

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 27, 1967
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by FATHER RICHARD E. McCABE, Catholic Charities.

The Council had before it for further consideration the following zoning application:

RICHARD POHL, et al	2405-2511, 2701-2807	From "A" Residence 1st
By Graves, Dougherty,	2428-2616 & 2700-2904	Height & Area
Gee, Hearon, Moody	West 35th Street	To "LR" Local Retail 2nd
& Garwood	3413-3425, 3501-3513	Height & Area
	3418-3428 & 3500-3512	NOT Recommended by the
	Exposition Boulevard	Planning Commission

The Council heard MR. DAN MOODY, Attorney for the applicants and MESSRS. JAMES ATLEE, E. T. LIVINGSTON, 3208 Hillview; BOB BRYAN, DAN DRISKILL, LLOYD LOCKRIDGE and others in opposition. Councilman Shanks asked the Director of Planning to give a resume on the Planning Commission's basis for not recommending this change of zoning. MR. OSBORNE reported the Commission inspected the property on the ground in considerable detail noting the following points: the character of the present development throughout a large area as single and two family development; any change of zoning under the present zoning ordinance, first to commercial, would precipitate a piece meal commercial development on relatively small sites causing problems for any remaining residential development within the application area plus problems for nearby residential development. This was one of the most thoroughly discussed cases that has been heard. Virtually every member of the Commission recognized if this were a vacant tract it could be planned for in terms of commercial or multi-family development. The Staff and Planning Commission are studying a Town House Provision to both the Zoning and

Subdivision Ordinances and there may be a possibility for a sales type of Town Houses for ownership of homes as opposed to detached homes. This could be considered only by an ordinance presented to the Council, and in turn whether or not any rezoning for that use is appropriate for that particular site. Mr. Moody after additional discussion stated his clients were not in a position to offer the Council a specific and exact plan for development for this tract. MAYOR PALMER stated after the first publicized hearing, the Council looked at the entire neighborhood. He referred to the zoning map in the Council Chamber, and pointed out there had been no place west of Exposition Boulevard, from Casis Shopping Center north, other than one little tract of land zoned in the 1930's where there had been a change of zoning in that area, all the way to the river. It is completely a residential section. He saw no change in the character of the use of the land. Traffic had increased on 35th and Exposition. He said he felt relatively sure the Missouri Pacific Boulevard was some two years away and that this zoning application was a little premature. The area under consideration is restricted by Camp Mabry and by the Austin State School and can not expand except into an area of real fine residential property.

COUNCILMAN LaRUE expressed his opinion that the property on the north of the street would be ready for a change more quickly than that on the south; but he did not believe it was ready at this time for this change.

COUNCILMAN LONG took the position that this was a piece of land located up by several property owners, and it is in the process of change; and it would be contained in that particular area under application. She suggested the best thing would be to have a plan worked out, change the zoning with a proper buffer zone offered to the property owners. The properties around Casis School are in the same situation except in the reverse. Casis Village was developed and then the beautiful fine homes were built all around it without any property deterioration. The area would be contained, it could be held down by plans, and it would be just as timely now to go ahead and get started on the planning. Councilman Shanks moved that the Council sustain the Planning Commission in its recommendation and deny the zoning change. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman White made the following statement:

"I have talked to several of these people personally; also their Attorney. After making several trips through the area, he thought this zoning was a little premature."

The Mayor announced that the change had been denied.

Mayor Palmer announced it was 10:30 A.M. and opened the hearing on ordinances annexing 21.81 acres of land out of the James P. Wallace Survey No. 18 - proposed Westover Hills, Section 3, Phase 2; 16.5 acres of land out of the George W. Davis Survey - proposed Wooten Terrace, Section 2, part of the H&TC Railroad right-of-way and St. Paul Cemetery; 10.01 acres of land out of the James P. Wallace Survey No. 18 - proposed Point West of Westover Hills; 1.3 acres of land out of the John Applegait Survey - proposed Rundberg Addition; 0.66 of one acre of land out of the George W. Davis Survey - proposed Northwest Hills, Section 10, Phase 1; and 8.21 acres of land out of the James P. Wallace

No. 18 - proposed Westover Hills, Section 3, Phase 3. No one appeared to be heard. Councilman LaRue moved that the hearing be closed. The motion, seconded by Councilman White, carried by the following vote:

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 21.81 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Westover Hills, Section 3, Phase 2)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 16.5 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE GEORGE W. 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. (Wooten Terrace, Section 2, part of the H&TC Railroad right of way and St. Paul Cemetery)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.01 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Point West of Westover Hills)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 1.3 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JOHN APPELGAIT 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.
(Rundberg Addition)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.66 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. 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. (Northwest Hills, Section 10, Phase 1)

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

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

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

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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.16 ACRES OF LAND OUT OF THE JAMES MITCHELL SURVEY AND THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS; AND 8.21 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Anderson Lane & Shoal Creek Boulevard and Westover Hills, Section 3, Phase 3)

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

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

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

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

Mayor Palmer introduced the following ordinance:

ORDINANCE NO. 670427 - F

AN ORDINANCE ORDERING A CHNAGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) A 5.94 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3612-3618 MANCHACA ROAD AND THE REAR OF 3700-3710 MANCHACA ROAD, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (2) LOTS 1 AND 2, BLOCK A, AND LOTS 1 AND THE WEST ONE-HALF OF LOT 2, BLOCK B OF NORTH RIDGE TERRACE SECTION 6, LOCALLY KNOWN AS 2204-2206 AND 2203-2205 MUROC STREET, 2203-2207 JUSTIN LANE, AND 6801-6811 BURNET LANE, FROM "LR" LOCAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; (3) A 10,817 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1807 WEST 35TH STREET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (4) A 3267.7 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 6507-6513 BURNET ROAD AND THE REAR OF 6510-6516 BURNET LANE, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; (5) TWELVE PARCELS OF LAND, LOCALLY KNOWN AS 3503-3711 KERBEY LANE, 3500-3706 KERBEY LANE AND 1600 WEST 35TH STREET AND ADDITIONAL AREA: A 7341 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1514-1516 WEST 35TH STREET CUT-OFF, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL 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 LaRue, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance :

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.07 OF ONE ACRE OF LAND AND 3.85 ACRES OF LAND OUT OF THE T. J. CHAMBERS GRANT, AND 10.66 ACRES OF LAND OUT OF THE H. T. DAVIS SURVEY, THE PATRICK LUSK SURVEY, THE JOHN APPELEGATE SURVEY AND THE J. A. G. BROOKE 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. (Northwest Hills, Mesa Oaks, Phase Three, and University Hills, Section Four, Phase Three)

Councilman Long 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 11, 1967 at 10:30 A.M. The motion, seconded by Councilman LaRue, carried by the following vote :

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

The Council had before it for consideration the release of an electric anchor easement in proposed Westover Hills, Section 2. The City Manager stated this was a guy line easement and a new one has been provided, making this one of no use to the City.

Councilman LaRue offered the following resolution and moved its adoption :

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for electric anchor purposes by instrument dated December 3, 1964, of record in Volume 2873 at page 85 of the Deed Records of Travis County, Texas; said easement being in, upon and across a portion of the James P. Wallace Survey Number 18 in Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

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

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

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

All that certain strip of land out of the James P. Wallace Survey Number 18 in Travis County, Texas, as recorded in an

instrument dated December 3, 1964, of record in Volume 2873 at Page 85 of the Deed Records of Travis County, Texas, and described as an additional strip of land in said instrument; which certain strip of land is to be released from the electric anchor easement provided by said instrument; the centerline of said strip of land being more particularly described as follows:

BEGINNING at a point in the north line of Lot 33, Block I, Westover Hills, Section 2, a subdivision of record in Book 21 at Page 3 of the Plat Records of Travis County, Texas, and from which point of beginning the northwest corner of said Lot 33 bears S 73° 54' W 100.00 feet;

THENCE, N 08° 00' E 40.00 feet to point of termination.

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

The Council had before it for consideration the release of a public utility easement out of the vacated portion of Angelina Street. The City Manager stated when Angelina Street was vacated last week, all easements were retained. Now the lines in place have been located, and there is no need for an easement except along their route which will still be retained.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was retained in the City of Austin for public utility purposes, in, upon and across that certain portion of Angelina Street, which was vacated by the City Council of the City of Austin, Travis County, Texas, by Ordinance No. 670323-A, dated March 23, 1967 and recorded in Volume 3271 at Page 128 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future, SAVE AND EXCEPT, however, a strip of land ten (10.00) feet in width which is to be retained as a sanitary sewer easement; Now, Therefore,

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utilities easement, SAVE AND EXCEPT, however, a strip of land ten (10.00) feet in width which is to be retained as a sanitary sewer easement; said easement being described as follows, to-wit:

All that certain public utilities easement which was retained in, upon and across that certain portion of Angelina Street and which was vacated by the City Council of the City of Austin, Travis County, Texas, by Ordinance No. 670323-A, dated March 23, 1967 and recorded in Volume 3271 at Page

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128 of the Deed Records of Travis County, Texas; SAVE AND EXCEPT, however, a strip of land ten (10.00) feet in width which is to be retained as a sanitary sewer easement; 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 Angelina Street, same being the south line of East 12th Street, and from which point of beginning the northwest corner of Lot 4, Block 9, George L. Robertson's Subdivision of Outlot 56, Division B, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said George L. Robertson's Subdivision of Outlot 56, Division B, of record in Volume Z at Page 616 of the Deed Records of Travis County, Texas, bears N 80° 39' E 22.00 feet;

THENCE, S 09° 36' E to point of termination in the curving south line of the said vacated portion of Angelina Street.

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

The City Manager submitted the following:

"April 24, 1967

"TO: Honorable Mayor and Members of the City Council.

