

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 9, 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 CHAPLAIN KENNETH DIAL, Austin State School.

Councilman LaRue moved that the Minutes of the Meetings of June 18, 1964 and June 25, 1964 be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 11.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER LEAGUE 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. (Greenwood Hills, Section 2)

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.80 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE 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. (R.L. Wormley Subdivision)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 47.97 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 18, AND (B) 0.77 OF ONE ACRE OF LAND OUT OF THE T. J. CHAMBERS GRANT, IN TRAVIS COUNTY, TEXAS; WHICH ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Westover Hills, Section 2 and Northwest Hills Mesa Oaks, Phase 1-A)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing at 10:15 A.M., July 23, 1964. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH

COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (East 17th Street)

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council had before it an ordinance vacating a portion of WEST LIVE OAK STREET from South 5th Street westerly to the end of street. Councilman Long inquired if it were decided that WEST LIVE OAK STREET would never go all the way through. The City Manager stated the Council had been out there several times to consider the extension of West Live Oak across the railroad track; and it appeared with the housing project there, that West Live Oak would not need to be extended, as there are Oltorf Street and West Mary as through streets, and there would hardly be any need for this to be a through street. The Planning Commission had recommended the vacation.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL THAT CERTAIN PORTION OF WEST LIVE OAK STREET EXTENDING FROM THE WEST LINE OF SOUTH FIFTH STREET IN A WESTERLY DIRECTION TO THE WEST LINE OF THE SOUTH EXTENSION OF BOULDIN ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the

rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, electric and telephone transmission easements were granted the City of Austin by instrument of record in Volume 1705 at Page 107 of the Deed Records of Travis County, Texas; said easements being in, upon and across five (5) strips of land out of and a part of that certain tract of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being described as Tract One in a deed of record in Volume 1420 at page 34 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described electric and telephone transmission easement; and,

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

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

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

Five (5) strips of land, each of the said five (5) strips of land being out of and a part of that certain tract of land out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and being described as Tract One in a deed of record in Volume 1420 at Page 34 of the Deed Records of Travis County, Texas; the strip of land hereinafter described as Number One being ten (10.00) feet in width, and the strips

of land hereinafter described as Numbers Two, Three, Four and Five being five (5.00) feet in width; each of said five (5) strips of land is to be released from the electric and telephone transmission easement provided in an instrument of record in Volume 1705 at Page 107 of the Deed Records of Travis County, Texas; the centerline of said five (5) strips of land being more particularly described as follows:

NUMBER ONE, BEGINNING at the most westerly corner of that certain tract of land conveyed to the City of Austin, for street purposes, by deed of record in Volume 2096 at Page 90 of the Deed Records of Travis County, Texas;

THENCE, in an easterly direction with the following four (4) courses:

(1) S 86° 03' E 286.00 feet to Point "A";

(2) N 84° 59' E 200.00 feet to Point "B";

(3) N 89° 11' E 200.00 feet to Point "C";

(4) S 84° 35' E 787.00 feet to point of termination in the east line of said Tract One as described in a deed of record in Volume 1420 at Page 34 of the Deed Records of Travis County, Texas.

NUMBER TWO, BEGINNING at the point of termination of the south line of the aforesaid City of Austin tract of land and a line two and one-half (2.50) feet east of and parallel to the west line of said City of Austin tract of land;

THENCE, with said line two and one-half (2.50) feet east of and parallel to the west line of said City of Austin tract of land, N 29° 39' E 40.00 feet to point of termination.

NUMBER THREE, BEGINNING at Point "A" as described in Number One, above;

THENCE, S 00° 35' E 80.00 feet to point of termination.

NUMBER FOUR, BEGINNING at Point "B" as described in Number One, above;

THENCE, N 02° 06' W 10.00 feet to point of termination.

