

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 25, 1968  
9:00 A.M.

COUNCIL CHAMBERS, CITY HALL

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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 W. A. IRVING of the Baptist Association.

APPROVAL OF MINUTES

Councilman Long moved the Council approve the Minutes of March 21, 1968. The motion, seconded by Councilman LaRue, carried by the following vote:

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

ASSOCIATE CITY MANAGER RESIGNATION

Mayor Akin read a Resolution recognizing the outstanding services performed by the Associate City Manager Charles Hill, on the occasion of his departure from Austin to become the City Manager of Pampa. The Council expressed their warmest wishes to Mr. Hill and their regret in losing his fine service to the City of Austin. Councilman Long moved the Council adopt the Resolution. The motion, seconded by Councilman Nichols, carried by the following vote:

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

## PUBLIC SERVANT RETIREMENT

Mayor Akin read a Resolution recognizing the retirement of Mr. Walter H. Klapproth after several years of public service to the City of Austin. Councilman Long moved the Council adopt the Resolution. The motion, seconded by Councilman LaRue, carried by the following vote:

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

## AQUA FESTIVAL EVENTS

Mayor Akin submitted the request of the Aqua Festival for approval of specific events, related schedules, and use of City facilities during the Aqua Festival. City Manager Tinstman stated that the request, as well as the negotiated lease had been approved by the various departments with respect to Fiesta Gardens. Councilman Long moved the Council accept the proposed schedule of events for the Aqua Festival. The motion, seconded by Councilman Nichols, carried by the following vote:

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

## CITIZENS TO BE HEARD

Mayor Akin announced it was time for the special hearing concerning the police shooting of the two Mexican American youths on March 23, 1968. Mayor Akin noted that it was beyond the Council's power to take direct action, except in the matter of enacting guidance policies which would influence future conduct of City departments.

Civic leader in the Mexican American Community, Roy Velasquez, requested that Dr. Witherspoon of the University of Texas School of Law make a comprehensive study of the legality of the procedures used by the Austin police in apprehending alleged offenders of the law. The completed study was placed in letter form and addressed to the members of the Austin City Council and the City Manager. In his study, Dr. Witherspoon stated that Article 1222 of the Texas Penal Code permits an intentional homicide by either a police officer or other party in the case of theft by night only when necessary to defend person or property and only while the offender "is in the building or at the place where the theft is committed, or is within reach of gunshot from such place or building." The Texas Court of Appeals and the Texas Court of Criminal Appeals have regularly construed these provisions to permit a homicide by a police officer or other party only to prevent the commission of the theft by night or to prevent "the consequences of the theft" and only when the thief is shot from the place where the theft was committed while the thief is within reach of gunshot from such place." The courts have held that after the thief has completed his theft, it is murder to kill him unless the killing is to prevent him from accomplishing "the consequences of the theft", such

as the thief carrying stolen corn from the cornfield where it was stolen or carrying stolen goods from the room where they were taken. If the thief has abandoned the property and is offering no forceful resistance to arrest and is merely fleeing, the police officer may not legally kill him.

Moreover, in limiting the shooting of the thief to nighttime when it is done from the place where he committed the theft, Article 1222 requires that the shooting be done only when the thief is "within reach of gunshot from such place." This concept of "within reach of gunshot has obvious reference only to visibility at night. The cases decided by our highest courts have permitted a killing of a thief to be justified only when the gun was fired from the place where the theft was committed and only when the distance varied from 15 steps to 75 yards. The Austin police officers did not shoot young Balboa and young Rodriguez from the place where the theft was committed but from a totally different and distant place. They did not shoot these youths to prevent a theft by them or the consequences of theft since the theft had already been committed and the property stolen had been abandoned by the youths. There was no possibility of the youths carrying the property away and thus no need to prevent the consequences of the theft." Dr. Witherspoon listed several other violations and stated that "For all these reasons the intentional killing of young Balboa and the critical wounding of young Rodriguez by Austin policemen on March 23 was not justified but rather murder and aggravated assault."

Dr. Joe Juarez, Associate Professor of History and Director of the Latin American program at St. Edwards University, Volma Overton of the N.A.A.C.P., and Dr. Joseph P. Witherspoon, of the "ad hoc" committee appeared before the Council with a petition protesting the policemen's actions signed by 1500 law abiding citizens representing a cross section of the community. Dr. Jaurez submitted several questions to the City Manager and Council members having to do with policies in effect concerning the problem of apprehension of alleged offenders by the police.

