

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 19, 1967

10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Akin presiding.

Roll Call:

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

The Invocation was delivered by Reverend Ward Gregg, Koenig Lane Christian Church.

INTERSECTION OF WINDSOR ROAD AND MOPAC BLVD.

Mr. Isom Hale appeared before the Council to protest the construction of an access ramp to MoPac Boulevard at Windsor Road. He felt that the traffic would increase four times if the ramp were built, necessitating increased right-of-way for Windsor Road and cutting into the yards of the homes in that area.

City Manager Robert Tinstman asked if he could contact the Texas Highway Department and explore the possibility of putting the proposed Windsor ramp in another location. He said the District Engineer's Office was holding a public hearing on MoPac Boulevard in the near future. Mr. Hale stated that he wanted to acquaint the Council with the wishes of the people in the Windsor Road area before that meeting.

Mr. Hoyle Osborne, Director of Planning, stated that there were no plans to extend 25th or 26th Streets west of Shoal Creek.

Mr. Bob Armstrong, speaking in behalf of the residents in the area bordering on Shoal Creek, asked that the Council request the Highway Department to consider a minimum of disturbance to that area when constructing the access ramp at Windsor, and that the Council consider all reasonable alternatives.

Mr. Earle Burkhalter of 2325 Hartford Road appeared before the Council to state that the access ramp would not help traffic congestion because Windsor Road simply could not handle the increased load created by MoPac Boulevard.

Mr. William Kuykendall thought that the proposed ramp might be a convenience but he felt that it should be a necessity before it was constructed.

Mr. E. G. Marquardt of 2326 Hartford also protested the construction of an access ramp at Windsor Road.

Mayor Akin stated that the Council would refer the problem to the Traffic Department for an analysis. Councilman Long promised that the Council would go out to the Highway Department to have a look at the situation.

ANNEXATION HEARING

Mayor Akin opened the public hearing scheduled for this time on the following annexation. Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

0.45 of one acre of land out of the Santiago Del Valle Grant -
(portion of proposed TRACT A of POLVADO SUBDIVISION and LOTS 3
and 4 of POLVADO SUBDIVISION NO. 2)

18.40 acres of land out of the J. C. Tannehill League - SPRINGDALE HILLS

11.98 acres of land out of the J. P. Wallace Survey - unplatted land.

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

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

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.45 OF ONE ACRE OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, 18.40 ACRES OF LAND OUT OF THE J. C. TANNEHILL LEAGUE, 11.98 ACRES OF LAND OUT OF THE JAMES P. WALLACE SURVEY NUMBER 57, ALL IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

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

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

JUNK YARD FENCE ORDINANCE HEARING

Mayor Akin opened the hearing on the code amendment to require eight foot fences around junk yards.

Mrs. Victor Ruiz of the Neighborhood Civic Association appeared before the Council to ask that the height of the junk behind the proposed fence also be limited. Mrs. Saucedo complained about the mud around the junk yards. Mr. Krueger asked that the ordinance be immediately retroactive.

Mr. Victor Ruiz, Jr. claimed that the junk yards were health and fire hazards, as well as unsightly areas in neighborhoods. He said that he had seen rats coming from the Austin Iron Works while he was cutting his grass. He felt that the value of his and his neighbors' homes was being depreciated. He wanted the junk yard to put a fence around its property to keep out prowlers and to hide it from the neighborhood.

Mr. Tinstman stated that legal action was being taken against Mr. Gardner, owner of the junk yard near Mr. Ruiz, and that the Sanitation Department was going to clean up the alley bordering the Gardner property.

Rev. Paredes, pastor of the First Mexican Baptist Church on East 2nd Street, stated that his community had made many improvements in the 25 years that he had been pastor of the church. He asked the Council to help this trend toward a better neighborhood by requiring that the junk not rise above the fence around the junk yard.

Mrs. Lora Lee, precinct chairman at Palm School, stated that many of the people voting at Palm School had complained to her about the rats, snakes, roaches, and mosquitoes in their yards, apparently coming from the junk yard. She said that some of the sprays used against the pests killed foliage in people's gardens, as well. She asked that the junk owners be required to clean out their trash and put up the fence.