NUMBER FIVE, BEGINNING at Point "C" as described in Number One, above;

THENCE, N 02° 18' E 10.00 feet to point of termination.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a public utility easement five (5.00) feet in width was granted the City of Austin by instrument dated March 3, 1946, of record in Volume 762 at

Page 364 of the Deed Records of Travis County, Texas; said strip of land being out of and a part of Lot 17, Block E, Patterson Heights, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Patterson Heights of record in Book 4 at page 221 of the Plat Records of Travis County, Texas; and,

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

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

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

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

A strip of land two (2.00) feet in width, same being out of and a part of Lot 17, Block E, Patterson Heights, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Patterson Heights of record in Book 4 at Page 221 of the Plat Records of Travis County, Texas; which strip of land is to be released from the public utility easement provided for in an instrument dated March 3, 1946, of record in Volume 762 at page 364 of the Deed Records of Travis County, Texas; said strip of land being more particularly described as follows:

BEING all of the south two (2.00) feet of the north five (5.00) feet of said Lot 17, Block E, Patterson Heights.

HOWEVER, there is to be retained an electrical overhead easement over and across the entire portion of said easement to be vacated described above.

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

The Council had under consideration proposed steps in the south sidewalk area of West 19th Street east of Lavaca Street for Cambridge Tower Apartments. The City Manager explained the widening of 19th would require lowering the grade of the sidewalk area, and this would conflict with work already done in the construction of the apartment building, as there were steps now extending to the sidewalk area and they would be four feet from the sidewalk when the grading is finished. Another situation exists where the same problem is being worked out for a Fraternity House. The Director of Public Works displayed the plans for working out this matter by having a six foot sidewalk, and a retaining wall, and steps leading down on the east and west sides of the present steps. The contractor would pay for all of this new arrangement. Councilman White moved that the Council approve the plan as submitted by the Director of Public Works. The motion, seconded by Councilman Shanks, carried by the following vote:

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

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White 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 White 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 White 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CARRINGTON'S UNIVERSITY HILLS FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White 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 White 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 White 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.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ARTHUR VON ROSENBERG, ET AL, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White 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 White 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 White 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.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Section 218(p) of Title II of the Federal Social Security Act has been amended to permit participation of policemen in positions covered by a retirement system, and

WHEREAS, the policemen of the City of Austin, Texas, have requested this City Council to ask the Texas State Department of Public Welfare to hold an election by the policemen of said City of Austin who are members of the Retirement and Pensioning System of the City of Austin, Texas, to determine whether or not they wish to have Federal Old Age, Survivors, and Disability Insurance coverage in addition to the existing retirement system;



NOW, THEREFORE, in order to meet the requirements of Section 218(p) of Title II of the Federal Social Security Act, as amended, this City Council requests the Texas State Department of Public Welfare to hold as expeditiously as possible a referendum of the policemen, members of the retirement system, as required in said law and in House Bill 603, Acts of the 52nd Legislature of the State of Texas, 1951.

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

Councilman White moved that July 23rd at 10:30 A.M. be set as the date for the hearing on amendment of Austin Development Plan covering area between Anderson Lane and U. S. 183 west of Burnet Road. The motion, seconded by Councilman Shanks, 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, that certain agreement concerning Missouri Pacific Boulevard which was entered into by the City of Austin and Missouri Pacific Railroad Company as of December 15, 1961 provided for the execution of contracts in form specified covering the construction of each of several grade separations designated in said agreement; and

WHEREAS, after extensive work by both parties, the detailed plans and specifications for the construction of the grade separation facilities at West 35th Street have now been completed and approved by the respective parties; Now, Therefore,

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

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized and directed to execute on behalf of the City of Austin, and to deliver to Missouri Pacific Railroad Company, that certain contract the form of which has been previously approved by the City Council, for the construction of grade separation facilities at the intersection of West 35th Street and the Missouri Pacific Railroad; and that the City Clerk be authorized to file the same without recording said contract at length upon the minutes of the City Council.