SUBJECT: Bids on five (5) Duplex Tunnel Type Metering and Relay Panels for McNeil 69 and 138 KV Substation.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M. April 18, 1967 for five (5) each Duplex Tunnel Type Metering and Relay Panels to be completely pre-assembled and wired for McNeil 69 and 138 KV Substation for Electric Distribution.

"The bids received are as follows:

"BIDDER	NET TOTAL
Clarady Industries, Inc	\$35,879.70
Westinghouse Electric Corporation	43,771.00
Graybar Electric Company, Inc.	43,195.00
Techline, Inc.	<u>35,687.66</u>

"This tabulation is submitted with the apparent low bid meeting the City of Austin Specifications and conditions underscored."

Councilman Long asked about the Relay Panels, and if this were strengthening the system. The City Manager said this contract was for supplies to be used in connection with the preliminary work to be done on the 138 KV Circuit which will strengthen the system considerably.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 18, 1967, for five (5) Duplex Tunnel Type Metering and Relay Panels for McNeil 69 and 138 KV Substation; and,

WHEREAS, the bid of Techline, Inc., in the sum of \$35,687.66, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Techline, Inc., in the sum of \$35,687.66, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Techline, Inc.

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

The City Manager submitted the following:

"April 24, 1967

"Mr. W. T. Williams, Jr.,
 City Manager
 Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received for WATER MAIN IN OLD KOENIG LANE until 11:00 A.M., Monday, April 24, 1967, at the Office of the Director of the Water and Sewer Department for the INSTALLATION OF approximately 1,088 feet of 30-INCH CONCRETE STEEL CYLINDER WATER MAIN IN OLD KOENIG LANE FROM NORTH LAMAR BOULEVARD TO NEW KOENIG LANE. This main is required for the new water pump which will be installed on the East side of the Reservoir. The bids were publicly opened and read in the Council Room, Municipal Building.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Ford-Wehmeyer, Incorporated	\$36,421.20	75
Eland Construction Company	38,082.40	95
Walter Schmidt Construction Company	38,164.00	90
Austin Engineering Company	49,580.20	80
City of Austin (Estimate)	\$37,427.00	60

"It is our recommendation that the contract be awarded to Ford-Wehmeyer, Incorporated on their low bid of \$36,421.20 with 75 working days.

"Yours truly,
 s/ Victor R. Schmidt, Jr.

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

Mayor Palmer made inquiry as to the location. The Director of Water Utilities reported a new pump was being installed on the North Austin Reservoir Ground; and he listed the route of the main. Councilman Long asked about the appearance of the pumping station. Mr. Schmidt stated it would be an outdoor installation on the east side and with shrubbery planted all the way around the reservoir the pump would be completely hidden.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 24, 1967, for the installation of approximately 1,088 feet of 30-inch concrete steel cylinder water main in Old Koenig Lane from North Lamar Boulevard to New Koenig Lane; and,

WHEREAS, the bid of Ford-Wehmeyer, Incorporated in the sum of \$36,421.20, 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 Ford-Wehmeyer, Incorporated, in the sum of \$36,421.20, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Ford-Wehmeyer, Incorporated.

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

The City Manager submitted the following:

"April 25, 1967

"To: W. T. Williams, Jr. Subject: Contract Number 67-C-8
City Manager Aircraft Parking Areas

"Following is a tabulation of bids received at 11:00 A.M., Tuesday, April 25, 1967 for the construction of aircraft parking areas at the Robert Mueller Municipal Airport known as Contract Number 67-C-8.

"C. H. Lester Construction Co.	\$10,927.50
Pat Canion Excavating Co.	\$11,005.00
J. C. Evans Construction Co.	\$11,547.50
Austin Paving Co.	\$12,322.50
Ed H. Page	\$13,407.50
City's Estimate	\$12,012.50

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"I recommend that C. H. Lester Construction Company with their low bid of \$10,927.50 be awarded the contract for this project.

"From: S. Reuben Rountree, Jr.
Director of Public Works
Signed S. Reuben Rountree, Jr."

Councilman LaRue asked if there were areas for aircraft parking at the airport that is so saturated with underground water that it would not support some of the aircraft that come in. The City Manager stated there may be from time to time areas that have deteriorated resulting from water, because the pavement is not concrete maintenance items occur. Pavement provided so far has been light surfacing for the private parking area. This parking area is around the site the Council authorized for the training center, and the space will be leased to Ragsdale for \$1,440 a year. The City Manager stated the concrete paving was sufficiently heavy to take care of commercial planes. The Mayor stated all of the concrete on the taxiways called for extra heavy type of concrete.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on April 25, 1967, for the construction of aircraft parking areas at the Robert Mueller Municipal Airport known as Contract Number 67-C-8; and,

WHEREAS, the bid of C. H. Lester Construction Co., in the sum of \$10,927.50, 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 C. H. Lester Construction Co., in the sum of \$10,927.50, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with C. H. Lester Construction Co.

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

Councilman Long moved that MR. H. G. WEST be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. WEST stated he made a proposal recently to purchase or lease city owned land on Ben White Boulevard. Instead of an actual purchase he preferred a 25 year lease with an option to purchase in a period of five years. He said he now understood this procedure must be under sealed bids. The Mayor explained in most cases the Council would either auction such property or advertise it for sealed bids; or if the City's property were not usable as a separate tract, and it was decided to sell it the tract would be sold to the abutting owner. The City Attorney stated this tract in question was usable as a building site. The Mayor said if there were other parcels of land to be sold, it was desirable to

advertise them all together. The City Attorney stated Mr. West's proposal was presented on April 13th, and another proposal at the same price was submitted last week. The Council directed that the property be advertised for sale along with some other land. The Mayor announced the City Manager had been instructed to take bids on this land and invited Mr. West to submit a bid.

Councilman LaRue moved that the Council hear MR. BILL YOUNGBLOOD, representing the Austin Community Council, at 10:35 A.M., May 4, 1967 to make a proposal for a three year study on Health and Welfare in the City. The motion, seconded by Councilman Shanks, carried by the following vote:

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

MAYOR PALMER stated he had just received a call from CONGRESSMAN J. J. PICKLE announcing Austin's proposal for the Glen Oaks Project, Phase I is in the final stages and that some decision would be made within the next week. The final draft had been in Washington only three weeks, and the Housing Urban Development is expediting the proposal as quickly as possible.

At 11:00 A.M. the Council opened bids on a contract for ambulance service. The City Manager reported that advertisements for bids were carried in the American-Statesman for six days. In addition to that invitations to bid were mailed to a number of Ambulance Services throughout the State and he listed those to whom invitations were sent. Those in Austin who were sent invitations were MR. MILTON RUTT, AUSTIN AMBULANCE SERVICE, and MR. DOYLE CARTER. Wide coverage was given to this bid opening.

Bids were received from the following:

1. MR. DOYLE CARTER, for a non exclusive franchise to engage in the ambulance service necessary to meet the needs of the general public at all times and for the execution of an exclusive contract for all calls for ambulance service originating by the Police and Fire Departments, Brackenridge Hospital, Austin-Travis County Health Unit, and Austin-Travis County T. B. Sanatorium. The service would be operated from 720 East 6th Street, near the Police Department, centrally located with excellent access to the major thoroughfares in the City. He would have six ambulances available at all times for emergency operations; four to be available on a 24 hour basis; and five during the stipulated week-end hours.

Rates: Staff Patients, for one individual under emergency conditions, \$15.00; for an individual not under an emergency, \$10.00; no charge for oxygen or miscellaneous services. Charge for unusual services would be made in case of undue delays through no fault of the bidder in transporting the patient, the bidder to leave to the Council's decision such additional charge. Rates would not be subject to change without prior approval of the City, and a provision for periodic review and

adjustments be proposed to assure that rates conform to standard of living and costs index.

The bidder proposed an exclusive contract with the City for all calls for wrecker service originating by the Police Department. (10 year contract with option to renew) The rates proposed for the ambulance service will be practical and financially feasible only in the event the bidder would be granted the contract for wrecker service. In the event the City does not entertain the proposal for wrecker service, the bidder requested that the proposal for ambulance service be disregarded.

2. AUSTIN AMBULANCE SERVICE, INC.

Austin Ambulance Service submitted a proposal for a non exclusive franchise for providing ambulance service, and an exclusive contract with the city for calls for ambulance services originating by Police and Fire Departments, Brackenridge Hospital, Health Center, and T. B. Sanatorium. The location of the service would be at 1601 Sabine; there would be five emergency ambulances and one transfer ambulance, each to comply with the specifications as set out. Rates proposed are: For transporting one individual under emergency conditions \$20.00; for two persons, \$15.00 each; for more than two persons, \$10.00 each. For transporting an individual not under emergency condition, \$17.50 each. For use of oxygen during trip, \$5.00. For transporting persons on trips, portions of which lie outside the City, an additional fee of \$1.00 per mile, one way. The City is to pay the contractor \$7,000 for each 30 day period, in addition to the rates quoted. The entire proposal is conditioned upon agreement by the City to make such payment; and in the absence of such agreement, to be without effect. (Two year contract)

3. GOLD CROSS AMBULANCE SERVICE, INC., Fort Worth, wrote a letter stating it would not submit a proposal, as it felt certain items should be included in the specifications:

1. The City should adopt a misdemeanor ordinance.
2. The minimum rate for ambulance service should be \$25.00 base rate plus \$1.00 per mile from point of pick up to destination.
3. The contractor should be allowed to set his own schedule of operation including number of vehicles and personnel available as long as any point in Austin could be reached in 15 minutes.

Councilman Shanks asked if either or both of the bids meet the specifications. The City Attorney stated definitely one bid did not meet the specifications; one appeared to comply with the specifications.

