

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 12, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND ROBERTO ESCAMILLO, Emmanuel Latin American Methodist Church.

Councilman LaRue moved at the request of MR. ROBERT SNEED, Attorney, that the following zoning application be referred back to the Planning Commission:

ROBERT C. AMMANN, JR.	912-1012 Peyton Gin Road	From Interim "A"
		Residence 1st Height &
		Area
		To "IR" Local Retail 1st
		Height and Area

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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) LOTS 5 AND 6, EDNA O. BLANCHARD SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND (2) LOT 21, J.K.P. McFALLS SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL CERTAIN PROPERTY COMMONLY KNOWN AS A PORTION OF CAMP MABRY ROAD; RESERVING A PUBLIC UTILITY EASEMENT; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS. (From Missouri Pacific Railroad westward)

The City Attorney explained this would be vacating the public interest, if it had any, in an area that was never dedicated as street purposes. It was a grade crossing across the railroad track at the western terminal of Camp Mabry. Councilman Long inquired if it were being used now. The City Manager stated it had been used by the warehouse people at Camp Mabry, but they had changed their route. It had also been used by the Skinner family. Councilman Long asked if those who had been using this were aware of its being closed. The City Manager stated most of the people used the other route. He explained there was a deadline that has passed, but the Railroad had given an extension to the City for closing this crossing. The contract provided that on a scheduled basis, the City would eliminate all grade separations between 6th Street on out in the section where the Missouri Pacific Railroad had given the right of way. After discussion, 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 made this statement concerning her vote, that she would go ahead and vote "aye", but there possibly will be some people inconvenienced. As to eliminating grade crossings, she stated there should be some eliminated on the east side that were more hazardous than this one.

The City Manager submitted the following:

"March 10, 1964

"To: W. T. Williams, Jr., City Manager Subject: Assessment Paving Contract
No. 64-A-3

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, March 10, 1964 for the construction of assessment paving, consisting of 22 units, known as Assessment Paving Contract Number 64-A-3.

"Pat Canion Excavating Company	\$143,222.67
Lee Maners	\$143,359.15
Giesen & Latson Construction Co.	\$152,873.88
Jack A. Miller	\$174,550.42
City's Estimate	\$151,553.96

"I recommend that Pat Canion Excavating Company with their low bid of \$143,222.67 be awarded the contract for this project.

"S. Reuben Rountree, Jr.
Director of Public Works
s/ 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 March 10, 1964, for the construction of assessment paving, consisting of 22 units, known as Assessment Paving Contract Number 64-A-3; and,

WHEREAS, the bid of Pat Canion Excavating Company, in the sum of \$143,222.67, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Pat Canion Excavating Company, in the sum of \$143,222.67, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager

of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Pat Canion Excavating Company.

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

The City Manager submitted the following:

"Sealed bids opened 2:00 P.M. March 5, 1964
 Tabulated by: O.G. Brush, Purchasing Agent

CITY OF AUSTIN BIDS ON AIR COMPRESSORS

			Central Texas Equipment Co.	Roy Klossner Company	Girard Machinery & Supply Co.
Bid No.	Description	Quan.			
1093	Two wheel mounted	1 ea.	\$3,807.50	\$4,549.16	<u>\$3,605.00</u>
Street & Bridge Div.	air compressor including 1 trade-in				
			Pearce Eqt. Co.	Contractors Machinery Company	Jess McNeel Machine Corp.
			\$3,656.00	\$3,974.00	\$3,724.00
			J.W.Bartholow Machinery Co.	R.G. Studer Mach. Co.	Safeway Rental Eqt. Co.
			\$3,730.00	No Bid	No Bid

This unit will be used in general street maintenance. The Ingersoll-Rand Unit as bid by Girard Machinery & Supply Co. meets all specifications.

1118	Two wheel mounted	1 ea.	Central Texas Equipment Co.	Roy Klossner Company	Girard Machinery & Supply Co.
Cemetery Division	air compressor including 1 trade-in				
			\$3,807.50	\$4,508.00	<u>\$3,605.00</u>
			Pearce Eqt. Co.	Contractors Machinery Company	Jess McNeel Machine Corp.
			\$3,656.00	No Bid	\$3,724.00
			J.W.Bartholow Machinery Co.	R.G. Studer Mach. Co.	Safeway Rental Eqt. Co.
			\$3,630.00	No Bid	\$3,800.68

This unit will be used for excavation of rock at grave sites. The

Ingersoll-Rand Unit as bid by Girard Machinery & Supply Co.
meets all specifications.

Bid No.	Description	Quan.	Central Texas Equipment Co.	Roy Klossner Company	Girard Machinery & Supply Co.
1097	Rotary Type Truck	2 ea.	\$6,795.00	\$7,822.36	\$6,514.00
Sanitary	mounted air com-				
Sewer	pressor - No				
Division	trade-in				
			Pearce Eqt. Co.	Contractors Machinery Company	Jess McNeel Machine Corp.
			\$7,250.00	\$7,398.00	\$6,321.21
			J.W. Bartholow Machinery Co.	R.G. Studer Mach. Co.	Safeway Rental Eqt. Co.
			\$6,417.04	\$7,787.08	\$6,909.00

These units are to be used by house connection crews. The bid by Jess McNeel Machinery Corp. on a Worthington Compressor does not meet specifications. The specifications required the unit be two stage; however a one stage unit was bid which would require more horsepower and therefore more fuel to operate. The next low bid by J. W. Bartholow Machinery Co. on a LeRoi unit meets all specifications.

"RECOMMENDATION: It is recommended that low bid on #1093 and #1118 by Girard Machinery and Supply Co. be accepted.
It is recommended that lowest bid meeting specifications on #1097 by J. W. Bartholow be accepted.

"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 March 5, 1964, for various air compressors; and,

WHEREAS, the bids of Girard Machinery & Supply Co., in the sum of \$3,605.00 for one two-wheel mounted air compressor and one trade-in, and in the sum of \$4,605.00 for one two-wheel mounted air compressor 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 Girard Machinery & Supply Co., in the sum of \$3,605.00 for one two-wheel mounted air compressor and one trade-in, and in the sum of \$3,605.00 for one two-wheel mounted air compressor and one 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 a contract, on behalf of the

City, with Girard Machinery & Supply Co.

The motion, seconded by Councilman LaRue, 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 March 5, 1964, for various air compressors; and,

WHEREAS, the bid of J. W. Bartholow Machinery Co., in the sum of \$6,417.04 for two rotary type truck mounted air compressors, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of J. W. Bartholow Machinery Co., in the sum of \$6,417.04 for two rotary type truck mounted air compressors, 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 J. W. Bartholow Machinery Co.

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

Councilman Long stated this was the one that was not the low bidder. The City Manager stated the low bid was for a single phase compressor which uses more fuel. Councilman Long inquired why were the single phase compressors made if they were more expensive. The City Manager stated in many instances, there are some products that are made cheaper, but cost more to maintain, and it is a matter of choice of the buyer who uses them. He said it had been the City's view that the lowest cost in the purchase and the operation were the items the City should consider.

Councilman Long made the following statement regarding her negative vote: "I vote 'no'. I do not see why that man even bid if he could not meet specifications. I am of the opinion he thought he was meeting them."

The City Manager submitted the following:

"March 10, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids on 1 two-ton low cab forward truck complete with hydraulic dump bed and 2 two-ton forward trucks complete with chassis for the Sanitary Sewer Division.

"Bids were opened at 2:00 P.M. March 6, 1964 in the office of the Purchasing

Agent for 1 two-ton low cab forward truck complete with hydraulic dump bed and 2 two-ton forward trucks complete with chassis for the Sanitary Sewer Division. These three units will be used by house connection crews.

"Invitations to bid were sent to all local truck dealers. Armstrong-Johnson stated they did not bid as they were not bidding on all fleet trucks at this time. Dependable Motors stated they did not bid because they just did not take time to bid.

"The bids are as follows:

	International Harvester	Capitol Chevrolet	International Harvester (Alternate Bid)
Two ton cab complete with Hydraulic Dump bed 1 ea.	<u>\$3,698.25</u>	\$3,711.75	\$3,715.00
Two ton cab complete with chassis 2 ea.	<u>5,602.50</u>	5,630.48	5,636.00

The low bid by International meets all specifications.

RECOMMENDATION: It is recommended that International Harvester be awarded contract for these units with their total low bid of \$9,300.75.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 6, 1964, for one 2-ton cab complete with hydraulic dump bed and two 2-ton cab complete with chassis; and,

WHEREAS, the total bid of International Harvester, in the sum of \$9,300.75, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the total bid of International Harvester, in the sum of \$9,300.75, 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 International Harvester.

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:

"March 10, 1964

"TO: Honorable Mayor and Members of the City Council

"SUBJECT: Bids for Recording Gas Calorimeter - Power Plant

"Bids were received at 10:00 A.M. March 3, 1964 in the office of the Purchasing Agent for 2 Recording Gas Calorimeter Units to be used at Seaholm Power Plant and Holly Street Power Plant. These units are to be used for instrumentation for gas measurement.

The bids are as follows:

	Recording Gas Calorimeter	2 ea.
	Net Total	
Southern Electric Supply	\$13,920.00	
Maintenance Engineering Corp.	12,970.50	
Central Scientific Company	12,246.90	
K & M Supply Company	<u>13,416.38</u>	

"The low bid on Cutler-Hammer Recording Gas Calorimeter by Central Scientific Supply Company meets all specifications.

