

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 2, 1968  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro Tem Long presiding.

Roll call:

Present: Councilmen Janes, LaRue, Nichols, Mayor Pro Tem Long  
Absent: Mayor Akin

Present also: Jim DeBerry, Assistant City Manager; Doren R. Eskew,  
City Attorney

Mr. Tinstman, City Manager was absent; Assistant City Manager Jim DeBerry was Acting City Manager.

Invocation was delivered by FATHER RAYMOND E. BREZNA, Office of the Chaplain Holy Cross Hospital.

MRS. DESMOND KIDD invited the Council to the Fiesta at LaGuna Gloria. Mayor Long expressed appreciation for the invitation to one of the most gala festivals during the year.

Buddy System

MR. RAY DELL GALLOWAY, in the interest of curbing violence in the streets and to carry out the wishes of the President that people cooperate and work with the Police, suggested the establishment of the "Buddy System" similar to the one in Fort Worth. This System provides volunteer citizens to work with the Police Officer, to ride in the patrol cars, and to go to scenes where there are acts of violence. The "Buddy" would talk to the people and try to calm them down. Mr. Galloway said the System would have to be authorized by the Police Department with proper identification of the Buddy being provided by the Chief of Police. Mr. Galloway believed this system would provide a method of communications between the officer and individuals involved. COUNCILMAN LaRUE noted if those people had an opportunity to see the other side as the police officer sees it there would be better cooperation. MAYOR LONG offered the help of the City in anything it could do to bring about more law and order, and stated this suggestion would be discussed with CHIEF MILES and the Police Officers, as it did warrant investigation and study. COUNCILMAN JANES said this system seemed to have a lot of merit and certainly was worth looking into. Mr. Galloway, in answer to Mayor Mong's question, stated he represented a group of businessmen in the area.

Acquisition of Right of Way for Missouri Pacific Boulevard

The Council took no action on the property at 5700 Fairlane Drive owned by Mrs. Wilma Bengston.

1101-1205 Winsted Lane

MR. WALTER WENDLANDT, joint owner with his brother, on property at 1101-1205 Winsted Lane, had wanted to negotiate a trade with the City ; however in February when they applied for a building permit, it was not issued. It was their contention they should either be given a building permit or their property be taken by condemnation proceedings. His appraisor had set \$35,000 as the value and another appraisor had substantiated that amount. They preferred to trade property--any tract west of the railroad tract on which they could build 20-25 apartment units; or they would take \$30,000 for their property. Councilman Nichols said the average appraisal was 45 cents a square foot. Mr. Wendlandt wanted to start over with the appraisals and agree on an A.M.I. Appraiser. In answer to Councilman Janes's question, the City Attorney stated this property would be needed in the third phase of construction. As to financing property in this phase, he noted they were trying to have enough money for right of way to stay ahead of construction, and there is a shortage of right of way funds. He reported there has been quite a bit of reappraisal work done on this property. The City Attorney stated it had been hoped Mr. Wendlandt's property would not be taken. It was found later, after three months of design work by the Highway Department that this tract would be needed.

Councilman Nichols offered the following resolution and moved its adoption:  
(RESOLUTION)

WHEREAS, the Master Plan of the City of Austin, duly adopted by the City Council of the City of Austin on the 8th day of June, 1961, contemplated the development of Missouri-Pacific Boulevard (now Loop 1) as an indispensable component of the Circulation Plan for the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition in fee simple of the hereinafter described property for the development and construction of said Missouri-Pacific Boulevard, together with overpasses, underpasses, access roads, connecting, and interconnecting streets and other public facilities and improvements in connection therewith; and for other public purposes; 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 thereof; 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 the owner and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

Lots Nos. One (1), Two (2), Three (3), Five (5), Six (6), Seven (7), and Eight (8), Block 5, Theresa Martin Subdivision, in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume Y,

Page 503, of the District Court Minutes of Travis County, Texas, LESS HOWEVER, SAVE AND EXCEPT that portion of Lot No. Three (3), conveyed to City of Austin by deed recorded in Volume 1593, Page 491, of the Travis County Deed Records.

The motion, seconded by Councilman Janes, carried by the following vote:  
Ayes: Mayor Pro Tem Long, Councilmen Nichols, Janes, LaRue  
Noes: None  
Absent: Mayor Akin

At this point MAYOR AKIN enters the Council Room and presides.

#### Corporation Court Policies and Procedures

The Council deferred action on the Corporation Court Policies and Procedures until the City Manager returned.

#### Annexation

Pursuant to published notice Mayor Akin opened the public hearing on the annexation ordinance annexing 50.77 acres of land out of the T. J. Chambers Grant and the Albert Silsbee Survey - unplatted land and a portion of RM 2222. No one appeared to be heard. Councilman Nichols moved the hearing be closed. The motion, seconded by Councilman Long, carried by the following vote:

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 50.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Requested by owners and developers)

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 Long, carried by the following vote:

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

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

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

Zoning

The Council had before it continued hearings of the following zoning applications:

JON N. COFFEE	2512 Durwood Street	From "A" Residence
	Rear of 2502-2514 Wilson	To "B" Residence
	Street	NOT Recommended by the
		Planning Commission

Councilman Nichols moved the hearing be continued until 10:30 A.M., May 23, 1968. The motion, seconded by Councilman Long, carried by the following vote:

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

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TERRELL TIMMERMAN	113-201 Franklin	From "A" Residence
	Boulevard	To "BB" Residence (as
		amended)
		NOT Recommended by the
		Planning Commission as
		amended

Councilman Long moved the change be granted. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Long, Nichols, Mayor Akin, Councilman Janes  
Noes: None  
Present but not voting: Councilman LaRue

The Mayor announced the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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: 4.3 ACRES OF LAND OUT OF THE THOMAS ELDRIDGE SURVEY, LOCALLY KNOWN AS 5909-6103 MANOR ROAD, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE 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 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: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: Councilman Long\*

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: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: Councilman Long

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: Councilman Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: Councilman Long

\*Councilman Long stated she was voting against the motion as she had opposed this change on the grounds the buffer zone should have been greater.