Mr. Harold Griffith, pastor of Emmanuel Latin American Methodist Church, and Dr. Roth both deplored the condition of the junk yards and asked that the Council pass the ordinance requiring a fence around the trash.

Mr. Terry Weeks, an attorney for the Legal Aid, said that the Council needed another ordinance to bring the height of the trash to a more reasonable level, and to deal with the problem of rats and other pests.

Mr. Martin Mayfield, Mr. John Trevino, and Ms. Elizabeth Reynolds appeared before the Council to request that the Council take some action against the bad conditions around the junk yard.

Mr. Jim Novy, of the Austin Iron Works, said that the rats did not come from his yard, and he pointed out that the people in the neighborhood knew that the junk yard was there when they bought their homes. He said that there was no trash on his property. He said that one opening was not enough for his different sizes of scraps to come through. In response to a question from Councilman Long, Mr. Novy stated that he would require seven gates for the different types of materials he handled. Councilman Long thought that the ordinance should be changed to allow more gates along the junk yards.

Mr. Bert Gardner, representing Gardner Metal and Iron Company, stated that the scrap dealer was the backbone of the nation and responsible for winning World War II and the Korean War. He added that when the mills could not accept scrap iron for a time, he had to stack the scrap very high in his yard. He stated that he could not operate with a 20 foot opening only. He was opposed to a fence around his property because he felt that thieves or vandals could hide behind that fence while committing crimes. He thought that the fence would detract from the neighborhood rather than improve it.

He then complained that people in the neighborhood, especially kids, had torn down his chain link fence and dumped stoves and refrigerators in front of the yard. He said that profanity would appear on a wood fence. He was willing to cooperate with the Council but asked them to suggest something that would not put a constraint on him. He said that it was totally impossible to limit the height of his scrap.

Mr. Dan Ruiz, who lived across the street from Mr. Gardner, stated that Mr. Gardner's cars drove over the broken fence. He also asked for a stronger health ordinance.

Mr. Morris Shapiro of Austin Metal and Iron Company stated that his yard was not a breeding place for pests. He felt that most of the complaints against him and his junk yard were unreasonable. He stated that he would do all he could to cooperate.

Mr. Dave Novy appeared before the Council to offer to put a chain link fence around his junk yard, but Councilman Long said that it would not beautify the area and she would not settle for a chain link fence. She suggested a pretty metal or wooden fence.

Mr. Trevino explained that people in the neighborhood were working with the staff of the City Planning Department and the Parks and Recreation Department to clean up the area. His volunteers were also trying to find out if there was a need for more recreational facilities in that area. He pointed out that many of the people in that area could not afford to move nor did they think they had any say in how their neighborhood could develop. He wanted to emphasize that the neighbors did in fact have a right to request paving and other assistance, such as the fence around the junk yards, and he was asking that they be allowed to work with the City Council to make those improvements.

Mayor Akin summed up his feelings by stating that the question of regulating the fencing of junk yards was more complicated than he had thought. He wanted the City Manager to study the matter, with emphasis on the problems of the height of the fence and the width of the gates. He suggested that the Council visit the yards with City staff members from the Health, Planning, and Public Works Departments.

Councilman LaRue also thought that matter needed more study but he did not think that a wooden fence would be any more effective against rats and other pests than a chain link fence.

Councilman Nichols said that he was generally in favor of the ordinance, but he felt that the opening requirements needed to be adjusted. He wanted to look into the question of height of the fence, as well.

Mr. Weeks said that he thought the tremendous cost of gates would cause the junk yard owners themselves to limit the number of openings in their fences. He thought that the type of fencing material used would be hard to enforce. The shrubbery would have to be evergreen and fast-growing. He thought there should be a provision for maintaining the shrubbery in good condition, also. He thought that the ordinance should cover any type of scrap metal, not just wrecked cars and junk.