"RECOMMENDATION: It is recommended that Central Scientific Company be awarded contract to furnish two Cutler-Hammer Recording Gas Calorimeter Units with the low bid of \$12,246.90.

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

Councilman Long inquired about a calorimeter. The City Manager stated it was a device that measures the BTU content of gas that is used. He stated the new contract was on a BTU basis and it is necessary to check the measurement of the BTU content of the gas. Councilman Long asked if this had been done in the past. It was stated this had been done by spot checking. This will be a recording device that will show on a chart continuously; and at the end of each month a perimeter is used to measure the line on the chart and it is computed with considerable accuracy as to how many BTU was in the gas instead of spot checking. Councilman Long inquired what happens if the Count is low. The City Manager stated the City did not pay; as it paid for what BTU it received. The Mayor explained in the last contract, it was on a mcf basis. The City Attorney explained if the BTU fell below the requirements the Company was penalized.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 3, 1964, for two recording gas calorimeter units to be used at Seaholm Power Plant and Holly Street Power Plant; and,

WHEREAS, the bid of Central Scientific Company, in the sum of \$12,246.90, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Central Scientific Company, in the sum of \$12,246.90, 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 Central Scientific Company.

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

The City Manager submitted the following:

"Sealed bids opened 2:00 P.M. March 4, 1964
 Tabulated by: O. G. Brush, Purchasing Agent

"CITY OF AUSTIN BIDS ON UNIFORMS SANITATION DIVISION

	Joseph's Man's Shop	Lorey's Custom Tailoring	Austin Army & Navy Store	Sears- Roebuck	Work-Wear Corp.
Pants, Waist 28-44 62 doz. Net	\$2,026.35	\$3,705.12	\$2,056.73	No Bid	\$2,126.60
Shirts, Neck Size 14-17½ 58 doz. Net	1,696.11	2,749.20	1,497.73	No Bid	1,506.26
Pants, Waist 46-50 1 doz. Net	35.92	65.76	35.28	No Bid	38.02
Shirts, Neck Size 18-19 1 doz. Net	33.40	75.60	27.93	No Bid	28.57
Shirts, White Neck Size 14-17½ 1 doz. Net	<u>114.23</u>	<u>285.60</u>	<u>97.80</u>	<u>No Bid</u>	<u>94.08</u>
Net total	\$3,906.01	\$6,881.28	\$3,715.47		\$3,793.53
	McNair Clothing Mfg. Co.	Beall's J. C. Penny Dept. Company Store			
	\$1,959.51	\$2,232.00	\$2,135.90		
	1,449.42	1,531.20	1,585.72		
	34.77	39.60	37.90		
	27.49	26.40	30.07		
	<u>90.16</u>	<u>96.00</u>	<u>109.36</u>		
	\$3,561.35	\$3,925.00	\$3,898.95		

Councilman White inquired if the Street and Bridge employees had said anything about the uniforms. The Director of Public Works stated some of them furnished their own uniforms.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 4, 1964, on

uniforms for the Sanitation Division; and,

WHEREAS, the bid of McNair Clothing Mfg. Co., in the sum of \$3,561.35, was the lowest and best 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 McNair Clothing Mfg. Co., in the sum of \$3,561.35, 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 McNair Clothing Mfg. Co.

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

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

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

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

- (1) A gas main in AIRPORT BOULEVARD, from a point 345 feet north of Manor Road northerly 229 feet; the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said AIRPORT BOULEVARD.

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

- (2) A gas main in ANN ARBOR AVENUE, from a point 165 feet north of LaCasa Drive, northerly 51 feet; the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said ANN ARBOR AVENUE.

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

- (3) A gas main in BOWLING GREEN DRIVE, from a point 180 feet north of Colfax Avenue, northerly 163 feet; the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said BOWLING GREEN DRIVE.

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

- (4) A gas main in CANAL STREET, from Santos Street easterly 689 feet; the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said CANAL STREET.

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

- (5) A gas main in LAWRENCE STREET, from Santos Street northerly 26 feet; the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said LAWRENCE STREET.

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

- (6) A gas main in PARKER LANE from a point 346 feet south of Taylor-Gaines Street northerly to a point 380 feet north of Taylor-Gaines Street; the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said PARKER LANE.

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

- (7) A gas main in SAN GABRIEL STREET, from a point 135 feet north of West 18th Street northerly 42 feet; the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said SAN GABRIEL STREET.

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

- (8) A gas main in SANTOS STREET, from Vargas Road to Lawrence Street, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said SANTOS STREET.

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

- (9) A gas main in TAYLOR-GAINES STREET, from Parker Lane westerly 211 feet; the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said TAYLOR-GAINES STREET.

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

- (10) A gas main in VARGAS ROAD, from a point 82 feet south of Cruz Street southerly 117 feet; the

centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said VARGAS ROAD.

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

- (11) A gas main in WATSON STREET, from a point 184 feet north of Taulbee Lane northerly 168 feet; the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said WATSON STREET.

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

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

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

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

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

The Council had under consideration the relocation of ROCKY RIVER ROAD south of Red Bud Trail. The City Manager stated MR. J. C. BAIR was the subdivider just southwest of the river below the Tom Miller Dam south of Red Bud Trail a number of years ago; and at the time he laid out the subdivision, Rocky River Road was laid out across the City owned property to provide access to Mr. Bair's subdivision. The property and road were pointed out on a map. The City Manager stated the present location of the road conflicts with the location of the new Water Treatment Plant No. 3, and the road needs to be relocated. Mayor Palmer asked if everything had been worked out with West Lake Hills in regard to paving. He said the subdivider was asked to be sure to tie the road into Bee Cave Road, and there was a question of what West Lake Hills was going to do about paving and maintaining it. Councilman White wanted to know if the new road would extend up to Bee Cave Road. The City Manager stated the road does not go to Bee

Cave Road now. It would connect with other roadways so that access would be to Bee Cave Road. He said only the upper end was going to be changed now. Councilman Long inquired about West Lake Hills' paving the road. The City Manager stated the property owners would pave the street. Councilman White inquired as to the direct route to take from Bee Cave Road. The Director of Public Works pointed out the route on the map. The City Manager also showed the eventual tie-in with Bee Cave Road on the map. Councilman Long inquired about the scheduled time for the Filter Plant. The City Manager stated it is being designed now, and it was in the bond program for construction this year if the water consumption reached the point where it was necessary to construct it; but so far it has been possible to delay it for another year or so. The Mayor inquired about the tie-in with this road, and if the maintenance had been resolved. The City Manager stated the question of maintenance had not been, but the construction had been resolved. The Mayor asked if these people would be required to pay the full cost of the Road. The City Manager stated that was right, and this road would be used as access to the Water Treatment Plant. The subdivider will do all of the construction. After discussion, Councilman Long moved that ROCKY RIVER ROAD south of Red Bud Trail be relocated. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Noes: None

Mayor Palmer announced it was 10:30 A.M., and the hearing on an ordinance annexing proposed GREENBRIAR, SECTION 1 was opened. No one appeared to be heard.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 34.26 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, 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.
(Greenbriar, Section 1 & unplatted tracts)

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 ordinance be 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

MR. J. T. BAUMGARDNER inquired about his land transaction at 2254-2264 Redwood Avenue and 3543-3549 Manor Road. The City Attorney stated one of the attorneys in his office, Mr. Hunter, had been in contact with Mr. Baumgardner's

lawyer, Mr. Herbert Smartt, and he would get a report on how the matter stood as of today. Mr. Baumgardner stated he had never been contacted since the Council met, and the situation was the property is going up and is going to cost the City more money. The Mayor asked that the City Attorney get a report on the status of this sale.

The City Manager brought up the matter of dedicating a street, and pointed out a roadway on the south boundary of the Butler property west of Lamar which is an access to the ball fields. The road came into being as a park drive intended to serve the ball fields. The south boundary of the developed roadway is ten feet north of the City's boundary. He stated this would be an extension of Toomey Road, and described adjoining properties and their building advantages because of frontage on Barton Springs Road. The City Manager explained now there was a developer acquiring part of one of these tracts of land for construction of a processing plant, but his land did not face on any street, and the developer is asking that Toomey Road be dedicated. The Recreation Director had said when the drive was first run through, it was thought there should be a street, but the property owners did not want to donate their half. It is the thought if the City provided all of the right of way that the property owners should pay all the cost of the development of the street plus curbs and gutters. The Developer agreed to pay for the paving and development of the street and he would also talk to the other property owners on the south side to see if they would agree also. The Mayor asked about the width of the street. The City Manager stated the developed roadway is about 30' wide; and if the street is dedicated, probably this 10' strip to the south of the existing roadway should be dedicated for sidewalk area; and create a 50' right of way. The Mayor inquired about the setback of the existing structures. The City Manager stated some of them would be too close to the line; and on those that would interfere with the proper alignment of the street there would have to be a restudy. The Mayor stated if the City contributed all of the right of way, the abutting property owners on the south should stand the cost of paving, etc. Councilman Long stated the paving should be wider than 30' as if industrial development goes in, a wider street would be needed. The City Manager stated this street extended westerly from Jessie Street about 150'. The Council wanted to make an on the ground inspection of this roadway and area. Later in the meeting, Councilman Long moved that the City Manager be instructed to dedicate the road if the property owners pay for the full cost of paving both sides, curbs and gutters. 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 MR. FRANK QUINN, representing the W. T. Caswell Estate, had offered its property on the north side of 15th Street by Brackenridge Hospital for sale to the City and immediately the question is raised as to a decision on whether or not the Hospital stays where it is or be moved. The Consultants in their study concluded that the present location of Brackenridge Hospital was an ideal location for a municipally owned Hospital for a number of reasons, and recommended that if property could be acquired in the area to expand as needed, it would be far better than to move, although they did leave the question open for further consideration. The City Manager stated this particular property definitely falls within the area that it was suggested the City acquire. He showed a map of the area. The City Attorney reviewed the arrangement with the Caswells on the purchase of the other property in this area and stated the same