The Mayor announced the ordinance had been finally passed.

#### Annexation

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 4.55 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 14.99 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE; 7.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WM. CANNON LEAGUE; 27.70 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT AND THE GEORGE W. DAVIS 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. (Portion of Burleson Road and an unplatted tract; Cavalier Park, Section 1; Buckingham Place, Section 2 and an unplatted tract; Northwest Hills, Mesa Oaks, Phase 5) (Requested by owner or developer)

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain telephone easement was retained by the City of Austin in Ordinance of Vacation No. 670622-A of the Deed Records of Travis County, Texas, in, upon and across a portion of Lots 5 and 11, Block 11, C. R. Johns Subdivision, a subdivision of record in Book 37 at Page 44 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 portions of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portions of said easement are 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 portions of said telephone easement, to-wit:

Two (2) strips of land, each being fifteen (15.00) feet in width and each being out of and a part of the resubdivision of Block 11, C. R. Johns Subdivision and portions of Salina Street, a subdivision of record in Book 37 at Page 44 of the Plat Records of Travis County, Texas; the strip of land hereinafter described as Number One being out of and a part of Lot 5 and the strip of land hereinafter described as Number Two being out of and a part of Lot 11 of said resubdivision of Block 11, C. R. Johns Subdivision and portions of Salina Street; each of the said two (2) strips of land fifteen (15.00) feet in width is to be released from the telephone easement retained by ordinance to vacate the portion of Salina Street between New York Avenue and Pennsylvania Avenue, said ordinance being of record in Volume 3358 at Page 1661 of the Deed Records of Travis County, Texas, and each is more particularly described as follows:

NUMBER ONE, BEING all of the east fifteen (15.00) feet of the south one hundred and fifty-four (154.00) feet of said Lot 5, Resubdivision of Block 11, C. R. Johns Subdivision and portions of Salina Street.

NUMBER TWO, BEING all of the east fifteen (15.00) feet of the north one hundred and fifty-four (154.00) feet of said Lot 11, Resubdivision of Block 11, C. R. Johns Subdivision and portions of Salina Street.

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

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

Noes: None

Councilman 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 that certain portion of Lot 3, Block A, Singing Hills, Section One, 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 Singing Hills, Section One, of record in Book 8 at Page 94 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said 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 ten (10.00) feet in width, same being out of and a part of Lot 3, Block A, Singing Hills, Section One, 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 Singing Hills, Section One, of record in Book 8, at Page 94 of the Plat Records of Travis County, Texas; said strip of land ten (10.00) feet in width being more particularly described as follows:

BEING all of the west ten (10.00) feet of the south one hundred and ten (110) feet of said Lot 3, Block A, Singing Hills, Section One.

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

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

Noes: None

Purchase of a Stockpile of 22,000 Tons of Flexible Base

The City Manager submitted the following:

"April 26, 1968

"To: Mr. S. Reuben Rountree, Jr.      Subject: Flexible Base  
Director of Public Works

"According to the attached letter from McKown and Sons, The City of Austin has been made an offer by Mr. O. B. McKown, Sr. to purchase a stockpile consisting of 22,000 tons (Texas Highway Department Item No. 242) flexible base for a lump sum total of \$15,000 payable by May 10, 1968.

"The material is located in stockpile at Onion Creek which is  $\frac{1}{2}$  mile south of Burleson Road and one mile west of U. S. Highway 183 to Lockhart, Texas. The stockpile is in no danger of water from Onion Creek and has an all weather road from site to pave county road. The area is fenced and the City will be provided with a key to the gate.

"Texas Crushed Stone is the only other commercial producer in this area and the rates quoted in various locations were made by Texas Crushed Stone on 22,000 tons lump sum amount.

"Listed below is a recap of this purchase and a comparison using this quote and the same type material from Texas Crushed Stone.

"22,000 tons flexible base for \$15,000. = .68 per ton

Loading cost by City .10 per ton

TOTAL COST LOADED BY CITY TRUCKS AT STOCKPILE .78 per ton

"Cost to Congress Avenue at East 1st Street including haul:

<u>Texas Crushed Stone</u> (Georgetown)	<u>McKown</u> (Stockpile at Onion Creek)
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.60 Net at plant	.78 Net
.80 Haul	.35 Haul
<u>\$1.40 Net</u>	<u>\$1.13 Net</u>

"Savings to City at Congress Avenue and East 1st Street using flexible base from Onion Creek Stockpile:

22,000 tons X .27 = \$5,940.

"Cost to Congress Avenue and Ben White Blvd.:

<u>Texas Crushed Stone</u> (Georgetown)	<u>McKown</u> (Stockpile at Onion Creek)
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.60 Net at plant	.78 Net
.85 Haul	.30 Haul
<u>\$1.45 Net</u>	<u>\$1.08</u>

"Savings to City at Congress Avenue and Ben White Blvd. using flexible base from Onion Creek Stockpile:

22,000 tons X .37 = \$8,140

"Cost to 19th Street and Interregional Highway:

<u>Texas Crushed Stone</u> (Georgetown)	<u>McKown</u> (Stockpile at Onion Creek)
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.60 Net at plant	.78 Net
.70 Haul	.40 Haul
<u>\$1.30 Net</u>	<u>\$1.18 Net</u>



May 2, 1968

"Savings to City at 19th Street and Interregional Highway using flexible base from Onion Creek Stockpile:

22,000 tons X .12 = \$2,640.