Dr. Witherspoon noted that he and the other opponents of the shooting were appearing before the Council to ask for a new policy, if there was a policy that would make appropriate the actions of the policemen on March 23 with respect to the shooting of the youths, Mr. Balboa and Mr. Rodriguez. Witherspoon quoted the Attorney General of the United States, Mr. Ramsey Clark as saying, "the policeman is the most important American in 1968. He works in a highly flammable environment...a spark can cause an explosion; he must maintain order without provocation. The need is for balance and firmness without fear, a careful control with minimum friction...police relations is the most important law enforcement problem of today". Dr. Witherspoon added that it is the most important human relations problem of the day.

#### STUDY POSTPONED

The Council agreed to postpone receiving the Study of Corporation Court Policies and Procedures.

## MOPAC PROPERTY PURCHASE

Mr. Graham Smoot appeared before the Council concerning the purchase of his property at 5701 Fairlane Drive for MoPac. Mr. Smoot requested the amount of \$23,000 for his property. City Manager Tinstman recommended \$19,625 and stated that if Mr. Smoot was not satisfied, he could take advantage of the Recourse Courts.

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 \$19,625.00 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. One (1), Block "C", Allandale West, Section One (1), a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Volume 7, Page 140, of the Travis County Plat Records.

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

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

## ANNEXATION HEARING

Mayor Akin opened the public hearing scheduled for 10:30 A.M. on the following annexation. Councilman Long moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

13.77 acres of land out of the James Mitchell Survey - proposed NORTHWEST ESTATES, SECTION 1, and two unplatted tracts of land.

The motion, seconded by Councilman Nichols, 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 13.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES M. MITCHELL 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.

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

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

#### ANNEXATION ORDINANCE 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 6.84 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 11.29 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18; AND 44.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE; 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 Long moved that the ordinance be finally passed. 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 ordinance had been finally passed.

#### CONTINUED ZONING HEARING

W. H. BULLARD  
by Robert H. Moore  
C14-68-049

Rear of 8436-8602 Lamar Blvd.  
800-936 Thurmond Dr.

From "A" Residence to "GR"  
General Retail  
RECOMMENDED by the Planning  
Commission



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 Nichols, 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.

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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:  
A 2.13 ACRE TRACT OF LAND LOCALLY KNOWN AS 815 STARK STREET AND THE REAR OF 805-813 STARK STREET, FROM "A" RESIDENCE 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Nichols, 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 passed to its third reading. The motion, seconded by Councilman Nichols, 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 Nichols, 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.

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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) LOT 1 OF THE BEN WHITE COMMERCIAL SUBDIVISION, LOCALLY KNOWN AS 712-720 BEN WHITE BOULEVARD AND 713-721 BANISTER LANE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

(2) LOT 7, LOT 8, AND THE SOUTH 80' BY 46' OF LOT 9, SAVE AND EXCEPT THE WEST 18' OF THE NORTH 80' OF LOT 8, OF OUTLOT 134 OF THE ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 301-307 WEST 12TH STREET AND 1112-1122 LAVACA STREET, FROM THIRD HEIGHT AND AREA DISTRICT TO FOURTH HEIGHT AND AREA DISTRICT;

(3) LOTS 9-12, BLOCK 5 OF THE BUDDINGTON SUBDIVISION, LOCALLY KNOWN AS 306-312 WEST 34TH STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

(4) LOT 1 OF THE FOSTER LUDLOW AND COMPANY SUBDIVISION, LOCALLY KNOWN AS 802-810 EAST 16TH STREET AND 1601-1609 INTERREGIONAL HIGHWAY (EAST AVENUE), FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

(5) A .76 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6715-6727 U.S. HIGHWAY 290, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;

(6) LOTS 28, 29 AND 30 OF W. A. HARPER SUBDIVISION, LOCALLY KNOWN AS 808-812 WEST 29TH STREET, FROM "BB" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;

(7) LOTS 12, 13, 14, 15, 16, 17 AND 18, BLOCK G OF THE WOOTEN TERRACE SECTION THREE SUBDIVISION, LOCALLY KNOWN AS 8620-8626 FIRESIDE DRIVE AND 8617-8627 FIRESIDE DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT

(8) A 2.99 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2212-2300 BARTON SKYWAY, FROM "GR" GENERAL RETAIL DISTRICT TO "B" RESIDENCE DISTRICT;

(9) A 17,732 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3407-3411 WEST AVENUE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND

(10) TRACT 1: A 7.29 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2958-3028 ANDERSON LANE, 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 15.73 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3103-3131 STECK AVENUE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND FIRST HEIGHT AND AREA 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Nichols, 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 passed to its third reading. The motion, seconded by Councilman Nichols, 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 Nichols, 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.