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

The Council had before it an amendment to the Pool Hall Ordinance. The City Attorney distributed copies of the amendment, explaining in detail all of the provisions. The Chief of Police stated their real fear with an operation of a club of this type, the ordinance might be broken down; but with all of the

restrictions in this amendment, he believed there would not be any spurious clubs operating. One provision of enforcement was pointed out that each person who is playing must have in his possession his membership card.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SUBSECTIONS 3 AND 8 OF SECTION 25.26, AND SUBSECTION 1.(d) OF SECTION 25.25 OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO THE OPERATION OF POOL HALLS; 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 Shanks, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Mayor opened the hearing on the ordinance annexing FAIRMONT PARK, SECTION 1. No one appeared to be heard. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman Shanks, carried by the following vote:

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

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 23.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE 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.  
(Fairmont Park, Section 1)

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 Shanks, carried by the following vote:

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

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

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

Councilman Shanks moved that the Council hear MR. WESLEY S. SIMS, JR. as representative of N.A.A.C.P. for five minutes to obtain the City Council's interpretation of the Federal Civil Rights Bill. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. WESLEY SIMS read a statement signed by VOLMA R. OVERTON, President, Austin Branch N.A.A.C.P., requesting that the City Attorney's interpretation of the new law be made available to the general public and communicated through the local news media to the citizens of Austin. He filed a copy of a letter sent to the Austin Statesman requesting it publish the entire Civil Rights Bill. Also filed were some complaints that are being processed to be given to the Human Relations Commission. MAYOR PALMER stated the City Attorney had requested copies of the bill from the Congressman from this District. He stated the Council would like to read the bill and the opinion and the briefing would be public information and would be read at the Council. He thanked Mr. Sims for coming to the Council.

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

MR. BAUMGARDNER asked for some relief on the property on Manor Road and Redwood, stating he purchased the property June 18, 1963, and could not do anything with it. He said the Council had instructed the City Attorney to purchase the property. The City Attorney reported that the status of the case as far as he knew was that the property owner is MR. W. L. DRIGGS and is represented by Mr. Herbert Smartt, a very competent Attorney. He and Mr. Smartt had been working together trying to resolve the matter. Mr. Baumgardner has called and has been told that communication would be made with the Attorney of the owner of the property and reported the matter was being handled in the usual way. He said offers had been made, rejected, or discussed, and now he was in the process of filing condemnation. Mr. Baumgardner stated the property owner had nothing to do with Mr. Smartt and himself, as Mr. Smartt looked to him and not to the property owner. The Mayor stated if negotiations were at the point of condemnation the matter would be worked out in some way.

Councilman Long inquired about the Civil Rights Bill explanation. The City Attorney stated he believed the prudent thing for him to do would be to

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have a conference with the U.S. Attorney General of this District whose duty it would be to advise persons regarding the effect of the law. These Attorney Generals were called to Washington by the President to be briefed on the Act. When they return it is likely that written briefs will be available to citizens so that they will know how the United States Government interprets this. He explained this was a very complex legislative act. Councilman Long said it was good for having this announced. She inquired about the cases that had just been filed with the City Council as to what disposition should be made. The City Attorney recommended filing them with the City Clerk for the present.

The City Manager distributed some circulars which MRS. JOHN BARROW had given him and which describes a very commendable project involving group efforts to upgrade a residence which is substandard and calling upon the student man and woman power in the community to donate their services. Several individuals had agreed to donate materials to bring this substandard home into good condition and prevent its destruction.

Councilman Long moved that MRS. BARROW be heard.  
The motion was seconded by Councilman LaRue. Roll  
call showed a unanimous vote.

MRS. BARROW stated they were having these two weekend work camps, and these sheets were being circulated among religious groups and students, and she wanted the Council to see what they were doing and to be appraised of what the committee is projecting. This is a pilot project and it is hoped that other churches and groups might want to participate in this type of activity. She explained the project in detail. Councilman LaRue stated this was most commendable and this is a good approach to self help. The City Manager stated this would inspire other groups to follow suit.

The Assistant City Manager submitted the request of MR. JACK ANDREWARTHA for two banner locations for the Parade of Homes, the banners to be located on BARTON SPRINGS ROAD at ROBERT E. LEE ROAD and at SOUTH LAMAR. They want them erected now and taken down on July 26th. He said this had not yet been checked with the Electric Department. Councilman Long moved subject to the review of the proper Departments that they be allowed to display their banners. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager said the City acquired some property on West 2nd Street just east of Nueces. It already owned a corner there, and this additional property was purchased from Smith Brothers, Inc., for future use of the Water Treatment Plant No. 1; it will be a year or more before the Water Treatment Plant will use the property for what it had planned. Inquiries have been received for month to month renting of the property and it would be available on that sort of a basis. The City Attorney stated the western part of Lot No. 1 is covered by pipe which is in storage for use in the Water Treatment Plant and by the Water Distribution Department. The balance of the property contains 1700 square feet which could be leased on a month to month basis for parking and storage purposes. Mr. Ward suggested, based on other rentals in the area, \$100.00 a month on a

month to month basis for parking and storage. Councilman White moved that the Council authorize the rental as recommended. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White

