

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 9, 1969
9:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Akin presiding.

Roll Call:

Present: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Absent: None

The Invocation was delivered by MR. ROBERT TINSTMAN, City Manager.

RECOGNITION OF DOREN ESKEW

Mayor Akin read and presented to Mr. Doren R. Eskew a resolution expressing the City's gratitude for the exemplary public service and high degree of professional competence displayed by Mr. Eskew from September 30, 1955 to January 2, 1969 during which time he was City Attorney. Mr. Eskew accepted the resolution and thanked the Council.

VOTER REGISTRATION MONTH

Mayor Akin read and presented to Mr. Zeckel a proclamation designating January, 1969 as "Voter Registration Month."

RECEIVED BIDS ON REVENUE BONDS

Mayor Akin noted that it was time to receive bids on the City of Austin Revenue Bonds, ascertained the accuracy of the hour, that there were no other bids having been received in the mailing room, the City Manager's Office, by the Finance Director or by the City Clerk's Office, or to be submitted by anyone present in the Council Chamber.

Mayor Akin announced it was now 10:30, and the time for receiving bids was closed.

ELECTRIC, WATER AND SEWER REVENUE BONDS

Bids on the \$9,000,000 Electric, Water and Sewer Revenue Bonds were then opened and read by the Finance Director as follows:

<u>Name of Bidder</u>	<u>Effective Interest Rate</u>
1. The First Boston Corporation, Eastman Dillon, Union Securities & Co. (Joint Managers) & Associates, White Weld & Co.	4.61968%
2. Lehman Brothers, Kuhn, Loeb & Co., First Southwest Co., Shields & Co., Hornblower & Weeks-Hemphill, Noyes, and Associates	4.7108%
3. Phelps, Fenn & Co., Rauscher Pierce & Co., Inc. and Associates	4.7503%

The Council referred the bids to the Finance Director, Bond Counsel and Fiscal Advisor for verification. Later in the Council Meeting, Mr. Curtis Adrian, Fiscal Advisor, reported three bids were received for the Revenue Bonds. The low bidder was The First Boston Corporation, Eastman Dillon, Union Securities & Company (Joint Managers) and Associates, White Weld & Company, with an effective interest rate of 4.61968%. Mr. Adrian reviewed the current bond market, made a comparison of the Bond Buyer and Dow-Jones Average and noted that the City's interest rates were much lower.

REVENUE BONDS

Councilwoman Long moved the Council accept the low bidder and award the bonds to The First Boston Corporation, Eastman Dillon, Union Securities & Co. (Joint Managers) & Associates, White Weld & Company, at the low interest rate of 4.61968%. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ELECTRIC, WATER AND SEWER REVENUE BONDS

The Mayor presented for the City Council's consideration an ordinance authorizing the issuance of \$9,000,000 "CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES NO. 18", dated February 1, 1969, the caption of said ordinance being as follows:

"AN ORDINANCE by the City Council of the City of Austin, Texas, authorizing the issuance of \$9,000,000 'CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES NO. 18', for the purpose of extending and improving the City's Electric Light and Power System (being the third parcel or installment of a total voted authorization of \$34,200,000 bonds), as authorized by the general laws of

the State of Texas, particularly Article 1111 et seq., Revised Civil Statutes of Texas, 1925, as amended; prescribing the form of the bonds and the form of the interest coupons; pledging the revenues of the City's combined Electric Light and Power, Waterworks and Sewer System to the payment of the principal of and interest on said bonds, after deduction of reasonable operation and maintenance expenses; enacting provisions incident and relating to the subject and purpose of this ordinance; and declaring an emergency."

The ordinance was read and Councilwoman Long moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, that such ordinance be finally passed and adopted at this meeting, and that, for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health, and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Councilman LaRue and carried by the following vote:

AYES: Mayor Akin and Councilmen Long, Janes, LaRue and Nichols.

NOES: None.

The ordinance was read the second time and Councilwoman Long moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Councilman LaRue and carried by the following vote:

AYES: Mayor Akin and Councilmen Long, Janes, LaRue and Nichols.

NOES: None.

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

AYES: Mayor Akin and Councilmen Long, Janes, LaRue and Nichols.

NOES: None.

The Mayor then announced that the ordinance had been finally passed and adopted.