arrangement might be worked out in this case; as it was known that Mr. Caswell wanted the City to have this land if it wanted it. The City Manager said the consultants recommended all of the property between the Interregional Highway and Neches Street from 15th to 19th Streets be acquired. He pointed out some property that could be eliminated. Councilman LaRue noted the recommendation included property south of 15th Street. The City Manager said City property ran to 13th Street. Councilman Long stated the City property could be extended all the way to 12th Street and still not be contrary to the plan. The City Attorney said making a decision on the purchase of this property is for a long range plan. Councilman Long moved that the City Manager be authorized to negotiate for this property. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Attorney stated the Council had authorized proceeding with a lease with MR. C. B. SMITH for property on Lamar Boulevard and 3rd Street. A tentative agreement with Mr. Smith involves two changes; first an additional amount for a five year option; and the addition of a second five year option at an increase of \$25.00 a month, with the provision when the property is needed for public use, the lease can be terminated with penalty. The City Attorney explained the provisions should there be a permanent building placed there, and the City needed the property for public purpose before the lease terminated. Mayor Palmer and Councilman Long asked that the lease provide for the Council's reserving the right to look at any plans of construction. The Mayor asked that the recapture clause be included also. Councilman Long inquired if there would ever be a road built down the Railroad on 3rd Street. The City Attorney stated there was a provision in the agreement for public use; and the agreement extends the time for a possible 15 to a possible 20 year period, but it increases the revenue. Councilman LaRue moved that the City Manager be authorized to continue the negotiations. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced it was 11:00 A.M., and public hearing on an amendment of Section 4-A ("BB" Residence District) of Chapter 39 of the Austin City Code of 1954 (Zoning Ordinance) was open. The Director of Planning explained in detail the provisions of this amendment in that the current "B" Residential District contains a provision for a special permit which would permit an apartment developer on a one-acre site or larger to construct several buildings which are not attached. There have to be at least two units in each one of those buildings. There would be only one water, sewer, and other utility connections into that tract of land. Under the other provisions of the Zoning Ordinance, if there is an apartment building at a location, and one right next to it, normally it would be required to place them on two separately distinct lots. This amendment permits flexibility of laying out an apartment development. He cited a few examples already in the City. There is a possibility of using this type of development in the "BB" classification, and that is the reason for presenting this amendment. This will require a special permit in "BB". Councilman Long asked if this was being suggested for hardship cases caused by irregular land shapes, or was this to be generally

used. The Planning Director stated principally it is intended for use of odd pieces of land that could not be subdivided. The Council held a lengthy discussion on this amendment.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 4-A, PARAGRAPHS 2 AND 6, OF THE AUSTIN CITY CODE OF 1954 SO AS TO REQUIRE A SPECIAL PERMIT FOR THE CONSTRUCTION OF APARTMENT HOUSES CONTAINING FIFTY-ONE (51) OR MORE UNITS IN THE "BB" RESIDENCE DISTRICT; TO ALLOW APARTMENT DWELLING GROUPS IN THE "BB" RESIDENCE DISTRICT, UNDER CERTAIN CONDITIONS, PURSUANT TO A SPECIAL PERMIT; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

MR. TRUEMAN O'QUINN appeared before the Council stating his client MR. TOM TALLEY, last fall, made a proposition with MR. NELSON PUETT to purchase a piece of land on Manchaca Road. Part of the condition was that the zoning be changed. The Council agreed to change the zoning, leaving a part of the tract "A", and one little location for a drive-in grocery as "C-1" and the balance "GR". The strip of land is undeveloped. Mr. Talley purchased the first 125' on the north end in January. They have a tenant; they have their plans, and have discussed with the City's Engineering Department with regards to the drainage. The lot has been filled in and cleaned, and a short form subdivision covering only the 125' x 140' lot was prepared in Isom Hale's office. Mr. O'Quinn stated his client had agreed to dedicate the front 20' for widening Manchaca Road; and they agreed to dedicate the 30' drainageway on the north side, which was left as "A". Councilman Long stated this was done before Mr. Talley purchased it, and he knew all of that when he bought it. Mr. O'Quinn stated they had a trade with Mr. Puett as far back as September to buy this lot, and were agreeable with everything the Council wanted. He stated Mr. Puett had filed a second preliminary plat showing a 60' street which would join Mr. Talley's property on the south, and they are agreeable. They have a problem on this street Mr. O'Quinn said. Mr. Puett had indicated that the 60' street would be there, and he would dedicate it; and when it came time for him to develop the subdivision that he would build the street. His client does not

need the street now, because the traffic will come in from Manchaca Road. Mr. O'Quinn stated it seems that some restrictions the Council had placed on that plan made it so that a short form was out of the question. He would like to get it worked out so that they could bring in a short form subdivision and develop their property. The Planning Director explained the problem in detail, stating the division of the land did not involve just creating a one lot subdivision, but would create a two lot subdivision. The Mayor asked if this could be worked out with a letter of credit providing for all of the opening and dedication. Councilman LaRue asked if Mr. Puett would put up the money for this street. Mr. O'Quinn stated he had talked to Mr. Puett who had told him he would build the street. Mr. O'Quinn said Mr. Puett told him on February 22nd that he would sign a dedication on the street for 60' and he would build it when it became necessary to open up the subdivision. The Director of Planning suggested one solution would be for Mr. O'Quinn's client to make the arrangements with his guarantee with Mr. Puett that Mr. Puett would develop, and the City would use Mr. Talley's guarantee. The City Manager stated they were talking about 120 lineal feet of street. Councilman LaRue asked Mr. O'Quinn to contact Mr. Puett and see if he would get the letter of credit. Mr. O'Quinn stated the Council had expressed an interest in the street, his client wants the street, the Council wants it, and Mr. Puett wants it. The City Attorney stated if there were a present dedication and a present letter of credit that the street would be developed at the time the City required it. The City Manager suggested if Mr. Puett did not get the bank to provide a letter of credit, possibly Mr. O'Quinn's client would get such a letter of credit and have an understanding with Mr. Puett, if he would dedicate the street, that Mr. Talley would put up the letter of credit. Mr. O'Quinn stated Mr. Talley did not agree to build the street; that he paid enough for the land. The Mayor asked that the Planning Director meet with Mr. O'Quinn and try to work this out. The City Manager stated there was the possibility that Mr. O'Quinn's client could give the letter of credit. The City Attorney stated they would make some real speed by getting a full plat filed rather than just a partial plat filed. Mr. O'Quinn stated a copy of the preliminary plat is already on file; and carved out of it is the 125' x 140' tract, which his client had purchased. The Mayor asked that something be done on this. It seemed all that was needed was a letter of credit from a bank for Mr. Puett, and the complete subdivision plat. The City Attorney stated Mr. Puett's engineers had all the information on this.

MR. WALTER E. LONG presented MRS. MABLE WOOLDRIDGE BENSON, one of seven children of MAYOR WOOLDRIDGE. The children had put together a biography of their father which they felt might be of use, information and inspiration to others. Mr. Long reviewed just a few incidents included in this biography, and presented, in behalf of Mrs. Benson, copies to the Council, City Manager and City Attorney. MAYOR PALMER expressed, on behalf of the Council, extreme gratitude for the receipt of this fine publication.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

MAYOR PALMER announced this meeting at 2:30 was to hear the report of the Austin City Council's Committee to look into areas affecting the human relations, and he turned the meeting over to the Chairman to present his report.

MR. HARRY AKIN read the report of the Committee, as follows:

"March 3, 1964

"TO The Mayor, and Members of the City Council, City of Austin;

"The following report is from your Committee on Human Relations; it consists of our basic Report, and our subsequent Recommendations.

"We were charged by you with studying the "human relations needs of the community" and to submit "its report and recommendations to the City Council as soon as practicable."

"There has been and is an urgency to this problem which demanded a sound and sensible solution at the earliest moment.

"Your Committee adopted a policy statement at the beginning to guide its work. A portion of that read: "The committee in all of its deliberations shall strive for objectivity; it shall solicit information from whatever sources and consider with impartiality all expressions of viewpoint. The committee does not consider it to be its proper function to advance the interest, or a view of any individual or group, or to permit any of its members to attempt to influence the views of anyone who shall appear before it. The Committee will withhold comment or advice relative to any proposed course of action affecting human relations, until it has completed its work as a study and recommending body... The committee will welcome the opinions of all citizens and groups with relation to the problems involved as well as their solutions, recognizing that its efforts will be successful only to the extent that a full range of viewpoints are made available for the committee's consideration."

