. Councilman Long added it is far better than the settlement made before, and

possibly had they waited longer on the first ones, they might have come out better on those settlements. Mr. Wilson said when the details of the first settlement were delved into, these settlements would be comparable. Councilman White inquired how much money this would mean--the net dollars. MR. WILSON stated Federal Pacific was paying an additional \$10,000 which probably would take care of most of the expenses, and these figures should be net to the City plus the attorneys' fees. In answer to Councilman Long's question, Mr. Wilson stated the attorneys' fees would be $22\frac{1}{2}\%$ of \$90,000 less whatever expenses were not already covered. MAYOR PALMER stated MR. WILSON was the attorney employed for the City of Austin and represented the people of Austin; is a citizen of Austin; recommended the other settlement, and felt it was the best settlement at the time that could be obtained under the conditions at that time; and he was now recommending these settlements. Mr. Wilson stated that was correct. Councilman Shanks moved that these settlements be accepted. 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 setting of a hearing on GLEN OAKS URBAN RENEWAL PROJECT PLAN. The City Manager reviewed the Glen Oaks Project planning as fully developed by the Urban Renewal Agency Staff, reviewed by the Urban Renewal Board, and informally reviewed by the Federal Officials in Fort Worth. He said the next step is the approval of the plan locally by the City Council; then it would be ready for approval by the Federal Government and a grant for the execution of a project. Councilman Long inquired as to any changes made in the plan. The City Manager stated the boundaries had been enlarged to include Rosewood Park and land on the east side of Chestnut up 12th Street. He listed the three plans for flood control, stating the ponding method was the one accepted as the best method. This plan involves acquisition of land along the creek and clearance of the houses subject to flooding. The land would become park land, green belts and picnic areas that could be used for recreation purposes except during flood periods. The ponding would not be in this project, but would be to the east in Govalle. The Council reviewed the maps of the project again. The City Manager stated September 22nd was the earliest date the project could be heard. He said the law required where there was a Planning Commission that the matter be referred to the Commission, but the Council would consider the recommendation solely as an advisory matter, and could either adopt the plan as originally submitted or make such changes as it wished.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION PROVIDING FOR A PUBLIC HEARING
BY THE CITY COUNCIL OF THE CITY OF AUSTIN,
TEXAS, CONCERNING A PROPOSED URBAN RENEWAL
PLAN AND PROVIDING FOR NOTICE THEREOF.

WHEREAS, the Urban Renewal Agency of the City of Austin has prepared an urban renewal plan concerning an area known as the "Glen Oaks Project"; and,

WHEREAS, the Urban Renewal Agency of the City of Austin has submitted such urban renewal plan to the Council with the recommendation that such plan be approved; and,

WHEREAS, such plan has been submitted to the Planning Commission of the City of Austin for its consideration and recommendation; and,

WHEREAS, the Council desires to set a public hearing, giving notice thereof in accordance with the Urban Renewal Law of Texas, to consider the plan and to give all persons an opportunity to be heard thereon; Now, Therefore,

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

1. That a special public hearing upon the Urban Renewal Plan for Glen Oaks Project be, and the same is hereby, set for the 22nd day of September, 1966, at 10:00 o'clock A.M., in the City Council Room, Municipal Building at 8th and Colorado Streets, Austin, Texas.

2. That notice of such hearing be published in the American-Statesman, a newspaper having a general circulation in the City of Austin, Texas, three times, and in accordance with provisions of relative statutes.

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

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Present but not voting: Councilman White

Councilman White made the following statement regarding his vote:

"I voted right recently to approve work on Boggy Creek. I would still vote on that, but the other part, I would vote 'no'."

