

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 19, 1968

9:00 A.M.

COUNCIL CHAMBER, 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 Reverend Jimmy Blankenship, Grace Church of the Nazarene.

STUDENTS RECOGNIZED

Mayor Akin and the Council greeted and welcomed Mrs. Frank Denius, and a group of 7th grade History students.

NATIONAL HIGHWAY WEEK

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a large part of the freedom which is enjoyed by Americans in general, and Texans in particular, is made possible by the high degree of mobility afforded by our remarkable highway system; and,

WHEREAS, we who enjoy this freedom of mobility and its contributions to our prosperity, growth, and development need to recognize those whose extraordinary skills, unflinching hard work, and consistent devotion have built and maintained perhaps the largest and finest system of highways in the shortest time in world history; and,

WHEREAS, the gratitude of the people of Austin should be appropriately expressed to the Texas Highway Department and those who have assisted in building and maintaining our outstanding highway system in Texas; Now, Therefore,

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

That the gratitude of the people of Austin be officially expressed to the Texas Highway Department, and that especially during Texas Highway week, proclaimed by the Governor of Texas during the period September 22-28, 1968, the appreciation of the people of Austin be particularly made known to the officials and employees of the great Texas Highway Department for their outstanding contribution to the people of our community.

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

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

Representatives of the Highway Department were greeted, including Mr. Tom Wood, District Chief Engineer. Councilman LaRue announced that the Texas Highway Department was recognized throughout the entire United States, and especially the State of Texas.

MODEL NEIGHBORHOOD PROGRAM

City Manager Robert Tinstman reported to the Council on a preliminary discussion of the Model Neighborhood Program. Participants at the meeting spoke favorably of the City's application to be a part of the Program. Mr. Tinstman gave credit for much of the preliminary work to Mr. Grover Shaunty.

Mr. George Parker, Department of Housing and Urban Development, Fort Worth, congratulated Austin on its selection as a Model City, and commended the staff members on their excellent application. He stated that Federal representatives made available not only financial assistance but also technical advice. They were especially pleased with the local interest because they felt that local initiative was the most important factor in developing a Model City.

Mr. Bob McCullough, Executive Director of the Model City Program as of October 14, was presented and he expressed his pleasure at appearing before the Council.

Mr. Tinstman advised the Council that the City needed to rent office space for the Model Neighborhood Program. The Human Opportunities Corporation was planning to renovate space and lease it to the Program. Mr. Shaunty reported on his attempts to locate space. He recommended leasing offices at 1713 East 6th Street, which could house administrative functions of the poverty program sponsored by the Human Opportunities Corporation and the Model City Agency. He believed strongly that the office should be in the area it would serve.

The maximum rent would be \$424 per month if all of the space were leased. The lease would run for one year with an option to renew for five years at the same rate. Parking places were discussed. Councilman Long asked if the owner of the property was supporting the Model City Program, and requested a letter from the owner stating his views on urban renewal. The City Manager said that the matter would be on the agenda of the next meeting.

RECEIVE REPORT FROM BOARD OF EQUALIZATION

Councilman LaRue moved the Council note receipt of the 1968 report from the Board of Equalization. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Councilman Long commended the Board of Equalization for its fine work in hearing the year's tax appeals. She inquired about the pay for the Board of Equalization when it hears the School assessments.

Councilman Janes stated that he had asked the City Manager to make a study to determine whether or not the City and School Board were splitting the expenses on the assessments, not only those of the Board of Equalization but for the whole procedure. Mr. Tinstman said that Councilman Janes had asked one week earlier that the contract with the School District be reviewed. He added that the Tax Assessor had mentioned earlier that there were some portions of the contract that should be renegotiated.

Then Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization of the City of Austin has certified its approval of the tax assessment rolls and records of the City of Austin for the year 1968, and has forwarded the same to the City Council; and,

WHEREAS, said tax assessment rolls appear in all respects to be in correct form and prior to their submission the valuations of property shown in said rolls have been examined and corrected in the manner provided by law and ordinances of the City of Austin by the Board of Equalization; Now, Therefore,

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

That subject to such adjustments as may be found necessary by reason of appeals pending, the tax assessment roll, showing a total amount of \$808,812,140.00 valuation for said year, be and the same is hereby approved and adopted.

