

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 20, 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 DR. JOHN BARCLAY, Central Christian Church.

Councilman White moved that the Minutes of the Meetings of January 6th and January 13th, 1966, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

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

MR. JOHN THOMPSON announced that their news room had heard that on Tuesday evening the Mayor's UHF Converter had been burglarized from his home. In order that Mayor Palmer not miss any of their programs, Mr. Thompson in behalf of UHF Channel 42, presented Mayor Palmer a UHF converter. The Mayor thanked Mr. Thompson.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 29.32 OF CHAPTER 29 AND SECTIONS 31.92 AND 31.94 OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO THE FEES TO BE CHARGED FOR IMPOUNDING PERSONAL PROPERTY, AND FOR DELETING FROM THE LISTS OF APPROVED WRECKERS THE NAME OF ANY WRECKER COMPANY WHICH REFUSES TO TOW VEHICLES TO THE CITY POUND; EFFECTIVE FEBRUARY 1, 1966; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon and across a part of Lot 7, Block H, Preswyck Hills, Section Four, a subdivision of a portion of the S. J. Whatley Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Preswyck Hills, Section Four, of record in Book 27 at Page 30 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 easement; and,

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

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

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

Two (2) strips of land, each of the said two (2) strips of land being five (5.00) feet in width and each being out of and a part of Lot 7, Block H, Preswyck Hills, Section Four, a subdivision of a portion of the S. J. Whatley Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Preswyck Hills, Section Four, of record in Book 27 at Page 30 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land being more particularly described as follows:

NUMBER 1: BEING all of the north five (5.00) feet of said Lot 7, Block H, Preswyck Hills, Section Four.

NUMBER 2: BEING all of the north 25.00 feet of the east five (5.00) feet of said Lot 7, Block H, Preswyck Hills, Section Four.

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

The City Manager submitted the following:

TABULATION OF BIDS

Sale of Houses

To be Moved and To be Demolished

Bids Opened January 18, 1966

TO BE MOVED:

15 Chicon Street -
Improvements Only.

Earl Bradford		<u>\$127.00</u>
C. C.	\$12.50	

Herman Adams		\$ 81.00
C. C.	\$ 4.05	

J. R. Shannon, Jr.		\$ 76.00
C. C.	\$ 5.00	

TO BE DEMOLISHED:

908 East 7th Street -
Improvements Only.

V. C. Lynch		<u>\$ 51.50</u>
M. O.	\$ 2.58	

1508 Parkway -
Improvements Only.

Earl Bradford		<u>\$127.00</u>
C. C.	\$12.50	

2223 Haskell Street -
Improvements Only.

No Bids

Amount underlined represents high bidder.

Councilman White inquired where the occupants were being located, as so many houses were being demolished. The City Manager explained the occupants had already moved, and the houses had to be cleared from the property to make way for other improvements. Councilman White asked if the City were relocating these people. The City Manager stated the City had the obligation of seeing that these people were relocated, but some found homes on their own volition; however, if people need help, the City assists them. Councilman White asked how many new houses had been built in the urban renewal projects. The Mayor stated none had been constructed yet, but some are in the rehabilitation stage. The houses being sold today are not under Urban Renewal. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 18, 1966, for the sale of houses to be moved or demolished; and,

WHEREAS, the bids of Earl Bradford, in the sum of \$127.00 for house located at 15 Chicon Street, and in the sum of \$127.00 for house located at 1508 Parkway; and the bid of V. C. Lynch, in the sum of \$51.50, 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 bids of Earl Bradford and V. C. Lynch be, and the same are hereby accepted, and that the City Manager of the City of Austin be, and he is hereby authorized to execute contracts, on behalf of the City, with Earl Bradford and V. C. Lynch.

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

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

Noes: None

The City Manager explained there were no bids received on the house at 2200 Haskell. After other bids were received, Mr. Stark came in with an offer of \$20.00 for this house, on which no one had bid. Councilman Long moved to accept the offer of Mr. Stark of \$20.00 for the house at 2200 Haskell. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. Fred C. Morse as described in the Travis County Deed Records and known as 50 acres of land known as Huddles Point and fronting on Bull Creek and Lake Austin as described on the attached plot plan and hereby authorizes the said Fred C. Morse to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable, proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Fred C. Morse has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 17, 1966

"Memorandum To: Mr. W. T. Williams, Jr., City Manager
Subject: RESOLUTION, BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Fred C. Morse, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as 50 acres of land known as Huddles Point and fronting on Bull Creek and

January 20, 1966

CITY OF AUSTIN, TEXAS

Lake Austin as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately forty-nine (49) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Fred C. Morse is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling, or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Mr. Claud Pinson as described in the Travis County Deed Records and known as (legal description attached) as described on the attached plot plan and hereby authorizes the said Claud Pinson to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Claud Pinson has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 18, 1966

Memorandum To:
Subject:

Mr. W. T. Williams, Jr., City Manager
RESOLUTION, BOAT DOCK (Private)

"I, the undersigned, have reviewed the plans and have considered the application of Mr. Claud Pinson, owner of the property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road and known as (legal description attached) as described on the attached plans recorded in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately fifty (50) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Mr. Pinson is granted his request by the City Council, that it be subject to the following conditions;

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which shall show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Dick T. Jordan, Building Official"

(Legal description attached)

"Lot 7, Block 2, of Hidden Valley, a subdivision as shown and recorded Vol. 21, Page 1 of the Plot Records of Travis County, Texas.

Lot 6, Block 2, of Hidden Valley, a subdivision as shown and recorded Vol. 21, Page 1 of the Plot Records of Travis County, Texas.

Lot 5, Block 2, of Hidden Valley, a subdivision as shown and recorded Vol. 21, Page 1 of the Plot Records of Travis County, Texas.

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

Mayor Palmer stated the agreement with the L.C.R.A. was that Lake Austin would begin to be lowered on December 27th, and asked when they would start filling it again. The Assistant City Manager reported filling would begin January 31st. Councilman Shanks had received several telephone calls regarding people's inability to work on their property due to bad weather. It was explained at the time the arrangement was made to lower the lake, the people's attention was called to the fact that the L.C.R.A. had requirements they had to meet necessitating re-filling the lake on January 31st and that the people must do their work during the period prior to that date. Mayor Palmer asked again that publicity be given that it is absolutely necessary that property owners have their work completed during this period. Councilman Long discussed the cost per day of having the lake down.

The City Manager listed the items for which the City paid the L.C.R.A. during the period the lake was lowered, and stated the cost would fluctuate from \$16 to \$20,000.

Councilman Long moved that the Council accept the withdrawal at the request of the applicant the following zoning case:

T. & N.O. RAILROAD COMPANY	Rear of 4310-4318 Interre- gional Highway	From "A" Residence 5th Height & Area
By Duplex Advertis- ing Company	Rear of 4305-4307 Clarkson	To "GR" General Retail 5th Height & Area NOT Recommended by the Planning Commission

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
34.21 ACRES OF LAND, SAME BEING OUT OF AND A PART OF
THE JAMES ROGERS 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.
(City property - service yard)

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"Sealed bids opened 2:00 P.M. January 14, 1966
Tabulated by B. J. Bonds, Purchasing Agent

"CITY OF AUSTIN, TEXAS
BIDS ON AUTOMOBILES

<u>Bid No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Trade Ins</u>	<u>Captiol Chevrolet (Chevrolet)</u>	<u>Armstrong- Johnson (Ford)</u>	<u>Jay Smith (Plymouth)</u>
<u>3097</u>	Police	4-Door Sedan		Biscayne	Custom	Fury
Department	Police Spec's.	38 Each	33 Each	\$62,387.74	\$51,121.00	\$54,605.00
<u>3098</u>	Building	2-Door Sedan		Chevelle	Fairlane	Belvedere
Inspection	Class "B" Spec's.	4 Each	4 Each	6,064.44	<u>5,714.00</u>	5,716.00