Noes: None

Present but not voting: Mayor Palmer

The City Manager called attention to the Progress Report on Capital Improvements in the Water and Sewer Department. The Mayor discussed this report, in quite detail. The City Manager added to the report that a line was being added to an additional source of supply to Eubank Acres in Water District No. 7. That line is due for completion today.

The City Manager called attention to the filing of the ELECTRIC UTILITY REPORT and PROGRESS REPORT ON STREET PAVING.

The City Manager discussed a telegram from some people who are interested in buying the Abattoir. The Assistant City Manager made a report stating MR. ELDRED PERRY had attended two meetings at the Abattoir with MR. AL ELDRIDGE, Construction Engineer, to develop the estimated cost of what it would take immediately to comply with the Federal Meat Inspectors' requirements to maintain Federal Meat Inspections. He stated he would have within a short time a detailed analysis of the costs that would be involved and at that time, according to the Council's instructions two weeks ago, they would meet with Mr. Brooks.

The City Manager reported copies of a report on "Fiscal Information" in connection with the voluntary street paving program. The Mayor asked if the collections were coming in fairly good, and the Director of Public Works stated they were coming in very good.

The City Manager brought up for consideration the report of last week from MR. DAVE BARROW in which he listed certain names suggested by the Town Lake Committee for various areas along the shores of the Lake. Councilman White stated he did not want any change on the Butler Tract. Councilman LaRue noted reference had been made several times to "Festival Beach" and it seemed that had already been taken care of. Councilman Long disagreed. The City Manager stated it seems the committee is most seriously concerned about the areas east of Congress Avenue. Those to the west could wait. Councilman Long suggested that this be brought up next week.

The City Manager stated sometime ago a discussion was made on suggestions in working with subdividers in the acquisition of right-of-way for thoroughfares, and the Council had suggested that he try the plan out on a subdivider. This subdivider said the City had come up with something that put the subdividers in a position of deciding whether the plan would benefit him or not, and he believed that was exactly the way it should be, and that it fitted his case. The Mayor asked that a draft be drawn up covering a policy along these lines for the Council to review. The City Manager stated they would get copies to the Council. Councilman Long stated she would like to have this type of policy and then call

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in the subdividers and discuss it with them. The City Manager pointed out two ways to develop the policy--one being to substitute this entirely for the present policy where the subdivider is required to dedicate 70' and the City pays for the additional width above that; and the other plan would be to leave it optional with the subdivider. After brief discussion, the Mayor suggested that a rough draft be brought in and the Council could proceed from there.

The City Manager reported that the Planning Department had contacted MR. CHARLES VILLASENOR in regard to withdrawing his zoning application on Vargas Road and Porter Street, and at this time Mr. Villaseñor has not decided whether he wanted to withdraw this or not. The matter was placed on the pending list.

MAYOR PALMER asked that the zoning applications on the pending list be checked and the applicants be contacted to see if they are still interested in their application's being disposed of.

The City Attorney stated a contract had been obtained for purchasing two lots, Lot 51, and 52, Outlot 41, Division B, Limerick Addition. Councilman LaRue moved that the City Manager be authorized to contract not to exceed \$9,400. (East 14th Street) The motion, seconded by Councilman Shanks, carried by the following vote:

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

The City Manager submitted for consideration the acquisition of property fronting on East 13th Street Alley in the vicinity of the Hospital. The owner, MR. ALEX DOCHEN, does not want to sell, but would like to trade. Mr. Bill Ward has something he thought would be comparable for trade on the south side. The Council wanted to look at these properties.