As to the height of the fences, he stated that it should be determined by the line-of-sight test. If a person sitting on a porch on Third Street could not see the junk, then the fence would be the correct height.

The Council decided to study the question of the fence height and construction and attempt to come up with a fair and just ordinance at a later date.

RECESSED MEETING

2:00 P.M.

ZONING ORDINANCES

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: THE NORTH 96 FEET OF LOT 3, SUBDIVISION OF OUTLOTS 38 AND 39, DIVISION D, LOCALLY KNOWN AS 901-903 WEST 24TH STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Akin introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:
A 7350 SQUARE FOOT PARCEL OF LAND, LOCALLY KNOWN AS 300 WEST 38TH STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;
SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;
AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCES

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 14.20 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 16.91 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES M. MITCHELL SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced that the ordinance had been finally passed.

BIDS REJECTED

Councilman Nichols moved the Council reject the bid of the Westinghouse Electric Corporation and that the staff write specifications opening the bidding to a larger number of suppliers. The motion, seconded by Councilman Long, carried by the following vote:

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

City Manager Tinstman stated that the City had received identical bids for 500 KVA Distribution Transformers and different delivery dates in those bids. For those reasons he was recommending that the bids be rejected and readvertised with revised specifications.

Councilman Long moved that the Council accept the recommendation of the City Manager and reject the bids. The motion, seconded by Councilman Nichols, carried by the following vote:

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

OPTIMIST CLUB REQUEST

Councilman Long moved the Council grant a request from the Southwest Austin Optimist Club for use of the City property at the northwest corner of Barton Springs Road and Bouldin Avenue for the purpose of selling Christmas trees from December 1 to December 24. The motion, seconded by Councilman LaRue, carried by the following vote:

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

RELEASE OF EASEMENTS

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, certain easements were granted to the City of Austin for public utility and anchor purposes in, upon and across that certain portion of Manor Hills, Section 11, a subdivision of a portion of the Henry Warnell Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Manor Hills, Section 11, of record in Book 16 at Page 6 of the Plat Records of Travis County, Texas; and,

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

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

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

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portions of said public utilities and anchor easements, to-wit:

Two (2) strips of land, each being out of and a part of Manor Hills, Section 11, a subdivision of a portion of the Henry Warnell Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Manor Hills, Section 11, of record in Book 16 at Page 6 of the Plat Records of Travis County, Texas; the strip of land hereinafter described as Number One being out of and a part of Lots 14 through 19, inclusive, of said Manor Hills, Section 11, and being ten (10.00) feet, or more, in width, and the strip of land hereinafter described as Number Two being out of and a part of Lots 18 and 19 of said Manor Hills, Section 11, and being ten (10.00) feet in width; each of the said two (2) strips of land being more particularly described by metes and bounds as follows:

NUMBER ONE, BEGINNING at the intersection of the north line of said Lot 18, Manor Hills, Section 11, same being the south line of East 51st Street, and a line five (5.00) feet west of and parallel to the east line of said Lot 18, which point of beginning is the most northerly corner of the herein described tract of land, and from which point of beginning a concrete monument at the most easterly corner of said Lot 18 bears S 59° 46' E 5.01 feet;

THENCE, with the said south line of East 51st Street, S 59° 46' E 10.02 feet to a point in a line five (5.00) feet east of and parallel to the said east line of Lot 18, and which point is the most easterly corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet east of and parallel to the east line of Lot 18, S 27° 36' W to a point in the easterly prolongation of the south line of said Lot 18;

THENCE, in a southwesterly direction to a point in the south line of Lot 16, from which point a concrete monument at the southwest corner of said Lot 16 bears N 78° 44' W 16.00 feet;

THENCE, continuing in a southwesterly direction to a point in the south line of Lot 15, from which point a steel pin at the southwest corner of said Lot 15 bears N 78° 44' W 10.00 feet;

THENCE, continuing in a southwesterly direction to a point in the bisector of an angle in the west line of Lot 14, from which point a concrete monument at the point of intersection of said angle bears N 82° 18' W 13.00 feet;