Bid No.	Description	Quantity	Trade Ins	Capitol Chevrolet (Chevrolet)	Armstrong Johnson (Ford)	Jay Smith (Plymouth)
3099						
Street & Bridge	4-Door Sedan Class "B"Spec's.	1 Each	1 Each	Chevelle 1,678.56	Fairlane 1,518.00	Belvedere 1,649.00
3100						
Public Works Eng- ineering	4-Door Sedan Class "B"Spec's.	1 Each	1 Each	Chevelle 1,662.20	Fairlane 1,536.00	Belvedere 1,598.00
3101						
Fire Pre- vention	4-Door Sedan Class "A"Spec's.	2 Each	2 Each	Biscayne 3,258.50	Custom 2,828.00	Fury 3,128.00
3102						
Water Dis- tribution	4-Door Sedan Class "A"Spec's.	1 Each	1 Each	Biscayne 1,774.75	Custom 1,647.00	Fury 1,730.00
3103						
Water Dis- tribution	4-Door Sedan Class "B"Spec's.	4 Each	4 Each	Chevelle 6,248.80	Fairlane 5,694.00	Belvedere 5,957.00
3104						
Water and Light	2-Door Sedan Class "B"Spec's.	4 Each	3 Each	Chevelle 6,253.20	Fairlane 5,299.00	Belvedere 5,846.00
3105						
Traffic and Transporta- tion	4-Door Sedan Class "A"Spec's.	1 Each	1 Each	Biscayne 1,674.75	Custom 1,532.00	Fury 1,570.00
3106						
Traffic and Transporta- tion	4-Door Sedan Class "A"Spec's.	1 Each	None	Biscayne 1,791.75	Custom 1,602.00	Fury 1,659.00
3107						
Tax Depart- ment	2-Door Sedan Class "B"Spec's.	1 Each	1 Each	Chevelle 1,584.55	Fairlane 1,446.00	Belvedere 1,449.00
3108						
Electric Dept.	4-Door Sedan Class "C"Spec's.	1 Each	None	Chevy II 1,768.73	Falcon 1,581.00	Valiant *1,514.00
3109						
Electric Distribu- tion	2-Door Sedan Class "B"Spec's.	4 Each	4 Each	Chevelle 6,207.44	Fairlane 5,464.00	Belvedere 5,758.00
3110						
Electric Distribu- tion	4-Door Sedan Class "A"Spec's.	2 Each	None	Biscayne 3,896.62	Custom 3,500.00	Fury 3,632.00
3111						
Electric Inspection	2-Door Sedan Class "B"Spec's.	2 Each	1 Each	Chevelle 3,191.22	Fairlane 2,825.00	Belvedere 2,924.00

<u>Bid No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Trade</u> <u>Ins</u>	<u>Charlie</u> <u>Partlow</u> <u>(Rambler)</u>	<u>Roy</u> <u>Butler</u> <u>(Mercury)</u>
<u>3097</u>					
Police Department	4-Door Sedan Police Spec's.	38 Each	33 Each	No Bid	No Bid
<u>3098</u>					
Building Inspection	2-Door Sedan Class "B" Spec's.	4 Each	4 Each	Ambassador \$5,926.61	Comet \$5,992.52
<u>3099</u>					
Street and Bridge	4-Door Sedan Class "B" Spec's.	1 Each	1 Each	Ambassador 1,641.16	Comet 1,522.00
<u>3100</u>					
Public Works Engineering	4-Door Sedan Class "B" Spec's.	1 Each	1 Each	Ambassador 1,630.84	Comet 1,597.38
<u>3101</u>					
Fire Prevention	4-Door Sedan Class "A" Spec's.	2 Each	2 Each	No Bid	No Bid
<u>3102</u>					
Water Distribution	4-Door Sedan Class "A" Spec's.	1 Each	1 Each	No Bid	No Bid
<u>3103</u>					
Water Distribution	4-Door Sedan Class "B" Spec's.	4 Each	4 Each	Ambassador 6,193.36	Comet 5,864.52
<u>3104</u>					
Water and Light	2-Door Sedan Class "B" Spec's.	4 Each	3 Each	Ambassador 6,046.60	Comet 6,067.52
<u>3105</u>					
Traffic and Transportation	4-Door Sedan Class "A" Spec's.	1 Each	1 Each	No Bid	No Bid
<u>3106</u>					
Traffic and Transportation	4-Door Sedan Class "A" Spec's.	1 Each	None	No Bid	No Bid
<u>3107</u>					
Tax Department	2-Door Sedan Class "B" Spec's.	1 Each	1 Each	Ambassador 1,574.15	Comet 1,529.38
<u>3108</u>					
Electric Department	4-Door Sedan Class "C" Spec's.	1 Each	None	Classic 1,761.16	No Bid
<u>3109</u>					
Electric Distribution	2-Door Sedan Class "B" Spec's.	4 Each	4 Each	Ambassador 6,023.16	Comet 5,528.32
<u>3110</u>					
Electric Distribution	4-Door Sedan Class "A" Spec's.	2 Each	None	No Bid	No Bid
<u>3111</u>					
Electric Inspection	2-Door Sedan Class "B" Spec's.	2 Each	1 Each	Ambassador 3,111.58	Comet 2,989.16

* This bid by Jay Smith failed to meet the minimum wheelbase requirements of 110".

NOTE: Class "A" Specifications require a minimum wheelbase of 119" and minimum horsepower of 145.

Class "B" Specifications require a minimum wheelbase of 115" and minimum horsepower of 120.

Class "C" Specifications require a minimum wheelbase of 110" and minimum horsepower of 101.

"All prices shown are net or net difference.

"RECOMMENDATION: It is recommended the award be made to Armstrong-Johnson, Inc. for 38 Ford Police Cars including 33 trade-ins, 7 Ford Custom Sedans including 4 trade-ins, 21 Ford Fairlanes including 19 trade-ins and 1 Ford Falcon in the total amount of \$93,307.00 as the lowest and best bids meeting specifications.

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

Councilman LaRue expressed appreciation to the bidders for the good bids received. Councilman Long inquired if it would be advantageous to buy cars just before the new models come in. The Mayor stated the public would like to buy cars at the close out time for the price the City purchases them. The Police Chief stated Police cars were special order cars, and are made after the order is placed, as there is quite a bit of optional equipment required. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 14, 1966, for sixty-seven (67) automobiles for use by various departments of the City; and

WHEREAS, the bids of Armstrong-Johnson, Inc., in the total sum of \$93,307.00 and sixty-six (56) trade-ins, were the lowest and best bids therefor, and the acceptance of such bids 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 bids of Armstrong-Johnson, Inc., in the total sum of \$93,307.00, 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 a contract, on behalf of the City, with Armstrong-Johnson, Inc.