He asked the City Manager how much money the City of Austin had spent up to this time as the Urban Renewal has been in effect for sometime. The City Manager stated the City was obligated to pay one third of the net cost of the project but no money had been spent yet; except in the Kealing Project for water lines, street paving, etc. just as is done in any other part of the City. Councilman White wanted to know how much the City had paid out, and how much it would have to pay out on this. The City Manager stated the City would not pay the 33 1/3% in money; as if the City puts in a water line or electric power line in the project, the City gets credit for it. Councilman White wanted to know how much was spent on the utilities and paving, etc. In connection with the hearing, the Council asked that copies of the maps be sent to the members.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the morning of August 1, 1966, with no advance warning, a deadly accurate fusillade of high-powered rifle fire began issuing forth from atop the Tower of the University of Texas, killing and wounding many people; and,

WHEREAS, within twenty minutes after the first shot had been fired the Austin Police Department had been notified, had responded, and had so effectively surrounded and pinned down the sniper with their own fire, and had cordoned off the enormous area which he commanded from atop the Tower that the sniper was not thereafter able to inflict any further injury or death to others; and,

WHEREAS, while the sniper was pinned down by heavy and accurate fire from the ground, other members of the Austin Police Department and a civilian volunteer displaying the most intrepid valor and at great risk to themselves ascended the Tower and terminated the reign of terror by the sniper; and,

WHEREAS, the numerous wounded and dying victims were brought to Brackenridge Hospital emergency section; and,

WHEREAS, impartial observers who have witnessed the performance of duty by police officers and hospital personnel all over the world have called attention to the high courage, great skill, and extraordinary competence with which our Police Department and Hospital more than fulfilled their duties despite the unprecedented nature of the peril and the carnage inflicted; and,

WHEREAS, the City Council of the City of Austin is unable to fully express the gratitude of the community for all those whose individual acts of heroism and sacrifice have been and are being given toward the protection of life and the alleviation of pain and suffering growing out of this great tragedy; but,

WHEREAS, the City Council recognizes that the marvelous contributions of two of the City's own fine Departments in this hour of greatest need, without a moment's warning, exemplifies the highest order of leadership, preparation, discipline, training, and team work without which indescribably greater horrors would have resulted; Now, Therefore;

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

That the enduring confidence, thanks, and appreciation from the grateful people of Austin be officially expressed to Police Chief Robert A. Miles and Hospital Administrator Ben Tobias, and through them to each and all of their co-workers and families, in these remarkably outstanding Departments, for their superb performance of duty under the most trying circumstances.

The Resolution was adopted by rising vote

MAYOR PALMER stated the City of Austin recognizes the valor and courage that the students of the University of Texas rendered, at the risk of their own lives as they went out and gave aid and assistance to the victims of this tragedy on August 1st; and also the ambulance drivers and many Austin citizens, at the peril of their own lives; who rendered assistance to the wounded and dying, and asked that a Resolution commending all of these be brought in. Councilman Long moved that the City Attorney be asked to draw another Resolution commending the other participants that rendered aid in the tragedies--those that the Mayor had named and outlined. The motion, seconded by Councilman LaRue, carried by the following vote:

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

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

MR. KRUEGER suggested that the Radio and the News Media, and Blood Bank be added in these commendations. The Mayor stated this had been brought out in the meeting on Tuesday August 2nd, following the tragedy, and the Council would ask that these be included in the Resolution.

COUNCILMAN LONG stated it had been suggested by some people that the City donate the facilities of the Auditorium for a benefit dance to be held; and that the City had not in the past donated the Auditorium for any benefit regardless of what it was. These circumstances are different and unique, and there are two or three ways that this might be worked out--donations might be raised or the amount might be taken out of the fund that the Council has. Councilman LaRue stated he would be happy to underwrite \$50.00 of the amount for the use of the Auditorium. Councilman Shanks offered to underwrite the whole amount. Councilman White said he wanted to pay his part, and that all of the Council should go in and pay their share. Councilman Long then moved that the Council underwrite the \$200.00 that it will cost for the Auditorium for the benefit of the victims of the tragedy. 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 a progress report on the Emergency Warning System was ready to be made to the Council. The City has executed a contract with the Telephone Company to provide for the installation of the facilities. The Fire Marshal reported there had been considerable consideration, checking and planning to be certain everything was as nearly as possible perfect. Two installations have been made by the Electrical Distribution Department at 2nd and Congress and on 10th and Brazos as pilot models. Both of these stations have been checked by the approval agencies--the Fire Prevention and Engineering Bureau of Dallas and the State Department of Insurance; also approved by the Telephone Company. He itemized the costs of the installations in the downtown section, and listed the amount for the equipment room at the Central Fire Station of \$8,000, making a total cost of \$35,900 and this would take care of future growth. After the system is installed, the monthly charges will be approximately \$3,533 or \$43,400 annually. The engineers of the State Department of Insurance will check the system for the key rate credit, and the City will receive a lower key rate. The City Manager expressed hope that the installation of this facility would bring the alarms in more rapidly, enabling a quicker response and reducing fire losses. In line with discussion of the key rate, the Fire Marshal stated they were going to request the Insurance Department to look at the key rate, in light of the new building code. He also reported the installation of the conduits would be done by the Electric Distribution Department, in correlation with their regular work, and thus reduce expenses. The Fire Marshal stated it would take about eight months to complete installation and Austin would have a completely modern system as good as any found in any other city, and it can be used in any kind of emergency. The Telephone Company will be responsible for maintenance of the system. The system consists of 200 boxes covering downtown and other business built up areas, schools, and hospitals. The Council discussed various aspects of the report. MR. JOE DAVIS, Southwestern Bell Telephone Company, was present to answer questions. The Mayor thanked MR. HEATON, the Fire Marshal for the report, stating this system has been needed for a long time, and the Council was glad it was getting started.