THENCE, S 06° 40' W to a point in a line five (5.00) feet north of and parallel to the south line of Lot 14, which point is the southeast corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet north of and parallel to the south line of Lot 14, and its westerly prolongation S 65° 18' W to a point in a line five (5.00) feet west of and parallel to the east line of said Lot 19, and which point is the southwest corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet west of and parallel to the east line of Lot 19, in a northeasterly direction to a point in the south line of said Lot 18, from which point an iron pin at the southeast corner of said Lot 18 bears S 62° 24' E 5.00 feet;

THENCE, with a line five (5.00) feet west of and parallel to the east line of said Lot 18, N 27° 36' E to the point of beginning.

NUMBER TWO, BEGINNING at the intersection of a line five (5.00) feet west of and parallel to the east line of said Lot 19 and a line five (5.00) feet south of and parallel to the north line of said Lot 19, which point of beginning is the southeast corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet south of and parallel to the north line of Lot 19, N 62° 24' W 40.00 feet to the southwest corner of the herein described tract of land;

THENCE, N 27° 36' E 10.00 feet to a point in a line five (5.00) feet north of and parallel to the south line of said Lot 18, and which point is the northwest corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet north of and parallel to the south line of Lot 18, S 62° 24' E 40.00 feet to a point in a line five (5.00) feet west of and parallel to the east line of said Lot 18, and which point is the northeast corner of the herein described tract of land;

THENCE, with the said line five (5.00) feet west of and parallel to the east line of Lot 18, and its southerly prolongation, same being the aforesaid line five (5.00) feet west of and parallel to the east line of Lot 19, S 27° 36' W 10.00 feet to the point of beginning.

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

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

ANNEXATION ORDINANCE SET FOR PUBLIC HEARING

Mayor Akin introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 16.56 ACRES OF LAND OUT 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.

Councilman LaRue moved that the ordinance be published in accordance with Article I, Section 6 of the Charter of the City of Austin and set for public hearing on November 9, 1967, at 10:30 A.M. The motion, seconded by Councilman Nichols, carried by the following vote:

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

TOWN LAKE DEVELOPMENT REPORT

Councilman Long moved the Council accept the City Manager's report on the Town Lake Development, requested by the Council members, and send it to the Parks and Recreation Department. The motion, seconded by Councilman LaRue, carried by the following vote:

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

CONTRACT AWARDED

Councilman Nichols offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 11, 1967, for the installation of 939 feet of 8-inch concrete and 55 feet of 8-inch cast iron sanitary sewer main in Ben White Boulevard and Interregional Highway 35 Easement; and,

WHEREAS, the bid of J. C. Evans Construction Company, in the sum of \$7,585.20, 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 J. C. Evans Construction Company, in the sum of \$7,585.20, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with J. C. Evans Construction Company.

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

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

TAX APPEALS HEARD

At 2:30 P.M. the Council heard the following tax appeals:

GAGE WESTERN INVESTMENTS INC. by John B. Selman	Full Value by the Tax Dept. 1966	Full Value by the Tax Dept. 1967	Assessed Value by the Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
5324 Cameron Rd. Land	\$118,901	\$118,901	\$ 89,180	Not	\$ 89,180
3.4 Acres of Improve-	<u>289,737</u>	<u>296,887</u>	<u>222,670</u>	Rendered	<u>222,670</u>
Lot 54 Duval ments					
Heights Total	\$408,638	\$415,788	\$311,850		\$311,850
Parcel No. 2-2313-0206					
2103 Anderson Ln. Land	\$113,770	\$113,770	\$ 85,330	Not	\$ 85,330
Tract 2, Improve-	<u>11,180</u>	<u>551,772</u>	<u>413,830</u>	Rendered	<u>413,830</u>
North Village ments					
Parcel No. Total	\$124,950	\$665,542	\$499,160		\$499,160
2-3707-0242					

Mr. John Selman, representing Gage Western Investments, Inc., stated that his only point of contention was the value of the second floor of Gage Furniture Company, at 2103 Anderson Lane. According to Mr. Gage, that floor, used as warehouse space, had been built at a cost of \$2.30 per square foot. The City set the value of that floor at \$3.23 a square foot and valued the entire floor at \$135,000.00 not the \$93,600.00 that Mr. Gage claimed was the actual cost. Mr. Jack Klitgaard, Tax Assessor, stated that any other similar warehouse space would cost \$3.23 per square foot to build, and regardless of the price Mr. Gage paid for the construction the taxes would be based on the value of the completed structure.