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:

"Sealed bids opened 10:00 A.M. January 7, 1966
Tabulated by: B. J. Bonds, Purchasing Agent

"CITY OF AUSTIN, TEXAS
BIDS ON HEAVY EQUIPMENT

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Girard Machinery & Supply</u>	<u>Jim Dulaney Machinery</u>	<u>Anderson Machinery</u>
3045	4.5 C.Y. Motor					
Street &	Pick-Up Street			(Elgin)	(Wayne)	
Bridge	Sweeper	2 ea.	2 ea.	\$21,679.56	\$21,766.00	No Bid

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins.</u>	<u>Girard Machinery & Supply</u>	<u>Jim Dulaney Machinery</u>	<u>Anderson Machinery</u>
<u>3046</u>						(Allis- Chalmers)
Street & Bridge	Diesel Motor Grader	2 Ea.	2 Ea.	No Bid	No Bid	\$15,385.76
<u>3047</u>				(Warner & Swasey)		
Street & Bridge	Hydraulic Excavator	1 Ea.	1 Ea.	\$26,538.40	No Bid	No Bid
<u>3048</u>				(Ingram)		
Street & Bridge	Nine Tire Pneumatic Roller	1 Ea.	1 Ea.	\$ 6,242.60	No Bid	No Bid
<u>3049</u>				(Ingram)		
Street & Bridge	8 Ton 3 Wheel Road Roller	1 Ea.	1 Ea.	\$ 8,246.70	No Bid	No Bid
<u>3050</u>					(Rosco)	
Street & Bridge	Asphalt Distributor	1 Ea.	1 Ea.	No Bid	\$ 6,717.55	No Bid
<u>3051</u>						
Sanitation Division	Crawler Type Tractor Loader & 2½ C.Y. Bucket	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3052</u>				(Case)		
Parks Division	4-Wheel Drive Tractor Loader	1 Ea.	1 Ea.	\$ 9,806.86	No Bid	No Bid
<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins.</u>	<u>Jess McNeel Machinery</u>	<u>Contractors Machinery</u>	<u>Browning- Ferris Machinery</u>
<u>3045</u>						
Street & Bridge	4.5 C.Y. Motor Pick-Up Street Sweeper	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3046</u>				(Galion)		
Street & Bridge	Diesel Motor Grader	2 Ea.	2 Ea.	\$13,826.00	No Bid	No Bid
<u>3047</u>						(Drott)
Street & Bridge	Hydraulic Excavator	1 Ea.	1 Ea.	No Bid	No Bid	*\$25,480.00
*This bid by Browning-Ferris Machinery failed to meet the minimum requirements of our specifications in nine areas.						
<u>3048</u>				(Bros)	(Grace)	
Street & Bridge	Nine Tire Pneumatic Roller	1 Ea.	1 Ea.	\$4,989.00	\$5,992.70	No Bid

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Jess McNeel Machinery</u>	<u>Contractors Machinery</u>	<u>Browning- Ferris Machinery</u>
<u>3049</u> Street & Bridge	8 Ton 3 Wheel Road Roller	1 Ea.	1 Ea.	(Galion) *\$6,416.00	No Bid	No Bid
*This bid by Jess McNeel Machinery failed to meet the minimum requirements of our specifications. Our specifications required roller bearings, however, bronze bushings were bid and the motor offered did not meet horsepower requirements.						
<u>3050</u> Street & Bridge	Asphalt Distributor	1 Ea.	1 Ea.	(Standard) \$4,965.00	(Grace) \$5,439.00	No Bid
<u>3051</u> Sanitation Division	Crawler Type Tractor Loader & 2½ C.Y. Bucket	1 Ea.	1 Ea.	(Inter- national) \$32,500.00	No Bid	No Bid
<u>3052</u> Parks Division	4-Wheel Drive Tractor Loader	1 Ea.	1 Ea.	(Hough) \$9,489.00	No Bid	No Bid
<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Acme Iron Works</u>	<u>Tampo Manufac- turing</u>	<u>Shovel Supply</u>
<u>3045</u> Street & Bridge	4.5 C.Y. Motor Pick-Up Street Sweeper	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3046</u> Street & Bridge	Diesel Motor Grader	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3047</u> Street & Bridge	Hydraulic Excavator	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3048</u> Street & Bridge	Nine Tire Pneumatic Roller	1 Ea.	1 Ea.	(Ingram) \$4,312.00	(Tampo) \$5,640.88	(Ferguson) \$7,070.70
<u>3049</u> Street & Bridge	8 Ton 3 Wheel Road Roller	1 Ea.	1 Ea.	(Ingram) \$6,419.00	No Bid	No Bid
<u>3050</u> Street & Bridge	Asphalt Distributor	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3051</u> Sanitation Division	Crawler Type Tractor Loader & 2½ C.Y. Bucket	1 Ea.	1 Ea.	No Bid	No Bid	No Bid

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Acme Iron Works</u>	<u>Tampo Manufac- turing</u>	<u>Shovel Supply</u>
<u>3052</u> Parks Division	4-Wheel Drive Tractor Loader	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Pearce Equipment</u>	<u>Dulaney Service</u>	<u>Cooper Equipment</u>
<u>3045</u> Street & Bridge	4.5 C.Y. Motor Pick-Up Street Sweeper	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3046</u> Street & Bridge	Diesel Motor Grader	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3047</u> Street & Bridge	Hydraulic Excavator	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3048</u> Street & Bridge	Nine Tire Pneumatic Roller	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3049</u> Street & Bridge	8 Ton 3 Wheel Road Roller	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3050</u> Street & Bridge	Asphalt Distributor	1 Ea.	1 Ea.	(Seaman) \$5,990.00	(South Bend) \$5,658.00	(Etnyre) \$5,306.70
<u>3051</u> Sanitation Division	Crawler Type Tractor Loader & 2½ C.Y. Bucket	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3052</u> Parks Division	4-Wheel Drive Tractor Loader	1 Ea.	1 Ea.	(Michigan) \$10,558.00	(Pettibone) \$12,054.00	No Bid
<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Roy Klossner</u>	<u>Holt Machinery</u>	<u>Lanford Equipment</u>
<u>3045</u> Street & Bridge	4.5 C.Y. Motor Pick-Up Street Sweeper	2 Ea.	2 Ea.	No Bid	No Bid	No Bid
<u>3046</u> Street & Bridge	Diesel Motor Grader	2 Ea.	2 Ea.	No Bid	No Bid	No Bid

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Trade- Ins</u>	<u>Roy Klossner</u>	<u>Holt Machinery</u>	<u>Lanford Equipment</u>
<u>3047</u>						
Street & Bridge	Hydraulic Excavator	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3048</u>						
Street & Bridge	Nine Tire Pneumatic Roller	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3049</u>						
Street & Bridge	8 Ton 3 Wheel Road Roller	1 Ea.	1 Ea.	No Bid	No Bid	No Bid
<u>3050</u>						
Street & Bridge	Asphalt Distributor	1 Ea.	1 Ea.	(Little- Ford) \$5,500.00	No Bid	No Bid
<u>3051</u>						
Sanitation Division	Crawler Type Tractor Loader & 2½ C.Y. Bucket	1 Ea.	1 Ea.	No Bid	(Cater- pillar) \$37,000.00	No Bid
<u>3052</u>						
Parks Division	4-Wheel Drive Tractor Loader	1 Ea.	1 Ea.	No Bid	No Bid	(Massey Ferguson) \$10,078.00

All prices shown are net difference.

RECOMMENDATION: It is recommended the awards be made as indicated in the following manner as the lowest and best bids meeting our specifications:

Girard Machinery and Supply	Two (2) Elgin White Wing 475 Street Sweeper including two (2) trade-ins	\$21,679.56
Jess McNeel Machinery Corp.	Two (2) Galion 503 Diesel Motor Graders including two (2) trade-ins	13,826.00
Girard Machinery and Supply	One (1) Warner & Swasey Hydraulic Excavator including one (1) trade-in	26,538.40
Acme Iron Works, Inc.	One (1) Ingram 912-P nine Tire Pneuma- tic Roller including one (1) trade-in	4,312.00
Acme Iron Works, Inc.	One (1) Ingram 8 Ton 3 Wheel Road Roller including one (1) trade-in	6,419.00
Jess McNeel Machinery Corp.	One (1) Standard 424 Asphalt Distributor including one (1) trade-in	4,965.00
Jess McNeel Machinery Corp.	One (1) International 250 Crawler Type Tractor Loader with 2½ C.Y. Bucket in- cluding one (1) trade-in	32,500.00
Jess McNeel Machinery Corp.	One (1) Hough H30B Four Wheel Drive Tractor Loader including one (1) trade- in	9,489.00

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

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 7, 1966, for various heavy equipment for use by the Street and Bridge Department, the Sanitation Division and the Parks Division; and,

WHEREAS, the bids of Girard Machinery & Supply, in the sum of \$21,679.56 for two (2) 4.5 C.Y. motor pick-up street sweeper and two trade-ins, and in the sum of \$26,538.40 for one (1) hydraulic and one (1) trade-in, were the lowest and best bids therefor, and the acceptance of such bids 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 bids of Girard Machinery & Supply, in the sum of \$21,679.56 and two (2) trade-ins, and in the sum of \$26,538.40 and one (1) trade-in, 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 Girard Machinery & Supply.