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

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

Noes: None

CONTINUED HEARING ON THE 1968-69 BUDGET - MH-MR

Dr. Ralph Hanna, Chairman of MH-MR, appeared before the Council stating that the contribution from the City was the deciding factor in keeping the operation going. He stated that Federal funds decreased each year, and that the Legislature was appropriating the same amount of money each year. Therefore the funds received from the City were becoming increasingly more important. He then introduced Mr. John Spragens, Chairman of the program.

Councilman Long asked Mr. Spragens if he thought that the wards of the State who were outpatients of the clinic should be supported by the State, rather than by the City. He explained that the agreement with the National Institute of Mental Health (sponsor of part of MH-MR) was that MH-MR would serve people living in the area, that is Austin and Travis County, regardless of the length of their residency. He noted that a random sampling composed of 100 patients included 75 residents of Austin and Travis County and 25 from other areas of the State.

Mr. Spragens discussed a new plan calling for the division of the State Hospital into units by county and/or groups of counties. New efforts of providing contacts with the home communities could possibly result in a decrease in the number of patients remaining in Austin as outpatients. He added that it would take some time before meaningful statistics were compiled. He felt strongly that MH-MR should serve those areas where the need was greatest. He stressed that more work in the field of prevention was one of his first priorities.

Mr. Spragens then discussed relationships among agencies, in response to a question from Councilman Long. She also asked if MH-MR paid the private psychiatrists the full amount for each patient referred to them. He said that he would be contracting with private psychiatrists to work in the outpatient clinic, but not in their own offices, and that they received a flat \$25 per hour fee.

He then introduced Dr. Richard Alexander, Director of the Mental Health Program, who discussed the psychiatric staff arrangements. Councilman LaRue asked about the relationship between MH-MR and Brackenridge Hospital. Dr. Alexander stated that he was investigating the possibility of having psychiatrists contribute time to Brackenridge. He added that psychiatrists did maintain an emergency service at the Hospital. Councilman LaRue thought that MH-MR should be housed at Brackenridge, so that patients could have all services under one roof.

Councilman Janes brought up the Summer Recreation Program for mentally retarded children, for which \$3000 had been funded.

Mr. John Weimer, Director of the Mental Retardation Services, stated that Operation Sunshine, developed by the Recreation Department and the Austin Association of Retarded Children, had been successful the previous summer. There was no

provision for the program in the 1968-69 budget because there was no money. He pointed out that Federal funds were available more often for Mental Health services than for Mental Retardation programs.

Mr. Tinstman said that MH-MR had requested \$65,000.00 from the City. In answer to a question from Councilman Long, he stated that there was a separate contract between the MH-MR Center and the City-County Health Department to provide certain services. The City would receive credit for those services, enabling the MH-MR people to receive a larger amount of Federal funding. She then asked if the County funds were in-kind. Mr. Spragens said that they were in cash.

Federal funds would decrease for five years at which point there would be no more. He stated that MH-MR would have to increase contributions from foundations, etc. during that period.

Councilman Janes commended the group for the worthwhile services; however, he felt that the Council was faced with establishing priorities among all of the departments. He was especially concerned with funds for the Police Department.

Councilman Long stated that she was working to see the Federal Government handled a great deal of this burden. Councilman Janes felt that the City had a responsibility to take care of its citizens.

Mayor Akin stated that he felt the amount requested was valid and he hoped the majority of the Council would approve the item on the budget.

The Council then discussed the proportions of County, City, and Federal funds paid to MH-MR, and the possible contributions available. Councilman Long asked for a quarterly report from MH-MR.

Mr. Bridges, past Chairman of the agency, stated that the Council had been compassionate in the past, and he asked that they realize how vital the services were, and continue to support them. He pointed out that Federal funds were matched 4 to 1 with City funds. He asked for the entire \$65,000.00.

Mayor Akin said that if the City could afford to spend \$2,000,000.00 supporting Brackenridge Hospital to care for the physical ills of the citizens, it could certainly spend \$65,000.00 to support the mental health of Austin, too.

Mrs. Thelma Elliott, Director of Social Work Services, stated that the MH-MR Center was located so that it provided services to people who had never gone to such a place before. She hoped that people would see the Center as a place to seek help and understanding, things that perhaps the State School could not provide for all persons. She mentioned that she was working with the Police Department and hoped to work with the Model Cities Program to help people with emotional problems, as well as make them aware of other resources.

The Council decided to postpone action on this item of the budget.

CITIZEN COMMENTS ON THE BUDGET

Mr. Nelson Puett appeared before the Council to state his views on certain items on the budget.