Mr. Selman argued that his client should not be charged a higher tax just because other warehouse owners were not able to make the same deal for the construction that Mr. Gage made. He felt that the tax should be based on the cost, not the market value.

No formal Council action was taken on this tax appeal. The Council decided to postpone the hearing for one week to give the members time to compare the building in question with buildings in other shopping centers.

J. J. NEWBERRY CO. by John H. Layman		Assessed Value by the Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
Personal Property at 5451 Interregional	Merchandise	\$286,720	\$155,230	\$286,720
	Furniture and Fixtures	<u>146,400</u>	<u>146,400</u>	<u>146,400</u>
	Total	\$433,120	\$301,630	\$433,120

Mr. John H. Layman, representing J. J. Newberry, stated that he valued the inventory at about \$3.00 a square foot or \$173,000.00. Mr. Klitgaard said that that was a low figure for comparable inventories, and that his office had put the figure at about \$4.00 per square foot or \$286,000.00. Because Mr. Layman had information that Mr. Klitgaard had not seen, Councilman LaRue suggested that Mr. Layman get together with Mr. Klitgaard to work with the additional information and come back to the Council with a revised recommendation. Mr. Layman said that he had to return to New York, but that he would leave the books and other records with the Tax Assessor's office. No formal Council action was taken.

TAX APPEAL POSTPONED

Councilman LaRue moved the Council postpone the tax appeal hearing of the Austin Crest Hotel until October 26, at the request of Attorney Richard Baker. The motion, seconded by Councilman Nichols, carried by the following vote:

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

TAX APPEALS HEARD

WALTER WUKASCH		Full Value by the Tax Dept. 1966	Full Value by the Tax Dept. 1967	Assessed Value by the Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
2338 Guadalupe Lot 34, Outlot 36						
Division D Land		\$ 89,705	\$ 89,705	\$ 67,280	Not	\$ 67,280
Parcel No. Improve-		<u>19,248</u>	<u>40,570</u>	<u>30,430</u>	Rendered	<u>30,430</u>
2-1401-1703 ments						
Total		\$108,953	\$130,275	\$ 97,710		\$ 97,710

Mr. William Carssow, representing Mr. Wukasch, appeared before the Council to argue that the building in question had been constructed in the early 1900's and was not worth the same as a more modern building on the same street. He stated that the front had been remodeled at the cost of \$2463.23 and that improvement had raised the value of the property to perhaps twice that figure.

Mr. Klitgaard stated that the bone structure of a building comprises about 50% of an appraisal and the way in which this core was finished added another 50% to the appraisal. Therefore, he thought that the remodeling had brought the value of the property to \$40,000.00.

There was also some question of which improvements belonged to the tenant and which belonged to the landlord, Mr. Wukasch. Councilman Long asked if Mr. Snyder, the tenant, would pay the taxes on the air conditioning and the sprinkler systems.

Mr. Carsow presented to the Council two appraisals on the building alone, one for \$13,700 and another for \$12,228.00. He added that two adjoining properties, comparable in size, were valued at \$16,000.00 and \$18,000.00.

Mr. Klitgaard pointed out that both of the adjoining buildings were 4270 square feet, while the Snyder-Chenard building was 7677 square feet. Therefore, they were not exactly comparable.

Councilman LaRue asked that Mr. Klitgaard meet with the owner and the tenant and make a recommendation to the City as to which improvements should be assigned to which person for tax purposes. No formal action was taken.