The City Manager submitted some other properties in the vicinity of the Hospital which the Council would want to see, one being on 13th and Red River. MR. MORIN SCOTT, the owner had made inquiry of the City if it were going to need this land.

The City Attorney reported one piece of property belonging to MR. PAUL KRUEHL was needed in order to open Shoal Creek Boulevard from 38th Street to 45th Street. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 19, 1963, the City Council of the City of Austin, by virtue of its adoption of the Budget for the fiscal year 1963-1964 authorizing expenditures for the acquisition of right-of-way for the proposed Shoal Creek Boulevard, found and determined that public necessity required the acquisition of the hereinafter described tract of land and for the construction and opening of the said proposed Shoal Creek Boulevard from West 35th Street to West 45th Street in order to provide for the free and safe flow of traffic in the indicated area within the City of Austin; and

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WHEREAS, the City Council hereby reaffirms the necessity to acquire land for the right-of-way to permit the construction hereinabove mentioned; and

WHEREAS, the owners of said tract of land and the City of Austin are unable to agree on the value of said tract of land; Now, Therefore;

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

That the action of W. T. Williams, Jr., City Manager, in causing to be filed a suit in eminent domain be, and it is hereby confirmed, ratified and approved as to the following described property, to wit:

Being all that certain tract of land out of and a part of the George W. Spear League in the City of Austin, Travis County, Texas, which certain tract of land was conveyed to Henry O. Felder by Warranty Deed dated February 2, 1955, of record in Volume 1541 at page 301 of the Deed Records of Travis County, Texas, and described as Tract 2 in said Deed.

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

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

Noes: None

The Mayor suggested that a special meeting of the Planning Commission be called so that the members could go into the details of the proposed bond program with the City Manager. It was suggested that the Mayor should be present, because this was the Council's program. Councilman Long asked the Council to ask Mr. Barker, the Finance Director, to figure out what a million dollars more in the Recreation Department would do to the overall schedule. The City Manager said he would get the information.

Councilman White moved that MR. BANKS MILLER be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. BANKS MILLER, Vice Commodore of the Austin Aqua Festival in charge of publicity, invited the Council to attend a Press Preview Party at the Hotel Gondolier for all of the press and their representatives from Austin and within a 100 mile area, from 4:00 P.M. - 6:00 P.M. Invitations were presented by the Queen, MISS NANCY SMITH.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

The Council discussed briefly property in the hospital area facing on 13th Street Alley. The Mayor asked if it were felt this was a good and equal

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trade of land. It was his thought this could be used for storage purposes. The City Attorney said they would proceed to work out a trade on this property if the Council wanted to do so. The Mayor asked him to proceed.

The City Manager made a report on the inquiry of Councilman Long as to what kind of a schedule would result by increasing the \$2,300,000 sales each year to \$3,000,000 or \$200,000 a year, over a five year period, increasing the total bond issue by a million dollars for Recreation. The annual debt service would be increased by the amount of the addition of the \$200,000 each year, and an increase in 1966 in debt service requirements would amount to about \$7,000; in 1967, about \$14,000; the following year \$24,000; the next \$32,000, and the last year \$40,000. The total effect when these figures are used in the "Receipts, Disbursements and Balances Schedule" would result in a reduction in the closing balance in 1970 from \$891,000 to \$731,000 which is \$120,000 reduction in the balance over the period if the tax rate were not changed. To hold the balances in the same amount, it would be necessary to add a penny to the tax rate. To hold with the 34 cents, there would be a drop of \$135,000 in five years; and continuing that out over 20 years, they could not afford to let that drop occur. To overcome that drop, they would have to add one cent to the tax rate. Councilman White said he would not want to do that! The City Manager reviewed his discussion of yesterday regarding the necessity of this balance to meet the debt service in interest and principal payments of considerably more than a million dollars. Although taxes are collectible in October, only about one-half are collected by the end of the year, and experience shows that this balance is needed to provide money enough to put with taxes collected to meet the January payment. Councilman Long stated she would like to see another million put in this plan; and if it cost less than a penny in tax increase that she believed the people would go for it. Councilman Shanks said he had been telling people he was not going to vote for anything that would raise the taxes. The Mayor said if the tax were raised one penny, it would make a difference. Councilman White agreed. Councilman Long said it could be done without a tax increase, as with this small margin they might very well have a million. Councilman Shanks in discussion of previous provisions for Recreation noted there was no cutting down in this issue; that there was an increase for Recreation. The Mayor pointed out the total over all for Recreation, stating there was over \$550,000 plus \$1,500,000 making about \$2,070,000 for a five year program for Recreation; and said in his judgment with the Recreation program as well organized and as well developed as it is now that this particular phase of the City Government is very adequately budgeted. This proposal is something that is known to be financially feasible, and that can be done without a tax increase, and he would advise leaving the program as submitted by the Recreation Department and now submitted to the Council. Councilman Shanks stated he would stay with a conservative approach and do what it was known could be done; and if it is developed later on that more could be done, then perhaps do more. Councilman White stated the people had been told there would not be a tax increase; and if this is done, it would upset everything. The Mayor stated in submitting an issue, a positive approach must be taken, and that it must be adequate when it is presented. If it is made large, it becomes more and more marginal, and all must be conscious of the overall bonded indebtedness. It is necessary to keep in mind the schools' and the county's issues on the whole. He preferred to say this was a good program; it is providing \$2,000,000 for Recreation; and it can be done without a tax increase. Councilman Shanks said he wanted to present the bond issue to the people as it was presented to the bankers yesterday. Councilman White agreed with Mr. Shanks' statement. Councilman Long stated she would support the issue whatever it was, but she felt the