He expressed opposition to the increase in the costs of the Zoning Department stating that the procedures were the same as those of 20 years earlier. He felt that the zoning ordinances were too restrictive. Through those restrictions, certain residential sections of Austin had been condemned to "residential slums," according to Mr. Puett. He thought those areas should be bought up by the City with whatever means necessary, and then they should be renovated. He felt the City should pay the owners enough money to buy another home. He then asked the Council for a large pay raise for City employees.

He also asked for higher pay raises for policemen. He stated that the crime rate was rising too fast. He suggested that all Austin bathrooms be charged \$2.00 per month to supplement the City's revenues. He was opposed to giving the citizens a tax cut that year. He stated that the sewer charge would amount to \$4,000,000.00 per year. Mr. Tinstman said that the City was studying utility rates, including water rates which covered a charge for sewers.

Councilman Long felt that Mr. Puett was right in thinking about the problems he brought up, but she stated that the Council was studying them. She thought the \$2.00 charge would be hard on a person living off social security.

CRIME RESOLUTION OFFERED BY LARUE

Councilman LaRue asked the Council to study the following resolution:

That the crime rate in Austin is up approximately 10% this year, (major crimes) January through June. There is a great shortage of policemen in Austin, 29 men on the streets, (American Statesman, September 11, 1968.) Five resignations reported in the American Statesman September 7, 1968--one police cadet two days later.

That the City recognize the loss of experienced personnel due to the inequities of the pay scale in the Police Department causing an expense of training new men continuously, which is both expensive to the taxpayers and dangerous to the safety of the people.

That a patrolman on the street one year represents an investment of at least \$10,000 of the taxpayers' money.

That the crime prevention detail costs the City of Austin \$56,000 per year, with a total of eight men involved.

That the Fire Prevention Department cost to the City of Austin is \$160,000 a year, total number involved--18 people.

That the Police Animal Control which involves primarily dogs costs \$55,000 a year--six people involved.

That recommendation for 14 more policemen in the present budget has no significance because of the pay scale in the Police Department.

That a long range study of the overall salary structure of the Police Department be a part of the findings and recommendation of the City Manager.

The next is a statement or some excerpts taken from a statement made in June, 1968, by Mr. Louis F. Powell, Jr., President of the American Bar Association, 1964-1965. He was also appointed by President Johnson to the National Commission on Law Enforcement and Administration of Justice.

1. Property loss to crime is approximately \$4,000,000,000 per year. This does not include a loss to organized crime estimated at several billion dollars.

2. Most street crimes committed by youngsters and 50% of burglary and larceny and 60% for auto theft, are committed by the 18 year old group and under.

3. The risk of victimization from crime is highest among the lower income group for all offenses except homicide, larceny, and vehicle theft. I would like to emphasize, that the risk, the victims are from the low income group. Crime also affects or falls most heavily on the non-whites for all offenses except larceny.

4. Organized crime also takes its toll from this same group. There are 24 identified criminal cartels, originally known as the Mafia, and now as the La Cosa Nostra. Controlled by a small group at the top, they conduct major racket activities through thousands of criminals across the country. They supply illegal goods and services, gambling, narcotics, loan-sharking, and prostitution. They have also infiltrated legitimate business. Force, threat of force and extortion are standard methods.

5. The victims are the poor, the uneducated and the culturally deprived. In the great cities where organized crime flourishes the victims come largely from the ghetto.

That legislative committee, chaired by Representative Correy is conducting an investigation into the suggested connection between vending machine operators and tavern operators in Dallas, Austin and other Texas cities. And a local news media representative from the American-Statesman, Nat Henderson, is to testify before this Committee and that the word "Mafia" is mentioned in the article reported in a scheduled meeting, (American-Statesman, September 11, 1968).

Now, in this morning's paper there is further indication and more pinpointing of the problem. The article in this morning's paper, "Associated Press, Dallas vending machine executives may tell a Special House Investigating Committee, Wednesday, that vending machine companies should get out of the beer business. MR. C. E. BRADSHAW, National Amusement Company, was quoted by his lawyer last week

that vending machine firms should withdraw from financing beer taverns. Bradshaw believes vending machine control opens the door for out of state control of local taverns. Bradshaw says his company is not influenced by out of state interests, but at least one other large Dallas Vending Company could be so controlled. That lawyer says his client will appear before the Committee when asked. He does not want to be put in the position of telling the legislature how to go about its business.