"This policy statement was given to the press and other news media. It has served as a guide-line in our investigations. The opinions of all citizens and groups with relation to the problem involved, as well as their solutions, were invited. Their views were welcomed at either a public or private meeting. Few availed themselves of this opportunity.

"We are deeply indebted to the groups and individuals who did come forth-- for their fine cooperation, their sincerity of purpose, and their suggested solutions.

"In addition, the Committee was supplied with voluminous material from other cities with reference to the problems involved and their solutions.

"Further, individual members of the committee solicited and obtained the views of business and professional men and women in this city, employers as well as employees.

IEWS EXPRESSED WITH
REFERENCE TO THE PROBLEM

"The most frequent view expressed by those who appeared before our committee was that racial discrimination is being practiced not only in private business, but also in some departments of our City government. Privately, some expressed the view that the same discrimination is being practiced in the various departments of the state and county governmental agencies. The discriminations most emphasized were:

- "1. All eating and lodging establishments are not integrated.
- "2. Governmental agencies, including the City of Austin, while having a policy of no discrimination, do not enforce that policy down through the lower echelons of departmental heads.
- "3. Adequate business vocational training is not available for Negroes so that they can qualify for higher rated jobs.
- "4. Job opportunities generally were not made available to Negroes and Latin Americans, when qualified, in public and private employment.

"Other views expressed reached extremes on both sides. The threat of constant demonstrations was voiced as a method of attaining objectives unless an anti discrimination ordinance is passed. The approach of "complete voluntary action" was also recommended.

CONCLUSIONS OF THE COMMITTEE

"We are convinced that the members of the City Council have earnestly and with all sincerity attempted to make real progress in overcoming discriminatory practices in the City administration; this is true, likewise, in our public educational systems, including the University of Texas and the Austin Public Schools.

"The progress generally in this City is one that every fair-minded person can point to with a great deal of pride.

"However...no charity can disguise the fact that there is still much to be done. The committee feels that much room for further progress in the future remains, particularly as regards discrimination on the basis of race, creed, color or national origin.

"We believe that discrimination on the basis of race, creed, color or national origin should be considered as fundamentally wrong in the moral sense, and that such wrongness, as a matter of principle, is undiminished whether practiced by a larger or smaller number of individuals.

"The solution to the racial problem must be fair and just to all races, so that men and women of good will, and their children, and their children's children may have "leave to live by no man's leave underneath the law".

"We therefore make the following recommendations to our City Council:

- "1. That the City Council issue a declaration of city policy that no person shall be subject to discrimination or denial of equal opportunity because of his race, creed or color; and that the City

Government has a direct responsibility to set a public example for all to follow.

- "2. That the City of Austin through its City Council create an official Commission on Human Relations for Austin with adequate budget, charging it with the duty of implementing such publicly declared policy and of furnishing official community leadership to make of Austin a place where equality of opportunity and social justice are recognized realities; and that such commission be granted such authority as may be needed for the discharge of its responsibilities. (A proposed ordinance is appended herewith for the study of the City Council.)

"In the opinion of the Austin City Council's Committee on Human Relations, it has by submitting this report completed its assignment, and therefore respectfully requests that it be discharged.

"Signed this date by members of the Council's Committee on Human Relations:

"Date: March 12, 1964

Chairman: s/ Harry Akin

s/ J. J. Seabrook
s/ Helen G. Smith
s/ John Bonner McLane

s/ Roy Velasquez
s/ Ed R. L. Wroe, Jr. "

(Ordinance attached)

"ORDINANCE NO. _____

"AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY THE ADDITION OF CHAPTER _____ ESTABLISHING THE CITY OF AUSTIN HUMAN RELATIONS COMMISSION; PRESCRIBING ITS DUTIES; AND DECLARING AN EMERGENCY.

"Whereas, the City Council of the City of Austin, Texas, finds that prejudice, and the practice of discrimination against any individual or group because of race, creed, color or national origin, is contrary to good public policy and detrimental to the peace, progress and welfare of the city, and

"Whereas, the lack of full participation of any individual in the privileges of full membership in the community retards the progress of the community, and affects the general well-being of all its citizens,

"Whereas, for these reasons and to implement a constructive approach to the problem involved in improving inter-group and inter-racial relations leading to the elimination of discriminatory practices in the City,

"NOW, THEREFORE,
BE IT ORDAINED BY THE CITY COUNCIL OF AUSTIN, TEXAS:

"That there is hereby established a City of Austin Human Relations Commission.

"The Commission shall be composed of nine members. The members shall be appointed by the City Council who shall select persons as representative

as possible of the religious, ethnic, business, labor, and civic groups in the community. In addition, each member shall be a resident of the City of Austin.

"The Commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, ethnic and racial groups in the City of Austin, and shall act as conciliator in controversies involving inter-group and inter-racial relations. The Commission shall cooperate with Federal, State, and other City agencies in an effort to develop harmonious inter-group and inter-racial relations and shall endeavor to enlist the support of civic, religious, labor, industrial, and commercial groups and civic leaders dedicated to the improvement of inter-group and inter-racial relations and the elimination of discriminatory practices.

"The Commission shall receive complaints, conduct investigations, hold hearings, make studies and have such studies made as will enable the commission to carry out the purposes of this Ordinance.

"The Commission shall recommend to the City Council such legislation as may be necessary to accomplish the purposes of this ordinance.

"The Commission shall, with the approval of the City Council, employ an Executive Director, and the City Council shall fix his compensation. The Executive Director shall be a person with training and experience in inter-racial and inter-group relations. The Executive Director shall coordinate the activities of the Commission. The Executive Director, with the City Council's approval, and within the limits of the budget of the Commission, shall employ such staff as the Executive Director may deem necessary, and the Executive Director shall fix the compensation of such staff.

"The Commission shall prepare annually a budget for the ensuing fiscal year, and shall submit such budget to the City Council for their approval.

"The services of all other departments of the City of Austin shall be made available to the Commission upon its request for such services. Information in the possession of any department, board, or agency of the City of Austin shall be furnished to the Commission upon its request, and to the extent permitted by law."

MR. HARDY HOLLERS read a Minority Report to Report of the Council's Committee on Human Relations as follows:

"Austin, Texas
March 12, 1964

"TO THE MAYOR AND MEMBERS OF
THE CITY COUNCIL, CITY OF AUSTIN:

MINORITY REPORT TO REPORT OF THE COUNCIL'S
COMMITTEE ON HUMAN RELATIONS

"It is with deep regret that I must oppose the adoption by the City Council of an ordinance on human relations as recommended by the majority of the Committee. The reasons for my position I will undertake to state as succinctly as possible. At the outset, I must state that what I say in this report must not be considered in any manner as a criticism of the balance of the Committee, for I hold each of them in the highest esteem. While I congratulate

them on their integrity in expressing their honest convictions in their report to the Council, by the same token, I reserve the right to disagree with them.

"The City Council of the City of Austin adopted a resolution on January 16, 1964, creating a commission to study the "...human relation needs of the community...." and in the study to "...hear reports and study areas of concern in group relationships...." The commission was further directed to cooperate with various agencies of the City, State and National Government as well as other groups in making the study in "...achieving mutual appreciation of the privileges and the responsibilities of citizenship in a land of freedom, enriched by free commerce.."

"The Committee heard various groups, including an organization known as the Austin Commission on Human Relations, representatives of various public accomodations, including restaurant owners, hotel and motel associations.

"The Committee met with the Chief of Staff at Brackenridge Hospital and its Director. We also met with the Director of Personnel of the City of Austin and his assistant. Every department of the City contacted by the Committee responded fully and cooperated with every request for information.

"In addition, the public generally was invited to appear and give us the benefit of their suggestions with reference to the problems involved as well as their views as to the solution.

"In our deliberation, we undertook to summon such detachment and intellectual integrity of our task so that our labor would commend itself to fair-minded individuals of all races and creeds in this community as fulfilling our responsibilities to the City Council. We must never forget that what we do here or the record which we make today may well be the record on which we will be judged tomorrow. To pass to any group of citizens in this free democracy a poisoned chalice in the name of civil rights in disregard of the rights of others, may well put it to the lips of our children tomorrow.

"Let us now consider some of the complaints of discrimination heard by the Committee. Among the charges made were that the City of Austin had failed to give jobs to qualified Negroes and that discrimination was practiced at Brackenridge Hospital, although the City had announced a policy of non-discrimination. With reference to the first complaint, the Committee went into the matter at length. The Personnel Director of the City, together with his assistant, was requested to appear before the Committee. These officials emphasized that the City of Austin in its City Government had a positive policy that there would be no discrimination on account of race or creed, but that in selecting applicants for vacancies a standard of proficiency was set which was required of all races so that the City would employ the most qualified personnel.