COMPLAINT REGISTERED ON REJECTED BID

Later in the meeting, Mr. Durward Curlee appeared stating he had delivered the bid for Halsey Stuart and Company at 10:33 A.M. The New York Office asked him to protest, on their behalf, the rejection of their bid on two bases: (1) Because of the impossibility of ascertaining the accuracy of the time here and their time in New York; and (2) the bid was delivered and presented to the desk before the

final bid, or any bid, was read to the Council. He said they were not saying their bid was not late. The City Manager told Mr. Curlee since the question had come up as to the time, Western Union had been contacted, and the clock in the Council Chamber is approximately a minute slow. The bid submitted was three minutes after it was publicly announced that it was time for all bidders to submit bids. The City Attorney, Mr. Glen Cortez noted the advice of the Bond Counselor was that the Council could accept or reject or waive this time. It was a matter of privilege that the Council could or could not grant--no matter of right involved.

The City Manager, Mr. Barker, reported he had just talked long distance with the home office of Halsey Stuart speaking with Mr. Jim Perry. They do acknowledge that their proposal was received late and expressed regrets. When they were first advised of this by their local representative, they thought our clocks were six to seven minutes fast, which was not the case. The City Manager, after discussing this matter with the gentleman, stated Mr. Perry seemed to be in agreement with the Council's actions, and indicated he understood the necessity for maintaining conformity and consistency in bid opening proceedings. The matter has been resolved satisfactorily without difficulty.

PRESENTATION OF SPECIAL AWARD

Mr. Rooster Andrews presented two plaques and recognition awards to the Council on behalf of the City's Parks and Recreation Department.

ANNEXATION HEARINGS

Mayor Akin opened the public hearing scheduled for 10:30 A.M. on the following annexation. No one appeared to participate. Councilman LaRue moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

15.74 acres of land out of the James P. Wallace Survey No. 18 - proposed NORTHWEST TERRACE SECTION THREE. (Requested by representative for owner)

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Mayor Akin 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 15.74 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 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.

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 Councilwoman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
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 Councilwoman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Mayor Akin disqualified himself with regard to the following annexation item and asked that Mayor Pro Tem Long preside. After a brief discussion, Councilman Janes moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

52.64 acres of unplatted land out of the Santiago Del Valle Grant and the Isaac Decker League located south of Saint Elmo Road and west of Interstate Highway No. 35. (Partially requested)

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

Ayes: Councilmen Janes, LaRue
Noes: Councilmen Nichols, Long
Present But
Not Voting: Mayor Akin

TAX APPEAL POSTPONED

Councilwoman Long moved the Council reschedule the appearance of Mr. George Nalle, Jr. to appeal the Regency-South taxes for 2:30 P.M., January 23, 1969. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

RECEIPT OF FINANCIAL REPORTS OCTOBER & NOVEMBER 1968

Councilman Janes moved the Council note the receipt of the Financial Reports for October and November 1968. The motion, seconded by Councilwoman Long, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

January 9, 1969

ZONING HEARING

Mayor Akin announced that the Council would hear the zoning cases scheduled for public hearing at this time. Pursuant to published notice thereof, the following zoning application was publicly heard:

B. F. WRIGHT &	2100-2106 Nickerson St.	From "A" Residence, 1st Height
LULA NASCHKE	107-111 Leland St.	and Area to "B" Residence, 2nd
by Gladys W. Huston		Height and Area
		NOT RECOMMENDED by the Planning
		Commission
		RECOMMENDED "BB" Residence

Councilman Nichols moved the Council grant the change from "A" Residence, 1st Height and Area to "BB" Residence, 2nd Height and Area, as recommended by the Planning Commission, subject to 5 feet of right-of-way on Nickerson and 2 1/2 feet right-of-way on Leland Street. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Mayor announced that the change had been granted to "BB" Residence, 2nd Height and Area, subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

ZONING CASE POSTPONED

Councilman Janes moved the Council postpone the following zoning case until January 16, 1969:

JAY L. JOHNSON, JR.	2817-3317, 3323-3325	From Interim "A" Residence, 1st
	South Lamar Blvd.	Height and Area to "C" Commercial,
	2818-2916 Manchaca Rd.	1st Height and Area
		RECOMMENDED by the Planning
		Commission

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ANNEXATION ORDINANCES

Mayor Akin 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 18.73 ACRES OF LAND OUT OF THE THEODORE BISSEL LEAGUE; AND 0.18 ACRE OF LAND OUT OF THE JOHN APPLGATE SURVEY; ALL BEING LOCATED 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.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Akin 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 9.86 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE, BEING LOCATED 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.

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

Ayes: Councilmen Janes, LaRue, Nichols, Mayor Akin
Noes: Councilwoman Long

The Mayor announced **that the** ordinance had been finally passed.