The motion, seconded by Councilman White, 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, bids were received by the City of Austin on January 7, 1966, for various heavy equipment for use by the Street and Bridge Department, the Sanitation Division and the Parks Division; and,

WHEREAS, the bids of Jess McNeel Machinery Corporation, in the sum of \$13,826.00 for two (2) diesel motor graders and two (2) trade-ins, in the sum of \$4,965.00 for one (1) asphalt distributor and one (1) trade-in, in the sum of \$32,500.00 for one crawler type tractor loader and 2½ C. Y. bucket and one trade-in, and in the sum of \$9,489.00 for one 4-wheel drive tractor loader and one trade-in, were the lowest and best bids therefor, and the acceptance of such bids 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 bids of Jess McNeel Machinery Corporation, in the sums of \$13,826.00, \$4,965.00, \$32,500.00 and \$9,489.00, 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 Jess McNeel Machinery Corporation.

The motion, seconded by Councilman White, 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, bids were received by the City of Austin on January 7, 1966, for various heavy equipment for use by the Street and Bridge Department, the Sanitation Division and the Parks Division; and,

WHEREAS, the bids of Acme Iron Works, Inc., in the sum of \$4,312.00 for one (1) nine tire pneumatic roller and trade-in, and in the sum of \$6,419.00 for one 8-ton 3-wheel road roller and one trade-in, were the lowest and best bids therefor, and the acceptance of such bids 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 bids of Acme Iron Works, Inc., in the sums of \$4,312.00 and \$6,419.00, 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 Acme Iron Works, Inc.

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:

"Sealed bids opened 2:00 P.M. December 29, 1965

Tabulated by: B. J. Bonds, Purchasing Agent.

"CITY OF AUSTIN, TEXAS
BIDS ON AIR COMPRESSORS

Bid No.	Description	Quan.	Contractors Machinery Co. (Jaeger)	Berry Brothers (Jay)	J.W. Bartho- low Machinery Company (LeRoi)	Roy Klossner Company (Gardner Denver)
3086 Street & Bridge	125 CFM Air Compressor including 1 trade-in.	1 Ea.	\$4,799.55	\$4,114.00	\$4,075.00	\$4,365.00
3088 Electric Distribu- tion	125 CFM Air Compressor including 1 trade-in	1 Ea.	3,782.80	3,874.00	<u>3,695.00</u>	4,165.00

January 20, 1966

<u>Bid No.</u>	<u>Description</u>	<u>Quan.</u>	<u>Central Texas Equipment Co. (Chicago Pneumatic)</u>	<u>Pearce Equipment (Davey)</u>	<u>Girard Machinery Co. (Ingersoll- Rand)</u>	<u>Safe Way Rental Equipment (Joy)</u>
3086 Street & Bridge	125 CFM Air Compressor including 1 trade-in.	1 Ea.	\$4,293.00	\$4,155.40	\$4,076.50	\$3,425.00
3088 Electric Distribu- tion	125 CFM Air Compressor including 1 trade-in	1 Ea.	3,940.00	3,975.00	3,916.00	*3,521.40

* This bid by Safe Way Rental Equipment fails to meet the minimum requirements of our specifications. A maximum RPM of 1850 at a full load of 125 CFM of air was required and this unit bid requires 2000 RPM at a full load of 125 CFM of air.

"NOTE: Bids were received at the same time for two (2) Air Compressors with two (2) trade-ins for the Water and Sewer Department. It has been determined after the bids were opened that certain requirements of our specifications should be revised. It is requested that all bids received on Air Compressors for the Water and Sewer Department be rejected and that new bids be advertised after the specifications have been revised.

"RECOMMENDATION: It is recommended the award be made as indicated as the lowest and best bids meeting the specifications:

Safe Way Rental Equipment Company --- One (1) Joy #RPL25-G Air Compressor including one (1) trade in \$3,425.40

J. W. Bartholow Machinery Company --- One (1) LeRoi #150RG2-E Air Compressor including one (1) trade in \$3,695.00

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

Mayor Palmer read the recommendation on the air compressor that awards be made to SAFEWAY RENTAL EQUIPMENT for one Joy air compressor including one trade-in for \$3,425.40; to J. W. BARTHOLOW MACHINERY COMPANY for one LeRoi air compressor including a trade-in for \$3,695.00. MR. ALLEN RUNDELL, Safeway Rental Company contended they were low bidders on all four machines in the amount of \$1,357.20, and there seemed to be a discrepancy in writing the specifications. SAFEWAY RENTAL EQUIPMENT was successful bidder on one machine, but Mr. Rundell asked why they were not awarded the other three. He said the technicality presented was that their machinery turns at 2000 rpm and the specifications say 1850 rpm, which is 150 rpm difference. He referred to paragraph A and B-1 in the bid sheet. He read from Item 5 of the specifications as follows:

"Full load rpm, state rpm, 1850 rpm
Maximum

R.P.M." his bid listed 2000 rpm.

On the next bid request the bid that is being awarded to him the specifications say,

"Capacity 125 cf/min. at 100 psi _____
Full load speed, State rpm _____"

Mr. Rundell stated nothing was said about 1850 rpm.

Mayor Palmer noted both developed the same cubic feet of air, Mr. Rundell's compressor taking 2000 rpm and the others 1850. He asked if that were the only point of contention. Mr. Rundell made a comparison of engines, and read a letter from the Continental Engine Company also a comparison. The Mayor stated if the machinery and equipment were to be discussed the representative of the J. W. Bartholow Company should be present to express his attitude also on the specifications. Councilman Shanks asked why Mr. Rundell's Company was turned down. The City Manager stated they did not meet specifications, and pointed out once the City veers from the specifications, it destroys the whole bidding process. Councilman Long did not believe Mr. Rundell's bid did not meet specifications. Councilman Shanks suggested putting in the evaluation clause in all of these bids. The City Manager asked that all of the bids be rejected and that he be given an opportunity to come up with a uniform specification for all compressors. Mayor Palmer pointed out the City had tried desperately hard to be sure the specifications were drawn where competitive bidding could be obtained. He stated the bids should either all be rejected or awarded to the lowest and best bidder meeting the specifications. The matter was continued until the afternoon meeting. Later in the afternoon meeting, Mayor Palmer inquired if there were a clause in the specifications inviting questions or clarification of any items; and if any questions were raised prior to the time the bids were submitted. Mr. Rundell stated they had been invited to bid on these machines but had never been a successful bidder as they had not been low prior to this time. Detailed technical discussion followed. The City Attorney explained the specifications. Councilman LaRue said it was his interpretation now that the statement of 1850 rpm was a part of the specifications and he could vote only on the basis that the specifications were not followed. The City Attorney stated it was absolutely clear that the maximum specified was 1850 rpm. Councilman Shanks stated in fairness to everybody, it might be well to reject all these bids and resubmit them. MR. LAYMANN, District Representative, JOY EQUIPMENT, questioned the specifications. The City Manager stated the question of the specification had been raised and he again suggested a study be made and uniform specifications provided for all departments. On Safeway Rental Equipment Machine, Mr. Rundell contended 10 cents per gallon per hour on gasoline alone would be saved. The City Manager pointed out for the additional gasoline, more c.f.m. is produced. After more discussion Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 29, 1965, for 125 CFM air compressor for use by the Street and Bridge Department; and,

WHEREAS, the bid of Safe Way Rental Equipment Company, in the sum of \$3,425.40 for one (1) Joy #RP 125-G air compressor including one trade-in for use by the Street and Bridge Department, was the lowest and best bids 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 Safe Way Rental Equipment Company, in the sum of \$3,425.40 and one trade-in, 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 Safe Way Rental Equipment Company.