#### ANNEXATION HEARING SET

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 14.48 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPLIGATE SURVEY; 10.17 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; 50.41 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 AND THE WILLIS AVERY SURVEY; AND 9.10 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER AND THE WILLIAM CANNON LEAGUES; ALL 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.

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 May 9, 1968 at 10:30 A.M. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Council continued the hearing on the following piece of land until May 9, 1968:

53.42 acres of land out of the Henry P. Hill League - unplatted land and a portion of South Lamar Boulevard and Panther Trail. (Partially requested)

SPEED LIMIT SET

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is less than thirty (30) miles per hour when signs are flashing; and,

WHEREAS, after said investigation the City Council has found that the maximum, reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour when signs are flashing at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
U.S. 183 (Research Blvd.)	100 feet west of Fairfield Drive	200 feet East of Clearfield Drive;

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

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

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

CONTRACTS AWARDED

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 19, 1968, for the construction of 450 feet of 6-inch water mains and 635 feet of 8-inch and 230 feet of 6-inch concrete sanitary sewer mains in Scenic Hills Estates Subdivision; and,

WHEREAS, the bid of Bill Tabor Construction Company, in the sum of \$13,976.50, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department 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 Bill Tabor Construction Company, in the sum of \$13,976.50, 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, with Bill Tabor Construction Company.

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

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

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Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 19, 1968, for the construction of 3,271 feet of 12-inch cast iron water main in Armadillo Road and Miles Avenue; and,

WHEREAS, the bid of Walter Schmidt Construction Company, in the sum of \$31,992.40, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Sewer Department 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 Walter Schmidt Construction Company, in the sum of \$31,992.40, 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, with Walter Schmidt Construction Company.

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

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

#### SALE OF IMPROVEMENTS

Councilman Long offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 16, 1968 for the sale of three (3) houses to be moved; and,

WHEREAS, the bid of E. J. Shugart in the sum of \$275.00 for the house located at 3112 Hancock; and the bids of J. A. Miller in the sum of \$61.80 for the house located at 26 Chicon, and \$1,588.80 for the house located at 5020 West Francis, 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 E. J. Shugart and J. A. Miller 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

## SUBSTANDARD HOUSING

Councilman Long moved the Council approve the recommendations from the Building Standards Commission and authorize the Legal Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

Gloria Nell Williams, et al, 1606 East 19th Street.  
John W. Washington and Morin M. Scott, 1301 Red River Street.  
Josephine Jones Estate, 2101 Chestnut.  
James L. Houston, 1207 Cometa Street.  
Susan Spence Estate, 5610 Ledesma Road. (front & rear)

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

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

## CITY PROPERTY DEDICATED FOR STREET PURPOSES

Councilman LaRue offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, the City of Austin is the owner of the hereinafter described tract of land lying north of Kramer Lane which provides access from Kramer Lane into the Walnut Creek Metropolitan Park site in Travis County, Texas; and,

WHEREAS, the City Council of the City of Austin has determined that the following portion of said tract should be dedicated to the public for street purposes; Now, Therefore,

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

That the following described tract of land be and the same is hereby dedicated to the public for street purposes:

2.14 acres of land, same being out of and a part of that certain 3.63 acre tract of land out of the John C. Brooke Survey in Travis County, Texas, which 3.63 acre tract of land was conveyed, together with other property, to the City of Austin, a municipal corporation, by warranty deed dated December 23, 1964, of record in Volume 2885 at page 539 of the Deed Records of Travis County, Texas, and described as Tract II in said deed; said 2.14 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a steel pin at the southwest corner of the said City of Austin 3.63 acre tract of land, same being the southwest corner of the herein described tract of land;