"Cost to East Austin Service Yard at Loop III and Harold Lane:

Texas Crushed Stone (Georgetown) McKown (Stockpile at Onion Creek)

.60 Net at plant	.78 Net
.65 Haul	.30 Haul
<u>\$1.25 Net</u>	<u>\$1.08 Net</u>

"Savings to City at East Austin Service Yard using flexible base from Onion Creek Stockpile:

22,000 tons X .17 = \$3,740

"With what we have scheduled and work pending such as utility line repair, paved street repairs and work at Auditorium and other work as necessary in South and East Austin, the 22,000 tons should be expended in the year.

"The material can be purchased as a stock item and charged out of stock to various work orders by storeroom requisition. The stockpile has been checked and the 22,000 tons is a realistic figure.

"It is recommended that the purchasing of the stockpile, as per terms of the attached letter, be made.

"From: E. I. Purser, Superintendent  
Street and Bridge Division

Signed: E. I. Purser

"4/29/68

I concur in the above recommendation.

s/ S. Reuben Rountree, Jr.  
S. Reuben Rountree, Jr.  
Director of Public Works"

"April 18, 1968

"Mr. Reuben Rountree  
Director of Public Works  
City of Austin  
Austin, Texas

"Dear Sir:

"The firm of McKown & Sons after three generations, are quitting business.

"We have stockpiled at our Onion Creek plant approximately 22,000 tons Flexible Base (T.H.D. item #242) which we offer to you for the lump sum of fifteen thousand dollars (\$15,000) in order that we may clear our books.

"You would have until April 15, 1969 to remove the material from the property.

"A key to the gate entrance will be furnished to you, in order that you may be able to remove material at any time you wish.

"This offer is good until May 2, 1968.

"If this offer is acceptable to you, please issue your purchase order in the amount of \$15,000 payable not later than May 10, 1968.

"It has been a pleasure to work for and with the City of Austin and to serve you for the past number of years. If we can ever be of assistance to the City of Austin, please do not hesitate to call on us.

"Yours very truly  
McKown & Sons  
s/ O. B. McKown, Sr.  
O. B. McKown, Sr."

The Director of Public Works stated a few years ago, the Council had authorized the purchase of a stock pile of crushed stone from a company who had made a similar proposition to the City, resulting in a sizeable saving. Mr. McKown who is going out of business has made an offer which would be in the City's benefit. They had checked with the other people with whom they get a supply of crushed stone.

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 26, 1968, for the purchase of 22,000 tons (Texas Highway Department Item No. 242) flexible base material; and,

WHEREAS, the bid of McKown and Sons, in the sum of \$15,000.00, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of McKown and Sons, in the sum of \$15,000.00, 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, with McKown and Sons.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen Janes, LaRue, Long, Nichols, Mayor Akin  
Noes: None

Master Plan Amendment Hearing - 41.4 acres south of  
Woodward and west of I.H. 35.

MAYOR AKIN opened the hearing on the amendment to the Master Plan scheduled for 10:30 A.M. The proposed amendment is to change the designation of approximately 41.4 acres from Manufacturing and Related Uses to Medium Density Residential. The property is south of Woodward Street and west of I.H. 35.

The Director of Planning explained the original request for an amendment to the Master Plan, in that it involved 41.4 acres of an undeveloped tract generally between I.H. 35 and Willow Springs, south of Woodward Street and immediately south of a portion of St. Edwards University. The area was pointed out on a map and locations of a cemetery, Ben White Boulevard, Armstrong-Johnson Truck City, Shell Oil Company, Rainbow Baking Company, Tem-craft Able Manufacturing Company, Capital Printing Company, Richard Paint Company, Woodward Manufacturing Company and Southwest Analytical Chemical Company were shown. The area immediately to the west of this section, along the south side of Woodward Street was redesignated from Industrial to a Medium Density Residential Classification, several months ago. In that case there was a 20 acre tract, about two thirds of which was developed with single family houses, a hospital and clinic.

Proposed in this application is the leaving of an industrial area of about 200' in depth out of the 41.41 acres adjacent to the Southwest Chemical Company for industrial use and a roadway--one half each to be improved by the developers and by the Chemical Company. This roadway would continue to Ben White Boulevard. The area has been designated in the Master Plan for Industrial use since 1961. At least seven industrial or heavy commercial uses have been established in this area during the past seven years; and several had been established prior to the Master Plan. Councilman Long inquired as to the number of acres in the whole area. The Planning Engineer stated there were 250 acres not including the cemetery property. To the south of Ben White Boulevard there are 300-400 acres. The acreage of the seven firms as far as their operations go, would be around 40 or 50 acres. Only half of the Armstrong Johnson tract is in use. About three or four of the seven industries have been established in the past three or four years with Southwest Chemical Company being the most recent.

Councilman Nichols discussed the so-called industries in relationship to "C" Commercial, noting those limited to "D" Industrial were the Woodward Manufacturing Company, the Chemical Company and the boat manufacturers.