Representative Jim Clark, Dallas, has charged that some 80% of Dallas taverns and lounges are either controlled or influenced by vending machine companies through loans and sometimes threats of violence. The House Committee headed by Representative Corry of Victoria is investigating alleged tie-ins between vending machine companies and taverns.

"Resolved that the City Manager be requested to submit a comprehensive plan designed to bring about a reduction in the incidence of crime in the City of Austin; cost estimates included, and taking into consideration all of the modern methods used here and elsewhere in the detection of crime; and consideration should also be given to the availability of additional technological training and equipment.

He also offered the following resolution to cover funding of the equipment proposed in the crime resolution:

That the proposed tax reduction of five cents would only reduce property taxes on a \$10,000.00 home by \$3.75 per year.

That the crime rate in Austin must be reduced.

Resolved that the sum of money represented by the proposed five cent tax cut in the present budget be earmarked for a comprehensive crime reduction program, and,

That this money be placed in the Council contingency fund until the cost of this program can be determined.

He asked that the Council consider this resolution, also.

Councilman Long felt that the items mentioned by Councilman LaRue as needing attention were already known to the Council. She stated that the Police Department was using modern equipment. She thought that Chief of Police Bob Miles should be present in the Council Chamber to have a chance to reply to the remarks of Councilman LaRue.

Councilman LaRue thought that too much of Chief Miles' time was spent in the Council Chamber. Mayor Akin stated that he could not go along with the resolution because it implied that the Council was not aware of the problems. He felt that the import of the resolution was not constructive.

Councilman Janes thought that the resolution was a move in the right direction. He did not think that it carried the implication that the Council was unaware of the problems.

Councilman Long reiterated her request that Chief Miles be at the meeting. She felt he could benefit from the discussion of his Department. City Manager Tinstman stated that his policy was to invite a department head to the Council meeting when an item concerning his Department appeared on the agenda.

BRACKENRIDGE URBAN RENEWAL COMPLAINT

Mr. Don Hendricks, property owner in the Brackenridge area and school teacher, appeared before the Council to ask why the renewal request for Federal funds for the workable program had been allowed to expire. He stated that he had applied to the Planning Department for a zoning change, but he had been told that, although he could submit his request, no action would be taken for some time. The City did not have the necessary funds to purchase the land from him but planned to do so in the future. Mr. Hendricks alleged that property values of land adjacent to the Brackenridge Urban Renewal area had risen in the last few years but the City had kept the value of the land in the renewal area low by refusing to grant zoning changes.

City Manager Tinstman explained that the City had no such policy in mind, and that the yearly recertification of the City of Austin Workable Program had been submitted to Washington and was under consideration.

Mr. Leon Lurie, Director of the Urban Renewal Agency, explained some of the procedures of that Agency for acquiring property in that area. He also asked the Council to take some action in requesting recertification from the Federal Government.

Councilman Janes moved the Council ask the City Manager to send a telegram to Washington asking for action on the City of Austin recertification request for the Workable Program. The motion, seconded by Councilman Nichols, carried by the following vote:

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

MR. WENDLANDT APPEARED CONCERNING CONDEMNATION

Messrs. Charles and Walter Wendlandt appeared before the Council to protest the fact that they had been asked by the City to cut weeds on some of their vacant property. That property was needed for MoPac Boulevard right-of-way and was to be purchased by the City. Mr. Walter Wendlandt stated that he had offered to accept the appraisal from MIA appraisers, and was anxious to get rid of the property because he had no use for the land now. The City had initiated condemnation proceedings against the Wendlandts and a cross-action had been filed by them for damages but he was still waiting for a resolution of the problem. In the meantime, he did not feel he should cut weeds on the property.

City Manager Tinstman discussed the City policy on weeded lots.

The Council apologized for the inconvenience to the Wendlandts caused by the delay but stressed that they were distressed with the growth of weeds on any vacant property. They felt that there was a definite health problem.

RECESSED MEETING

2:30 P.M.