ZONING ORDINANCE

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

- (1) THE WEST 82 FEET OF LOTS 26-30, BLOCK 4, LEE HILLS ADDITION, LOCALLY KNOWN AS 4111-4113 BELLVUE AVENUE AND 1107 WEST 42ND STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;
- (2) A 41,811 SQUARE FOOT PARCEL OF LAND, LOCALLY KNOWN AS 2401-2413 BUELL AVENUE AND 8238-8304 BURNET ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT;
AND
- (3) LOT 2 OF THE F. HASTER SUBDIVISION, LOCALLY KNOWN AS 1014 EAST 53RD STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED 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 Nichols 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 Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The ordinance was read the second time and Councilman Nichols 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 Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Mayor announced that the ordinance had been finally passed.

BUILDING LINE ESTABLISHED

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. That John Byram be permitted to use for a building line on the north side of West 28th Street between the east line of Nueces Street and the west line of Guadalupe Street that line which is hereby established as indicated in the following field notes:

A building line on the north side of West 28th Street between the east line of Nueces Street and the west line of Guadalupe Street; which building line shall abut Outlot 68, Division D, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas and which building line is more particularly described as follows:

Being a line 46.50 feet north of and parallel to the monumented base line of West 28th Street as established by the Department of Public Works of the City of Austin, Travis County, Texas.

SECTION 2. The above building line is permitted subject to the following conditions:

(1) That such area which may encroach into the public right of way within the above described line, be used only for required ancillary parking in connection with the use to be made of the abutting tract of land.

(2) That the improvements placed on such area within the street right of way be constructed and maintained in compliance with all ordinances relating thereto except those relating to encroachments on public streets.

(3) That the permit herein granted is issued and accepted subject to all reasonable police, traffic, fire and health regulations of the City of Austin now existing or hereafter adopted.

(4) The repair or relocation of any and all utilities necessitated by these improvements shall be done at the expense of the applicants.

(5) The applicants, their heirs, successors and assigns will indemnify and save the City of Austin harmless from any and all claims against said City growing out of or connected with the construction, maintenance or existence of such improvements.

(6) The City of Austin may revoke such permit in the public interest, and upon such revocation the owner of such improvements will remove the same and pay all costs and expenses attendant therewith.

(7) The value of such improvements will be taxed to the owner thereof.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

RECESSED MEETING

2:00 P.M.

Mayor Akin called to order the afternoon session of the Council meeting.

NEW FIXED BASE OPERATOR AT MUNICIPAL AIRPORT

Mr. Ivan Williams, representing Mr. Fred J. Sublett and Mr. John Terrell, who had formed a general business partnership named Austin Aviation Company, appeared before the Council with regard to their leasing of City property at Municipal Airport. Austin Aviation Company was requesting a 25-year lease to establish a third fixed base operation along with Ragsdale and Browning Aviation.

There was a lengthy discussion among the Council, Mr. Williams, Col. Vance Murphy, City Manager Tinstman and Mr. Gene Higgins with regard to the proposed lease. No formal action was to be taken by the Council until a study of Municipal Airport was completed, but discussion was to continue with City Manager Tinstman, Col. Murphy and Mr. Williams.

NAVIGATION BOARD REPORT
LAKE AUSTIN WEST SHORELINE IMPROVEMENTS

After a brief discussion of the Navigation Board's recommendations in the report, Councilwoman Long moved the Council accept the recommendation of the Navigation Board and authorize the City Manager to proceed. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

NATURAL GAS FUEL SUPPLY REPORT
DECKER GENERATING FACILITIES

City Manager Tinstman discussed the report which had been presented to the Council. Regarding the report, two alternative proposals were offered for the Council's consideration:

- (1) Relating to a 1/2¢ increase in the cost of natural gas fuel only to the Decker generating facilities and thereby to the installation of the line and the contract extension (which to a considerable extent is motivated by the construction of the additional facilities at the Decker location), as well as current contract interpretations.
- (2) Payment during the current year of a lump sum for the construction of the line (the dollar effect of these two alternates in terms of actual cost as of 1984 is approximately the same), contract extension, etc.