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

Ayes: Councilmen LaRue, Long, White

Noes: Councilman Shanks and Mayor Palmer

Councilman Shanks' motion to reject all the other bids lost for lack of a second. Councilman LaRue then moved that the bid No. 3088 be awarded to J.W. Bartholow Machinery Company for the sum of \$3,695.00. The motion was seconded by Councilman White. Later Councilman LaRue withdrew this motion.

Councilman Shanks moved to resubmit the remaining bids. The motion, seconded by Mayor Palmer, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer

Noes: Councilmen LaRue, Long

Councilman LaRue made the following statement regarding his vote:

"I think we would be penalizing Bartholow Machine Company, and I vote 'no'".

Councilman Long made the following statement concerning her vote:

"I think we would be penalizing Safe Way Rental Equipment Company (Joy) and also the people of Austin and the City of Austin, and I vote 'no'".

Councilman Shanks made the following statement regarding his vote:

"I am thinking about the people of Austin and the City will get some machinery on better specifications."

Mayor Palmer announced those bids were rejected, and asked that a new set of specifications be prepared; and in the interest of the bidders and the people of Austin, better bids may be received.

Mr. Laymann filed a Portable Compressor Comparison Chart reprinted from CONSTRUCTION METHODS magazine for November, 1965.

Mayor Palmer announced it was 10:30 A.M. and the hearing on improving the following streets was opened:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Bennett Avenue	NPL East 49th Street	SPL East 51st Street
Depew Avenue	NPL East 45th Street	WGL Clarkson Avenue
Evans Avenue	A point 106' south of SPL East 46th Street	SPL East 47th Street
Leralynn Street	NPL West 51st Street	SPL Zennia Street
Newman Drive	NCL West 7th Street	SPL West 10th Street
Quarry Road	WCL Elton Lane	WPL Dailey Street

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Roosevelt Avenue	NPL Houston Street	A point 1078' north of NPL Houston Street
West 8th Street	EPL Exposition Blvd.	WPL Wayside Drive
West 9th Street	EPL Norwalk Lane	WPL Meriden Lane
East 25th Street	EPL Oldham Street	WPL Swisher Street
West 41st Street	EPL Shoal Creek Blvd.	WPL Burnet Road
West 43rd Street	EPL Shoalwood Avenue	WPL Rosedale Avenue
West 44th Street	EPL Shoalwood Avenue	WPL Sinclair Avenue
East 47th Street	EPL Red River Street	EGL Clarkson Avenue

No one appeared to be heard. The City Attorney stated in addition to the usual notices sent to individual owners, this hearing was advertised on January 8th, 9th and 10th in the American-Statesman. Councilman White moved that the hearing be closed. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

At 10:45 A.M. Mayor Palmer opened a hearing on the Private Detective and the Security Guard Ordinances, continued from last week.

MR. LLOYD LIGON, Master Burglary Alarm Company had been unable to secure the insurance required under Chapter 43.9 as the companies would not cover the phrase "willful act". He was in accord with the rest of the ordinance. MR. JOHN REED, representing MR. LES PHARES had not been unable to get coverage. The City Attorney said he would explore the possibility of obtaining a satisfactory type of coverage. Further discussion was held on the overall insurance. Last week Councilman LaRue had suggested the minimum coverage be changed from \$50,000 to \$150,000 as it seemed most firms carried this amount anyway. The Council indicated since the firms carried more insurance, the minimum could be left at \$50,000 and \$250,000.

As to special permit to waive the uniform requirements suggested by Mr. Ligon, the City Attorney stated the ordinance as drawn permitted the Chief of Police to designate those who would not be required to be in uniform.

The City Attorney pointed out the changes discussed last week which seemed to have an indication of approval by the Council--that a badge be permitted, the design to be approved by the Chief of Police; that weapons be permitted while a guard was going to and from places under his surveillance; and that a bona fide employee of a person owning more than one piece of property be included under the exemption.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954
BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 43 PROVIDING FOR THE REGULATION OF THE BUSINESS
OF PROVIDING PRIVATE SECURITY AND GUARD SERVICE WITH-
IN THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Shanks moved that the ordinance be 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

Mayor Palmer announced the continuation of the Private Detective Ordinance. The following sections were discussed:

- 42.1(4) MR. JOHN MASSA asked if a blanket authorization for performing investigations would be sufficient, or if it were necessary to have authorization for each investigation. MR. JOHN C. WHITEHURST, JR., was interested in this also, stating often times Attorneys would be out of the City and would call in for certain investigations. It was pointed out Section 42.9 (10) would provide the authorization could be produced within a reasonable time. Mr. Whitehurst inquired about the client-attorney relationship which is supposed to be confidential coverage. The Police Chief discussed the section requiring the reporting of any violation of laws which might be discovered in the course of an investigation and pointed out Attorneys acknowledge representing their clients. He said what this section required was just an authorization for one to be working on a certain investigation.
- 42.2(2) Mr. Massa said adjusters or employees of an insurance company, etc. could have a slightly economic advantage, under this provision.
- 42.3 Discussion was held about non-resident agencies. It was explained a reciprocal license provision was suggested last week and that such be incorporated in a subsequent draft. A non-resident holding a license substantially the same as required in Austin would not be required to be licensed in Austin.
- 42.6(2) & (3) Mr. Massa inquired to whom was the written authority to be presented and why. The City Attorney stated this was intended to be anyone with whom the investigator was dealing in the capacity of a private detective. Mr. Massa objected to this requirement. The Chief of Police stated authenticated credentials would be more helpful than harmful.
- 42.8 The question of insurance coverage under this Section was discussed, and it was again stated the Insurance Commission was to be contacted in this regard.

Mr. Massa discussed photographing accident scenes. The City Attorney stated he would construe this as an unauthorized investigation at the scene of an accident, and read the State Statute on Barratry. He said the term "unauthorized investigation" as contained in the Ordinance would preclude the activity of such picture taking. Discussion was held pro and con. Section 42.5 (A) and 42.9 (3) would cover this subject.

MR. JOHN MCKAY, representing the Travis County Bar Association Board of Directors, stated this Association felt it was well within the jurisdiction and duty of the Council to pass such an ordinance. He pointed out some objections:

42.2 This exception would apply to Attorneys' being exempt if they were in the practice of law, but not necessarily so if they were investigating for their clients. The Directors were of the view that the Council and City Attorney should be given this opinion, and he filed a copy of a drafted provision which would apply to an attorney, his clerk students or employees. Many attorneys' clients maintain permanent staff-investigators; railroads, claim agents, insurance agents, bus companies, airline companies, etc.

42.1(1) Mr. McKay said this could be construed as prohibiting an individual from conducting an investigation on his own behalf pertaining to himself solely. He believed where an individual was doing an investigation in his own behalf he should not be included in this ordinance. He referred to Fox vs. Smith NY527. He filed a recommended suggestion for Section 42.1 - Definitions.

He considered Corporations as having the same right to conduct investigations for their sole use, the same as an individual. The City Manager stated a regularly employed layman whose job it was, as far as his law firm was concerned to go out and seek situations where law suits could be brought by that firm, would be the kind of investigation to be covered. While that is covered by other laws, an ordinance of this kind might bring to light some cases where such things occur.

Mr. McKay stated Attorneys of this Bar Association are engaged in the program of legal aid to the indigents, and many law students will be involved doing a great deal of work for the indigents for whom these attorneys will be appointed to represent free of charge. These young students must be used, and it is unconceivable that they would have to register.