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Council was making a terrible mistake not to spend more in Recreation. Councilman LaRue stated under the conditions and circumstances discussed, he thought this was an excellent program.

Councilman Long inquired if the Council could review the Recreation Program that is being drawn up for the sand beach reserve. After discussion, it was decided to meet with the Recreation Director and Mr. Smith, the new Park Superintendent two weeks from today. (July 23, 1964)

The City Manager received a note from the Director of Electric Utilities to the effect that MR. WILL ODOM and MR. TEX AULD of COASTAL STATES GAS COMPANY would like to take some pictures of the Metering and Border Station on Ben White Boulevard and wanted the Council to come out and turn on the valves. The Council set the time at 11:00 A.M., Monday, July 13th.

Councilman LaRue suggested that the Hospital be discussed a little now; as it appears there is so much involved in that field. He said rumors of expansion of other hospitals are being made; but in the light of other expansion programs the City's problems are about the same; and the City would not want to compete with other hospitals, but he did not think it would be competing in light of the discussions the City Manager had given yesterday. An expansion program of 100-150 rooms would not be in competition with the other hospitals. Even when Brackenridge Hospital had an overflow, and some of the others had a few vacancies, it would have been fine could there have been an interchange; but that is not possible due to the fact Brackenridge has a responsibility to the indigent, and those rooms would still have to be provided even though there were vacancies in other hospitals. As he saw the problem, he believed there should be no delay in expanding Brackenridge. Councilman Long agreed and suggested appointing the architect and getting started. Councilman White likewise agreed, stating there were funds for the architects, and it was necessary to get started. Councilman LaRue believed the expansion of the Hospital should be started without delay as 60 days had already been lost. The Council discussed earnestly the timing of the expansion of the Hospital, Councilman LaRue urging the Council to proceed now even if the other hospitals are going to build additional rooms as that would not relieve the pressure from Brackenridge, as it will continue to receive the indigent and those coming in from surrounding counties. Unless there is some means for Brackenridge to take these vacant beds in other hospitals and the City pay for them, Brackenridge would still be faced with having patients out in the halls. Mayor Palmer said it seemed four members were ready to employ an Architect, and he wanted to make his position clear. He said as far as the City was concerned, it would meet its responsibility, as pointed out in the survey. The survey indicated the City should be ready with 155 rooms in 1970. Working back from that figure, there will be two years building the hospital; a year and a half for design, plan work, schematics, application to Hill Burton, etc.; and that would be three and a half years off of 1970. It will be necessary to be ready for some type of schematic to submit for funds. He listed the number of additional beds that Holy Cross and St. Davids had underway, totalling about 220 beds. The City should coordinate with the other hospitals to make certain of their schedules. He pointed out it was not the cost of the building itself that is so costly but the staffing of extra rooms could get into a million dollars a year pretty fast. If one year in timing is saved in addition to the interest of the money, about \$2,000,000 would be involved. He said he would not want to accelerate this to the point where this type of obligation would be a year in advance of the needs.