The Planning Director explained the Commission recommended denial of the amendment, leaving the area as industrial. He explained the redesignation could be accomplished even under multiple ownership, with certain conditions, buffer strips, development of industries that would abut apartment development appropriately. On planned development, there would need to be coordination between ownership, each cognizant of particular problems and each willing to work in a specific pattern of development from heavy industry to very light types of industries on up to the housing area. In this particular instance the owners had already made commitments which would be hard to revise. Mr. Hale's position was cited. The Industrial Development Council of the Chamber of Commerce and Mr. Hale, Southwest Analytical Chemical Company, had inquired about this particular area and were advised it was designated as an Industrial area in the Plan. Other industries were already making their schematics, and plans were being carried out.

Councilman LaRue brought up for discussion the possibility of individuals' (who constructed homes in the area adjacent to the industrial areas) complaining about noise, odors, etc. created by the industrial development, and if the residents could force the shut down ~~or~~ curtailment of activities of the industries under the nuisance law, when in fact the industries were designated and existed prior to residential development. The City Attorney pointed out three things involved: (1) Common law nuisances; (2) application of the zoning ordinance; and (3) provisions of the Master Plan, explaining the Master Plan contemplated these areas would be mutually exclusive. Where an area is planned for industrial use residential uses would not be permitted. The zoning ordinance has not been amended to that extent; and under the zoning ordinance a residential use could be adjacent to or in an industrial area. Councilman Long did not anticipate nuisances, odors or pollution from any development in these areas. Councilman Nichols was concerned about trailer parks being placed in "D" Industrial classifications where there would be residential in the industrial areas. The City Attorney explained the zoning ordinance provisions, and the Master Plan contemplation. The application of the statutory law aside from the zoning ordinance would be a different consideration; so it is not possible at this time to say whether or not there would be an actionable case arise if a change were made as contemplated. Councilman LaRue expressed concern over protecting those individuals already in the industrial area and who constructed there with the understanding it was an industrial area and would remain as such. The Chemical Company in existence there is entitled to some protection. If the Master Plan is changed and apartment houses are built near the area, and if there is some odor, it would not be a nuisance if all the area were industrial, but it would be considered a nuisance if there were apartment houses. He asked what would be the position of the individuals already in the industrial area with others anticipated, if they would be restricted in their activities by complaints from apartment residents. The City Attorney said there was a chance litigation would ensue, but the outcome of such could not be predicted.

Councilman Nichols asked about the industrial utilization. The Director of Planning stated throughout the whole area there were over 100 industries, the initial development beginning in the 1950's. About 50% of the development had occurred in the last seven or eight years. The pace of industrial development has accelerated in this section. He discussed the aspect of nuisances, odors, the problem of the hospital in connection with industrial development; court cases and some decisions rendered to reduce the industries' activities due to subsequent development adjacent to them. Councilman LaRue asked what could be done to prevent the cry of "nuisance" against existing industrial development. The City Attorney said there should be contained in the zoning ordinance a mutually exclusive provision so there shall not be residential uses in those activities where those things that are potential nuisances would occur, and vice versa. The Planning Director discussed the point where the two came together.

Councilman Nichols noted the Master Plan was adopted in 1961, and about 3400 acres were designated industrial. He asked how many acres were there now being used. The Planning Director reported currently there are 4,000 acres designated industrial, and about 1200-1500 acres are in use, recognizing some portions of the big IBM tract are not actually developed, but the whole 400 acre tract would be included. Mayor Akin stated it was not good policy to mix industrial and residential and commercial uses.

MR. JOHN SELMAN represented MESSRS. TOM and HARVEY PENICK, L. A. FELTER and the CONNOLLY COMPANY, applying for the roll back in the Master Plan for

41.4 acres. Mr. Felter and the Connolly Company have contracted with the Penicks to develop this land subject to change in designation. He stated the three votes on the Planning Commission for this roll back were by experienced people in this field of industrial development. This tract could be so designed and subdivided that it would accommodate everyone concerned. Mr. Sellman had a letter to the Council that if the tract were rolled back in the Master Plan they would ask for zoning on 200' on the east side to be "DL" Light Industrial, thus providing a Buffer for Southwest Analytical Chemical Company of about seven acres, about the same that they have now. In addition, they agree to work with the Planning Department in planning a road from Woodward Street to Ben White Boulevard. He wanted to submit this as their commitment as to what they would do if the Master Plan is rolled back. (Letter on file in City Clerk's Office) Mr. Sellman said Mr. Felter and Mr. Connolly believed the remaining property beyond the "DL" would accommodate small service types of commercial establishments. He said if their request is granted, they would like to retain a portion for Commercial or Local Retail, and the balance should be at the lowest density, "BB". There would be fourplexes on an individual lot to serve as a buffer, and would be an extension of the already "roll-back" in the area. There was a private club in the middle of the area. His clients had owned their property for 35 years, and had only two sales in that period of time. Mr. Selman read comments made on February 15, 1968, when the other area was rolled back to residential classification to the effect questions were raised by the staff and Commission of possible redesignation of other land on the south side of Woodward Street east of this particular area, particularly the Penick property. This area was deferred until their plans were more concrete. The dividing line between residential and industrial was pointed out. It was stated there was a demand for residential classification, but with consideration for future changes must be given. The Planning Director explained the owners of undeveloped land could file a preliminary subdivision plan for single family homes. Mr. Selman continued, on the comments at the February 15th hearing, that "from all information that had reached them, there was no indication of possible industrial use of this area."