PERSONAL BOND PROGRAM REPORT FROM COUNTY AUDITOR

Councilman LaRue moved the Council note receipt of the Report on the Personal Bond Program submitted by the County Auditor. The motion, seconded by Councilman Janes, carried by the following vote:

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

ZONING HEARING

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

| | | |
|-----------------|------------------------|---------------------------------|
| RALPH E. HAYS & | Tract 1 | From Interim "A" Residence, 1st |
| R. D. SEIDERS | 6202-6212 Manchaca Rd. | Height and Area to "GR" General |
| by Tom Smith | Tract 2 | Retail, 1st Height and Area |
| | 6218-6316 Manchaca Rd. | NOT RECOMMENDED by the Planning |
| | | Commission |

Councilman Janes moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "GR" General Retail, 1st Height and Area subject to five feet of right-of-way on Manchaca and dedication of 60 feet of right-of-way to the west of Tract 2. The City Manager was to ask the applicants to send a letter stating that they would provide a buffer strip between their building and the school next to the site. The motion, seconded by Councilman Nichols, 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 "GR" General Retail, 1st Height and Area subject to conditions and instructed the City Attorney to draw the necessary ordinance to cover.

ZONING ORDINANCES

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:

TRACT 1: AN 8.9 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1812-1922 STASSNEY LANE AND 5409-5537 MANCHACA ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND

TRACT 2: A 3.50 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1804-1810 STASSNEY LANE AND 5401-5407 MANCHACA ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND FIRST HEIGHT AND AREA 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 Long moved that the rule be suspended and the ordinance be 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 Long moved that the rule be suspended and the ordinance be 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 Long 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 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:

TRACT 1: A 66,400 SQUARE FOOT (1.55 ACRE) TRACT OF LAND, LOCALLY KNOWN AS 6301-6403 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; AND

TRACT 2: A 136,120 SQUARE FOOT (3.12 ACRE) TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 6301-6403 NORTH LAMAR BOULEVARD, 617 WILMES DRIVE, AND 616-622 HAMMACK DRIVE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA 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 LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen 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 Councilman Long, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

COMPLAINT BROUGHT AGAINST CORPORATION COURT JUDGE

Mr. Terry Stork appeared before the Council to inform the members of an incident and to see that the matter became part of the public record. He stated that his reputation as a citizen and an attorney had been impaired. He had been trying a case before Judge Roy Martin. The Judge told the State attorney that there was no need to call the woman involved in the traffic accident. He stated that she could be called in rebuttal. The State rested its case, saying that there were no other witnesses. Mr. Stork asked the Judge for an instructed verdict. He was overruled by Judge Martin, who stated that the Court did not have time to hear his motion. He said that Mr. Stork's client was guilty.

In that event, Mr. Stork felt that the Court had made up its mind so he rested his case, also. The Judge said that the defendant was guilty and fined him \$200. Mr. Stork drew up a motion for a new trial and swore to the truth of the events as he described them in the document. He then filed the motion. He was informed that his motion was granted but written on a copy of his original document was the statement that "the Court...denied that you have stated the facts correctly and specifically says that you have misquoted him viciously."

He had been informed that the Judge had torn up the original copy of his motion but that it had been reconstructed by a clerk of the Court.

The Council members discussed the Council's jurisdiction in the matter and then thanked Mr. Stork for bringing the incident to their attention.

ANNEXATION ORDINANCE SET FOR HEARING

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 20.61 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND THE WILLIS AVERY SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

Councilman LaRue moved that the ordinance be published in accordance with Article I, Section 6 of the Charter of the City of Austin and set for public hearing on October 3, 1968, at 10:30 A.M. The motion, seconded by Councilman Long, carried by the following vote:

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

CONTRACT AWARDED

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 10, 1968, for the construction of Holly Street Power Plant Retaining Wall; and,

WHEREAS, the bid of C. Ben Hibbetts, in the sum of \$27,978.00, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Construction Engineer of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of C. Ben Hibbetts, in the sum of \$27,978.00, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City of Austin, with C. Ben Hibbetts.

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

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

IMPROVEMENTS GRANTED

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 application of the Mutual Savings Institution and James O. Gerst is hereby approved to beautify the building located on Lots 2 and 3, Block 123, of the Original City of Austin, by the installation of decorative tile sidewalk in front of the store building and the installation of four planter boxes and two flag poles on the sidewalk in front of the building; and the Building Official is hereby authorized to issue a permit for the construction of such improvements, said grant and permit subject to the following conditions:

(1) The improvements shall be constructed and maintained in compliance with all ordinances related thereto except as to the decorative tile sidewalk and the placing of four planter boxes and two flag poles on the sidewalk in front of the building;

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

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

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

(5) The City of Austin may revoke such permit for good cause in the public interest after notice and hearing, 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 Long, carried by the following vote:

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

AWARDING OF CONTRACT POSTPONED

Council members felt that the bid from Mr. Oscar W. Holmes, consulting engineer, for a water line in Allandale Estates Subdivision was too high. They decided to postpone action on that item for one week in order to gather more information.