MR. BILL SUTTON, Court Reporter, asked if this ordinance applied to Court Reporters. The City Manager stated it did not unless they were acting in a dual capacity of being in the detective business. MR. JACK C. YOUNG, asked if Section 42.1 included polygraphic examiners. It was pointed out it would.

As to the Retail Merchants, it was stated they were not exempt under the Ordinance; and to investigate as a credit investigating agency, they would need a license. Councilman Shanks suggested this activity be included under the Exemptions Section.

Mayor Palmer stated that all of these suggestions offered this morning would be taken into consideration.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954
BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS

CHAPTER 42 PROVIDING FOR THE REGULATION OF THE
PRIVATE DETECTIVE BUSINESS WITHIN THE CITY OF
AUSTIN, SUSPENDING THE RULE REQUIRING THE READ-
ING OF ORDINANCES ON THREE SEPARATE DAYS, AND
DECLARING AN EMERGENCY.

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

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

Mayor Palmer brought up for consideration the Child Caring Facilities Ordinance, which had been passed through the first reading, and on which it had been suggested that recommendations made during the hearing be reduced to writing, and sent in for consideration. The Assistant City Attorney, MR. DON R. BUTLER had attempted to incorporate these suggestions, and the memorandum setting out the major changes had been distributed to those present. MR. BUTLER gave a summary of the suggestions listed, covering only the kindergartens and nurseries, and excluding any grade from the 1st grade on and an alternate excluding nurseries and kindergartens that meet certain specifications. The recommendation of the Health Department and Citizens Committee as it was contained in the ordinance included the kindergarten groups regardless of the number of hours. Other changes provided for increasing the authorized capacity of a child caring facility after issuance of the original license; for making toilet facility requirements more flexible in case infants are kept; for requiring cots only if children under 5 are cared for six hours or more; lowering the age limit of employees from 19 to 16 and changing the ratio of children aged 4 to 6 to one employee to 18 children. Four references rather than three are required; present directors could continue operation regardless of both age and educational qualifications; up to 70 years if physically and mentally qualified and assisted by another adult, rather than limiting the maximum age to 65; and a person in charge of children in the absence of the director must be at least 21 years old. Mrs. Lee stated these requirements were satisfactory with the committee. Mrs. Lee said there were so many categories involved in child care and hours of care, that many centers were not under regulations. She stated all the children needed the proper protection provided under supervised facilities. Mr. Butler noted two letters of suggestions received just this morning from all Austin Nursery Schools and All Saints Episcopal Church.

The director of the Church of the Resurrection School stated the child care and kindergarten could not be covered under the same ordinance; and if they complied with the ordinance they would have to raise their tuition. The suggested changes were an improvement over the first ordinance, but their school had better facilities than the public schools and those proposed under this ordinance; yet they would not qualify. Mrs. Jeffery stated this ordinance could cover everything that related to health, and the number of hours should have nothing to do with not being covered under the ordinance. Mrs. Lee discussed sufficient floor space for each child, noting the amount was not set up in this ordinance. The Assistant City Attorney explained this was covered in the Building Code, by the State Welfare Department, by the Building Official and Fire Marshal and pointed out the permit would specify the maximum number of children that may be accommodated at any one time.

Mrs. Quick did not believe the definition was clear on Nursery School, Kindergarten, or Day Care Center. The Mayor stated regardless of the facility and difference in services rendered the same provisions for health and sanitation should be expected. Mrs. Quick was concerned that the kindergartens and nursery schools would have to go up on their tuition, and it would exclude the upper-middle class leaving only the anti-poverty kindergartens or the very wealthy kindergartens. Mrs. Bloomer, Chippendale Nursery, stated the State Welfare Department did not go into any one-half day child care facilities now; and if the City ordinance excludes those keeping children less than four hours, the ordinance would do no good. The City Attorney stated no matter how long a pre-school child was kept in a facility, this ordinance would cover.

Mayor Palmer announced that the Council would pass this ordinance with these suggested changes through the second reading, and a complete draft incorporating all of these suggestions would be printed and made available to everyone interested before the ordinance is finally passed.

A representative from St. George's School which will open in the fall for four and five year old children, stated they were building on national standards set for educational institutions. He objected to lumping all facilities in one ordinance, as there was a difference in educational requirements and day care requirements, toilet facilities, etc. He stated however, they had nothing to fear from this ordinance. A representative from the Church of the Resurrection stated there was no dissatisfaction with the ordinance, except there was a distinct difference between qualifications in several areas having an educational institution and a child care center. The City Manager pointed out this ordinance carried the minimum standards that had to be met.

The Mayor welcomed other written suggestions on this ordinance, and those presented last week would be incorporated into a proposed ordinance. The suggestions would be received in the Law Department and the City Clerk's Office. Councilman Shanks stated the people would have plenty of time to read the revised draft before the ordinance was passed finally. Councilman Long stated she saw no reason to pass it on second reading until after it was corrected. Councilman Shanks preferred getting the ordinance in printed form so the people and the Council would have time to study it, before the final passage.

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

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW CHAPTER PERTAINING TO THE REGULATION OF CHILD-CARING FACILITIES, DESIGNATED CHAPTER 41; DEFINING TERMS; REQUIRING PERMITS FOR THE OPERATION OF A CHILD-CARING FACILITY; PRESCRIBING PROCEDURE FOR OBTAINING PERMITS, INSPECTIONS, AND PAYMENT OF FEES; RESTRICTING TRANSFER OF PERMITS; SETTING FORTH MINIMUM OPERATIONAL STANDARDS; MAKING VIOLATION OF SUCH CHAPTER A MISDEMEANOR; PROVIDING A PROCEDURE FOR THE REVOCATION OR SUSPENSION OF PERMITS ISSUED UNDER SUCH CHAPTER AND APPEAL THEREFROM; AND DECLARING AN EMERGENCY.

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

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

Councilman Long made the following statement:

"That does not mean I am against the final passage, it is just passing the vehicle when it is so lacking in wheels".

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

MR. NYGREN explained his position in appearing before the Council last week, not as a legal representative of the people, but merely as a spokesman of a group in the Decker Lane area in that they recognized the basic need of the utility system, but they wanted the City to purchase only the land engineeringly necessary for the project. He introduced REVEREND E. M. COOPER.

Councilman LaRue moved that REVEREND E. M. COOPER be heard. The motion was seconded by Councilman Shanks. Roll Call showed a unanimous vote.

REVEREND COOPER represented a small group of land owners in the Decker Lake project who had purchased small plots of land of about three acres for developing rural homes. The land not needed for the lake should remain available for the owners to build their homes and maintain that portion of their land that will not be inundated. The property needed for the reservoir and flood plain area should be purchased at a fair price and sufficient amount for damages brought up by the action and procedure taken for this utility project. Mr. Nygren explained the legal representation was by individuals; but as some opinion was developed, the people appointed one man to convey a particular message to the Council.

The Council recessed.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

Mayor Palmer recognized MR. ED WIGINTON, Water and Light Department, who presented MRS. OMA RUBY, who is retiring after 29 years of service in the Water and Light Office. He presented her a certificate of 29 years of loyal service, stating she would certainly be missed, and that she had been a most faithful and dependable member of this division. The Mayor thanked Mrs. Ruby for the many years of devoted service to the people of Austin, stating it was a pleasure to recognize the public employees who have devoted their efforts in carrying out their particular duties.