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The survey has pointed up to the other hospitals the overall responsibility and health and hospital needs in the community and has helped them in their planning. He was glad to see the private hospitals expanding even if it meant a postponement of a year of the City's. He said he was for meeting the City's requirement and schedule that Brackenridge would have, according to the survey, its 155 beds by the time that was set out. He stated that with what was set up, the City would be in position to match Hill Burton funds. He said if the Council were ready to set a time for interviewing the Architects, he would go along with them.

With respect to selection of an Architect, the City Manager stated there were a number who had indicated an interest and had sent out brochures, and some have had hospital experience, in hospital work. He suggested that the Council assure itself that the firm it selects has the time within its man-hour schedule to do the job when the Council wants it done with its present staff without having to hire someone who is not experienced to do hospital work. Councilman LaRue suggested that the City Manager draw up a set of questions and submit them to the Architects for answers having the Architects to send their replies to the Council Members for study, and then set up a meeting with them. The Mayor suggested one firm was preferable or two firms could associate themselves. The Mayor stated the Professional Engineers will say that 40% of the total cost of the hospital is purely engineering and there has been some suggestions that the City reserve the right to select its own engineers. The Council asked the City Manager to have a check list ready by Monday morning, for the Council to review.

The City Manager brought up for discussion a land trade on 29th and Guadalupe, where the City needs a little corner of property on Guadalupe that belongs to J. W. Scarbrough. He displayed the property on a map showing the amount of City property that would not be needed for right of way and the amount of the Scarbrough property that would be needed. The City Attorney said that access on to 29th Street should not be permitted, because of the close proximity of Guadalupe and with constant right turn traffic, and the Scarbrough property did not have access to 29th Street to begin with. The Director of Public Works stated it was planned to do this widening on 29th Street and that on 38th and Duval at the same time within the next two weeks. The Council wanted to look at this property on the ground, and action was deferred until the following week.

Councilman Long had a request from one of the school patrolmen stating their hourly wage is \$1.23 and asked if the Council would consider increasing that. The Police Chief stated the men worked four hours a day, some five, as there was a problem of some of the retired men making over \$1200 a year. Councilman Long stated they worked on a double shift, two hours in the morning and two hours in the afternoon. The Chief of Police stated they had been discussing furnishing their uniforms which would be a help, and it would not be charged against their wages. Councilman Long asked that they explore that with the school patrol and see if something could be done for them.

Councilman Shanks reported a man who had been peddling snow cones and vegetables for 20 years. He pays \$20.00 for the vegetable licenses, but he has to pay \$150.00 for license to sell snow cones, in addition to the \$20.00. Councilman Shanks stated the difference was out of line, and suggested changing this license fee to \$20.00. The City Manager reported there was an ordinance adopted in the late 40's where the mobile grocery was concerned. The grocers having to

pay on rent or taxes on a store building, complained bitterly about those who did not have to pay any taxes on a building but were peddling groceries and taking their business. Councilman LaRue pointed out this was an unpackaged item; had packaged ice cream been sold, there would have been no problem. The City Manager stated the ordinance indicates these people are not classified as mobile retail groceries, but food products establishments. After discussion, Councilman Shanks moved that the snow cone dispenser be recognized as an individual selling snow cones and he be charged a separate fee of \$20.00 for snow cones only. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor asked that an amendment to the ordinance be brought in setting this fee of \$20.00 for snow cones only.

The City Manager stated in connection with the Community Renewal Program, there are to be economists and sociologists who are to be employed to do special consulting work. The Planning Director has interviewed quite a few and is ready to review with the Council these various people and see about making a selection. The Planning Director stated these suggestions are in the form of getting the Council's approval to proceed with negotiating--not for approval of any particular contract. He stated most consideration was given to local people where they were available. The City Manager stated this was a matter of appointments, and the Council would probably prefer in Executive Session.