The City Manager reported that one of the Water and Light Department vehicles was in a collision and it is necessary to replace it. Authority is needed to purchase a single vehicle ahead of the mass purchase of automobiles sometime this fall. The car was being used by the turn-off and turn-on employee. Councilman Shanks moved that the City Manager be authorized to replace the vehicle. 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 the car had about 60,000 miles on it, and it probably would have been replaced in the near future.

The City Manager reported that the historical plaque which Mrs. Jessie McElroy Smith was interested in relocating, had been placed in front of the City Hall as suggested by the Council several weeks ago.

After explanation by the City Attorney, Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found and does hereby find that the public necessity requires the acquisition and maintenance of a large recreational reserve to permit the creation of parks, playfields, camp grounds, golf courses, piers, wharves, together with the construction of a large water reservoir, and also to permit an addition to the electric light and generating system of the City of Austin, and the construction of certain roads and public ways; and,

WHEREAS, the City Council has found and determined that the public necessity requires the acquisition of the fee simple to the hereinafter described tract of land for such purposes; and,

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

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

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

SEE EXHIBIT "A" ATTACHED

EXHIBIT "A"

All of that certain tract or parcel of land being a portion of a 304.25 acre tract of land as recorded in Volume 2267 at Page 87 of the Deed Records of Travis County, Texas, and also being out of the Phillip McElroy Survey No. 18, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake found in the east right of way line of Decker Lane at the most westerly corner of the aforesaid 304.25 acre tract for the most westerly corner hereof;

THENCE, with the east line of Decker Lane as found fenced March 29, 1962, N 30° 54' E for a distance of 340.02 feet to an iron stake set for the most northerly corner hereof;

THENCE, S 58° 33' E for a distance of 2,416.68 feet to an iron stake set for an angle point;

THENCE, S 51° 09' E for a distance of 652.19 feet to an iron stake set for the most northerly corner hereof;

THENCE, S 51° 18' W for a distance of 146.05 feet to an iron stake set for an angle point;

THENCE, S 32° 05' W for a distance of 60.37 feet to an iron stake set for an angle point;

THENCE, S 22° 28' W for a distance of 790.34 feet to an iron stake set for an angle point;

THENCE, S 31° 38' W for a distance of 280.66 feet to an iron stake set in the north right of way line of a county road as found fenced March 29, 1962, for the most southeasterly corner hereof;

THENCE, with the north and east right of way lines of the said county road; N 59° 16' W a distance of 719.78 feet to an iron stake; N 53° 37' W for a distance of 101.18 feet to an iron stake; N 7° 11' W for a distance of 42.22 feet to an iron stake; N 29° 43' E for a distance of 271.52 feet to an iron stake; N 58° 09' W for a distance of 631.85 feet to an iron stake;

THENCE, leaving the north right of way line of the said county road, along a southwest line of the said 304.25 acre tract as found fenced March 29, 1962, N 31° 20' E for a distance of 693.94 feet to an iron stake for a corner hereof;