Mr. Selman had discussed with those at St. Edwards University, and the Administration at St. Edwards would prefer some type of residential or commercial development instead of industrial. Mr. Selman said the 41.4 acre tract was not best suited for industrial use as it has no railroad tracks, nor main thoroughfares. It is adjacent to a hospital and a university, and it has a high powered gas line. This requested change would not hurt any industrial development in the area as out of the 200 acres there are less than 20 acres that are being used for industry now. The other uses could be used under a regular commercial zone. On East 19th Street there is industrial, a hospital, and homes, and this is an example how this could work out in a community. In this 200 acres, with the 41 acres being released, and the other 40 acres being used for commercial and industrial, there would still be in excess of 100 acres for future development. Mr. Selman read from a meeting on February 14, 1963, that the Chairman of the Planning Commission was inclined to believe there were too many acres designated for industrial in the plan, as there were too many people asking for different uses; that the City Manager reported during the last eight years as a member of Austin's Area Economic Development Council he found most of the industrialists were looking at areas other than those designated industrial and stated people were more interested in property shown as residential than the commercial. These remarks had proved themselves out. The latest industries to the City were Tracor, John Roberts, White Laboratories, Communications Research and IBM. These industries that have come into Austin have proven the facts and wisdom of those statements. Mr. Selman believed this request would be a logical extension of the rolled-back area in February.

Councilman Long discussed the annexation of this property, and if this were one reason those opposing the change.

MR. C. H. HALE, Southwest Analytical Chemical Company, replied annexation was not his objection to the change. To be in the City limits would have its advantages; and he was not concerned about coming into the City. He had been in business in Austin 16 years, and shopped several years for land to relocate his business. He purchased this desirable site from the Penicks after consulting with the Planning Commission to be sure it was industrial with no plans to change it. They bought in good faith, had made a substantial investment there, and built a plant which is a credit to the city. The plant was financed locally. To change the designation of the area around them would be to break the faith not only theirs, but of those who were willing to gamble on investment. His feeling about the buffer is that no responsible industry would locate on that, because it would be backed up to apartment houses. His company manufactures very fine chemicals on a small scale that they sell to other chemical companies all over the world, primarily for use in laboratories for analytical testing purposes. He felt it would be shortsighted to change the designations in this area, as everyone knows the industrial development of Austin has just really gotten under way in the last few years, and a lot of the development in this area had taken place recently. To roll back the Master Plan on this small area would negate the whole idea of zoning for use designations. As to not having railroad siding, Mr. Hale pointed out most of the industry that comes into Austin would not require railroad sidings. He asked the Council to show faith in the rapidly increasing development of the City; the faith of the people that have invested in the area, and faith in the Planning Commission and accept their recommendation. Councilman Janes suggested that light industrial would be more preferable than apartment houses on this tract. Mr. Hale did not predict any responsible industry's building there; and in a few years, these people will come back stating they cannot develop the property for industrial purposes, it is lying vacant, and ask for apartments all over. Mrs. Hale said any odor coming from another industry would be attributed to their operation as they are in the chemical manufacturing business. Mr. Selman pointed similar cases--Tracor on 19th, the industrial site around the University near the Law School, and apartments adjacent to them. He cited other situations.

Councilman LaRue stated rolling this 41 acres back would inhibit the industrial development of the other 200 acres to the extent that before long some of the other individuals would be coming in asking their property be rolled back for apartment house development too. Councilman Long had observed development stimulates other kinds of development, and this would be desirable to have a low density residential and people could live there and work with the new types of industries. Councilman LaRue believed the chances to be high that the Council was asking for complaints of nuisance by injecting into this industrial area this apartment construction. Councilman Janes agreed there is that possibility, but he believed as the present operation had been described, the possibility would be remote. Mayor Akin had asked the Penick brothers how much effort had been made to develop this tract as an industrial usage. Mr. Penick said he had been trying to sell this property for several years. Councilman Nichols said the Penicks had offered the tract but had received no takers. Councilman Nichols believed this would be a continuation of the residential classification along Woodward, and he favored the roll back. Councilman Janes wanted to make his position clear, although he did not believe he would need to disqualify himself in this matter. He said he did have an industrial lot on the corner of Woodberry and Ben White Boulevard, but it had no bearing on this matter.

Councilman Long moved the roll back be granted limiting 200' to light industrial designation. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Councilman Nichols moved the Council recess for lunch. The motion, seconded by Councilman LaRue, carried by the following vote:

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

RECESSED MEETING

2:00 P.M.

At 2:00 P.M. the Council resumed its business.

Contract with State Highway Department for  
right of way at U.S. 183 & Lamar Boulevard

The Director of Public Works announced the Highway Department is anxious to begin. Mayor Akin noted the question was from where the finances would come. He recalled they had anticipated getting the proceeds from the property on Airport Boulevard, a part of the old Patterson Tract. Councilman Long stated she had changed her mind, and she was not going to sell that property. Councilman Nichols asked about the cost of the right of way. The Director of Public Works stated the Highway Department estimate was \$350-\$375,000 and the city's share. Councilman Long asked if there were not other money coming in from the State on other purchases. It was stated these funds had all been allocated. Councilman Nichols asked about a tentative date to sell other city properties. The Acting City Manager, MR. JIM DeBERRY stated it would be ready in another 30 days. Councilman Long stated this property had to be purchased, and there would be a bond sale. Councilman LaRue inquired about warrants. The City Attorney stated legally warrants could be used. Councilman LaRue stated these people had been held up for a long time and were paying interest on their investments. 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 that certain Contractual Agreement for Right-of-Way Procurement dated May 2, 1968, for Travis County Project No. 8014-1, at Highway U. S. 183 and Loop 275, between the Texas Highway Department and the City of Austin and to transmit the same to the State of Texas for appropriate action.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Mayor Akin, Councilmen Janes, LaRue, Long, Nichols  
Noes: None