MCFALL KERBEY SR. AND LOUISE SKELLEY by Lee G. Williams	Full Value by the Tax Dept. 1966	Full Value by the Tax Dept. 1967	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
818-824 Congress Land	\$262,831	\$262,831	\$197,120	\$105,000	\$197,120
E. 100 ft. Improve- Lots 5, 6, and ments	<u>31,711</u>	<u>31,711</u>	<u>23,780</u>	<u>20,000</u>	<u>23,780</u>
E. 100 ft. of Total N. 8 ft. Lot 4 Block 98 Parcel No. 2-0603-0404	\$294,542	\$294,542	\$220,900	\$125,000	\$220,900

Mr. Lee G. Williams, representing Mr. McFall Kerbey Sr. and Louise Skelley, stated that he had three appraisals for 818-824 Congress Avenue, one from Harrison, Pearson for \$151,200.00 for the land only, one from Bradfield & Cummins Inc. for \$211,000.00 for land and improvements, and one from Carl Wendlandt Co. for \$200,000.00 also for land and improvements. He stated that he had to advertise the property for sale for \$200,000.00 because it was losing rent each year. In 1960, according to Mr. Williams, the property had rented for \$33,000.00 but it had dropped to \$14,000.00 by 1967.

He had approached the City to sell the property because the City owned about half of that block but he had gotten no response. He asked that the assessed value of the land and improvements be \$158,000.00.

Mr. Klitgaard said that all Congress Avenue frontage property was valued by his department at \$2940.00 per front foot. He said that property value had fallen since 1960 and that the land value of the property in question had dropped from \$393,538.00 to \$262,000.00. He stated that it was the first time that he had heard of the offer to sell the property at \$200,000.00. No formal Council action was taken at the time.

WESLEY PEARSON		Full Value by the Tax Dept. 1966	Full Value by the Tax Dept. 1967	Assessed Value by Tax Dept.	Value Rendered by Owner	Assessed Value Fixed by Board
47.01 Acres Wm. Cannon League						
Parcel No.	Land	\$18,804	\$47,010	\$35,260	Not	\$35,260
9-4-1716-0901	Improve- ments	<u>0</u>	<u>0</u>	<u>0</u>	Rendered	<u>0</u>
	Total	\$18,804	\$47,010	\$35,260		\$35,260
Armadillo Rd.	Land	\$4,632	\$11,580	\$8,690	Not	\$8,690
11.58 Acres	Improve- ments	<u>0</u>	<u>0</u>	<u>0</u>	Rendered	<u>0</u>
Wm. Cannon League	Total	\$4,632	\$11,580	\$8,690		\$8,690
Parcel No. 9-4-1913-0104						
Corner Eberhart Lane & Armadillo Rd.	Land	\$1,573	\$2,904	\$2,180	Not	\$2,180
2.42 Acres	Improve- ments	<u>0</u>	<u>0</u>	<u>0</u>	Rendered	<u>0</u>
Wm. Cannon League	Total	\$1,573	\$2,904	\$2,180		\$2,180
Parcel No. 9-4-1913-0117						

Mr. Wesley Pearson told the Council that he was also speaking for a Mrs. Carroll, who was one of the adjoining property owners. Her niece, Ms. Barbara Robinson would also appear before the Council. Mr. Pearson stated that each time he had purchased a parcel of property adjoining his factory, the City had doubled the taxes on that parcel. He thought that it was unreasonable because, he stated, the land was worth only a certain amount whether he had bought it or not.

He said that 7 years ago he had paid \$500.00 an acre for the 60 acres. He had offered the land for sale for \$1000.00, but had had no offer. He claimed that the Brown School came out to that area and offered premium prices for property thus raising his taxes. The property had been on the tax rolls for eight years at an assessed value of \$400.00 an acre, or \$18,750.00, but in one fell swoop it was revalued to \$46,130.00 on the tax rolls. He thought that the only true value of property was what it would bring on the open market, and he thought that the property would not bring more than \$750.00 an acre.