Lengthy discussion among the Council, Mr. Tinstman, Mr. Dexter Kinney and Mr. Norman Barker followed. Councilman LaRue pointed out that in the original contract with Coastal States that the 1984 period of time was not set and that it had qualifications. He asked that the following statement from the original contract be made a part of the Minutes:

With respect to any new generating unit or plant owned by Buyer which will be put into operation after January 1, 1980, Buyer agrees that it will notify Seller at least eighteen (18) months in advance of the proposed completion date of such unit or plant. Seller agrees that it will, not less than fourteen (14) months in advance of such proposed completion date, notify Buyer either (a) that Seller will deliver gas to the new unit or plant throughout the remaining term of this contract at the same rates in effect hereunder for the same period or (b) the terms and conditions which must be met by Buyer prior to Seller's agreement to deliver gas to such new unit or plant. Unless Seller gives Buyer notice under (a) above or unless the conditions specified by Seller under (b) above are fulfilled, this contract shall not thereafter be applicable to such new plant or unit.

It was agreed that discussion of the proposed contract amendment would be discussed on January 16, 1970 at the next Council meeting.

RELEASE OF EASEMENTS

Councilwoman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon and across a part of Lot 13, Block 2, Hartkopf Subdivision, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Hartkopf Subdivision of record in Book 5 at Page 9 of the Plat 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 portion of said 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 Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

A strip of land two and one-half (2.50) feet in width, same being out of and a part of Lot 13, Block 2, Hartkopf Subdivision, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Hartkopf Subdivision of record in Book 5 at Page 9 of the Plat Records of Travis County, Texas; which strip of land two and one-half (2.50) feet in width is more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the north line of said Lot 13 and a line two and one-half (2.50) feet west of and parallel to the east line of said Lot 13, which point of beginning is the northeast corner of the herein described tract of land and from which point of beginning an iron pipe at the northeast corner of said Lot 13 bears S 60° 00' E 2.50 feet;

THENCE, with the said line two and one-half (2.50) feet west of and parallel to the east line of Lot 13, S 30° 00' W 60.00 feet to a point in the south line of said Lot 13, which point is the southeast corner of the herein described tract of land;

THENCE, with the said south line of Lot 13, N 60° 00' W 2.50 feet to a point in a line five (5.00) feet west of and parallel to the said east line of Lot 13, which point is the southwest corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet west of and parallel to the east line of Lot 13, N 30° 00' E 60.00 feet to a point in the aforesaid north line of Lot 13, which point is the northwest corner of the herein described tract of land;

THENCE, with the said north line of Lot 13, S 60° 00' E 2.50 feet to the point of beginning.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilwoman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for guy purposes in, upon and across a portion of Lot 1-G, Resubdivision No. Three of the Resubdivision of Lot 1, Research Boulevard Commercial Area, said Research Boulevard Commercial Area being a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Research Boulevard Commercial Area of record in Book 17 at Page 24 of the Plat Records of Travis County, Texas; a map or plat of said Resubdivision No. Three of the Resubdivision of Lot 1, Research Boulevard Commercial Area being of record in Book 44 at Page 3 of the Plat 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 portion of said 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 Assistant to the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said guy easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of Lot 1-G, Resubdivision No. Three of the resubdivision of Lot 1, Research Boulevard Commercial Area, said Research Boulevard Commercial Area being a subdivision of a portion of the George W. Davis Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Research Boulevard Commercial Area of record in Book 17 at Page 24 of the Plat Records of Travis County, Texas; a map or plat of said Resubdivision No. Three of the Resubdivision of Lot 1, Research Boulevard Commercial Area being of record in Book 44 at Page 3 of the Plat Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at a point in the centerline of the said guy easement as provided on a map or plat of Research Boulevard Commercial Area, from which point of beginning an iron pin at the southeast corner of Lot 43, same being the northeast corner of Lot 42, Wooten Park, Section 5, a subdivision of record in Book 9 at Page 113 of the Plat Records of Travis County, Texas, bears N 86° 43' W 10.00 feet;

THENCE, S 86° 43' E 35.00 feet to point of termination.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ITEMS POSTPONED

The following items on the January 9, 1969 Agenda were postponed until January 16, 1969:

Item 4.c. Resolution establishing school zone speed limits on East Side Drive and East Live Oak Street.

Item 4.d. Resolution establishing one-way movement on East Live Oak and Schriber Streets.

Councilwoman Long requested that the property owners on the proposed one-way streets be notified.