CONTRACTS AWARDED

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 11, 1968, for the estimated requirements of Welding Gases (Oxygen and Acetylene) Hydrogen, Nitrogen and CO₂ for all City Departments for a period of twelve (12) months beginning October 1, 1968; and,

WHEREAS, the bids of National Welding Supply Co. of Austin, in the sums of \$1,894.50 for Welding Gases, in the sum of \$6,191.20 for Hydrogen and Nitrogen, and in the sum of \$1,055.00 for CO₂, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

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

That the bids of National Welding Supply Co. of Austin, as enumerated above, 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 National Welding Supply Co.

The motion, seconded by Councilman Long, 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)

WHEREAS, bids were received by the City of Austin on September 6, 1968, for the purchase of one (1) Twenty-Four Foot Bookmobile for the Library; and,

WHEREAS, the bid of Thomas F. Moroney Company, in the sum of \$19,510.00 for one (1) Moroney Twenty-Four Foot Bookmobile Body, and the bid of International Harvester Company, in the sum of \$6,530.00 for one (1) International Chassis, were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Thomas F. Moroney Company, in the sum of \$19,510.00, and the bid of International Harvester Company, in the sum of \$6,530.00, 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 Thomas F. Moroney Company and International Harvester Company.

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

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

Noes: None

COMMUTER-TYPE AIRLINE SERVICE CONTRACTED

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the Assistant to the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin, with Commuter Air Lines of Texas, Inc., dba Air Texas, for the purpose of operating a commuter type airline service at Robert Mueller Municipal Airport; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said contract in the permanent records of her office without recordation in the Minutes of the City Council.

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

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

Noes: None

CONDEMNATION OF WATER EASEMENTS

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the construction of water lines adjacent to the City of Austin and in the vicinity of Bee Caves Road, to provide for the distribution of potable water to properties in and around the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement twenty (20.00) feet in width across the hereinafter described tract of land for right-of-way to permit the construction of the aforesaid water main; and,

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

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described easement for water line purposes across the hereinafter described tract of land:

A strip of land twenty (20.00) feet in width, same being out of and a part of a 55.35 acre tract of land out of the Henry P. Hill Survey Number 21 in Travis County, Texas; which said 55.35 acre tract of land was conveyed unto Jack R. Crosby the following two (2) instruments:

- (1) Warranty Deed dated May 4, 1967, of record in Volume 3292 at Page 160 of the Deed Records of Travis County, Texas;
- (2) Warranty Deed dated May 4, 1967, of record in Volume 3292 at Page 163 of the Deed Records of Travis County, Texas;

The centerline of said strip of land twenty (20.00) feet in width being more particularly described as follows:

BEGINNING at a point in the southwest line of said 55.35 acre tract of land, same being a point in the northwest line of Lot 2, Block H, Dellana Hills, Section 1, an unrecorded subdivision out of the Henry P. Hill Survey Number 21 in Travis County, Texas, and from which point of beginning the southeast corner of said 55.35 acre tract of land bears S 61° 27' E 216.32 feet;

THENCE, N 16° 39' E 2323.25 feet to a point;

THENCE, N 21° 48' W 21.93 feet to a point;

THENCE, N 60° 14' W 173.92 feet to a point;

THENCE, N 13° 40' W 20.63 feet to a point;

THENCE, N 32° 53' E 5.53 feet to point of termination in the north line of said 55.35 acre tract of land, same being a point in the south line of that certain 16.25 acre tract of land which was conveyed unto F. W. Bulian by Receiver's Deed dated April 19, 1939, of record in Volume 611 at Page 404 of the Deed Records of Travis County, Texas, and from which point of termination an interior ell corner of said 55.35 acre tract of land, same being the southeast corner of said 16.25 acre tract of land, bears S 60° 36' E 180.3 feet;

AND IN ADDITION thereto, a temporary working space easement twenty-five (25.00) feet in width, to cover the period of original installation is to be retained parallel and adjacent to the east and west sides of that portion of the above described easement which bears N 16° 39' E 2,323.25 feet, and N 21° 48' W 21.93 feet, and parallel and adjacent to the south and west sides of the remaining portions of the above described easement; a temporary working space easement ten (10.00) feet in width is to be retained parallel and adjacent to the north side of that portion of the above described easement which bears N 60° 14' W 173.92 feet, and a temporary working space easement five (5.00) feet in width is to be retained parallel and adjacent to the east side of that portion of the above described easement which bears N 13° 40' W 20.63 feet and N 32° 53' E 5.53 feet.