MR. CHRYS DOUGHERTY representing AUSTIN AMBULANCE SERVICE, INC., stated they tried to follow the bids to meet the specifications. The stipulation in Paragraph 2(i) required a 42" clearance between the floor of the ambulance and the ceiling, and new vehicles would have to be purchased to meet the specifications. The second item which accounted for the \$7,000 figure was necessary if

the specifications were met to employ 15 more employees in order to have five ambulances available at any one time. To meet specifications they would need to have 1650 man hours, plus the fact in February of 1968, there will be an increase in the minimum wage. To pay the personnel required under the bid, it would be necessary that funds come from some source, and those two items count essentially for the necessity of receiving the total of \$7,000.00. The bid was set up to cover "staff patients" whatever was meant by that term. He stated they did not base their bid on providing wrecker service in conjunction with the ambulance. The Mayor asked had the specifications been differently stated regarding the extra time, the 15 men, the 42" clearance, if the \$7,000 a month charge could have been knocked out. Mr. Dougherty stated not unless the number of personnel had been reduced. They would have stated it differently but they bid to this specific specification.

Councilman Shanks inquired if they were able to operate under the conditions under which they are now operating could they have bid for what they are doing and for what they are receiving now. MR. SCOTT KELLER stated it would be approximately what they had bid. Councilman Long asked if the company felt that five ambulances operating would be more than necessary. Mr. Dougherty stated that was more than was thought to be needed.

MAYOR PALMER inquired about Mr. Carter's bid, that there was a charge of \$15.00 under emergency conditions and \$10.00 under non-emergency; no charge for oxygen. He was under the impression there would have been no charge whatever if the wrecker service were tied in. Mr. Carter answered this would be the charge, but there would be no \$5,000 or \$7,000 charge extra. MR. JIM GRANGER, Proctor and Jones, Attorney representing Mr. Carter, stated Mr. Proctor's proposal last week was there would be no \$2,000 charge to the City if they had the wrecker service. Councilman LaRue emphasized this would not cover all originated police calls, but just those calls for indigents for whom the City was responsible. Mr. Granger stated the prices in the bid are those that would be necessary to charge. Councilman Long pointed out the wrecker service would have to fall under a contract, as the City could not give an exclusive franchise for wrecker service. Mayor Palmer verified that Mr. Carter's bid was subject to the arrangement on the wrecker service.

MR. ROBERT SNEED, representing the Austin Automobile Dealers Association, an Association of the franchise dealers, stated the Association did not want to become involved in the ambulance business, and pointed out relevant factors to be considered. It is necessary for everyone where a wreck has occurred to call the Police Department, which then originates the wrecker service. The individual involved has the opportunity to select the dealer or body shop to look after his car. If there is not selection, or if the individual is incapacitated, the call is placed on a rotation system. The ordinance prohibits solicitation of wrecker service on the street. For the first three months of 1967, there were 968 wrecker calls; which projected would mean between 3,750 and 4,000 wrecker calls originating from the Police Department. There is no regulation of rate except where a car is taken from the street to the Police Pound, at a rate of \$7.00. MR. SNEED pointed out such a proposal as made, would have the exclusive right for all wrecker calls originating from the Police Department, and proposed no limit on the rate. Anyone needing a wrecker clearing through the Police Department would be paying the subsidy for the use of the ambulance service. If this were to get into an exclusive nature, then it as such should be bid individually rather than having it tied into some joint operation. His clients did not feel that in the public good, that there is a similarity in the types of business. He said the communication service and regulations should remain in the Police

Department so that the public would have the protection of the exercise of the police power; and they did not think these two services proposed should be considered together. He believed those who had a permit to operate a wrecker had a vested right to continue until December 1967, and an exclusive franchise could not be granted until January 1, 1968. Councilman Shanks asked if Mr. Sneed thought there was any need for a change in the manner in which the wrecker service is being operated. Mr. Sneed replied the ordinance is very sound, and the key is the control by the Police Department. The Mayor stated the proposal submitted seemed to indicate one service subsidizing the other, and the public would have to pay for the losing service. Mr. Sneed said an operation as proposed would affect the costs of repairs and insurance rates. In answer to Councilman Long's inquiry, Mr. Sneed stated he represented 13 dealers, but there were some independent dealers present. All of his dealers except one were in the wrecker service. Mr. Sneed told the Council the Automobile Dealers Association was convinced that the ambulance and wrecker operations should be considered separately and not tied in, in any way, to each other as they are not compatible in any degree.

MR. COVERT, the only dealer who did not operate a wrecker service, stated the wrecker business was so competitive, that it was operated at a loss; and the reason the wrecker service stays in business is because money is made in repairing the wrecked cars. The only result would be an astronomical increase in costs to the taxpayer to get his car hauled in. Another tax is being levied on the taxpayer.

The 42" height requirement in an ambulance, is a Federal regulation to become effective during the next year and a half; and everyone would have to comply at that time. Councilman Long suggested rewriting the specifications, as she was not happy with what was received this morning.

Councilman LaRue asked Mr. Dougherty if his clients would be interested in a penal ordinance. Mr. Dougherty stated they would. Councilman Long stated she would not vote for a penal ordinance.

MR. BILL ST. CLAIRE, representing five individual body shops who operate wrecker services, agreed with the remarks Mr. Sneed made. At this time there are about 70-80 wreckers available to the citizens of Austin, and no complaints had been made about the present rotation system. On behalf of his clients, he asked that the ambulance service be kept separate.

NEGOTIATIONS ON AMBULANCE CONTRACT

Councilman Shanks asked Chief Miles if it were his opinion the wrecker service was adequately sufficient at this time. The Chief stated it was. Councilman Shanks asked if the Ambulance Company were tendered a contract for one year, if he would accept it. Mr. Keller said it would need to be negotiated on a two year basis. He said the 42" head room ambulances were available, and it would be an additional expense to get them. They might be willing to go ahead on a two year contract with existing equipment and personnel with a payment of \$3,000 a month until February 1st when the higher employment costs go into effect, and then the payment would be \$4,750. This does not answer the specifications, but it answers the specific question which Councilman Shanks had made. Councilman Shanks asked if the Penal Ordinance were put into effect, how much would that affect his bid? Mr. Keller stated they would have to find out what the percentage of increase of collections would be at this time. The Mayor noting that the City might be without ambulance service next week, asked if they

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would consider a one year contract with the City at no cost per month to the City if the Council passed a misdemeanor ordinance; and then at that time let the Council work it out. Mr. Dougherty said they had no experience on this. Councilman LaRue stated Dallas and San Antonio had penal ordinances and their information would be available. MR. CONWELL SMITH said they came in to offer ambulance service, and tried to assemble figures, and they were citizens of Austin and want to do the best they could for the City. Their equipment is continually needing maintenance, and they have two pieces they want to replace now with equipment that meets the specifications that the National Safety Council set forth. Mayor Palmer explained this ambulance quandry was not unique to Austin, but applied all over the country. He said individually, if they were looking at \$7,000-\$8,000 monthly, it might be well to think about putting station wagons in the Police Department for ambulance service. Councilman Shanks said the cost of that would be prohibitive. Mayor Palmer stated this ambulance service in Austin was doing a good job; that the owners have been just as fair and kind as possible in collections. Councilman Shanks stated in comparing the arrangement Austin had, with other cities in Texas, it probably was the best arrangement in any city in Texas. Councilman Shanks asked the Company what was the best they would do right now for a one year or two year contract compared to what is being done now, with or without a penal ordinance. MR. SCOTT KELLER replied they would like a two year contract with the \$3,000 a month for six months, with a penal ordinance, and see how it works out, and they would be more than willing to adjust accordingly. The \$3,000 would not be adjusted upward, except in February, when the salary increase went in. The amount then would be \$4,750.00 figured on manning five ambulances.

Councilman LaRue suggested the Council discuss this matter and call another meeting later in the day.

Mayor Palmer summarized the contract with the Austin Ambulance Service as a two year contract with a ceiling of \$3,000 a month, based on the passage of a penal ordinance; at the end of six months, the contract would be reviewed and adjusted downward. The \$3,000 would be a ceiling until February 1st at which time everyone would be adjusting to the wage and hour law. Mr. Dougherty understood the two year contract would provide for \$3,000 a month plus the February increase of the minimum wage requirement; and at the end of six months, they would look again at this figure of \$3,000 and adjust at that point. In answer to Mayor Palmer's question, if the Company would go out of the ambulance business at midnight, May 7th, Mr. Ralph Keller stated their contract expired as of that date. Councilman LaRue asked if under the two year contract, the Company were considering the same rates as they proposed in the bid. Mr. Scott Keller stated they would not vary to a great extent. With the 14% wage increase, they would have to adjust the rates somewhat. Discussion of rates was held. The City Attorney explained at this time the City has no regulation of ambulances as such nor of ambulance rates. They could be setting the rate for the service the Company was rendering the City, but not on rates it could charge the public in the absence of an ordinance regulating ambulances and a public utility.

Mayor Palmer suggested leaving this matter to the two incumbents as he hated to obligate or bind the new Council and he had felt the present Council could have settled this. Councilman Shanks said he was willing to accept his responsibilities as this Council does have the responsibility. Mr. Keller stated the Company would be glad to work with the Council, Legal Department, or any one the Council designated. He said their rates were lower than any place in the State.

Mr. Dougherty pointed out one ordinance required every vehicle to have the red lights and emergency accessories normal for an ambulance and asked that the vehicle assigned for transfer or death calls not have the emergency accessories. The City Manager said the thought, during their discussion on this particular item, was that occasionally a transfer would become an emergency.