Annexation Ordinance - VINTAGE HILLS

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 7.52 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY AND THE H. T. DAVIS 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. (Vintage Hills) (Requested by the developer)

Councilman Long moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing at 10:30 A.M. May 16, 1968. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Setting Public hearing on amendments to  
Zoning Code re: Apartment Densities

Councilman LaRue moved the Council set a public hearing on the Zoning Code Apartment Density for 10:30 A.M., May 30, 1968. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Award of Contracts

The Assistant City Manager submitted the following:

"ACRES WEST SUBDIVISION WATER MAIN. Sealed bids were received until 11:00 A.M. Wednesday, April 24, 1968, for the installation of 2,273 feet of 8-inch and 610 feet of 6-inch cast iron water main in Acres West Subdivision located at U. S. Highway 183 North and Caldwell Drive. The purpose of this installation is to provide water service to this residential area. The owners of this subdivision are to pay for 40% of this construction cost.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Bland Construction Company	\$27,502.85	40
Austin Engineering Company	32,292.10	80
City of Austin (Estimate)	\$24,401.40	--



May 2, 1968

"It is recommended that the contract be awarded to the Bland Construction Company on their low bid of \$27,502.85 with 40 working days.

s/ Victor R. Schmidt, Jr.  
Victor R. Schmidt, Jr.  
Director Water and Sewer Department"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 24, 1968, for the installation of 2,273 feet of 8-inch and 610 feet of 6-inch cast iron water main in Acres West Subdivision located at U. S. Highway 183 North and Caldwell Drive; and,

WHEREAS, the bid of Bland Construction Company, in the sum of \$27,502.85, 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 Bland Construction Company, in the sum of \$27,502.85, 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 Bland Construction Company.

The motion, seconded by Councilman Nichols, carried by the following vote:  
Ayes: Councilmen Long, Nichols, Mayor Akin, Councilmen Janes, LaRue  
Noes: None

The Assistant City Manager submitted the following:

"ELECTRIC DUCTLINE AND CONCRETE  
FOUNDATION AT CARDINAL LANE SUBSTATION

"Sealed bids were received until 11:00 A.M., Tuesday, April 23, 1968 for the installation of electric ductline and concrete foundation pad for transformer-switchgear unit at Cardinal Lane Substation located at South 5th Street and Cardinal Lane.

"The purpose of this contract is to provide the necessary electric ductline, manholes, and concrete foundation pad for the installation of a 12/16/20 MVA - 69 KV to 12.5 KV transformer-switchgear unit addition to this substation. The engineering estimate for the cost of this contract is \$67,441.00.

"The following is a tabulation of bids received:

<u>Contractor</u>	<u>Total Bid</u>	<u>Bid Bond</u>	<u>Calendar Days For Completion</u>
Ford-Wehmeyer	\$68,710.00	5%	110 days
E. E. Stuessy	\$53,116.00	5%	110 days
K & H Construction Co.	\$34,335.82	5%*	75 days

\*Cashier's Check (\$1,717.00)

May 2, 1968

"The Electric Department recommends that this contract be awarded to the low bidder, K & H Construction Co., for the total bid of \$34,335.82 and a completion time of 75 calendar days.

s/ D. C. Kinney  
Director of Electric Utility"

"April 26, 1968

"To R. M. Tinstman - City Manager      Subject: Bids for Construction of Electric Ductline in Concrete Foundation at Cardinal Lane Substation- located at Cardinal Lane & South 5th Street

"There is some possibility that the low bidder as recommended in my memo of April 26, might forfeit his cashiers check rather than enter into the contract for the above mentioned project.

"In the event this does occur, we recommend that the next low bid submitted by E. E. Stuessy Company of \$53,116.00 be accepted.

"Both of the remaining bidders are in line with the engineers estimate of the project cost.

s/ D. C. Kinney"

"April 26, 1968

"To: R. M. Tinstman      Subject: Bids for Construction of Electric Ductline and Concrete Foundation at Cardinal Lane Substation at Cardinal Lane and South 5th Street.

"Invitations to Bidders for quotations on construction of electric ductline and concrete foundation at Cardinal Lane Substation were published in the Austin-American Statesman paper on April 10 and April 17, 1968.

"Bids were received until 11:00 A.M., Tuesday, April 23, 1968 and were opened at that time. Quotations by three contractors were submitted.

"These bids are tabulated as follows:

<u>"Contractor</u>	<u>Bid Bond</u>	<u>Total Bid</u>	<u>Calendar Days To Complete</u>
Ford-Wehmeyer	5%	\$68,710.00	110 days
E. E. Stuessy	5%	\$53,116.00	110 days
K & H Construction Co.	5%*	\$34,335.82	75 days

\*Cashier's check - (\$1,717.00)

"The engineering estimate for the cost of this contract is \$67,441.00.

"This contract will provide the necessary electric ductlines, manholes, and concrete foundation for the installation of a 12/16/20 MVA - 69 KV to 12.5 KV transformer-switchgear unit at the substation. This transformer-switchgear unit will serve the increased electric load in the area of this substation. The

May 2, 1968

ductline will provide underground conduit space for routing 12.5 KV distribution feeders from this unit to overhead lines remote from the substation.

"We recommend that the low bid submitted by K & H Construction Co., P. O. Box 3727, Austin, Texas, for \$34,335.82 with 75 calendar days completion time be accepted.