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

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

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the construction of water lines adjacent to the City of Austin and in the vicinity of Bee Caves Road, to provide for the distribution of potable water to properties in and around the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement twenty (20.00) feet in width across the hereinafter described tract of land for right-of-way to permit the construction of the aforesaid water main; and,

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

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described easement for water line purposes across the hereinafter described tract of land:

A strip of land twenty (20.00) feet in width, same being out of and a part of a 37.55 acre tract of land out of and a part of the Henry P. Hill League in Travis County, Texas; which said 37.55 acre tract of land was conveyed to Fred W. Bulian by Receiver's Deed dated April 19, 1939, of record in Volume 611 at Page 404 of the Deed Records of Travis County, Texas, and by Warranty Deed dated May 6, 1957 of record in Volume 1820 at Page 269 of the Deed Records of Travis County, Texas; the centerline of said strip of land twenty (20.00) feet in width being more particularly described as follows:

BEGINNING at a point in the north line of said 37.55 acre tract of land, same being the south line of that certain 92.22 acre tract of land conveyed to the City of Austin by warranty deed dated April 26, 1938 of record in Volume 585 at Page 612 of the Deed Records of Travis County, Texas, and from which point of beginning, the northeast corner of said 37.55 acre tract of land bears S 59° 55' E 260.87 feet;

THENCE, S 24° 51' W 112.5 feet to a point of curvature of a curve to the right, which has an angle of intersection of 8° 12', a radius of 692.31 feet, and a tangent distance of 50.0 feet;

THENCE, with said curve to the right an arc distance of 99.83 feet, the long chord of which bears S 28° 57' W 99.0 feet to the point of tangency of said curve;

THENCE, S 33° 03' W 2.79 feet to a point of curvature of a curve to the left, which curve has an angle of intersection of 15° 38', a radius of 742.58 feet, and a tangent distance of 65.97 feet;

THENCE, with said curve to the left an arc distance of 131.12 feet, the long chord of which bears S 25° 14' W 130.70 feet to the point of tangency of said curve;

THENCE, S 17° 25' W 141.09 feet to a point of curvature of a curve to the right, which curve has an angle of intersection of 21° 54', a radius of 520.53 feet and a tangent distance of 100.74 feet;

THENCE, with said curve to the right an arc distance of 199.09 feet, the long chord of which bears S 28° 22' W 197.9 feet to the point of tangency of said curve;

THENCE, S 39° 19' W 398.93 feet to point of curvature of a curve to the left which curve has an angle of intersection of 8° 48' a radius of 1432.40 feet, and a tangent distance of 110.21 feet;

THENCE, with said curve to the left an arc distance of 219.67 feet, the long chord of which bears S 34° 55' W 220.01 feet to the point of tangency of said curve;

THENCE, S 30° 31' W 71.78 feet to a point;

THENCE, S 13° 03' E 21.71 feet to a point;

THENCE, S 56° 42' E 75.47 feet to point of curvature of a curve to the left which curve has an angle of intersection of 15° 25', a radius of 818.51 feet, and a tangent distance of 110.72 feet;

THENCE, with said curve to the left an arc distance of 220.36 feet, the long chord of which bears S 64° 24' E 219.44 feet to the point of tangency of said curve;

THENCE, S 72° 07' E 20.59 feet to point of curvature of a curve to the right which curve has an angle of intersection of 17° 47', a radius of 477.47 feet, and a tangent distance of 74.70 feet;

THENCE, with said curve to the right an arc distance of 148.19 feet, the long chord of which bears S 63° 14' E 147.60 feet to the point of tangency of said curve;

THENCE, S 54° 20' E 11.67 feet to a point of curvature to the right which curve has an angle of intersection of 23° 44', a radius of 238.73 feet, and a tangent distance of 50.18 feet;

THENCE, with said curve to the right an arc distance of 98.89 feet, the long chord of which bears S 42° 28' E 98.26 feet, to point of compound curvature to the right which curve has an angle of intersection of 50° 40', a radius of 238.72 feet, and a tangent distance of 113.02 feet;

THENCE, with said curve to the right an arc distance of 211.08 feet, the long chord of which bears S 5° 16' E 204.34 feet to the point of tangency of said curve;

THENCE, S 20° 04' W 164.78 feet to a point;