Councilman Long asked Mr. Dougherty and officials of the Ambulance Service if the 18 year age minimum was agreeable. Mr. Dougherty stated this was satisfactory. The Mayor asked if there were any other items in the specifications that were extremely costly or disadvantageous to the bidder that could have been eliminated; and how could one improve on the specifications. Councilman LaRue mentioned that leaving the number of ambulances open would help. Mr. Scott Keller pointed out one extra expense was the headroom required for the car. The payroll alone is an additional \$4800 a month. Their complaint was they would have more ambulances available on a longer period of time than they felt was necessary. The City Manager referred to the Gold Cross letter in which it was suggested the requirement for the number of ambulances be eliminated and their interpretation of "adequacy" would be the ambulance must be able to be at any part of the city within 15 minutes. Councilman LaRue asked if the 42" head room were not required immediately, and the determination of the number of ambulances would be left up to the Company could the \$3,000 a month be reduced. Mr. Keller stated the figure was \$7,000; and if all the man hours were not necessary, it would not be \$7,000. The \$3,000 is based on present operations. The Mayor stated their proposal was not being worked out at \$3,000 a month in addition to the payment for transporting the indigent patients.

The City Manager gave revised figures of the number of indigents transported. Over two percent are classified as charity patients; 20% are declared indigents within 24 hours. The City Manager stated the intent was asking for bids on all people who were eligible as staff patients or who were classified as such upon arrival at the Hospital. There would also be the transfer cases. Councilman LaRue pointed out on these, there would be a 100% collection.

MAYOR PALMER asked if the Council felt that ambulance service should be considered alone; and if there is any decision to be made on wrecker service, that it should be considered in its light, at a different date. The majority of the Council indicated it was interested only in the ambulance service at this time, and the only bid that would be discussed would be the bid that was made on the specifications. The Council set 4:00 P.M. as the time to consider further negotiations with the Austin Ambulance Service.

MR. HORSFELD suggested that the Council consider an auxiliary ambulance service through Brackenridge Hospital to serve as public welfare.

At 4:00 P.M. the Austin Ambulance Service was present to continue discussion of ambulance service. MR. DOUGHERTY reviewed his written resume of the earlier discussion. The alternate proposal was to use the existing contract of February 5, 1967, and the Company would enter into a new contract extending from 12:01 May 7th, 1967 to 11:59, May 6, 1969 upon the following conditions: (1) that the City enact a penal ordinance for non payment of ambulance services; (2) that the City would pay the rates for staff patient service indicated in the bid made by the Company; and (3) in addition the City would pay the Company \$3,000 for each month the contract exists conditioned on the City's paying a sum equal to the payroll increase caused by the Wage and Hour law, effective

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February 1, 1968. He suggested devising a formula that would reflect improvement in favor of the Company in collections based on the effect of the ordinance. If they collected one percent, the \$3,000 would be reduced one percent, and so on. If the Company had 100% collection for every fee, they would not need the \$3,000. The sum fixed in Paragraph c would be adjusted November 7, 1967; May 7, 1968 and November 7, 1968 but with no adjustment above the \$3,000. He stated the number of bills on an aging basis would be known. They have a ratio on how many bills they have that are not over so many days old. Councilman LaRue stated this should be negotiated on a six months period, and it could be decided if the collection had improved enough to justify a reduction. It could be worked out between the operators and the City. Councilman LaRue stated there were too many unknowns in the value of the one percent in the collections and reduction of the \$3,000.

Councilman Long stated a motion not to accept either of the bids taken this morning was in order. The City Attorney stated all bids could be rejected, or the contract on this bid be awarded with the provision that negotiations would be made on certain amendments in the contract. Mayor Palmer stated before all bids were rejected, they could negotiate; and while they were still negotiating, that the bids not be rejected at this time.

MR. DOUGHERTY'S formula was the ratio of net collections for bills for ambulance service more than 30 days old to similar bills less than 30 days old, declines one percent or whatever percent, the \$3,000 would be reduced one percent or whatever percent it would be, for the ensuing six months' period. Councilman LaRue said this was his point--they did not know the value of the one percent of collections as to the one percent of the \$3,000. The ratio could be one percent of collections as to 10% reduction of the \$3,000. He suggested that this be negotiated at the end of the first six months and decide if enough improvement had occurred to justify a decrease in the City's payment.

Mayor Palmer said the Company had stated if all the collections came in the \$3,000 would not be necessary. He suggested a solution, that if the accounts were to be aged monthly; that they be aged, 30, 60, 90 and 120 days; take the direct percentage that each period bears to the total accounts receivable; then any collection that comes in 60 days, that direct percentage will be applied against the \$3,000, reducing it. If it is 120 days that percentage would apply. It was stated that there would be no costs to the Company if all collections came in; and if that percent is applied to the \$3,000 and the collection is 100% there would be no \$3,000. If an account was 60 days old and it was collected, the direct percentage between what that 60 day old account relates to the over all total accounts receivable, would apply against the \$3,000. The Mayor illustrated his formula on the blackboard and explained it in detail. The better ratio of collections, the less the City would be paying; because it had been stated if all collections came in there would be no costs to the City. Councilman Elect Janes and Mayor Palmer worked on amount of revenue, and pointed out the percentage the City contributed to the revenue, and the percentage necessary to collect to break even. Mr. Dougherty stated he assumed this analysis was based on the present operation and present equipment. The wage and hour increase, new ambulances and improved radio equipment would be outside of this analysis. Councilman Shanks suggested that the City take 50% each month of what was collected over the operating expenses. Discussion was held on the break-even point, and Councilman Shanks suggested that the City take one-sixth of the collections over the break even point and cut down that much on the \$3,000, leaving 5/6th for operation and profit. The Mayor stated the 25% of the aged accounts would be about the same except it would be more realistic as the accounts accumulate. His suggestion was that over a six months period that 25% of all collec-

tions would apply to the \$3,000. The City would adjust what it would pay monthly by the collections on the preceding month.

The City Manager stated up until this time, the City has been paying \$2,000 a month and making certain other payments for transfers which the Ambulance Company has been called on to handle for the City. This \$3,000 as suggested as he understood, was not in addition to these calls they have been making in the past but would be in addition to all of the calls on which the City has called for rates in the bid. There will be more calls than they have been paid for in the past. If \$3,000 is to be discussed, a figure should be determined without anything other than what has been done before, for the transfers, etc., rather than the rates bid in addition to the \$3,000. He explained for every patient who is taken to Brackenridge Hospital in an ambulance, whether he walks away or is hospitalized, a determination is made whether or not he is eligible for charity under the hospital rules; and if so, the Ambulance Service would be paid the fee, and it is a substantial number of the percentage of the total number that was carried to the Hospital. The Company will collect from the City under this contract. If \$3,000 is to be discussed as a lump sum monthly payment, \$20.00 is to be paid per person classified as staff patients, he would venture to say it would be 20 or 25%. He had statistics showing 310 emergency cases, and 38 transfers; 2% of the 310 people brought in, already held cards indicating eligibility for staff treatment. The City Manager wanted it clarified as to whether or not the matter would be handled as it was, in the past, or whether they are talking about a tremendous increase in patients. He stated each case would be checked out to determine whether or not the patient was a staff patient if he did not already hold a card, and if the patient qualified the City would pay for that. As an estimate and without experience on this figure, he would estimate there would be about 200 staff patients.

Mayor Palmer reiterated the statement that if all the money were collected, the \$3,000 a month would not be needed from the City. The City Manager explained there are transfer cases which the Hospital calls the Ambulance to make--not an emergency call, but a transfer. The person is eligible for staff care. That is one category. It is easy to check on those admitted to the emergency room, some of whom have already been checked and found eligible for staff care. Those admitted to the Hospital are not over a third who go to the Hospital, as about 100 out of 300 are admitted, and 200 are treated and released or two-thirds are treated and released, and this is the category where the uncertainty has existed. Those 200 are billed, but a follow up on the classification was not made. Under this contract the City would be obligated to classify those persons. Under the discussion now, the City would not be paying \$3,000 but \$6,000 or \$7,000 under the contract. Mr. Dougherty stated that was not what was being proposed.

Councilman Shanks asked if under Mr. Williams' interpretation, they would be willing to say, the time the City paid the \$3,000 that both parties would be even. Mr. Dougherty stated it amounted now to \$3,000 plus an estimate of \$580.00. The City Manager stated due to the uncertainty, if the City could stay on the basis they were on under the present contract, a complete analysis can be made during the next six months on how many people, treated and released, are eligible for staff treatment.

Councilman LaRue suggested that this be worked out; at the end of the six months' basis this all be negotiated. Then it would be known whether the Company made a profit or not. This could also be done on a monthly basis, which would give a combination of the suggestions. If at the end of the first 30 days,

they came within \$3,000 of reaching the break-even point, they would get the entire \$3,000 from the City; if they met the break-even point, they would not get the \$3,000. If this were adjusted each month rather than on a six months period, they would be current. He explained they might even be short, with the \$3,000 but at the end of the six months period, it could be adjusted.

Councilman Elect Akin said the statement concerning the Company's breaking even would imply the possibility of the City's sharing the operation responsibility of the Company. He did not believe that was what was set out to be done. What was set out was to pay a subsidy, or decrease the amount of subsidy depending upon the ratio of collections. Mayor Palmer stated he did not want to get into the profit or operation areas, and again repeated the Company had said they would not need any money from the City if they collected all the charges. He wanted to be sure that whatever charges they made, if and when they hit the point that all accounts were current, there would be no costs whatsoever to the City. Mr. Akin stated there must be an ascertainable record of experience on present and past operations, the percentage of non collectible accounts.