The City Manager submitted an inquiry from MR. GILLESPIE who represented MRS. EMMA WELMAR in attempting to sell her property on the west side of Sabine Street. The inquiry was not asking the City to buy the property but was to the effect he had attempted to sell the property and had found from prospective buyers that the City was going to take the property, so he wants to know what the City is going to do. The Mayor asked that an appraisal from the Tax Department be obtained and find out how much money is involved.

The Council received notice from the City Manager that the following zoning applications had been referred to the Planning Commission and set for public hearing on August 13, 1964:

AUSTEX DEVELOPMENT CO. LTD., By Bryant- Curington Inc.	5600-5632 Springdale Road 3401-3533 Rogge Lane	From Interim "A" Residence 1st Height & Area To "C" Commercial 6th Height & Area
EDMUNDS TRAVIS By Odas Jung	2601-2613 Manor Road 2207-2217 Stafford St.	From "C" Commercial 5th Height & Area To "C-1" Commercial 5th Height & Area
KATHERYN T. WENDLER By Edward T. Wendler	901-905 West 19th Street 1808-1810 Pearl Street	From "BB" Residence To "O" Office

N. J. WONSLEY By J. M. Patterson	7730-8000 Interregional 500-724 Northeast Drive	From "A" Residence 1st Height & Area and "C" Commercial 6th Height & Area To "C" Commercial 6th Height & Area
MRS. MATTIE COLEMAN	425-513 Ben White Blvd. 416-508 Clark Street	From "A" Residence 1st Height & Area and "B" Residence 2nd Height & Area To "GR" General Retail 2nd Height & Area
B. L. TURNER	106-110 West 31st Street 3101-3103 Cedar Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area
HILL, BOZEMAN REALTY, INC., By H.W. Bains	7300 North Interregional Highway	From "C-1" Commercial 5th Height & Area To "C-2" Commercial 5th Height & Area
PAUL H. VERCHER By Douglas D. Hearne	Rear of 2104-2108 Thorn- ton Road	From "A" Residence To "C" Commercial
MRS. NADINE TAYLOR By Douglas D. Hearne	1409 West Oltorf Street	From "A" Residence To "C" Commercial
MRS. LAURA ANSCHUTZ & R. A. OBENHAUS	812-824 East 53rd St. 5302-5400 Depew Avenue	From "BB" Residence To "LR" Local Retail
E. T. MORRIS	3706 Crawford	From "A" Residence To "O" Office
HUNTER SCHIEFFER & WATT SCHIEFFER By John B. Selman	6318-6428 Northeast Dr. 6400-6412 Manor Road 6228-6316 Springdale Road	From "A" Residence To "LR" Local Retail
C. B. & H. L. MAUFRAIS By Thomas B. Watts	Tract 1 Rear of 216-222 South Congress Avenue 108-112 Barton Springs Rd. Rear of 114-300 Barton Springs Road Rear of 400-430 West River- side Drive Rear of 153-213 South 1st St.	From "D" Industrial 1st Height & Area To "GR" General Retail 4th Height & Area
	Tract 2 Rear of 200-214 South Congress Avenue	From "D" Industrial 1st Height & Area To "C-2" Commercial 4th Height & Area

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CHARLES N. ALFRED

Tract 1  
4703-4709 Sunset TrailFrom Interim "A"  
Residence  
To "BB" ResidenceTract 2  
2501-2545 West Ben White  
Boulevard  
4401-4614 U.S.Hwy. 290  
4601-4651 Sunset TrailFrom Interim "A"  
Residence  
To "C" CommercialC. M. LOAR  
By Douglas B. Coopwood400 East 11th Street  
1101-1105 Trinity St.From "C" Commercial  
2nd Height & Area  
To "C-1" Commercial  
2nd Height & AreaANN MILLER CROCKETT  
By William Kay MillerRear of 120-146 Academy  
Drive  
Rear of 1101-1119 The  
CircleFrom "B" Residence  
2nd Height & Area  
To "C-1" Commercial  
2nd Height & Area

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

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

The Council adjourned about 5:00 P.M. to go into Executive Session.

APPROVED

  
Mayor

ATTEST:

  
City Clerk