THENCE, S 23° 34' W 95.39 feet to point of curvature of a curve to the right which curve has an angle of intersection of 9° 48', a radius of 1439.0 feet, and a tangent distance of 122.84 feet;

THENCE, with said curve to the right an arc distance of 245.09 feet, the long chord of which bears S 28° 28' W 244.70 feet to the point of tangency of said curve;

THENCE, S 33° 22' W 298.68 feet to point of termination in the south line as fenced of said 37.55 acre tract of land, same being the north line of that certain 56.35 acre tract of land conveyed to Ruben H. Johnson by warranty deed dated August 4, 1961, of record in Volume 2368 at Page 429 of the Deed Records of Travis County, Texas, and from which point of beginning the southeast corner of said 37.55 acre tract of land bears S 58° 55' E 180.3 feet;

AND IN ADDITION thereto, a temporary working space easement twenty-five (25.00) feet in width to cover the original installation is to be retained adjacent to and parallel to both sides of the above described easement.

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

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

SALE OF PROPERTIES IN KEALING PROJECT

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 10, 1968, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 169-68, by which the Board accepted the bid of Darrell Cummings for the purchase of parcels R-28, R-30 and R-17(3), tracts of land situated in the Kealing Urban Renewal Project No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 169-68, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 11th day of September, 1968, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 169-68;

NOW, THEREFORE:

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcels No. R-28, R-30 and R-17(3) in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 10, 1968, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 170-68, by which the Board accepted the bid of Holiday Realty Co., Inc. for the purchase of parcel R-49, a tract of land situated in the Kealing Urban Renewal Project No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 170-68, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 11th day of September, 1968, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 170-68;

NOW, THEREFORE:

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

That the price and conditions set forth in the Bid of Holiday Realty Co., Inc. for the purchase of parcel No. R-49 in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

CASH SETTLEMENT AUTHORIZED

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received for a 6" water line and appurtenances in Greenleaf Estates; and,

WHEREAS, Dr. Mervin E. Fatter, owner of Greenleaf Estates has caused said lines to be installed according to City specifications and to transfer title to said lines to City for 60% of the actual cost thereof, not to exceed \$5,203.30 in lieu of refund contract; and,

WHEREAS, the Associate City Manager and the Director of Water and Sewer Department have recommended the extension to said water system above described; Now, Therefore,

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

That Gene Higgins, Associate City Manager, be and he is hereby authorized and directed to execute a contract under the terms of which the City of Austin shall acquire title to the above described water main, from Dr. Mervin E. Fatter and to pay to him therefor the sum of 60% of the actual cost thereof not to exceed \$5,203.30.

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

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

OFFER TO PURCHASE PROPERTY REJECTED

Mr. Tinstman reported on the appraisals received on the property at 5th and Lamar leased by C. B. Smith. He felt that Mr. Smith's offer to the City was too low and he recommended that the Council reject the bid. When Mr. Smith's lease was up in January, the Council could then take bids for the purchase of the property.

Councilman LaRue moved that the Council reject the bid at that time. The motion, seconded by Councilman Janes, carried by the following vote:

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

TRANSFER OF ESCROW FUNDS

Councilman LaRue moved the Council grant the request from Water District No. 14 for transfer of escrow funds in the amount of \$1200.00. The motion, seconded by Councilman Long, carried by the following vote:

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

CITIZEN REQUESTS FROM COUNCILMAN LONG

Councilman Long asked that the Council meet with the citizens of Clarksville who were worried about selling their properties in Clarksville to the City for MoPac Boulevard right-of-way. She also mentioned a meeting she had with people in the St. John's area at which there were complaints about the drainage in that area. There was also concern about a zoning requirement for the community center there. She said that the Pilgrim's Rest Community wanted to clear off a privately owned lot to provide a playground for the children in that area.

HEARING ON ZONING DEFINITIONS RESCHEDULED

Councilman LaRue moved the Council reschedule the hearing on the definitions of "SR" and "AA" zoning designations to October 24 at 10:30 A.M. The motion, seconded by Councilman Janes, carried by the following vote:

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

CITY COUNCIL MEETING SET

City Manager Tinstman suggested that the Council set a special meeting date to discuss the budget. The Council then tentatively set a Special Session for Monday, September 23, 1968, at 11:00 A.M.

EXECUTIVE SESSION

The Council then went into Executive Session to discuss the closing of the Kealing Project and right-of-way on Rosewood.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Harry Akin
Mayor

ATTEST:

Grace Monroe
Asst. City Clerk