Councilman Shanks asked if they would accept the City Manager's interpretation, that assuming there would be 200 calls, bring in \$3,500 there would be no need of any subsidy. He stated the City would be guaranteeing 200 calls. MAYOR PALMER stated there is a possibility under legislation that there would be no indigents under Social Security. If this happens, and the collections are brought down, the City would not be out a thing. MAYOR PALMER asked the Company to give the City a proposition for six months.

Councilman Shanks discussed the indigent patients, classified later after the Ambulance Company delivered them to the Hospital, stating the Ambulance Company could not collect on that category of patient. The City Attorney explained the City would pay for an indigent patient whether he walked away from the emergency room, or was admitted to the Hospital, or taken back home. Councilman Shanks stated if they bid those rates with no subsidy, under this plan, they would be taken care of.

Councilman LaRue pointed out the City Manager said they were averaging \$500.00 a month. The amount would need to be determined. If it is for eight months, they would be paid \$4,000, and that would be used as a starting point. Under the new formula if the City paid \$2,500 the following month, \$2,000 would be credited against the \$3,000 leaving a balance of \$1,000 for the City to pay. At the expiration of the six months' period, they would review the entire formula. The City Manager stated if the indigent load would pay it all, the City would pay that much but no more. When the indigent patient load reaches \$3,000 they would pay no more. Councilman Long thought if it were reversed, there might be a recuperation of the \$3,000. Councilman Shanks pointed out if there were 700 indigent calls, the City was responsible for only \$3,000 of indigent calls and no more under this arrangement.

Mr. Dougherty stressed the need for a two year contract to commit for the equipment, etc., and asked if the formula in operation produced a fair result to the City and to them. Councilman Shanks stated the Ambulance Company was offering to take a two year contract based on \$3,000 a month, with the adjustment next February to take care of the wage and hour increase. This provides a firm basis of establishing the \$3,000 based on the number of indigent calls; so there would be no adjustment to make except the plus or minus of the indigent calls. Discussion was held on more than 200 indigent calls; and the City being responsible for \$3,000 for indigent calls and no more. Councilman LaRue stated the

City would be paying for one person but not the next one. Mr. Dougherty said they would have to assume the Company would have to collect from the indigents. Councilman LaRue stated if the Company would agree to that--to take the \$500 formula; when the City reached \$3,500, then the indigent calls would be at no charge to the City. Councilman LaRue stated if the average of the last six months were \$500 - \$700 a month, that would be the starting base and not the \$500 a month; whatever the average might have been perhaps \$450. Councilman Shanks pointed out there would be no subsidy whatsoever. Councilman Long asked if there were only 30 calls, if the City was going to guarantee up to \$3,000. Councilman LaRue asked the City Manager if this would be a satisfactory arrangement. The City Manager stated he saw no reason for it not being workable. Discussion was held on possible medicare payments, which the City would collect. Mr. Dougherty stated the City would be paying \$3,000 plus the average number per month. The City Manager stated the \$3,000 is based on the assumption of approximately 200 patients a month, and they would be making this study to find out the exact number.

Mayor Palmer stated now there was no concern about collection to this program and the misdemeanor ordinance. Mr. Dougherty agreed. Councilman LaRue did not agree. The Mayor stated if at this moment, the City assumes the \$500 base, and pays for the indigents up to the \$3,000 giving the Company \$3,500, the misdemeanor ordinance would not be needed. Councilman LaRue stated they were looking toward six months when a determination will have to be made on this formula. Councilman Long stated there may be some help from the State.

Councilman Long moved that the City Manager be instructed to work up a contract hopefully with the assistance of MR. CHRYS DOUGHERTY, that the City (or any other Governmental Agency) will pay \$3,000 plus the average of the past eight month's period on the indigent patients' costs computed at the present rates; the contract to be on a two year period from May 7, 1967 to 1969, with a review every six months. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Councilman Long stated she was opposed to a penal ordinance and she was glad this was settled without having to impose one.

Councilman LaRue expressed his opposition to a subsidy, and now the City is not subsidizing the business.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF
1954 BY ADDING TO CHAPTER 31 A NEW ARTICLE
PERTAINING TO AMBULANCES.

The ordinance was read the first time and Councilman White moved that the ordinance be passed through its first reading subject to changes outlined, and to become effective September 15, 1967. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The Mayor announced it was 11:15 A.M. and continued hearing on the following zoning application:

LELA PARKINSON ESTATE By Sneed & Vine	1067-1211 So. Interregional Highway	From "A" Residence To "O" Office (as amended) RECOMMENDED as amended by the Planning Commission
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MR. HARRY VINE, Sneed and Vine, representing the applicants, confirmed the amendment of the application for a request for "O" Office classification instead of "LR" Local Retail. Objection was expressed by MR. RUEL E. SNOW, 1506 Lupine Lane, based on the shallow depth of the property and the inadequacy to build anything without going into the adjoining residential property. Anything constructed on this property would mar the beauty of the picturesque approach to the City along the Expressway. These were the same two reasons the Planning Commission in 1961 recommended that the zoning remain Residential "A". The Council overrode the Commission. He reviewed the development of the service station there where the retaining wall had to be constructed on residential property. Mr. Snow stated the people in the neighborhood were not notified properly, as the notices for the Council hearing listed "LR" Local Retail, while the Agenda lists the application to be considered as "O" Office. Mr. Snow asked if the zoning were granted, that restriction be placed to the extent of cutting down the grade. No one was for the zoning, but 22 were opposed. Also, the development under the proposed zoning would be the ruination of the entrance into Austin. The Director of Planning pointed out two additional elements involved; the City considered this for acquisition as it was proposed as a part of the Riverside Drive Expressway and Interchange with Interstate 35; and another item pertained to the access of the existing right of way at the intersection now and the Commission recommended that no access be granted across that public right of way to Riverside Drive. Later in the meeting, Councilman Long moved that the zoning be granted as recommended by the Planning Commission. The motion, seconded by Councilman White, carried by the following vote:

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

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

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

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

ZONING

Mayor Palmer brought up the following zoning applications deferred from last week:

TED WENDLANDT By Walter Wendlandt	406 West Milton Street 407-413 West Monroe Street	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission
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Councilman LaRue moved subject to the whole tract's being zoned, and subject to the 5' of right of way dedication that the zoning be granted. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial subject to the 5' of right of way dedication and the City Attorney was instructed to draw the necessary ordinance to cover.

* * * * *

H. S. CHINN

Rear of 2537-2619 South
Congress Avenue

From "A" Residence 1st
Height & Area
To "C" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission

Councilman White moved that the change to "C" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Council held hearings on the following health ordinances:

MILK

MR. JOHN SIMPSON, Chairman of the Committee, stated those concerned in the Milk and Vending Machine Ordinance were invited to come in and express themselves pro and con. Most of the people interested did attend their hearing. Mayor Palmer ascertained that this ordinance did not exclude raw milk, as long as it is "Certified Grade 'A' raw milk". Councilman Long pointed out the U.S.P.H. Code was incorporated in this ordinance, but it did not include raw milk, so this ordinance has a clause that permits the sale of raw milk. Mr. Simpson and Mayor Palmer pointed out the small changes in the ordinance. MR. MAX WATSON inquired about the raw milk. The Mayor stated the sale was included.

Mayor Palmer introduced the following ordinance:

Ordinance No. 670427-C

AN ORDINANCE AMENDING CHAPTER 19 OF THE AUSTIN CITY
CODE OF 1954 REGULATING THE PRODUCTION, HANDLING, AND

SALE OF MILK AND MILK PRODUCTS; THE INSPECTION OF DAIRIES AND MILK PLANTS; THE ISSUING AND REVOCATION OF PERMITS TO MILK PRODUCERS AND DISTRIBUTORS; FIXING PENALTIES AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

SALE PERISHABLE FOODS & BEVERAGES
THROUGH VENDING MACHINES

MR. PAUL HAMNER, Neelley Vending Machine Company, stated this ordinance follows the National Code. He explained machines prior to three or four years ago do not have an automatic cut off in case of failure. Machines made after that do have. To compensate for that, his Company serviced their machines every day; and at the various locations, the instructor would call them in case of a failure. The Sanitation Engineer, Mr. Hargis, stated as long as these machines would maintain the temperature control, even though they were not automatic they would qualify. The operators detect the failures pretty fast and make corrections otherwise they would be in violation of the ordinance. Mr. Hamner had no objection to the way the ordinance was written. No others appeared in the interest of this ordinance.

Mayor Palmer introduced the following ordinance:

Ordinance No. 670427-E

AN ORDINANCE AMENDING CHAPTER 12 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW ARTICLE REGULATING THE SALE OF PERISHABLE FOOD AND BEVERAGES THROUGH VENDING MACHINES; 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 LaRue, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

SEPTIC TANK ORDINANCE

The Sanitation Engineer, Mr. Hargis, explained this ordinance required a permit beyond the City limits and extended the regulations to the Water Control and Improvement Districts where the City furnishes water and where there is a lease or ownership of the City. The Mayor asked about the five mile jurisdiction, regardless of whether or not the area were in a water district. The City Attorney explained this ordinance would apply wherever water is to be supplied through any water distribution system, owned or leased by the City. It is a general health ordinance and would apply to all property--developed or newly subdivided. Councilman Long had two amendments: (1) Since it has broad authority for the Health Officer, she wanted an appeal to the City Council. (14.53) (2) The section where it provides if a City sanitary sewer is available within 100' of the nearest lot line, the property would have to be connected. Councilman Long pointed out there would be some areas where the line would be within the 100', but the property would be below it, and suggested that something be written in to provide for this situation. The City Manager explained under the same rule, where the line is too high, it would not be classed as available and the requirement would be ruled out. This has been the policy that if the property were below the sewer line, the line would not be considered as available. Councilman Long stated if this had been the policy it would be acceptable. She asked about the fees. Mr. Hargis stated no fees had been charged outside the City although the service had been provided. Fees recommended for construction permits, percolation and inspection tests, are \$22.50 outside the City and \$15.00 inside. For reinspection tests on requests by the owners, the fees would be \$7.50 outside and \$5.00 inside the City. Councilman Long inquired about Section 14.57, requiring the removal of old septic tanks and filling in the space where they are discontinued or discovered. Mr. Hargis reported the death of a child who fell in an old septic tank where it was not known it existed. The person who abandons a tank should be responsible for filling it in. In further discussion of the ordinance, Mr. Hargis stated the responsibility would be on the licensed plumber for every septic tank installed, or the owner if he installs it himself, to see that the septic tank is installed according to specifications. The Building

Official was interested in knowing how this would affect the Plumbing Inspection Duties stating they would inspect the drain to the tank. Mr. Hargis stated the Health Department would take over at that point.