MR. TRUEMAN O'QUINN representing MR. MOTON CROCKETT, JR., showed a map of property located on Trinity and 19th Street which had been discussed about two years. Mr. O'Quinn stated Mr. Crockett, Sr., acquired a portion of Lot 23 and the City acquired the balance of the lot from someone else. Mr. O'Quinn

said Mr. Crockett has title to the property from the easterly boundary line of old Lot 23, and a portion of the Trinity Street bridge rests on that. The City acquired from the Maerki family the necessary right of way for opening Trinity Street. Mr. O'Quinn stated in the course of discussion of this whole thing, Mr. Crockett said to the City he would give it a deed to a portion of this so there would be no question about it, and the bridge footing would be on city property instead of his. The City said the little triangle left over after the Trinity Street line had been determined would be deeded to Mr. Crockett. The area in the triangle is mostly in the creek. Mr. Crockett showed on the map, property and a retaining wall that had been on those lots since 1929 or 1930, stating they claimed that area by limitation and the lot line was on the north side of the creek at that point. Councilman Long asked what good would the alley be if lots did not belong to him. Mr. Crockett stated there were statements in their deeds that their land went to the north bank of the creek because it had been under possession by the previous property owners and by his father for over 30 years. In answer to Councilman LaRue's question, Mr. Crockett stated he was claiming the alley by the statute of limitation. Mr. O'Quinn stated they had acquired certainly to where they had established the wall which they built but more probably to the creek bank itself, as that is what the deed calls for. The Mayor asked why was the Council being asked to vacate the alley then. Mr. O'Quinn explained if the Council feels the City would not need the alley and was not going to open the alley, it could vacate it. The City would not decide who owned the alley, as the title reverts to the abutting owners. If there is a question between the property owners then it would be decided, and the City is not being asked to defend or get in a law suit. As to use by the public, Mr. O'Quinn said an alley could be used by the public for the moving of traffic--foot or vehicular, providing the abutting owners had not acquired title so that the City had no jurisdiction over the alley. Mr. Crockett said he had paid taxes on this land for 20 years.

The City Attorney reviewed the uniform policy regarding vacating a street or alley requiring abutting owners to be notified. From the tax records he found the names of the persons who owned the record title to the land abutting the alley. One of the owners objected to vacating the alley or at least he wanted to be heard. He discussed property belonging to the three other owners whom he had not contacted. In answer to Councilman Shanks' question, the City Attorney stated the City was not admitting relinquishing any title to the alley. Councilman Shanks stated pending the Urban Renewal he could not see how the City could consider vacating the alley anyway. The City Attorney stated the City was now occupying 50-75 square feet of property which apparently Mr. Crockett owns, although he had not checked the title yet. Councilman Shanks stated he understood Mr. Crockett had given this property to the City. Mr. O'Quinn stated in the course of an agreement which he was trying to work out, he had reported Mr. Crockett would give a deed but in connection with it, the City also wanted a 20' easement for utilities which Mr. Crockett was willing to work out; but in addition to that, he wanted the alley vacated. As far as the little triangle is concerned, if the City wants to deed that to Mr. Crockett, it would be all right, but it would not make much difference because it is in the creek, and would not be of any special value to the City or to Mr. Crockett.

Mr. Crockett stated these drawings and documents were started prior to the construction of the Trinity Street bridge. He reviewed the relining of the street, the redesign and shifting of the bridge which the Director of Public Works had gone to considerable trouble to do in order that the only access into his property would not be destroyed. He said his father had brought up the matter of the alleyway many years back. His mother Mrs. Mae Crockett, had

signed a drainage way and public utility easement, sidewalk and public utility easement, and the street deed, on August 12, 1964 and they had been brought before the Council for action. An ordinance was drawn which would vacate a portion of the 18th Street Alley. The City Attorney stated he had never approved the ordinance and the Council had never passed it. He listed other instruments drawn. The City Attorney stated none of the instruments signed by Mrs. Crockett had been accepted and filed for record, and the matter was held in a status quo due to the streets, redesign of the bridge, etc. The City Attorney said after repeated agreements, discussion and negotiations, these three signed instruments were entrusted to his keeping with the precise understanding they would not be recorded or accepted by the City unless the transaction described went through. The City Attorney at this time returned to Mr. Crockett, through his Attorney, Mr. O'Quinn, the three instruments which Mr. Crockett had delivered to his custody and had asked that they not be accepted or recorded until the agreement was made. Mr. O'Quinn stated the main thing they were trying to do was to get the alley vacated. It is not being used and has not been used in many years.

The expansion of the University, Hospital Complex, and other developments were discussed, as well as the areas under Urban Renewal in these vicinities. Mayor Palmer stated the City should buy the property from the banister and all of that property under the bridge, and leave the alley alone. Mr. O'Quinn stated they had to establish Mr. Crockett's claim to the alley. The City Attorney said they did not have any evidence to convince them that the alley is still not an alley. Councilman Shanks asked that this be checked out. Councilman LaRue moved that the City Manager be authorized to acquire the necessary land for the bridge and the street. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman Long moved to set the Fire Prevention Code for public hearing at 2:30 P.M., January 27, 1966. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman LaRue moved that the Council appoint MISS LOUISE PORFIRIO as Deputy Clerk of the Corporation Court. 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 authorize the expenditure on the Ball Park lights and fence in an amount not to exceed \$6500. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Councilman Long asked that the fence be moved out as fast as possible so

the ball park could be resodded.

The City Manager said they had a new Water and Sewer Contract with Bergstrom Air Force Base on its new form, and the contract incorporated the new rates at the time of their enactment last spring. Councilman Long moved that the City Manager be authorized to enter into this contract with BERGSTROM AIR FORCE BASE, and make the appropriate cancellation of their previous contract. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager stated there was a contract with the Highway Department with reference to the design and construction of a new bridge to replace the existing bridge on the F.M. Road east of where the new Decker Lake and Dam will be. The flow of two creeks is being combined into one spillway, and the existing bridge would be subject to flooding. The new bridge will be large enough not to be flooded and will prevent the waters from backing up. The Highway Department will design and construct the bridge and the City will pay for it, at an estimated \$80,000, which includes the Highway Engineering Services. Councilman LaRue moved to authorize the execution of the contract with the Highway Department for the design and construction of this bridge as outlined. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Council deferred the report from the Planning Director on pending zoning cases at this time.

The City Manager stated there were extensions of two contracts which the Planning Director would discuss. The Planning Director explained in lengthy detail the studies to be covered as follows:

1. The Market Analysis

- a. Commercial market study of the entire urban area for the Community Renewal Program.
- b. A study of industrial development.
- c. A downtown area market study.

The City Manager pointed out the advantages of these studies, that in particular it would assure that plans developed for Urban Renewal Projects would be practical. The completion date is about six months, and the study would evaluate the overall market potential for the next 20 years. The total cost of this analysis will be \$22,000 and the City's part is one-third. Mr. Hoffman is working on the Housing Analysis at this time. After much discussion by the Council, Councilman LaRue moved to authorize the expenditure not to exceed one third of the \$22,000 to HOFFMAN, MORTON AND COMPANY to do the three surveys as recommended by the City Manager. The motion, seconded by Councilman

Councilman LaRue moved that the City Manager be authorized to purchase the two houses and the two lots on East 51st Street from MR. AND MRS. C. O. ETHEREDGE and MRS. SELMA FENTRUP for \$16,178.00. The motion, seconded by Councilman White, carried by the following:

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a warranty deed on behalf of the City of Austin, conveying to Cleddie O. Etheredge and wife, Elsie J. Etheredge, the following described property, to-wit:

Lot 3-A, Rimrock Heights, according to a map or plat of said Rimrock Heights of record in Plat Book 28, Page 26, of the Plat Records of Travis County, Texas.

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

The City Attorney had been negotiating with MR. ED CRAVEN who preferred for the City to go ahead and condemn the property now occupied by the Home Steam Laundry at 14th and Red River. The Home Steam Laundry is in the process of moving from this location. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion and improvement of Brackenridge Hospital in the City of Austin by the construction of additional facilities related to the public health of the community; and,

WHEREAS, in that connection, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land to permit such expansion and improvement; and,

WHEREAS, the City of Austin has negotiated with the owners of said tract of land and has been unable to agree with such owners 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 owners, lienholders and lessees, a suit in eminent domain to acquire title for said purposes to the following described tract of land:

Lot 8, Outlot 165, Original City, City of
Austin, Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilman LaRue

Councilman LaRue stated he did not feel that he should participate, since he was in the same neighborhood and under the same conditions.