"As a member of the Committee, I presumed that when these general charges were made that eventually the Committee would be furnished with the factual data to support such charges - specific incidents proving the general charges of discrimination; however, not one incident was furnished to the Committee where a qualified Negro was refused a job in the City Hall. Some specific incidents were cited concerning the practice at Brackenridge Hospital, but upon investigation by the Committee, these charges were inconclusive to me and did not support the complaints. All of the Committee agreed that the members of the City Council have earnestly and sincerely attempted to make real progress in overcoming any discriminatory practices in the City administration and that we have made a record in our community that any fair-minded person could point to with a great deal

of pride. This record was made on a voluntary basis and belies the statement appearing in one of the propaganda sheets distributed by some of the pickets who were picketing the City Hall to the effect that "Austin's segregation is an embarrassment to our President." In the first place, the progress which we have made on a voluntary basis in Austin should be a source of gratitude to all persons, including the President, and furthermore, I seriously doubt that the President has authorized this particular group to speak for him.

"ARGUMENT AGAINST ORDINANCE

"The source of the ordinance recommended by the majority of the Committee is copied practically word for word from an ordinance originally passed by the City of Louisville, Kentucky, in 1962. The members of the Louisville Commission demanded more powers, and through their efforts, the City Aldermen amended the ordinance in 1963, prohibiting discrimination in places of public accommodation and providing for penalties for violation. In addition, it gave to the Commission the power to investigate and prosecute such violations. This ordinance was immediately attacked in court, and the case is now on appeal in the Court of Appeals, State of Kentucky.

"The chief difference between the majority of the Committee and myself may at first appear more as to form than to substance. Apparently the majority feels that the passing of an ordinance by the Council creating a Committee on Human Relations with no power other than to hear and resolve differences will meet the demand of the occasion and that it would be the limit of the authority of such committee. To some, the word "ordinance" has some magic power. If this assumption were true, then I would be the first to join in their recommendation, although I have grave doubts as to the legal authority of the City Council, or even the Congress of the United States to legislate on matters relating to the lawful use of private property. An ordinance or legislative act that limits the lawful use of private property does not and cannot make it illegal in the eyes of the Constitution of this state or of the United States.

"First of all, I must pay tribute to the many church leaders of all races and men and women of good will, in all walks of life, who are earnestly and sincerely attempting to resolve the problem of racial discrimination but I am highly critical of those individuals on the one hand who are living symbols of racial hatreds, and on the other hand that vocal group who are less interested in the welfare of the Negro race, but who are bent upon dividing the people of our country by public demonstrations and unlawful practices.

"The passage of an ordinance creating a Committee on Human Relations with no power other than to investigate and resolve racial differences by voluntary means will be condemned by both of the extreme groups mentioned above. The vocal group will demand more powers from time to time infringing upon the equal rights of individuals who are lawfully engaged in business and using their property by lawful means. This was done in Louisville. The commission created by ordinance in Corpus Christi is now demanding more powers. Even if this Council were to pass the ordinance as originally proposed, it would not, in my humble opinion, satisfy the insatiable appetite for political power over the community by either of the extremists.

"This was illustrated recently in our own community. Your Committee on Human Relations appointed to investigate the racial problems in this city were furnished with a publication by one group who purported to outline the current developments in Austin. This publication was given to the press, and it is

reported that a copy was delivered to the President of the United States. The publication, after outlining what they claimed were the developments in Austin for the past year or so, states:

"These developments are the result of the complete loss of confidence by the Negro community in the good faith or commitments of the present city administration, represented by a majority of the Council. This attitude is prevalent among almost all segments of the Negro people, including both conservatives and militants, church groups, professional leaders and laboring classes. The feeling is wide-spread and deep-rooted that there is no reasonable possibility of negotiating with City Hall towards the solution of problems, nor of relying upon its commitments to change or improve discriminatory practices."

The publication went on to say:

"...There is no possibility of the avoidance of public demonstrations with potential for violence and other adverse effects, in the absence of the adoption by the City of an anti-discrimination ordinance, with teeth in it."

"The charges made in the publication were apparently made by responsible individuals, and I presume they were sincere in their views; however, the Council may be interested to know that your Committee, in order to ascertain the views of the Negro population, called a meeting in East Austin. We wanted the honest expression of these individuals rather than to rely upon the statements of those who purported to speak for them. As a result, not one Negro indicated any interest in appearing before our Committee either in public or in private, and for that reason, the meeting was cancelled. My only conclusion, based upon the information before our Committee, is that the statements contained in the so-called "Current Developments in Austin" are not shared by either the churches, the Negro population or by any other group other than these individuals, and that in truth and in fact, their statement is nothing more than propaganda, which does not lend itself to a fair solution of the racial problem in this city, but rather makes it more difficult.

"Any ordinance passed by the City Council will not solve anything, but rather will be one step forward by the racial extremists in the name of civil rights to eventually control the political power of our free democracy. This is illustrated by their excesses in such cities as New York, St. Louis, Chicago, Boston, Philadelphia, Cincinnati, Cleveland and other cities in the North. All of these cities have ordinances against discrimination, even ordinances with teeth in them, as demanded by one group before this Committee; but these ordinances have not satisfied the appetite of these extreme groups. They are developing by their unlawful conduct, their excessive demands and the overturning of time-honored institutions bitterness between Whites and Negroes, the likes of which we have not seen in the annals of the history of this country. This extreme bitterness between the races fermented in practically every northern city which has resulted in White resistance to their excessive demands. In New York, they are demanding "race balance" in public schools, which means that children of both races are transported from one part of the city in order to meet these exorbitant demands. When their demands were not met in New York, one-half million school children were called on strike. In Chicago, the Negroes backed their demands with a boycott that pulled 125,000 pupils out of schools on February 25. In Boston the Negroes have boycotted schools twice in eight months to put pressure behind their

demand;. To this demand William E. O'Connor, Chairman of the Boston School Committee, says:

"The only thing that will satisfy the Negro leaders is to distribute the students throughout the city because of racial imbalance. I would not approve of disrupting our system by busing children throughout the city.

"The Negro population is only 10 per cent. We cannot infringe upon the civil rights of the other 90 per cent of our population."

THE REAL ISSUE

"We have many sincere citizens, not only in our country, but also in our community, who are deeply concerned about the racial problem. These individuals are prompted only by a sincere desire to correct an evil which has long existed. The Negroes in this country represent about one-tenth of the population. We also have other racial minorities who are entitled to the same rights and privileges of citizenship. It is the responsibility of all citizens of all races, of all religious groups, in the spirit of the Sermon on the Mount, to resolve these racial differences. To their efforts, I add my prayers.

"We sometimes fail to remember that the right of citizenship, which includes the privileges under a free society, also carries with it certain responsibilities. Appropo to this statement is one by J. Edgar Hoover appearing in the State Bar Journal recently, and I quote:

"Freedom has a price - a heavy price! Far too many citizens think only in terms of their rights and privileges rather than their duties and responsibilities. 'The only thing necessary for the triumph of evil is for good men to do nothing.' said Edmund Burke."

"The real issue - Are there enough good people in our nation and in our community who will join together, not by the force of the flail of an edict but who still believe that the battle for democracy is something that is fought for not only on the battlefield, but also in our daily living, so that it will give some meaning to the noble statement of Mr. Justice Jackson in his opening statement before the Tribunal at Nuremburg that all men may have "leave to live by no man's leave underneath the law."

"On the contrary, shall we proclaim to the world the truthfulness of the challenging words of Lord Macauley, the famous English historian who stated in 1857:

"I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty or civilization, or both....Your Constitution is all sail and no anchor."

"In spite of the demand of the racial extremists that they must have an ordinance "with teeth in it", it is my firm conviction that we have "good men" who are willing to do something to overcome the evil forces - men who are willing to contribute their time and their money and make the same sacrifice as the soldier on the battlefield if need be.

RECOMMENDATION

"To this end, I recommend that the City Council by an appropriate resolution call upon the business and professional men and women of this city to organize themselves into a voluntary group to resolve the differences between the races so far as possible, and specifically to aid in better vocational education and employment practices so as to give all races equal dignity in our community.

"Respectfully submitted,
s/ Hardy Hollers
Hardy Hollers, Member of the Austin City
Council's Committee on Human Relations"

MR. AKIN filed a letter of rebuttle, as follows:

"March 12, 1964

"To the Honorable Mayor, and members of the City Council,
City of Austin:

"In affirmation of the majority recommendation of the Austin City Council's Committee on Human Relations, of this date, the Chairman, on behalf of the Committee wishes to call attention to the following considerations:

"The Council's Committee on Human Relations was unanimous in concluding that there remains much room for future progress in Austin as regards discrimination on the basis of race, creed, color or national origin.

"Six of the seven Committee members believe that such discrimination is sufficiently detrimental to the welfare of the City as to require a leadership role on the part of the City government in combating it, and that nothing less than an official ordinance would adequately indicate such interest, or provide the proper basis for its implementation. The remaining committee member, however, resists the ordinance approach on the ground that it represents a potential threat to the individual's prerogative of resolving inter-racial problems by completely voluntary means, or as he might consider it best serves his personal interest.

"The minority viewpoint is defended on the basis of property rights guaranteed by statute. Consistent with this view is the attitude that no moral issue is involved in the refusal of a property owner to do business with any individual, since he has the right under the law to make such determinations for any reason, whim or caprice. It is pointed out, however, that there is no unanimity among practitioners of the law relative to this view.

"It is pointed out too, that the committee has not considered it to be its proper function to tailor its recommendations to fit what it might assume to be applicable laws, or to compromise them to achieve readier acceptance, but to point the way best calculated to reduce the evils of discrimination within the City.