Mayor Palmer introduced the following ordinance:

Ordinance No. 670427-D

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW CHAPTER REGULATING SEPTIC TANKS; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS.

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

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

SEPTIC TANK CLEANERS ORDINANCE

Councilman Long wanted this ordinance amended to provide for an appeal to the Council. The Sanitation Engineer, Mr. Hargis, expressed the interest in licensing those who did the Septic Tank Cleaning was to control the disposing of the contents. Councilman Long inquired about the provision concerning the operators of the vehicles. It was pointed out this was the same provision in the ordinance covering the licensing of garbage haulers. The City Attorney explained the Law Department did not feel it had the authority to change the recommendation of the Citizens Committee. His personal opinion was that the provision should have been made to cover judgments resulting from negligent operations of the Septic Tank Cleaning business rather than of the vehicles. If one had 15 or 20 judgments from negligent or improper cleaning, the City would certainly look into this before issuing a license.

Mayor Palmer introduced the following ordinance:

Ordinance No. 670427-B

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW ARTICLE PERTAINING TO ISSUANCE OF PERMITS TO PERSONS ENGAGING IN THE BUSINESS OF CLEANING SEPTIC TANKS; 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 ordinance with the two amendments be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

WATER AND TOILET FACILITIES FOR
CONSTRUCTION WORKERS AND PUBLIC
ASSEMBLIES

Mr. Kenneth Zimmerman, representing Austin Home Builders, stated the Builders were in favor of the ordinance and it would accomplish the purpose. He wanted to work with Mr. Hargis and make some constructive suggestions to their problems. Councilman Long wanted a section that an appeal to the Council would be provided. Mayor Palmer inquired about Item 2, in that no person shall provide for hire or rental or for his own use chemical toilets unless he holds a valid permit from the Health Officer as a Septic Tank Cleaner in accordance with the provisions of this Code. The Sanitation Engineer, Mr. Hargis, stated the intent was that anyone who cleans these toilets would have to have a permit whether he cleaned his own, or had his own company. The City Attorney suggested the wording would be changed to "unless he holds a valid permit from the Health Department, or lets someone else who has a valid permit do the work". MR. CAROL GOULD said he was in the rental business, and had nothing to do with septic tanks. Councilman Long pointed out to him he would have to have a permit to dispose of the wastes. Mr. Hargis stated the committee would discuss this ordinance further with the Austin Home Builders group. Councilman Long wanted the ordinance amended with "appeal to the Council" added; and summarized the amendment under Item 2, that no person should provide for hire, for rental or for his own use, chemical toilets required under this Chapter unless he holds a permit from the Public Health Officer. Discussion was held on the type of permit. The Mayor stated the permit would allow one to clean septic tanks. The City Manager stated Mr. Hargis has pointed out the intent was that a person should not be permitted to clean one of these toilets unless he held a Septic Tank permit, and the wording could be changed from "hire, rent, etc.," to "clean". Mayor Palmer stated Mr. Hargis would work with the Home Builders and others interested, and the ordinance with these two amendments could be passed through its first reading.

After discussion, Mayor Palmer introduced the following ordinance:

Ordinance No. 670427-A

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW ARTICLE PROVIDING FOR PURE WATER FOR CONSTRUCTION WORKERS, REQUIRING THAT ANY TOILET FACILITIES TO BE PROVIDED FOR CONSTRUCTION WORKERS BE OF A TYPE APPROVED BY THE HEALTH OFFICER, REQUIRING SANITARY TOILET FACILITIES FOR PUBLIC ASSEMBLIES, AND PROHIBITING THE CONSTRUCTION OR MAINTENANCE OF ANY "PIT" OR "SANDBOX" TYPE TOILET ON ANY JOB SITE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON MORE THAN ONE DAY.

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

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

MR. HARGIS thanked the Council for its consideration and help on these

ordinances, and thanked the press. Councilman Long moved that the committee be thanked for the work it did on all of these ordinances and asked Mr. Simpson if he would please carry this message back to the committee. The motion, seconded by Councilman LaRue, carried by the following vote:

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

In connection with the Septic Tank Ordinance, Mayor Palmer stated at one time there were about 80 houses in the City where sanitary sewers were not available. The City Manager stated there were only 50 houses in the City now that do not have sewers available. There are other houses where sewer lines are available that still have septic tanks; but those people have not been required to change over if their septic tanks were giving no trouble at all. When they do become a problem, they are given notice to change over.

The Mayor stated passing these ordinances pretty well covered the Sanitation Code, and the Lake Ordinance was the only one left to be considered. It was pointed out the State Law and Federal Regulations had changed the concept of what had been considered. Councilman Long asked about the Lake Pollution, and if the State Law were designed to correct pollution from run-off from filling stations and other operations. Mr. Hargis said the State Law they were discussing on the lake, had to do with dumping sewage into the lake from house boats and also draining into the lake. That condition does not exist on Town Lake. Mr. Hargis stated the Septic Tank Cleaning Ordinance just considered, also prohibited grease traps, sand traps, etc., from being emptied into creeks and natural drains.

ADDITIONAL AIRLINE SERVICES FOR AUSTIN

MAYOR PALMER discussed the airline services in the City, noting many complaints were received from citizens concerning cancelled flights, unscheduled flights, etc. It has been brought to the attention of the Council by CONGRESSMAN PICKLE that there might be a possibility of improving the airline service in and out of Austin together with the possibility of getting another trunk airline. This application has to be filed with the Civil Aeronautics Board. It is complicated to file such application, and it takes two or three years to process one. An application should be filed and there is a possibility of getting a trunk line from another carrier on a temporary permit. This is a specialized field and would require the employing of Washington Counsel to assist in the preparation of the application and to follow through on it. The estimated cost on this type of service runs about \$10-\$12,000. He asked that the Council authorize the inclusion in the budget a sum equivalent to \$12,000 as a fee for legal Counsel to process this application for Austin. Councilman Long asked the City Manager if there were unencumbered money to appropriate for this purpose. The City Manager stated he did not know from where it could be appropriated. The Mayor stated it could be included in the next budget. Councilman Long moved that the City Manager be authorized to hunt around in the Budget to see if he can find enough to start the retainer, and that \$10-\$12,000 be authorized to hire Counsel to start proceedings on trying to get a new airline service into Austin. The motion, seconded by Councilman LaRue, carried by the following vote:

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

The City Attorney asked if it were the intent that they start contacting Counsel that might be able to handle this matter. The Mayor suggested that he start and do some telephoning; that the Council Members may have some suggestions also. The City Attorney stated he would wait until the Council Members had made their suggestions before he started making contacts.

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The City Manager brought up the request of MR. CHARLEY McADEN regarding some improvements in front of the Chicken Shack at 2606 Guadalupe. The Director of Public Works had an architect's perspective of what had been planned--some planter boxes and gas lights. The revised plans showed the planter boxes 23" in diameter--33" high, and the gas lights which would not interfere with the parking meters. Councilman White moved that the planter boxes be authorized as shown and described. The motion, seconded by Councilman Shanks, carried by the following vote:

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

REMOVAL OF PARKING METERS IN FRONT OF GOVERNOR'S MANSION

MAYOR PALMER stated there was a program on to beautify the Governor's Mansion, at about a \$200,000 expenditure, to make a show place out of the Mansion. There has been a request to remove the parking meters within the one block, and prohibit parking there. The State will block out a tier of parking on their own lot for those visiting the Governor's Mansion. He stated there would be only 12 or 13 meters to be removed on the east side of the Governor's Mansion. Councilman Shanks moved that the meters be removed and no parking be established. The motion, seconded by Councilman LaRue, carried by the following vote:

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

ACQUISITION THROUGH CONDEMNATION IF NECESSARY ON NINE PROPERTIES FOR HIGHWAY 290 EAST

The City Attorney had word from the Highway Department, which needed to know by next Tuesday whether or not to proceed for advertising for bids on the improvements of Highway 290. The acquisition of right of way must be settled, and there are nine cases on which he would like authorization to file condemnation suits if necessary. Negotiations have been going on, and some had rejected the purchases; some were non committal. Councilman LaRue asked if this were the City Manager's recommendation. The City Manager stated he did recommend this.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free

and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

0.373 of one acre of land, more or less, same being all of the remaining parts of Lots Nos. 7 and 8, that lie North of existing U. S. Highway 290, of the Duval Heights, a subdivision of a portion of the James P. Wallace Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Duval Heights of record in Book 2 at page 189 of the Plat Records of Travis County, Texas, which Lot 7 was conveyed to Frank Glauninger, et ux, by deed dated August 16, 1923 of record in Volume 352, at Page 449, which Lot 8 was conveyed to Frank Glauninger, et ux by deed dated August 16, 1923, of record in Volume 352, at page 448 of the Deed Records of Travis County, Texas, said 0.373 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at an existing R.O.W. marker in the Northwest corner of the herein described tract of land, same being the East right of way line of the existing I. H. 35 and the Northeast corner of that portion of Lot 7 of the Duval Heights that lie North of existing U. S. 290;

THENCE, S 60° 15' E, 408.20 feet along the North line of Lots 7 and 8 to an iron stake, said stake being at the intersection of the North line of Lot 8 and the existing North right of way line of U. S. 290; said point also being at right angles to and 60.00 feet left of existing U. S. 290 centerline station 23 + 01.18;

THENCE, along the existing North right of way line of U. S. 290, said line is also the South line of the above mentioned 0.373 acre tract, being a curve to the left, having a radius of 2924.93 feet, the chord bears N 84° 41' W, 62.92 feet having an arc length of 62.92 feet to an iron stake on the point of reverse curvature of said curve;

THENCE, along a curve to the right having a radius of 359.00 feet, the chord bears N 56° 00' W, 351.93 feet having an arc length of 367.80 feet, said curve being the South line of Lots 7 and 8 and the existing right of way of I.H. 35, to the point of beginning.