The City Manager brought up for discussion the right of way for the projection of the Robert E. Lee Road past the Recreation Building, and running southerly from City property on out to Barton Springs Road. Right of way is needed along the river and south along the creek bank. The City Attorney stated Mr. Tom Attal owns the property from Barton Springs Road northerly. He showed the amount of the property needed to open Robert E. Lee Road through the Attal property. The City Manager recommended that the City own all of the property all the way to the creek. The City Attorney stated it would be necessary to acquire the Barton Creek frontage plus the right of way for Robert E. Lee Road and the City should acquire the entire property consisting of 2.53 acres. Mayor Palmer suggested buying the entire tract. Councilman LaRue moved that the City Manager negotiate for the property of MR. TOM ATTAL, 2.53 acres fronting on Barton Springs Road. (1902-1918 Barton Springs Road) The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING
THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN
CITY CODE OF 1954 AS FOLLOWS:
LOT 5, BLOCK 2 OF THE R. H. PECK SUBDIVISION, FROM
"B" RESIDENCE DISTRICT TO "D" 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 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.

Mayor Palmer brought up the disposition of the property at 24th and Lamar owned by MR. ARCH ADAMS and others. Finally, after detailed discussion by the Council Members, Councilman LaRue moved that an offer of \$165,000 be made for the property on the condition they prescribed, with an interest rate of 3.25, one tract to be paid out in five years, another to be paid in ten years, and the third in 15 years. (Division D, Outlot 43, Lots 9, 10, 11, 12 and 13 and 87.46 x 200' - Lamar Boulevard from 24th to 25th Streets) The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, White, Mayor Palmer
Noes: Councilman Long
Present but not voting: Councilman Shanks

The City Manager stated in the Water District Contract the City had a provision for an option to acquire portions of the Water Districts' Water System, which may be on land included in the City by annexation. In Water District 13 there is a line in Blue Bluff Lane which will be inundated by the new lake, and the District would like to sell that portion of the line to the City. The Mayor noted that the agreement required this money to be paid on the principle. Councilman LaRue moved that the City Manager be authorized to acquire that part of the system of District No. 13 which is in Blue Bluff Lane and which will be inundated, at the same price had the property been annexed by the City, and that whatever the City pays is to be applied to the principle. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager reported that Colonel Kengla is ready to proceed with publication of the Shelter Instructions which will be applicable to the use of the fallout shelters. He stated copies would be furnished the Council; and suggested that the Council, if it saw any objections to any part of the instructions, let him know within the next week or two.

The Mayor read acknowledgments from DR. EDMUND HEINSOHN for appointment to the Austin Housing Authority, and from DR. O. W. WEEKS for reappointment on the Library Commission.

Mayor Palmer read a letter of appreciation regarding the new service in the Library of the Circulation of Print Collections. Extra services such as records, tape recordings and the new print collection identify Austin as a culturally concerned and progressive City. The letter was from Karren Morris.

The Mayor read an anonymous letter regarding the paving of East 3rd Street.

The Mayor read an acknowledgment of receipt of Austin's formal application for one of the two Community Demonstration Programs in Mental Retardation to be constructed and operated by the Department of Mental Health. The City would be contacted to determine mutually acceptable dates for representatives of the Site Selection Committee and/or Departmental Staff to make a site visit to Austin. (Elmer Hall, Chairman Site Selection Committee)

The Mayor read an invitation from the American Legion to the Council at the formal opening and dedication of its new headquarters building at 709 East 10th Street, Friday, February 4, 1966, 4:30 P.M. - 5:30 P.M.

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing at 10:00 A.M. on February 24, 1966:

JERALD SENTER, M.D. By Vince Nelson	4909-4913 Harmon Avenue	From "O" Office 1st Height & Area To "O" Office 2nd Height & Area
BEN H. POWELL, ESTATE By James Howard	5326-5328 Jeff Davis	From "A" Residence 1st Height & Area To "C-1" Commercial 2nd Height & Area
FRED WONG	2102 Goodrich 2021-2023 Bluebonnet Ln.	From "A" Residence To "B" Residence
CONSUELO MENDEZ By Pat Mendez	1807 East 3rd Street Additional Area 1809 East 3rd Street	From "B" Residence 2nd Height & Area To "C" Commercial 2nd Height & Area
LAND MARK CONSTRUCTION CO., By James K. Eichelberger	1600 West 5th Street 500-502 West Lynn Street	From "B" Residence 2nd Height & Area To "C" Commercial 2nd Height & Area
DAVID ROBBINS By Frank Knight	311-319 West 18th Street 1711-1721 Guadalupe St.	From "C" Commercial 3rd Height & Area To "C-1" Commercial 3rd Height & Area
HOMER HAMILTON MRS. JEWEL ROBERSON By Ronald B. Zent	405-407 West 38th St.	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area

EDWARD JOSEPH	801-803 Rio Grande Street 608-610 West 8th Street	From "B" Residence 2nd Height & Area To "GR" General Retail 2nd Height & Area
H. G. WEST	503-505 West Oltorf Street	From "O" Office 2nd Height & Area To "GR" General Retail 2nd Height & Area
R. H. CHAPMAN By Ed Padgett, Jr.	3500-3502 Crawford Avenue 1508 West 35th Street	From "A" Residence To "O" Office
HENRY H. MOORE JAKE SILBERSTEIN TRUEMAN O'QUINN	501-517 East 11th Street 1010-1018 Red River Street 1007-1011 Neches	From "C" Commercial and "C-2" Commercial 2nd Height & Area To "C" Commercial and "C-2" Commercial 3rd Height & Area
EDWARD JOSEPH	1629-1709 Shoal Creek Blvd.	From "A" Residence To "O" Office
WALTER W. BROCK By Eddy Pierce	801 Oltorf Street 2400 South 3rd Street	From "A" Residence To "O" Office
EMMA GLASSCOCK By Edward M. Horne	714 Patterson Avenue 701 Theresa Avenue	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
JACK ANDREWARTHA	2722-2808 Hemphill Park	From "B" Residence 3rd Height & Area To "C" Commercial 3rd Height & Area
ROBERT C. AMMANN, JR. By Robert C. Sneed	Tract 1 Rear of 1000-1016 Peyton Gin Road 1018-1048 Peyton Gin Road	From Interim "A" Residence 1st Height & Area To "GR" General Retail 1st Height & Area
	Tract 2 1100-1110 Peyton Gin Road	From Interim "A" Resi- dence 1st Height & Area To "B" Residence 1st Height & Area
ROBINSON BROTHERS, INC. ET AL, By Cy Miller	1507-1511 Kinney Avenue	From "A" Residence To "B" Residence
GENE NAUMANN By Robert C. Sneed	1911-1913 Anita Drive 1701-1707 Bluebonnet Lane	From "C" Commercial To "C-1" Commercial

E. C. McCLURE
WALTER FONDREN
By J. Malcolm
Robinson

7510-7712 North Interre-
gional Highway
519-709 Northeast Drive

From "A" Residence
1st Height & Area
and "C" Commercial
1st Height & Area
To "C" Commercial 3rd
Height & Area

AUSTEX DEVELOPMENT
COMPANY, By Bryant-
Curington, Inc.

Tract 1
3401-3423 Rogge Lane

From "GR" General Retail
6th Height & Area
To "A" Residence 1st
Height & Area

Tract 2
5538-5546 Springdale Road

From Interim "A"
Residence 1st Height
& Area
To "GR" General Retail
6th Height & Area

Councilman Long moved that the Council recess and go into Executive Session. The motion, seconded by Councilman White, carried by the following vote:

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

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 at 8:45 P.M. subject to the call of the Mayor.

APPROVED

L. L. & Palmer
Mayor

ATTEST:

Edie Woolley
City Clerk