"From: D. C. Kinney  
s/ D. C. Kinney"

"April 25, 1968

"Members of the City Council  
City of Austin  
Austin, Texas

"Re: K. & H Construction Company bid for  
Cardinal Substation Foundation and  
Conduit Ductline

"Honorable Members:

"In our recent bid to the Electric Department of the City of Austin, we find that we have failed to place some material costs in this proposal, resulting in a large discrepancy, in the amount of \$7,000.00, in our bid. This is the amount covering all concrete and asphalt cutting for the entire job.

"We therefore, respectfully request Council's consideration in allowing a correction of our bid to include this amount. We realize this request will necessitate your re-evaluation of our bid, and wish to apologize for this inconvenience. However, we felt that we should convey this information to you, with our concern and realization that to contract the work on the basis of our present bid would result in a severe loss to our company.

"Again, our sincere apologies for this inconvenience, and our thanks for your consideration of our request. We look forward to hearing from you concerning this matter at your earliest convenience.

"Sincerely yours,  
s/ Fritz Heine  
Fritz Heine"

The Director of Electric Utilities reported this is a low bid to a set of specifications for doing the work at the Cardinal Lane Substation, South 5th and Cardinal Lane. The low bidder came in with a bid of \$34,355.82. The Director of Utilities said he had to recommend the low bid; it met specifications, and there was some question whether the company would go on with the bid or forfeit the bond.

Councilman LaRue suggested awarding the contract to the next low bidder. Councilman Janes said all he would have to do would be to pay the earnest money and he would be released. It was pointed out the Council could not award the contract to the second low bidder unless the low bidder withdrew his bid.

Councilman Nichols stated if the bid were awarded to him, in effect the City would take the \$1,700 if he did not perform. The Company had written in they had made a \$7,000 error in their bid. Lengthy detailed discussion covered bidding procedures and precedents in cases like this. Finally, Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 23, 1968, for the installation of electric ductline and concrete foundation pad for transformer-switchgear unit at Cardinal Lane Substation located at South 5th Street and Cardinal Lane; and,

WHEREAS, the bid of K & H Construction Co. in the sum of \$34,335.82, was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Electric Utility 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 K & H Construction Co., in the sum of \$34,335.82, 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 K & H Construction Co.

Presentation of candidates for Sweethearts  
of San Jose Church

MAYOR AKIN stated the Council had the honor of receiving the Sweethearts of San Jose Church. MR. HENRY GUERRA presented the four candidates and invited the Council to the ceremonies at which Mayor Akin would crown the chosen Sweetheart on May 5th. He presented Miss Anna Maria Herrera, Miss Victoria Ramos, Miss Victoria Martinez and Miss Rachel Tello. The Council agreed they were all queens.

Revised Rental - FIESTA GARDENS

The Council had before it a recommendation for revised rental charges at Fiesta Gardens. Mr. Lester Elich was present and reviewed the rental fees for various events.

Councilman LaRue passed on fine compliments he had heard on the operation and appearance of the facilities at Fiesta Gardens.

After discussion, Councilman Long moved to accept this schedule for operating Fiesta Gardens:

1. Dances \$100 minimum or 50¢ per person with a \$200 maximum
  - (a) tables \$1.00 each
  - (b) chairs 10¢ each
2. Catering dance - dinner dances \$50 minimum or 50¢ per person with \$100 maximum
  - (a) city will receive 10% of total catering bill
  - (b) tables \$1.00, chairs 10¢ each

## 3. Business meetings \$50

(a) city will receive 10% of total catering bill.

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

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

Noes: None

Inquiry about Rodent Control

Councilman LaRue asked if the City was receiving assistance from the Federal people on the Rat Eradication Program. The Health Office said a request had been sent in for an allocation of funds for a rodent control project which would be connected with the Model Cities Program but would be expanded beyond that. Councilman Long said for many years the City had a rodent eradication program through the Federal Government. They discontinued their program, and until just recently, the program has not been in effect.

Confirmation of Appointment

Councilman Nichols moved the Council confirm the appointment of MR. JAMES M. CLAY for a three year term on the Civil Service Commission, extending to May 6, 1971. The motion, seconded by Councilman Long, carried by the following vote:

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

Noes: None

Open Housing Hearing Location

The Council referred the matter of finding a suitable place for the Open Housing Ordinance hearing to the City Manager since the Auditorium and other meeting places had already been reserved.

Paving

Mayor Akin introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONF OF ATTAYAC STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY BRUCE LUCKIE CONSTRUCTION COMPANY, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Attayac Street and various other streets)

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

The Mayor announced that the ordinance had been finally passed.

Councilman Nichols asked about the timing on Manor Road. The Director of Public Works stated the contractor would be out there in the next few days. He is finishing his work on Oak Springs, and then he will go in on Manor Road.

Mayor Akin introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-  
BELOW DESCRIBED BELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 30TH DAY OF MAY, 1968, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Avenue B and various other streets)

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

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 30TH DAY OF MAY, 1968, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Nueces Street Alley)

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

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 30TH DAY OF MAY, 1968, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Manor Road and various other streets)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ASSISTANT TO THE CITY  
MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BARROW  
CORPORATION FOR THE APPROPRIATION OF MONEY PAID TO  
THE CITY OF AUSTIN UNDER SUCH CONTRACT; DECLARING  
AN EMERGENCY.

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 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 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 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.