(Frank O. Glauninger, et al)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

1.077 acres of land, more or less, out of a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, and being a part of 2.15 acres conveyed to Mrs. Ruby H. Tarter by D. O. Patton et ux Minnie I. Patton, by deed dated August 2, 1945, and recorded in Volume 768, Page 85, of the Deed Records of Travis County, Texas, said 1.077 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the present Northwest corner of said 2.15 acre tract in the existing South right of way line of U. S. Highway 290, said present Northwest corner being S 26° 51' W, 69.90 feet from Highway Centerline Station 73/31.20;

THENCE, in an Easterly direction along said existing South right of way line following the arc of a curve to the left having a radius of 5789.65 feet and whose long chord bears N 85° 19' 54.7" E, 117.63 feet, an arc distance of 117.63 feet to a pin set at the intersection with the West line of Berkman Drive for the Northeast corner of the tract herein conveyed;

THENCE, S 5° 03' E, 49.25 feet along the West line of Berkman Drive, same being the East line of said Mrs. Ruby H. Tarter property, to a pin for corner;

THENCE, S 29° 30' W, 550.38 feet along the West line of Berkman Drive to a pin set for the most Southerly corner of the Mrs. Ruby H. Tarter property and the most Southerly corner of this tract, said corner being S 59° 33' E, 101.6 feet from the most Westerly corner of said Tarter 2.15 acre tract and the most Southerly corner of a 5.32 acre tract conveyed to George Olander et ux Frida Olander by deed dated August 2, 1945, and recorded in Volume 756, Page 629 of the Deed Records of Travis County, Texas;

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THENCE, N 10° 20' E, 354.75 feet to a point in the original West line of the Mrs. Ruby H. Tarter 2.15 acre tract;

THENCE, N 26° 51' E, 190.00 feet along said original West line of property to the place of beginning. (Ruby H. Tarter)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

0.282 acre of land, more or less, out of a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, and being a part of 5.32 acres of land conveyed to George Olander, et ux Frida Olander by D. O. Patton et ux Minnie I. Patton by deed dated August 2, 1945, and recorded in Volume 756, Page 629, of the Deed Records of Travis County, Texas, said 0.282 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at the present Northeast corner of said 5.32 acre tract in the existing South right of way line of U. S. Highway 290, said present Northeast corner being S 26° 51' W, 69.90 feet from Highway Centerline Station 73/31.20, said Northeast corner also being the Northwest corner of a 2.15 acre tract conveyed to Mrs. Ruby H. Tarter by deed recorded in Volume 768, Page 85, of the Deed Records of Travis County, Texas;

THENCE, S 26° 51' W, 190.00 feet along the East line of said 5.32 acre tract, same being the West line of aforesaid Ruby H. Tarter property, to a pin for the South corner of the tract herein conveyed in the proposed South right of way of U. S. Highway 290, said corner being N 26° 51' E, 333.76 feet from the

original most Southerly corner of the George Olander 5.32 acre tract;

THENCE, N 21° 40' 33.5" W, 173.10 feet along said proposed right of way line to a pin in existing South right of way line of U. S. Highway 290 for the Northwest corner of this tract;

THENCE, in an Easterly direction along said existing right of way line, following the arc of a curve to the left having a radius of 5789.65 feet, and whose long chord bears N 86° 41' 29.2" E, 150.00 feet, an arc distance of 150.00 feet to the place of beginning. (Frida Olander)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

0.938 acre of land, more or less, same being out of and a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, which was conveyed to William B. Schkade et ux, by deed dated July 9, 1962, of record in Volume 2499, Page 548, of the Deed Records of Travis County, Texas, said 0.938 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a pin set in the existing North right of way line of U. S. Highway 290 at the intersection with the West line of that 0.94 acre tract conveyed to William B. Schkade in the above mentioned deed; said point of beginning being N 28° 22' E, 73.17 feet from station 75/27.66 on the centerline of said Highway;

THENCE, N 28° 22' E, 400.32 feet along the West line of said 0.94 acre

tract to its Northwest corner in the proposed North right of way line of U. S. Highway 290, same being the South line of the Austin Independent School District 33.76 acre tract conveyed by deed recorded in Volume 1799, Page 492 of the Deed Records of Travis County, Texas;

THENCE, N 76° 34' 31.3" E, 54.94 feet along said proposed right of way line, same being the North line of said 0.94 acre tract, to a stake at its Northeast corner, for the Northeast corner of the tract herein conveyed;

THENCE, S 8° 02' W, 341.94 feet along the East line of said William B. Schkade tract, same being the West line of a tract conveyed to L. A. Fry et ux by deed recorded in Volume 880, Page 548, of the Deed Records of Travis County, Texas, to a stake in the existing North right of way line of U. S. Highway 290 for the Southeast corner of this tract, same being the Southwest corner of said L. A. Fry property;

THENCE, along the existing North right of way line being a curve to the right, having a radius of 5,669.65 feet, the chord bears S 82° 19' W, 197.62 feet with an arc length of 197.63 feet to the place of beginning. (William B. Schkade, et ux)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessary requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

6.601 acres of land, more or less, out of a portion of the James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, which was conveyed to John Joseph by the following three (3) deeds: (1) Volume 2169, Page 104 dated April 28, 1960, (2) Volume 2169, Page 108 dated April 28, 1960, and (3) Volume 3135, Page 204 dated May 19, 1966, of the Deed Records of Travis County, Texas, said 6.601 acres of land being more

particularly described by metes and bounds in one body as follows:

BEGINNING at a pin set at the point of intersection of the existing North right of way line of U. S. Highway 290 and the East line of Cameron Road, said intersection point being N 30° 14' E, a distance of 267.33 feet from Station 53/18.16 on the centerline of existing U. S. Highway 290;

THENCE, N 30° 14' E, a distance of 216.25 feet along the East line of Cameron Road to a post for angle point in property line;

THENCE, N 29° 25' E, a distance of 222.03 feet along said East line of Cameron Road to its intersection with the Southwest line of Athletic Drive, same being the Southwest line of the Austin Independent School District property;

THENCE, S 60° 31' E, a distance of 26.88 feet along said Southwest line of Athletic Drive to a stake for corner in the proposed right of way line of U.S. Highway 290;

THENCE, S 29° 07' W, a distance of 197.41 feet along said proposed right of way line to a stake for corner;

THENCE, S 15° 15' 22" E, a distance of 35.72 feet along said proposed right of way line to a stake for corner;

THENCE, S 59° 42' 42.4" E a distance of 229.77 feet along said right of way line to a stake for corner;

THENCE, S 84° 28' E, a distance of 534.19 feet along said proposed right of way line of U. S. 290 to its intersection with the South line of Athletic Drive at a point S 86° 24' W, a distance of 292.43 feet from the West line of Lenox Drive;

THENCE, S 60° 31' E, a distance of 220.65 feet along the Northeast line of said John Joseph property, same being the southwest line of the Cameron Development Company property to a stake for the most easterly corner of the tract herein conveyed;

THENCE, S 31° 09' 28.4" W, a distance of 205.24 feet along the Southeast line of said Cameron Development Company tract to a stake for corner at its intersection with the existing North right of way line of U. S. 290 at a point N 31° 09' 28.4" E, 66.31 feet from centerline station 63/96.71;

THENCE, in a Northwesterly direction along said existing right of way line, following the arc of a curve to the right with a radius of 5669.65 feet and a long chord bearing N 84° 27' 18" W, 163.20 feet, an arc distance of 163.20 feet to a stake for corner;

THENCE, N 83° 38' W, a distance of 710.80 feet along said existing right of way line of U. S. Highway 290 to a stake for corner;

THENCE, N 27° 20' W, a distance of 221.69 feet along said right of way line to the place of beginning. (John Joseph, et al)

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

April 27, 1967

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

0.077 of one acre of land, more or less, same being out of and a portion of the James P. Wallace Survey No. 57, which lies partly within and partly without the corporate limits of the City of Austin, Travis County, Texas, which was conveyed to the Gulf Oil Corporation by deed dated January 6, 1964, of record in Volume 2714, Page 59 of the Deed Records of Travis County, Texas, said 0.077 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a pin at the intersection of the proposed North right of way line of U. S. 290 and the existing north right of way line of U. S. 290 same point being at the Southeast corner of the above mentioned Gulf Oil Corporation tract; said point of beginning bears S 18° 14' E, said bearing being one and the same bearing of S 18° 28' E for the East line of Lot No. 1, Patton's Addition No. 2 to the City of Austin, Travis County, Texas, out of the James P. Wallace Survey No. 57 of record in Plat Records Book 27 at Page 34 of the Deed Records of Travis County, Texas, which Lot No. 1 of 0.614 of one acre of land was conveyed to the Gulf Oil Corporation by deed dated January 6, 1964, of record in Volume 2714, Page 59 of the Deed Records of Travis County, Texas, 150.0 feet from the Northeast corner of the said Gulf Oil Corporation tract;