THENCE, with the west line of the said City of Austin 3.63 acre tract of land, N 28° 42' E 2026.83 feet to a steel pin at the northwest corner of the herein described tract of land;

THENCE, S 61° 01' E 66.50 feet to a steel pin on the east line of the said City of Austin 3.63 acre tract of land, which point is the northeast corner of the herein described tract of land and the northwest corner of that certain tract of land conveyed to Eubank Land Development Company by deed of record in Volume 3074 at page 2239 of the Deed Records of Travis County, Texas;

THENCE, with the east line of the said City of Austin 3.63 acre tract of land, same being the west line of the said Eubank Land Development Company tract of land, in a southwesterly direction with the following ten (10) courses:

- (1) S 28° 22' W 120.05 feet to a point;
- (2) S 29° 31' W 164.31 feet to a point;
- (3) S 31° 51' W 35.73 feet to a point;

- (4) S 33° 28' W 200.58 feet to a point;
- (5) S 30° 00' W 200.02 feet to a point;
- (6) S 27° 58' W 100.01 feet to a point;
- (7) S 30° 32' W 102.73 feet to a bolt found;
- (8) S 28° 48' W 370.41 feet to a point;
- (9) S 27° 37' W 86.72 feet to a steel pin found;

(10) S 28° 42' W at 639.90 feet passing an axle found, in all a distance of 648.85 feet to the southeast corner of the said City of Austin 3.63 acre tract of land, same being the southeast corner of the herein described tract of land;

THENCE, N 58° 27' W 40.05 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

#### CONTINENTAL AIRLINES LEASE

Councilman Nichols moved the Council approve a lease for Continental Airlines to operate at the Austin Airport, effective April 28, 1968. The motion, seconded by Councilman Long, carried by the following vote:

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

#### AIRPORT RESTAURANT CONTRACT

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That R. M. Tinstman, City Manager, be and he is hereby authorized to execute and deliver, on behalf of the City of Austin, an amendment to that certain indenture of lease dated April 15, 1965 by and between the City of Austin and the Brass Rail Food Services, Inc., so that Section III thereof shall read as follows:

"III.

This lease shall be for a term of one (1) year, commencing April 26, 1965, and shall continue for an additional period of two (2) years therefrom at the option of the Lessee. The lease shall extend an additional five (5) years at the option mutually agreeable to Lessor and Lessee.

Either party during the five (5) year extension period may terminate this contract for any reason whatsoever upon giving the other party thirty (30) days prior written notice of their intention to terminate."

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

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

TRANSFER OF CERTIFICATES

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Charles V. Hill, Associate City Manager, be and he is hereby authorized and directed to execute a transfer and assignment of the following Special Assessment Certificates to Dallas Title Company; to-wit:

Special Assessment Certificate No. 6402-2983-63-56(c) P-2806(q) for the improvement of Williams Street, such certificate evidencing the special assessment of the sum of One Hundred Forty-three and 61/100 Dollars (\$143.61) plus interest for a portion of the cost of improving such street levied against all of Lot 9A, Block H, Resubdivision of a part of Plaza Place, City of Austin, Travis County, Texas, according to the plat of addition in Volume 9, Page 61 of the Plat Records of Travis County, Texas.

Special Assessment Certificate No. 6507-3577-64-90(f) P-2955(c) for the improvement of Canon Street, such certificate evidencing the special assessment of the sum of Six and 87/100 Dollars (\$6.87) plus interest for a portion of the cost of improving such street levied against all of Lot 9A, Resubdivision of a part of Plaza Place, City of Austin, Travis County, Texas, according to the plat of addition as recorded in Book 9, Page 61 of the Plat Records of Travis County, Texas.

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

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

## MOPAC BOULEVARD LAND ACQUISITION

Councilman Long 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 \$19,875.00 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. One (1), Block "A", Allandale West, Section One (1), an addition in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Plat Book 7, Page 140, Plat Records of Travis County, Texas.

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

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

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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 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 \$9,400.00 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 83, Enfield "F", an addition to the City of Austin, Travis County, Texas, according to the map or plat of record in Book 3, Page 194, Travis County Plat Records.

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

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



ADJOURNMENT

The Council then adjourned.

APPROVED:

*Henry Babin*

Mayor

ATTEST:

*Grace Monroe*  
Asst. City Clerk