Condemnation Proceedings for property  
at 3016 Perry Lane

Councilman Long asked why was Perry Lane property being acquired at this time. The City Attorney stated there was a considerable amount of cuts and fill from both Hancock grade separation and Northland Drive, and the right of way needs to be cleared as quickly as possible, so the Highway Department will get

the best price on the construction bids. The Director of Public Works said Hancock Drive overpass is the City's project, and Northland Drive was the Highway Department's. This is the first phase, and utilities and railroad signals have to be cleared. Perry Lane will fall in Phase II. It was stated it was hoped that bond funds would carry the project to Enfield Road.

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Master Plan of the City of Austin, duly adopted by the City Council of the City of Austin on the 8th day of June, 1961, contemplated the development of Missouri-Pacific Boulevard (now Loop 1) as an indispensable component of the Circulation Plan for the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition in fee simple of the hereinafter described property for the development and construction of said Missouri-Pacific Boulevard, together with overpasses, underpasses, access roads, connecting, and interconnecting streets and other public facilities and improvements in connection therewith; and for other public purposes; and,

WHEREAS, the owner of said tract of land, being an employee of the City of Austin, is precluded by Article XII, Sec. 2 of the Charter of the City from selling said land to said City; 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 the owner and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

All of Lot 15, Block E, Highland Park Addition, in the City of Austin, Travis County, Texas, according to the map or plat of said Highland Park Addition of record in Volume 4 at Page 218 of the Plat Records of Travis County, Texas.

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

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

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement for sanitary sewer purposes was retained by the City of Austin in Ordinance of Vacation No. 670622-A dated June 22, 1967, of record in Volume 3358 at Page 1661 of the Deed Records of Travis County, Texas, vacating a portion of Salina Street; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said 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 sanitary sewer easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of that certain portion of Salina Street which was vacated and perpetually closed for public use by the City Council of Austin, Texas, in Ordinance of Vacation No. 670622-A, dated June 22, 1967, of record in Volume 3358 at Page 1661 of the Deed 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 north line of said vacated portion of Salina Street, same being a point in the north line of Lot 11, Block 11, Resubdivision of Block 11, C. R. John's Subdivision and portions of Salina Street, a subdivision of a portion of Outlot Number 57 in Division "B" 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; a map or plat of said Resubdivision of Block 11, C. R. John's Subdivision and portions of Salina Street being of record in Book 37 at Page 44 of the Plat Records of Travis County, Texas; and from which point of beginning the northeast corner of said Lot 11, bears N 80° 45' E 31.33 feet.

THENCE, S 09° 46' E 154.00 feet to point of termination, and from which point of termination the southeast corner of said Lot 11, bears N 80° 45' E 31.33 feet and S 09° 24' E 10.00 feet.

Superceded by following Resolution:

(RESOLUTION)

WHEREAS, a certain easement for sanitary sewer purposes was retained by the City of Austin in Ordinance of Vacation No. 670622-A dated June 22, 1967, of record in Volume 3358 at Page 1661 of the Deed Records of Travis County, Texas, vacating a portion of Salina Street, and same also shown as dedicated by plat of record in Book 37 at Page 44 of the Plat Records of Travis County, Texas; and,

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

WHEREAS, by instrument recorded in Volume 3476 at Page 494 of the Travis County Deed Records, there was released a certain sanitary sewer easement which, through administrative inadvertence, there was no mention therein of a redication of said easement by virtue of a plat of record in Book 37, Page 44 of the Plat Records of Travis County, Texas; and,

WHEREAS, the City desires and intends to release its easement in, upon and across the below described tract of land, regardless of the source of said easement; 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 sanitary sewer easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of that certain portion of Salina Street which was vacated and perpetually closed for public use by the City Council of Austin, Texas, in Ordinance of Vacation No. 670622-A, dated June 22, 1967, of record in Volume 3358 at Page 1661 of the Deed Records of Travis County, Texas; and same also shown as dedicated by plat records in Book 37 at Page 44 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 north line of said vacated portion of Salina Street, same being a point in the north line of Lot 11, Block 11, resubdivision of Block 11, C. R. John's Subdivision and portions of Salina Street, a subdivision of a portion of Outlot Number 57 in Division "B" 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; a map or plat of said Resubdivision of Block 11, C. R. John's Subdivision and portions of Salina Street being of record in Book 37 at Page 44 of the Plat Records of Travis County, Texas; and from which point of beginning the northeast corner of said Lot 11, bears N 80° 45' E 31.33 feet;

THENCE, S 09° 46' E 154.00 feet to point of termination, and from which point of termination the southeast corner of said Lot 11, bears N 80° 45' E 31.33 feet and S 09° 24' E 10.00 feet.

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

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

Noes: None

The Mayor announced the resolution had been finally passed.

#### TRANSFER OF FUNDS

Councilman Long moved the Council authorize the transfer of \$7,312 from the Contingency Fund to Account No. 4104 City Health Department for enforcement of Lake Sanitation Ordinance. Councilman LaRue asked for a report on the amount of money left in that fund.

May 2, 1968

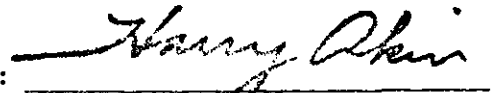
The motion, seconded by Councilman Nichols, carried by the following vote:

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

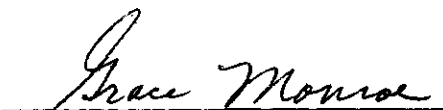
## ADJOURN

There being no further business, the Council, on Councilman LaRue's motion, Councilman Nichols' second, adjourned at 2:40 P.M.

APPROVED:

  
Mayor Pro Tem

ATTEST:

  
Asst. City Clerk