"Recited in the conclusions of the majority report is the belief "that discrimination on the basis of race, creed, color or national origin, should be considered as fundamentally wrong in the moral sense, and that such wrongness, as a matter of principle, is undiminished, whether practiced by a larger or smaller number of individuals".

"In other words, the wrong committed by a lone thief or embezzler, is rendered

no less wrong by the fact that he does not operate in concert with a group of whatever size, and even though thievery were an extreme rarity in a community, this would hardly constitute a proper reason for not carrying a rule in the law books discouraging such behavior.

"It is therefore pertinent to the issue under discussion to determine whether or not the denial or opportunity to an individual solely on the basis of his color, religion or ethnic origin, actually constitutes a wrong, bearing in mind that such discrimination can, under some circumstances, be even more painful than severe bodily harm.

"Any consideration of an anti-discrimination ordinance for Austin, Texas at this time does not provide the latitude for crediting our City with pioneering propensities in the area of human relations, since already, more than half the states in the Union, and over a hundred cities have ordinances prohibiting discrimination in some degree. The majority of our committee considers the ordinance currently recommended to offer minimum stipulations, but believes that it provides the basis for still more effective provisions which might grow logically out of the future experience of the proposed Commission on Human Relations.

"If the recommended ordinance, or one that should be adopted in the future, appears to be in conflict with existing statutes, according to some legal opinions, it might be well to remember that laws, like most other things, are in a state of constant change. Defunct laws which no longer reflect the public will or philosophy inevitably give way to more progressive laws, and I think we might all readily agree that this is the way it should be.

"Property rights of a hundred years ago guaranteed to the property owner his legal right to own other human-beings. And only ten years ago, the "separate but equal" concept was accepted as a valid basis for segregation in the schools.

"On behalf of the majority of the Council's Committee on Human Relations, I therefore urge the adoption of the ordinance herewith submitted, in the interest of most effectively combating an illness which has lingered much too long in our society.

"Respectfully,
s/ Harry Akin
Harry Akin, Chairman,
Austin City Council's Committee on
Human Relations."

MR. AKIN then discussed his letter or rebuttal, and also the Ordinance

General discussion was held covering the following:

Discrimination in the City of Austin. Mayor Palmer inquired if this was a view expressed after the meeting, or was it the findings of the Committee. Mr. Akin stated those were the findings of the Committee, but he added this was not indicated to be a considered policy on the part of the City Government or even the department heads, but merely represented the human element where prejudices were to a certain extent installed in all, and this might constitute the barrier for our implementation of the policy as it might be written in the policy book. The Mayor asked again if the committee found, below the department head level, discrimination in the city employees; if this view was expressed by someone else other than the committee. Mr. Akin stated these were the views of the community

based upon evidence it heard. The City Manager asked if there were any evidence involving specific cases. MR. BONNER McLANE referred to the application forms by which they were able to come up with numbers. The proof of the lack of a policy showed up in the numbers where some departments are 100% Latin, or 98%; some are 98% Negro; and some are 98% Anglo. He suggested there was a need of an educational policy down to the lowest echelons to get a broader understanding of a way of carrying out the City Policy. He cited an example at Brackenridge Hospital where one Department had approximately all Latins and no Negroes, and there was no reason for this. The City Manager stated the only way to overcome that would be to set quotas. Mr. McLane said this was not being advocated, as it would be unfair to all groups. Councilman Shanks asked if it had been determined if this was done on accident, or was the ability aspect disregarded? Councilman White said he would like to say something about Brackenridge Hospital, and asked Mr. McLane if there had been abuse out there. Mr. McLane said there was throughout the city. Councilman White said he wanted to tell the Committee and everyone here that he was checking up on the Hospital all the time; and just week before last, he was at the Hospital and had acquired information; and out of 100 there were 34 colored girls some working on the halls and some elsewhere. Mr. McLane said they were looking at the whole field of human relations and not just the Negro friends; there were areas where the Latins were not employed in great numbers. Councilman Long pointed out that was the Sanitation Department.

Councilman Shanks inquired if Mr. McLane looked at the actual applications and analyzed why the applicants were not hired. Mr. McLane said they had asked the Personnel Director for their analysis and found that as far as they could tell that there had been conscientious effort in the Personnel Department not to let race become a factor. MRS. MILTON SMITH stated after an individual was interviewed in the Personnel Department, and his qualifications noted, then there was a personal interview with a department head. She suggested that here was where the education was needed. Councilman LaRue said where it was found in a department that practically all of the personnel were either Negro or Latin American, that someone had determined that there were better results or better cooperation obtained and it was not a matter of discrimination, and experience had shown this worked out more satisfactorily over a number of years.

The City Attorney discussed the Personnel Policies of the City and read the section, which he believed was the one referred to as being outdated and needed revision, and asked if the committee might give the Council some guidance on this. He read Chapter 1, Section 1.1. Mr. Akin stated the Committee's assignment was to study the human relations needs and submit its report and recommendation to the Council. The Committee did not mean to single out the City; the fact it was mentioned did not mean that the Committee gave any more attention or was any more alarmed about practices that the City Government or its departments had than any private business in the town.

Councilman Long stated the very fact that the Council and Committee were here is an indication there is a problem in the field of human relations in the City, and it is good they are being ironed out. She said the Committee had done a wonderful job and the recommendations were fine, and the Council had already turned down an ordinance with "teeth" and now it had a recommendation of an Ordinance that could be worked on a voluntary basis, and to do anything less than that would be an injustice to the City of Austin and its progress in the future. She stated it was necessary to have some body, or some group set up to hear these complaints or these injustices or these areas of misunderstandings as they come about, and that a Board set up to hear them and to try to iron them out on a voluntary basis is a good beginning. An ordinance with "teeth" had already been

turned down, and the next best thing was to start here; and if this can work in Austin, it would be a credit to the City. She commended the Committee, and also Mr. Hollers for his Minority Report, stating she thought he was good, had fundamental principles that he stands on, and that he is not in disaccord with the idea of fairness to all people but it is just a matter of constitutional impressions to him, and he should be commended for his report, as it was good and interesting. The Committee as a whole had done a fine job, and she was in accord, but she would have to take a good look at the hiring of a director and staff, as that takes money. She said she realized a big job like this could not be done without a hired staff and that would have to be given a second look--the type of committee plus staff that are going to be set up.

The City Manager discussed again the matter of quotas, stating had employment been practiced on the basis of quotas, the matter of numbers would not have arisen. Had the City been practicing a matter of assigning quotas for various races, then this question of whether or not there was an out-of-balance because of the number of people employed in different departments could not exist. The conclusion that possibly there is in some levels discrimination in a department because of the number of employees of different races in those departments. DR. SEABROOK asked if it would not be very obvious if there were 400 people employed and all were Negroes; then in another bracket there were 400 employed and they were all Anglos; and in another bracket two or three hundred, and they were all Latin American, that it was on a basis of discrimination. The City Manager stated he did not think so, unless one looked at the applications to see who had applied for jobs in those departments. MR. ED WROE was opposed to a quota system and re-emphasized an educational effort, so that all members were aware of the personnel policy and were encouraged to use their judgement in the best interest of the City but without sacrifice of the tax payers' dollar.

Progress. Councilman Shanks read from the report, "The progress generally in this city is one that every fair minded person can point to with a great deal of pride". He noted the Committee was stating that a great deal of progress had been made, and asked if the progress was comparable or better than that of the other cities throughout the United States. Mr. Akin did not recall that any systematic attempt had been made to compare progress with other cities specifically. Councilman Shanks asked then about the ordinance, and the "teeth" of the Ordinance, stating if this proposed ordinance did not work any better than the ordinances with "teeth" in other parts of the country, where there is considerable trouble; and if this proposed ordinance were adopted without any "teeth" and it did not work any better than the voluntary basis, would the recommendation of the Committee be that an ordinance with "teeth" be adopted. MR. AKIN said the clause in the proposed ordinance enabling the commission to recommend additional legislation, might be referred to as "teeth" or by some term, depending how it appeared or what the actual language was. Councilman Shanks asked if enough study had been made to know and determine that in cities where there are ordinances with "teeth" that they had corrected this situation to a great extent? Mr. Akin stated that seemed to be the trend. Councilman Shanks, after additional discussion with Mr. Akin, stated the ordinance proposed for the Council's consideration did not do any good in Louisville, apparently. Mr. Akin stated it gave a start indirectly, and gave experience on the basis on which they spelled out a much more thorough and extensive ordinance filling in the gap and providing the "teeth".

Detailed discussion was held on an ordinance with "teeth". REVEREND WOOD stated the Committee had done a magnificent job in both its findings and in making its recommendations, but it is recognized that here is a basis of a broad frame work in which to begin working out these problems. Mayor Palmer stated

the Ordinance referred to in Mrs. Long's statements was reported to the Council by the City Attorney as unconstitutional. Many of the Council had felt if there were to be any kind of ordinance it ought to have "teeth" in it, and should have an appeal provision. Councilman Long stated she had made a motion that the City Attorney write one that would be constitutional, and the motion lost for a lack of a second. REV. FREEMAN reiterated Reverend Wood's statement that this was a significant step forward, although it is not the final solution to the problem, and inevitably the experience of Austin will be that of other cities where they will find there is needed an ordinance with "teeth" in it. The Mayor inquired of Rev. Freeman as to the integration within his church, if there were negro Sunday School teachers, Negroes in secretarial jobs, in the Assistant Pastor's job. Rev. Freeman replied in the negative.