THENCE, with a south line of the said 304.25 acre tract N 58° 33' W for a distance of 1,643.62 feet to the place of beginning and containing 52.50 acres of land, more or less, SAVE AND EXCEPT THE FOLLOWING:

That certain 0.37 acre tract conveyed to John Peterek by deed dated May 18, 1962, of record in Volume 2457, Page 497 of the Travis County Deed Records; and

A certain tract of land conveyed to M. A. Jackson by deed dated August 28, 1964 of record in Volume 2832, Page 97 of the Travis County Deed Records; and

A certain tract of land conveyed to Charles H. and Bobbie Jean Doty by deed dated August 2, 1965 of record in Volume 3002, Page 391 of the Travis County Deed Records.

(Meadowlake Ranchettes, Inc.)

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

After explanation by the City Attorney, Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found and does hereby find that the public necessity requires the acquisition and maintenance of a large recreational reserve to permit the creation of parks, playfields, camp grounds, golf courses, piers, wharves, together with the construction of a large water reservoir, and also to permit an addition to the electric light and generating system of the City of Austin, and the construction of certain roads and public ways; and,

WHEREAS, the City Council has found and determined that the public necessity requires the acquisition of the fee simple to the hereinafter described tract of land for such purposes; and,

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

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

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

SEE EXHIBIT "A" ATTACHED

EXHIBIT "A"

TRACT I: 30.22 acres of land out of the Phillips McElroy Survey in Travis County, Texas, and being described as that certain 46.23 acre tract conveyed to E. T. Holly by William Yelderman, et ux Mary C. Yelderman by deed recorded in Volume 2011, Page 199 of the Deed Records of Travis County, Texas, less however, and SAVE AND EXCEPT a triangular strip off the west side thereof containing 0.01 acres of land and lying within the right of way of Decker Lane, and less also a 16 acre tract out of the southwest corner of said 46.23 acre tract, said 30.22 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found at a fence corner in the east bound of Decker Lane at the northwest corner of that certain 46.23 acre tract conveyed to E. T. Holly by William Yelderman, et ux Mary C. Yelderman recorded in Volume 2011, page 199 of the Deed Records of Travis County, Texas, said point being the northwest corner of the tract herein described;

THENCE, with the fence along the north line of said Holly 46.23 acre tract S 60° 47' E a distance of 803.47 varas to an iron pipe found at a fence corner at the northeast corner of said Holly tract, for the northeast corner of this tract;

THENCE, with the fence along the east line of said Holly tract, S 29° 37' W a distance of 320.00 varas to an iron pipe found at a fence corner post at the southeast corner of the said Holly 46.23 acre tract for the southeast corner of this tract;

THENCE, with the fence along the south line of said Holly tract N 61° 31' W 444.16 varas to an iron pipe set for the southerly southwest corner of the tract herein described, said point the southeast corner of a 16 acre tract out of the southwest corner of said Holly 46.23 acre tract;

THENCE, with the east bound of said 16 acre tract, N 29° 26' E a distance of 252 varas to an iron pipe set for the northeast corner of said 16 acre tract and an angle point in the southwest bound of the tract herein described;

THENCE, with the north bound of said 16 acre tract, N 61° 31' W a distance of 358.48 varas to an iron pipe set in the east bound of Decker Lane for the most westerly southwest corner of the tract herein described and the northwest corner of said 16 acre tract;

THENCE, with the east bound of Decker Lane and the east bound of the tract herein described, N 29° 17' E a distance of 78.0 varas to the place of beginning containing 30.22 acres of land.

TRACT II.

BEGINNING at a point in the north line of a 20 ft. lane and the south line of that certain 46.23 acre tract of land conveyed to E. T. Holly by deed recorded in Volume 2011, page 199 of the Deed Records of Travis County, Texas, for the southwest corner of the tract herein described from which the southwest corner of the said Holly 46.23 acre tract bears N 61° 31' W 600.00 feet;

THENCE, N 29° 29' E a distance of 700.0 feet to a point for the northwest corner of this tract;

THENCE, S 61° 31' E a distance of 395.78 feet to an iron stake for the northeast corner of this tract;

THENCE, S 29° 26' W a distance of 700.0 feet to an iron stake in the south line of the said Holly 46.23 acre tract and the north line of the said 20 ft. lane, for the southeast corner of this tract;

THENCE, with the north line of the said lane and the south line of the said Holly 46.23 acres, N 61° 31' W a distance of 396.41 feet to the place of beginning, containing 6.37 acres of land.