THENCE, S 69° 16' W, said bearing being one and the same bearing of S 69° 02' W for the North right of way line of U. S. Highway 290 and the South line of the aforesaid Gulf Oil Corporation tract of 0.614 of one acre of land out of the James P. Wallace Survey No. 57 as conveyed to the Gulf Oil Corporation by deed dated January 6, 1964, of record in Volume 2714, Page 59, of the Deed Records of Travis County, Texas, 235.74 feet along the existing North right of way line of U. S. 290 to a concrete right of way marker at the beginning of a curve;

THENCE, continuing along the existing North right of way line of U. S. 290 being a curve to the right having a radius of 5,669.65 feet, the chord bears S 69° 23' W, 32.27 feet having an arc length of 32.27 feet to a point at the

intersection of the existing North right of way line and the West line of the Gulf Oil Corporation tract; said chord bearing and length being one and the same chord bearing of S 69° 12' W and length of 32.19 feet for the North right of way line of U. S. Highway 290 and the South line of the aforesaid Gulf Oil Corporation tract of 0.614 of one acre of land out of the James P. Wallace Survey No. 57 as conveyed to the Gulf Oil Corporation by deed dated January 6, 1964, of record in Volume 2714, Page 59 of the Deed Records of Travis County, Texas;

THENCE, N 30° 19' E, said bearing being one and the same bearing of N 30° 05' E for the West line of a tract of 0.614 of one acre of land out of the James P. Wallace Survey No. 57 as conveyed to the Gulf Oil Corporation by deed dated January 6, 1964, of record in Volume 2714, Page 59 of the Deed Records of Travis County, Texas, 39.89 feet along the West line of the Gulf Oil Corporation tract to the point of intersection with the proposed North right of way line of U. S. 290;

THENCE, N 77° 16' E, 1.25 feet along the proposed North right of way line of U. S. 290 to a pin set in the said proposed North right of way line, said pin being 85 feet to the left of and at right angles to the centerline of U. S. 290, Station 89+70.1 Bk. = 89+50.2 Fwd.;

THENCE, continuing along said proposed North right of way line N 75° 19' E, 237.06 feet to the point of beginning. (Gulf Oil Corporation)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the widening and improvement of U. S. Highway 290 East from Interstate 35 to Mira Loma Drive in the City of Austin, to provide for the free and safe flow of traffic in said area within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right-of-way to permit the widening and improvement of such Highway 290 East in the City of Austin; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners 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 owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

1.519 acres of land, more or less, being out of and a portion of the

April 27, 1967

James P. Wallace Survey which lies within the corporate limits of the City of Austin, Travis County, Texas, which was conveyed to L. A. Fry et ux, by deed dated February 17, 1948, of record in Volume 880, Page 548, of the Deed Records of Travis County, Texas, said 1.519 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a pin set for the Southeast corner of the above mentioned L. A. Fry property, in the existing North right of way line of U. S. Highway 290, said Southeast corner also being the Southwest corner of a tract of land conveyed to Thomas Lee Young by deed recorded in Volume 968, Page 108, of the Deed Records of Travis County, Texas, said corner also being at right angle to and 60.00 feet left of Highway Center station 80/69.22;

THENCE, along the existing North right of way line of U. S. 290 being a curve to the right, having a radius of 5,669.65 feet, the chord bears S 79° 46' W, 296.63 feet having an arc length of 296.68 feet to the Southwest corner of this tract, said corner also being the Southeast corner of a tract conveyed to William B. Schkade by deed recorded in Volume 2499, Page 548, of the Deed Records of Travis County, Texas;

THENCE, N 8° 02' E, 292.40 feet along the west line of said L. A. Fry tract, same being the East line of above mentioned William B. Schkade property, to a stake for the Northwest corner of the tract herein conveyed, in the proposed North right of way line of U. S. Highway 290, from which said corner the Northwest corner of said L. A. Fry tract and the Northeast corner of said William B. Schkade property bears N 8° 02' E 49.54 feet;

THENCE, S 83° 24' E, 236.71 feet along said right of way line to a stake in the East line of said L. A. Fry property for the Northeast corner of this tract;

THENCE, S 4° 19' E, 210.85 feet along said East line of L. A. Fry property to the place of beginning. (L. A. Fry, et ux)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the installation of certain public utilities in the City of Austin to provide for the public health and welfare of the City of Austin and surrounding areas; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement ten (10) feet in width across the hereinafter described tract of land for right-of-way to permit the installation of the aforesaid public utilities; and,

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

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

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

A strip of land ten (10.00) feet in width, same being out of and a part of the remaining 0.461 of an acre of an original 1.980 acre tract of land, same being out of and a part of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas; which said 1.980 acre tract of land was conveyed to L. A. Fry, et ux Dorothy Agnes Fry by warranty deed dated February 17, 1948, of record in Volume 880 at Page 548 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 0.461 of an acre tract of land, same being a point in the south line of a 33.76 acre tract of land which was conveyed to the Austin Independent School District by warranty deed dated April 22, 1957, of record in Volume 1799 at Page 492 of the Deed Records of Travis County, Texas, and from which point of beginning the northwest corner of said 0.461 of an acre tract of land bears S 76° 35' W 5.37 feet;

THENCE, with a line 5.0 feet east of and parallel to the west line of said 0.461 of an acre tract of land S 8° 02' W 46.50 feet to a point;

THENCE, with a line 5.0 feet north of and parallel to the south line of said 0.461 of an acre tract of land, same being the north right-of-way line of U. S. Highway 290, S 83° 24' E 230.945 feet to point of termination in the east line of said 0.461 of an acre tract of land, same being a point in the west line of the remaining 0.273 of an acre of an original 0.690 of an acre tract of land which was conveyed to Thomas Lee Young by warranty deed dated March 1, 1949, of record in Volume 968 at Page 108 of the Deed Records of Travis County, Texas, and from which point of termination the southeast corner of said 0.461 of an acre tract of land, same being a point in the north right-of-way line of U. S. Highway 290, bears S 4° 19' E 5.09 feet.

AND IN ADDITION thereto a temporary working space easement ten (10.00) feet in width, to cover the period of original installation, is to be retained adjacent to and parallel to the east and the north sides respectfully, of the above described easement. (L. A. Fry, et ux)

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

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the installation of certain public utilities in the City of

Austin to provide for the public health and welfare of the City of Austin and surrounding areas; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement ten (10) feet in width across the hereinafter described tract of land for right-of-way to permit the installation of the aforesaid public utilities; and,

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

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

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

A strip of land ten (10.00) feet in width, same being out of and a part of the remaining 0.273 of an acre of an original 0.690 of an acre tract of land, same being out of and a part of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas; which said 0.690 of an acre tract of land was conveyed to Thomas Lee Young by warranty deed dated March 1, 1949, of record in Volume 968 at Page 108 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 east line of said 0.273 of an acre tract of land, same being a point in a westerly line of the remaining 45.813 acres of an original 90.00 acre tract of land conveyed to Nash Phillips and Clyde Copus, Jr., by warranty deed dated June 1, 1955, of record in Volume 1594 at Page 123 of the Deed Records of Travis County, Texas, and from which point of beginning the southeast corner of said 0.273 of an acre tract of land, same being a point in the north right-of-way line of U. S. Highway 290, bears S 7° 33' E 5.16 feet;

THENCE, with a line 5.0 feet north of and parallel to the south line of said 0.273 of an acre tract of land, same being the north right-of-way line of U. S. Highway 290 N 83° 24' W 89.40 feet to point of termination in the west line of said 0.273 of an acre tract of land, same being a point in the east line of the remaining 0.461 of an acre of an original 1.980 acre tract of land which was conveyed to L. A. Fry et ux, Dorothy Agnes Fry by warranty deed dated February 17, 1948, of record in Volume 880 at Page 548 of the Deed Records of Travis County, Texas, and from which point of termination the southwest corner of said 0.273 of an acre tract of land, same being a point in the north right-of-way line of U. S. Highway 290 bears S 4° 19' E 5.14 feet.

AND IN ADDITION thereto, a temporary working space easement ten (10.00) feet in width, to cover the period of original installation, is to be retained adjacent to and parallel to the north side of the above described easement.
(Thomas Lee Young, et ux)

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

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

The City Attorney stated Mr. Sands had purchased a parcel of land on Ben White Boulevard, but he was uncertain for a while. He has brought in his check now and is ready to consummate the transaction. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a warranty deed on behalf of the City of Austin, conveying to Raymond R. Sands the following described property, to-wit:

A strip of land 3.21 x 75 feet in the Charles A. Riddle Survey in the City of Austin, Travis County, Texas, being more particularly described as follows; to-wit:

BEGINNING at the southwest corner of Lot 25 of the Goodnight and Pearson Subdivision, said subdivision being of record at Book 5, Page 28 of the Plat Records of Travis County, Texas;

THENCE, easterly along the south line of said Lot 25, 75 feet to a point, same being the southeast corner of said Lot 25;

THENCE, southerly along an extension of the east line of said Lot 25, 3.21 feet to a point in the right of way line of Ben White Boulevard;

THENCE, westerly 75 feet along a line 3.21 feet south of and parallel to the south line of Lot 25 of the Goodnight and Pearson Subdivision and along the north right of way line of Ben White Boulevard to a point;

THENCE, northerly along a line being the extension of the west property line of said Lot 25 to the point of beginning.

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

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

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

The Council adjourned at 5:45 P. M. subject to the call of the Mayor.

APPROVED

Lester E. Palmer
Mayor

ATTEST:

Grace Monroe
Asst. City Clerk