Mr. Ed Wroe stated the question of an ordinance with or without "teeth" was discussed and explored quite thoroughly by the Committee; and there were two things that impressed the Committee. First, in the cities that had ordinances with "teeth", those ordinances immediately went to the court house and were still there. Secondly, in the larger metropolitan areas that have ordinances with "teeth" in them, the uncertainty, cases of violence, demonstrations, disruptions seemed to be prevalent with or without the "teeth" in it. In cities that had ordinances with "teeth", there were very few cases of prosecution under those ordinances even in metropolitan areas. The committee felt there was no need to embark upon a long siege of litigation and to set up an ordinance with "teeth" that would in all probability have very few cases of enforcement brought to it, when there could be an ordinance such as recommended that would make use of the efforts of all the people of good will and that are willing to work on the problem. REVEREND SAM SIZER asked for a requote of Edmund Burke, which Mr. Hollers had read. Mr. Hollers read from his report in which he had used the quotation.

MRS. JOHN BARROW stated if the City Council and the City continued in its historic method, it will take about ten years for this to get really under way. She urged that something be done immediately and move along in this area even if this new ordinance does not meet with everything that some would like to have, with "teeth" for instance. If this step could be made it would be most helpful.

MR. TED THOMPSON stated the members of this Committee said it was the majority opinion of the committee they should pass an ordinance without "teeth". Then it subsequently develops that it is the opinion of the individuals involved and some who were not on the committee that this ordinance without "teeth" is just a beginning. He asked if this were getting the camel's nose under the edge of the tent. He asked if it were the intent of the proponents that if they could not get it all, they would take whatever part they could and fight for the rest. The ordinance offered sometime ago not only was unconstitutional but psychologically would create chaos in the community. Mr. Thompson noted several had spoken about education and that when certain items were brought to individuals' attentions, their attitude was that the proposition and problem deserved the study. Austin through the voluntary effort had made progress to the end that Austin is held up as an example of what can be done by community cooperation. Mr. Thompson stated in light of Austin's fine progress in this direction, in light of the fact that Dr. Seabrook finds the commercial concerns of this town cooperative and sensitive and sympathetic to the problem and willing to proceed on a voluntary basis, and since it is admitted by some proponents that this is just the beginning and not the stopping place, that he would recommend that this Council decline to pass any ordinance on this subject and let the people of the community form a committee to study these problems and work on it as citizens not to the standpoint of law.

REVEREND FREEMAN inquired of the City Attorney if it were possible to pass a constitutional ordinance with "teeth" in it. The City Attorney stated such an ordinance could be passed and would be valid. The Council does have the authority, with respect to a particular prohibited activity that it finds to be contrary to the public peace and the public safety, to enact an ordinance on a specific field.

COUNCILMAN SHANKS inquired if any of these ordinances were really operating good. He wanted an example to be pointed out to him that Austin could use as a pattern. Mr. McLane, referring to the Louisville Ordinance, stating much progress had been made, but Louisville was farther behind even today than is Austin. MR. BILL YOUNGBLOOD asked Mr. Wroe if his observation was that in some of the larger metropolitan cities that he had studied, that it seemed to make little difference as far as eliminating racial strife and tension between cities that had an ordinance with no "teeth" and cities that had one with "teeth". Mr. Wroe stated he did not make that differentiation, but as a practical matter in the majority of cities that are most in the headlines have an ordinance with "teeth" in them. Mr. Youngblood then inquired if the Committee made any studies or analyses of these hundred or so cities that have passed ordinances to determine in some depth of the amount of progress that resulted from the enactment of an ordinance, and does the ordinance do the job that it purports to do? Mr. Wroe stated they did not evaluate all of them, but did have some reports in the files that had such comparisons, but he could not recall the facts.

MR. O. V. KOEN stated the Committee had done a faithful and thorough job, and is offering a step forward in the way of moral leadership, in recommending to the Council, that the Council engage in a little moral leadership. He said if the Council exerts moral leadership following the recommendation of this Committee which has worked long and hard, it will be engaged in using "teeth" or "clubs" for there is no greater advancement made anywhere than that of leadership, strength and courage to stand up and say and do the thing that you think is right. He expressed pride in the Committee report, stating it was intelligent and humane. He hoped he could be proud of the Council, and he knew he would be, in that it will pass this ordinance which does not have "teeth".

DR. JOHN T. KING stated because someone was not able to set out an experience which some other city might have had would not indicate that an ordinance could not work in Austin. He said he had lived in Austin a number of years and had experienced progress and had been a part of the progress of Austin, and asked that they desist from pointing to Chicago, New York, and places like that. In his discussion he stated he recognized the right of private property, but did not think that right gave a person a particular license to narrow his definition of the public. He said there was a need to differentiate between political rights and social rights, as he thought it was a man's political right to go into a restaurant and get a meal; it was his social right to go into your living room and sit with you. He said he thought it necessary to keep these things differently defined. It is a political right of an individual to go to a motel and rest himself, to eat in a restaurant free from abuse, the right to expect human dignities to be bestowed upon him as he moves about from place to place. This is the thing which all would want and is the challenge which faces the City Council. Councilman Shanks, referring to these ordinances as they applied to other cities, stated the Council had been charged with passing an ordinance for the benefit of the City of Austin. If it is to pass such an ordinance, it should have the right to find out if there is an ordinance anywhere that is working; and that would be the one the Council would want to know about, because as of yet, it had not come up with any laws that it had found out to be a perfect law. REV. FREEMAN stated in areas where an ordinance was directed toward ending

discrimination in certain public accommodations it had generally worked. In cities he had mentioned, the problem there is the law had not caught up with the area of the problem.

DR. LEON LAIBOVITZ discussed briefly the qualifications of Dr. Joe Witherspoon, the one who drew up the first ordinance, stating he was a teacher of Constitutional Law, and he had prepared this ordinance on the basis of very intensive study of ordinances in a number of cities and states. He pointed out the experiences of these ordinances in other cities as having been successful, and one reason there are not many prosecutions was because these groups had been able by persuasion, going to the people involved and pointing out the discriminatory practices, and resolved the matter without the necessity of bringing anyone into court. He stated the presence of "teeth" in the ordinance helps a lot even in the persuasion process. Another thing is that a person who wants to abide by the law, even though personally he might not want to give an accommodation to a person of another race or serve him, he would go by the law and be obligated to do it. Dr. Laibovitz stated primarily what the problems were in New York pertained to the schools. He said the ordinance which had been adopted or recommended to the Council in part by the Council's own Committee is based upon an ordinance which was drafted, in part by Professor Witherspoon who in turn devoted a considerable amount of time, and had a 200 page study which he gave to the committee. Dr. Laibovitz suggested finding out the problems of discrimination; could they be approached by a committee to deal with them on a conciliatory basis; and would it be necessary to resort to penal legislation.

MAYOR PALMER inquired as to how many would be willing to give their time, effort and experience in serving on such a committee.

The City Manager stated with reference to the particular ordinance recommended here, there seemed to be no problem involved in the part of the ordinance setting up the Commission, etc., but the part dealing with the appointment of a Director, etc. definitely is in conflict with the City Charter. The mechanics of the recommendation, ordinance, etc. were discussed. The Mayor stated the Council could not adopt the recommendation 100% because it would require a Charter amendment. He discussed the status of the Executive Director and the financing. Councilman Long suggested it would be very necessary to have the Executive Director directly responsible to the Council. She suggested that the Council pass the number one recommendation of the Committee--the declaration of policy that no person shall be subject to discrimination or denial of equal opportunity because of his race, creed or color and that the city government has a direct responsibility to set a public example for all to follow. She stated she recognized that there was a part of the recommendation which could not be adopted, but she saw no reason why this other could not be adopted today.

Councilman LaRue stated throughout the years, there are examples that indicate this Council does act in good faith, and there was no one up here that had anything in mind other than doing what was 100% best for the community. He thanked the Committee for its work, as they realized they were studying something that could not be resolved 100% satisfactorily to everyone concerned.

The Council discussed the number one recommendation of policy. Councilman Long urged that the Council reiterate its policy and culture the department heads and the people underneath the department heads to realize that the Council means business when they say they are not going to discriminate. Councilman Shanks pointed out here was a problem the Council was obligated to everybody in the room and from all sections of town to study and analyze in perfect manner. He did not

want to "piece-meal" the matter. The Mayor stated the report was just handed to the Council today and as on any important question the Council would like to look at it, read it and digest it.

After more discussion, the Mayor stated this would be taken under consideration, and the Council was not going to stall on it at all. It is not one of those things that can be settled immediately, but the Council would like to take the report, study the possibility of it, and get an answer on this at the earliest possible moment. He thanked the group for coming and thanked the Committee.