(Robert S. Boyce)

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

The City Manager distributed copies from the Law Department giving a date schedule to follow in connection with the adoption of the Budget. Assuming these actions are not taken at special called meetings for this special purpose and are held at Regular Meetings, September 22nd is the last date the Tax Ordinance could be adopted at a Regular Meeting. That would be the last possible

date of holding a public hearing and adopting the Budget, which must be adopted before the Tax Levy Ordinance is passed. If there were a special session, the latest date would be Tuesday, September 27th. He stated the Budget must be submitted by the Council who must fix the date of hearing no later than Thursday the 25th. The City Manager said he was to file the Budget in the City Clerk's Office Monday, August 22nd. Councilman Long stated when the public hearing was held, credence to the hearing must be given if there is anything which the general public or anyone would call to the attention of the Council and which might merit a change. Councilman Long suggested that the Council have its briefing sessions next week. MAYOR PALMER announced that the Council would begin its work session on the Budget Monday, August 22nd at 7:30 P.M. in the Council Room.

The Assistant City Attorney reported the City Attorney had prepared three possible alternatives to parade regulations. MAYOR PALMER stated the Council had received along with the Agenda last week the statement by JUDGE TOM REAVELY, bringing out the present parade permit system was invalid, and that consideration should be given to a specific type of a parade permit with certain requirements and certain rules. The Mayor suggested it would be well for the Council to establish some rules governing parades. The Assistant City Attorney distributed copies of the three alternatives: (1) Prohibiting all parades, excepting funeral processions, school children, military, and the like, (2) Granting a parade permit only where it is shown there is an overriding public necessity for a parade, (3) A detailed ordinance regulating parades with great precision. MAYOR PALMER read Judge Reavely's statements. Councilman Shanks stated in view of the existing conditions, he suggested outside of the parade permits already existing that no future parade permits be considered until such time some definite procedure has been adopted. Councilman Long stated she would not go along with that. Councilman LaRue stated he would rather hold it open. Councilman White was agreeable to operating under the present ordinance until it was changed.

The Assistant City Manager stated a request had been received from the Texas Spokes Sports Car Club to hold their Annual Gymkhana on the paved parking lot between the Coliseum and the Ball Park, on Sunday August 21st, beginning at noon until 5:00 P.M. Councilman LaRue moved that the request be approved. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

The Assistant City Manager stated in 1963 when a lease was made with the Austin Community Livestock Processors, Inc. for the Abattoir, there was a separate agreement between the City of Austin, Mr. Frank Brooks, and City of Austin Master Mechanic, MR. JAMES T. SWOFFORD, whereby the City would be reimbursed monthly for the salaries and fringe benefits of Mr. Swofford. This agreement was to give some assurance to the City that a preventive maintenance program and repair on equipment would be maintained in a manner the same as it was when the City operated the facility. Notice has been given now that on June 15, 1966, that Mr. Brooks has terminated this agreement and will no longer pay Mr. Swofford's salary, in order to reduce expenses. The City Manager stated Mr. Swofford is being transferred to the Water Treatment Plant. It was stated Mr. Brooks apparently was not going to replace this mechanic. Councilman White understood that Mr. Brooks wanted to cut down on the rent, and he was not in favor of that. He suggested that the plant be sold outright. Councilman Shanks

asked who was going to take care of the equipment. Councilman Long inquired about the status of the lease and discussed this at length. Councilman LaRue asked that detailed information be submitted in this matter. The City Manager discussed the lease provision whereby the corporation would have the right to deduct from the rent any permanent improvements they installed.

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

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

Noes: None

The Council adjourned about noon, subject to the call of the Mayor.

APPROVED

Levi E. Palmer

Mayor

ATTEST:

City Clerk