Ms. Robinson stated that her aunt's property had been revalued from \$11,670.00 to \$31,110.00 in one jump, and she thought that the land was not worth that since it had no utilities. She said that her aunt was asking that the land be classified as agricultural. She stated that Parcel No. 9-4-1711-0114 had been raised from a valuation of \$15,920.00 to \$27,790.00 and it had no egress or ingress. The other tract owned by Mrs. Carroll had been raised from \$12,000.00 to \$31,110.00, and it also had no entrance.

Councilman Long asked Mr. Pearson what he thought was a fair assessment for his land. He agreed with the \$1200 per acre appraisal for two acres but he protested the \$1000 per acre for the rest.

Mr. Klitgaard pointed out that no appraisals had been made in that area for eight years. He told the Council about the various sales used to establish land values in that area, including one directly across from Mr. Pearson, in which a two-acre tract of land sold for \$1500 an acre. No formal action was taken on this tax appeal.

BUS ROUTE CHANGES

Mr. Frank Denius, representing Austin Transit Company, appeared before the Council to request changes in the Crosstown, Windsor Park, Main-Govalle, and Main North-Fiskville routes of the Austin Transit buses. He presented the Council with descriptions of all extensions and eliminations of bus routes, and stated that the changes were being made to expedite service and to conform to the riding habits of the passengers of those lines.

After discussion with Mr. Malone, of Austin Transit Company, Councilman Nichols moved the Council grant the extensions and modifications requested. The motion, seconded by Councilman LaRue, carried by the following vote:

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

Mr. Malone stated that the changes would go into effect on November 15, 1967. He stated that he would advise the patrons by newspaper, television, radio and pamphlets put out on the buses.

CONTRACT AWARDED

The sewer line was outside of the City limits. Councilman Long questioned the policies which set the cost of a sewer line at 100% to City property owners if the line was more than 100 feet from the property line, but charged owners outside of the City only 18%. Mr. Dewey pointed out that it was Council policy and that the Council decided how much of a sewer cost the City would pay.

Councilman Janes asked the City Manager to provide the Council with the policy on utility extension. Councilman Long asked the Council to review the subdivision policy, as well as the policy on refund contracts.

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 11, 1967, for the installation of 1,078 feet of 8-inch concrete sanitary sewer main in Interstate Highway 35 from Shelby Lane, northerly 689 feet then westerly 388 feet; and,

WHEREAS, the bid of Robert C. Gray, in the sum of \$5,055.10, 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 Robert C. Gray, in the sum of \$5,055.10, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Robert C. Gray.

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

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

Noes: None

REQUEST FOR TRAFFIC LIGHT AND CROSSING GUARDS

Council members noted receipt of a petition from the Burnet Junior High School P.T.A. for traffic lights and/or crossing guards at Burnet Road and Steck Avenue. City Manager Tinstman said that he had not had a chance to study the request but that he was having a traffic study made of that corner. Councilman Long suggested that the Council go look at the area and take up the matter in one week after receipt of the report of the Traffic Engineer. In the meantime, the Traffic Engineer would provide additional flashing signals and cross walk painting.

PURCHASE OF PROPERTY FOR MOPAC BLVD. RIGHT-OF-WAY CONSIDERED

The Council then considered the purchase of property at 800,807,1005 Winsted Lane, and 2009 Lake Austin Boulevard for MoPac Boulevard right-of-way. City Manager Tinstman recommended that the Council defer action on those purchases for one week.

Mr. Eskew stated that the owner of the property at 1005 Winsted Lane had applied for a building permit but he had been told that his property was going to be bought by the City. He was going out of town and wanted the matter of his property settled soon. Mayor Akin announced that the Council would go look at the area for the next Council meeting.