MR. W. V. GEPPERT represented a group of golfers, particularly the Austin Women's Public Links Association, Mrs. W. W. Covington, President; Austin Women's Golf Association, Mrs. L. C. Paggi, President; Pan American Golf Association, Mr. Alfred Castillo; Capital City Golf Association, Mr. Arthur Shaw, President; and Austin Golf Association, Mr. Robert Rowley, President. He asked that the hasty raise in the golf fees be reconsidered; that there may have been a justification for a raise, but not to a 100% increase. He feared people planning on retiring probably would not retire in Austin due to these increased fees, and this might even carry over to manufacturing firms planning on locating in Austin. This increase would effect the young people and drive them away from this type of recreation. He suggested if the fees at Hancock were less, the young people and retired people in low income brackets would go there and play, and Hancock would realize more income. Mr. Geppert reported that some people have the idea they can play all day at Hancock for the 9 hole fee. He suggested having each person pay for 18 holes up until a certain time in the evening. The Mayor stated contrary to the belief that practice was not the majority of the case. Councilman Long stated the rate was not changed on the youth. Several ladies had called her and were quite concerned about paying for 18 holes when they were wanting to play only nine. The Recreation Director reviewed the fees. The City Manager read a comparison of fees for week-ends and week days of the representative cities, with those in Austin. Some of those that were lower were scheduled to be increased as of April 1st. An employee at the American Statesman stated the economic situation in Austin would not justify an increase in line with the top green fees in the State.

MR. HUMPHRIES, retiring from New Jersey, stated he chose Austin for retirement due to its recreational facilities. Many people retiring here came for the same reason and this increase will hurt them.

MR. ROBERT WHITLEY, School Teacher, stated chauffeurs, maids and yardboys, were golf players now, but they would not be able to participate under this increased fee. He said those who played for health reasons could bear the \$50.00 annual fee, but could not stand the unreasonable annual fee of \$100.00. Because of the crowded courses, golfers were going to towns in Central Texas on week-ends and playing on their courses. In answer to Mayor Palmer's question, Mr. Whitley stated he played about 100 times a year.

The City Manager reported golf did not pay its own way, and he pointed out the items usually included in the budget, but the fringe benefits, Social Security, Retirement, Workmen's Compensation, etc., are not included in the individual departments' budgets. Utilities now are being included. When these fringe benefits and utilities are added in, the operation costs are more than the revenue produced, and the total loss on both courses was \$172,739.00. Golf had not paid its way, but the activities should come as nearly as possible to

stand on their own. To the greater extent they can pay their own, the less the occasion will be to raise taxes. Some recreation activities do not pay their way; some break even. The pay swimming pools about off set the expense in the operation of free pools. He reviewed the anticipated uses of the courses after the Morris Williams Golf Course opens, stating the fees were still not set up to make money.

DR. D. K. BRACE, Chairman of the Recreation Board, pointed out there were not enough golf courses in Austin, as there would be about five or six including the Country Club, to meet the standard number according to population. Recreation should be borne by taxes and fees. Pools and golf courses are expensive, and it is customary to charge fees to finance the activities. The City Manager pointed out every dollar spent on recreation or any other activity would have to come either from fees or taxes.

MR. LEON GREEN, playing golf on Doctor's orders, stated the fees should be kept as low as possible. He recommended that Hancock be set aside for the youngsters as older men could not play that course. He mentioned the fee for the golf carts, and it was brought out this fee had been dropped. Mr. Green suggested that the carts be required to go down each side of the fairway and not be permitted to run all over the fairway.

MR. JACK YANCEY said the golfers were hurt on the 100% rate increase, and believed it was not justified. The most complaints came to him from the Senior Citizens on the annual rate. The other criticisms came from the week-end golfers who believed they were being penalized. His other suggestion was to make a correction at Hancock. Mr. Yancey recommended an annual rate of \$75.00; and later, if it were not in line, another increase could be considered.

MRS. HURLEY stated the women were hurt by this increase; as if one plays golf, one has to play more than once a week. Women who have children cannot afford to pay for baby sitters and pay these higher rates.

MRS. GILLILAND stated people were going to San Marcos or elsewhere to play as they could not afford the new fees. MR. JOE ROBERTSON pointed out there would be an economic discrimination against the Colored people, Latin Americans, and Senior Citizens. One golf player suggested a 25% increase this year and then get some golfers on the committee to study the matter to see if the fees would have to go up the next year. Councilman LaRue stated the overall increase was not 100%--just the annual membership fee. He pointed out also, people who plan to come into Austin, look not only at the recreational facilities, but also at the tax rate.

MR. JACK YANCEY asked that this increase be reconsidered. The Mayor explained the attitude of many people regarding golf, tennis, and recreation, and stated there was a doubt that recreation was a governmental function, but a propriety one, and the City provides recreation, because the people are willing to vote the bonds. Discussion of golfers driving to surrounding towns to play golf on week-ends was held. It was pointed out the \$100.00 annual fee in Austin would be far less than what it would cost to drive to these towns 104 times a year, as previously estimated. Mr. Rowley suggested that a \$75.00 annual rate and \$1.50 charge be made and correct Hancock to have a special rate for the juniors. It was pointed out the main concern was the \$100.00 annual fee, and Mayor Palmer asked how many memberships there were, and it developed there were about 165 people affected.

In discussion, it was brought out that Hancock should not be abandoned as a golf course. Councilman Long was not for cutting Hancock out, as there were many young boys playing over there. MR. DAN ALLEN favored keeping the Hancock course, stating it was adequate, and it would not be necessary to spend a lot of money rebuilding it. At any time one could count about 50 boys on that golf course, and one of the best things Austin could have would be golf for boys. He did not want the juniors penalized in these fees.

MR. GIL KUYKENDAHL agreed that Hancock should be kept and the juniors encouraged to use it, even though it might have to be subsidized. It would cost more to maintain Hancock as a park and playground than as the golf course. He stated as far as figures were concerned, if money were made on the golf activities, that it go back into golf, as Austin is behind in its golf course facilities. The City Manager stated it was certainly desirable to have more golf courses, but they were faced with the situation of the capital outlay when a facility is added. If Camp Mabry is ever available, the land would not cost anything, but there would be a very expensive development cost. There is the initial outlay of capital expenditures to develop a golf course, even if it is on land already available. He stated the City was looking for future golf courses, and he did not believe the City would think in terms of recapturing the cost of one of these golf facilities; but at least part of the expense that exists in these activities, which require more land area and higher cost of development than most of the activities. That fact has to be recognized. In addition to operating costs, the City is contributing the capital outlay. Figuring the interest on the \$400,000 invested at Williams Golf Course which could be earned by putting it in the bank, it would amount to \$13,000 a year, which the taxpayers are contributing in that respect. It would be his recommendation if the golf course begins to make money, that the fee be dropped again.

MR. YANCEY asked if the Council would look into the proposition made by Mr. Rowley. The Mayor stated the Council would certainly look into all of this, but he did not want the group to go away feeling there was to be a reduction, as the matter had been checked very carefully before the Council went into it. He stated it would be studied to see if it could be approached from some other angle. The Council has to weigh the matters out and balance them off. The Mayor thanked the group for coming down and expressing its concern. The Mayor stated the Council would let the group know after it had gone into all of this.

Councilman Long pointed out one comparison, and that was the difference in an average player's time, whether they play three or four times a week, or two, and how much it would average out on the week end play or weekly play as compared to the annual membership fee. Mr. Yancey stated there was about 115 rounds as the average play of a member. The Director stated it is 97.8%. Councilman Long asked for these figures.

The Assistant City Manager stated the Ski Tournament, scheduled for April 4th and 5th, had been cancelled, and the AUSTIN SAILING CLUB wants to have the Sail Boat Regatta on April 5th, using April 4th for preparation. It has been checked out with MR. BILL HOWARD. Councilman LaRue moved that the Austin Sailing Club be granted the privilege of having the Sail Boat Regatta. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman White

There would be motor boats for control purposes. Councilman Long stated this was a sail boat affair and would not use up one of the motor boat dates. The Mayor stated it would not.

The Council set up 3:00 P.M., Thursday, March 19th, to hear MR. BILL YOUNGBLOOD and the Committee on Tourism and Recreation in the Council Room rather than at the Chamber of Commerce Building.

The Assistant City Manager called the Council's attention to the fact that the AMERICAN CITY MAGAZINE has made a national award to MR. WALTER KLAPPROTH for his outstanding leadership in the field of Traffic and Safety. It is second place in the Nation. This is a leading magazine in the United States in its field. The Editor, Mr. William Foster, will be in Austin, Friday, March 13th, at 10:00 A.M. to make a presentation to MR. KLAPPROTH. The Mayor stated this was a fine tribute to the City's Engineer, and the Council agreed to attend.

The City Manager brought up for discussion the proposition of MR. WARREN BEAMAN and MR. TOM PERKINS in their building on the Stroborg Tract, stating their new proposal did not look practical. The Mayor stated it was going to be necessary that they not get on the sand beach reserve. The City Attorney said they presented a well laid out master plan, and it had been approved by the Town Lake Committee and the City Council. There were reasons why the plans presented were satisfactory from the public's point of view might not be satisfactory if they were changed. The City Manager showed a picture of their plans, and showed the esplanade and planting areas, etc. The Director of Public Works stated their whole problem was they did not realize that the base line was not the proper property line. Concerned is a strip 35' x 1325'. The City Attorney stated the City could be subject to a forfeiture of the sand beach reserve. Councilman Long said they should build it like they said they were going to do. Councilman LaRue stated he did not think they could get over the 35'.

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

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

The Council adjourned at 7:30 P.M. subject to the call of the Mayor.

APPROVED

W. E. Palmer
Mayor

ATTEST:

Edna A. Hensley
City Clerk