SHORELINE IMPROVEMENTS

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the shoreline improvements as described below and shown on the attached plan on the property owned by MR. RICHARD J. KOCUREK as described in the Travis County Deed Records and known locally as 3709 Taylor's Drive and hereby authorizes the said MR. RICHARD J. KOCUREK to construct and maintain a retaining wall as described on the attached plan in compliance with all laws and ordinances relating thereto. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said MR. RICHARD J. KOCUREK has failed and refused and will continue to fail and refuse to comply with any such conditions, regulations, laws and ordinances.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman Nichols offered the following resolution and moved its adoption

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approve the erection of a boat dock on the property owned by MR. RICHARD J. KOCUREK as described in the Travis County Deed Records and known as Lot 3, Block D, Herman Brown Addition #II, Section 3 (3709 Taylor's Drive) Lake Austin as described on the attached plot plan and hereby authorizes the said MR. KOCUREK to construct, maintain and operate this boat dock to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Official is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said MR. KOCUREK has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

PUBLIC RIGHT OF WAY SPACE DESIGNATED FOR
NATURAL GAS UTILITY

Councilwoman 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 SOUTH 8th STREET, from a point 7.5 feet south of the north property line of West Gibson Street northerly 12.5 feet; the centerline of which gas main shall be 3.5 feet west of and parallel to the east property line of said SOUTH 8th STREET.
- (2) A gas main in WEST GIBSON STREET, from a point 3.5 feet west of the east property line of South 8th Street, westerly 13 feet; the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST GIBSON STREET.
- (3) A gas main in NORTHLAND DRIVE, from a point 190 feet west of the west property line of Louise Lane, westerly 115 feet; the centerline of which gas main shall be 3 feet south of and parallel to the north property line of said NORTHLAND DRIVE.
- (4) A gas main in NORTHLAND DRIVE, from a point of intersection of a line 305 feet west of the west property line of Louise Lane and 3 feet south of the north property line of said NORTHLAND DRIVE, to the point of intersection of a line 365 feet west of the west property line of Louise Lane and 15 feet south of the north property line of said NORTHLAND DRIVE.
- (5) A gas main in NORTHLAND DRIVE, from a point 365 feet west of the west property line of Louise Lane, westerly to the west R.O.W. line of Missouri Pacific Railroad; the centerline of which gas main shall be 15 feet south of and parallel to the north property line of said NORTHLAND DRIVE.
- (6) A gas main in NORTHLAND DRIVE, from the west R.O.W. line of the Missouri Pacific Railroad, westerly 358 feet; the centerline of which gas main shall be 15 feet south of and parallel to the westerly prolongation of the north property line of said NORTHLAND DRIVE.

- (7) A gas main in NORTHLAND DRIVE, from the point of intersection of a line 358 feet west of the west R.O.W. line of the Missouri Pacific Railroad and 15 feet south of the westerly prolongation of the north property line of said NORTHLAND DRIVE, westerly to the point of intersection of a line 385 feet west of the west R.O.W. line of the said Missouri Pacific Railroad and 35 feet south of the westerly prolongation of the north property line of said NORTHLAND DRIVE.

Said gas mains described above and Number 1 through 23 shall have a cover of not less than 2 1/2 feet.

be and the same is hereby granted and the Director of Public Works is hereby authorized to issue a permit for the construction of such improvements, said grant and permit to be subject to the following conditions:

- (1) The improvements shall be constructed and maintained in compliance with all ordinances relating thereto.

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

- (3) The repair or relocation of any and all utilities in the vicinity necessitated by the laying of these improvements shall be done at the expense of the Southern Union Gas Company of Austin, Texas.

- (4) The Southern Union Gas Company of Austin, Texas, will indemnify and save the City of Austin harmless from any and all claims against said City growing out of or connected with the construction or maintenance of said improvements.

- (5) That all backfill under street surfaces between existing or future proposed curbs and under driveways and alleys, shall be tamped with mechanical tampers in six (6) inch layers. Each layer shall be compacted to not less than 90 per cent of maximum density as determined by the Standard Method of Test for Compaction and Density of Soils, A.A.S.H.O. Designation T99-49.

- (6) The City of Austin may revoke such permit for good cause after notice to the Southern Union Gas Company, In Austin, and hearing thereon, and upon such revocation the owner of such improvements will remove the same and pay all costs and expenses attendant therewith.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

SETTING OF TAX APPEALS HEARING

After discussion among the Council of the timing of the appeals, Councilman LaRue moved the Council set a hearing for 2:30 P.M., January 16, 1969 on the following tax appeals:

Mr. and Mrs. Boone H. Heep
by Mr. Neal Powers, Jr., Houston

Mrs. Kathryn H. Powers
Mrs. Dorothy H. Larson
by Mr. Neal Powers, Jr., Houston

Mr. J. D. Malone, 1407 Slaughter Lane

Mrs. W. W. Holder, Star Rt. A, Box 866

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

Councilman Nichols asked for information as to how a School Board could delegate powers which they themselves do not possess concerning the tax appeal matter. The School can not sit as an appellant Court. The Assistant City Attorney reported there was a statute which authorized the entry into a contract between two taxing districts, such as the school district and the City and which authorized the school district in this case to adopt all procedures including statutory, charter, ordinance provisions, and to adopt those provisions for the collection of their own taxes. In view of this specific provision, he stated it would appear there is authority for this provision for a school board to adopt the City's procedures en toto. There is a contract between the Austin Independent School District and the City of Austin, undertaking to adopt these provisions and authorizing the City to proceed with reference to the statutory provision. In addition, every year the School District adopts a resolution reaffirming the authorization of the use of all City provisions including the entire taxing structure, and the Charter provision providing appeal to the City Council. The City Manager suggested that the City Attorney provide a memorandum covering the legalities concerning appeals in general, the timing, appearance before the Equalization Board. Those people who have not been before the Tax Equalization Board are being notified that their appeal has not been qualified since they did not appeal through the Equalization Board.

SALE OF HOUSES

Councilwoman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 6, 1969 for the sale of thirteen (13) houses that Urban Renewal had turned over to the City for disposal; and,

WHEREAS, the bids of Ernest Caro in the sum of \$326.00 for the house located at 3003 Conway and in the sum of \$101.00 for the house located at 1107(F) Midway; the bid of W. Walker in the sum of \$800.00 for the house located at 3102 Hargrave; the bid of E. A. Bradford in the sum of \$439.20 for the house located at 3106 Hargrave; the bid of G. W. Kelly in the sum of \$137.50 for the house located at 3008 Kuhlman; the bids of August Heyer in the sum of \$27.60 for the house located at 2407 East 12th Street and in the sum of \$13.85 for the house located at 2904 Hargrave; the bid of A. M. DeBerry in the sum of \$51.96 for the house located at 2902 Kuhlman; the bid of Dan Wolf in the sum of \$85.00 for the house located at 908 Midway; the bid of W. Johnston in the sum of \$29.60 for the house located at 1000 Midway; the bid of Booker T. Moore in the sum of \$50.00 for the house located at 1117 Northwestern; and the bid of D. B. Brown, Jr. in the sum of \$2.00 for the house located at 2305 Waldine; and the bid of Henry Evans in the sum of \$12.00 for the house located at 1189(B) Chestnut were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin and by the City Manager; Now, Therefore,

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

That the above enumerated bids of Ernest Caro, W. Walker, E. A. Bradford, G. W. Kelly, August Heyer, A. M. DeBerry, Dan Wolf, W. Johnston, Booker T. Moore, D. B. Brown and Henry Evans, be and the same are hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City with said named parties.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

MO PAC RIGHT OF WAY ACQUISITION

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$12,925.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

Lot No. Two (2), in Block Number Two (2), of the T. C. Steiner Resubdivision of Lots Numbers Six (6), Seven (7) and Eight (8), of Block Number Eleven (11) of Westfield "A", an Addition in the City of Austin, Travis County, Texas, according to the map or plat of said Resubdivision recorded in Book 4, Page 70, of the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ZONING APPLICATION WITHDRAWN

Mr. Howard S. Spier, by letter, requested that Zoning Application No. C14-68-120 be withdrawn and cancelled. Councilman Janes moved the Council grant the request. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

ZONING ORDINANCE

Mayor Akin brought up 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: A ONE-HALF (1/2) ACRE TRACT OF LAND, LOCALLY KNOWN AS 211-215 WEST POWELL LANE AND 210-214 LOLA DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED 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 Nichols 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 Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The ordinance was read the second time and Councilman Nichols 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 Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

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

Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin
Noes: None

The Mayor announced that the ordinance had been finally passed.

URBAN RENEWAL MEETING

The Council agreed to meet in Council Chambers at 2:00 P.M., January 17, 1969 with the Urban Renewal Agency to discuss several developments and problems in connection with the Blackshear Project.

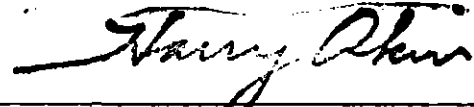
FILTER PLANT NO. 1

City Manager Tinstman pointed out to the Council that there were some plans on the conference table regarding bids to be received around January 21, 1969 regarding Filter Plant No. 1.

ADJOURNMENT


The Council then adjourned.

APPROVED:



Mayor

ATTEST:



Asst. City Clerk