CAMERON ROAD RIGHT-OF-WAY PURCHASED

Councilman LaRue moved the Council authorize the City Manager to enter into a contract for the relocation of the property in the 6900 block of Cameron Road. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Councilman Nichols then moved the Council use time warrants to purchase the above property. The motion, seconded by Councilman LaRue, carried by the following vote:

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

PURCHASE OF PROPERTY FOR URBAN RENEWAL

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 3, 1967, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 142-67, by which the Board accepted the bid of Darrell Cummings for the purchase of parcel R-14(3), a tract of land situated in the Kealing Urban Renewal Project No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 142-67, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of October, 1967, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 142-67; NOW, THEREFORE:

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcel No. R-14(3) in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 3, 1967, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 143-67, by which the Board accepted the bid of Darrell Cummings for the purchase of parcel R-15(5), a tract of land situated in the Kealing Urban Renewal Project, No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 143-67, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of October, 1967 by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 143-67; NOW, THEREFORE,

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcel No. R-15(5) in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 3, 1967, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted a Resolution Number 144-67, by which the Board accepted the bid of Darrell Cummings for the purchase of parcel R-15(6), a tract of land situated in the Kealing Urban Renewal Project, No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 144-67, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of October, 1967, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 144-67; NOW, THEREFORE:

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcel No. R-15(6) in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 3, 1967, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 145-67, by which the Board accepted the bid of Darrell Cummings for the purchase of parcel R-34, a tract of land situated in the Kealing Urban Renewal Project; No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 145-67, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of October, 1967, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 145-67; NOW, THEREFORE:

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcel No. R-34 in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 3, 1967, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 146-67, by which the Board accepted the bid of Darrell Cummings for the purchase of parcel R-45, a tract of land situated in the Kealing Urban Renewal Project, No. Tex. R-20, and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 146-67, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of October, 1967, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 146-67; NOW, THEREFORE,

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

That the price and conditions set forth in the Bid of Darrell Cummings for the purchase of parcel No. R-45 in the Kealing Urban Renewal Project No. Tex. R-20 are hereby approved.

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

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

PURCHASE OF FORK LIFT

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 13, 1967, for the purchase of one (1) Electric Powered Fork Lift Truck with a capacity of 4,000 pounds complete with battery, for use by the Power Plants; and,

WHEREAS, the bid of Main Lines Company, in the sum of \$8,687.91, 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 Main Lines Company, in the sum of \$8,687.91, be and the same is hereby accepted, and that R. M. Tinstman, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City, with Main Lines Company.

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

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

FLOODING REPORTED

Councilman Long reported that Mr. Torres of 5510 Martin had called her the previous Sunday to complain of overflow from the ditch behind his house during heavy rains. He said that the ditch needed to be cleaned out and deepened. She also received a call from Rev. Overton of 1700 Clifford Avenue, who asked her to come see the water covering the street from the rains. He said that he had brought in a petition signed by 51% of the people on the street but the City had not yet paved the street. Rev. Overton had stated that the property owners had agreed to give any right-of-way necessary for widening the street.

Mr. Reuben Rountree, Director of Public Works, said that not enough owners had agreed to dedicate right-of-way, however.

Councilman Nichols asked about paving the streets at Lightsey and South 1st. Some citizens had asked him to look into that matter. Mr. Rountree had not yet talked to them nor had Mr. Charles Hill. Mr. Tinstman said that he would look into the flooding. Mayor Akin brought up the flooding problem in the St. Edward's area. Mr. Rountree said that the City was organizing efforts to clean out the overflowing creek.

CITY OF AUSTIN, TEXAS

VACANT LOTS

Councilman Nichols brought up the problem of overgrown lots covered with trash. Mr. Rountree said that the City Health Department was in charge of notifying the owner to get the lots cleaned up. The Council discussed the procedures of reporting those eyesores.

CLEAN UP CAMPAIGN IN EAST AUSTIN

Councilman LaRue reported that a good many areas were overlooked in the recent clean up campaign in east Austin. He said that most of the spots needing additional work were on East Third Street, Medina Street, and East Second Street. He had gathered a list of addresses of locations and asked the City Manager to send a crew over to finish the job. Councilman Nichols said that he had already reported the addresses to the Assistant City Manager three days ago.

CITY PROPERTY LEASED

Mr. Eskew brought up the matter of a piece of City property on 24th Street just east of Lamar Boulevard that Mr. Jack Andrewartha wanted to lease temporarily for \$125.00 per month for a parking lot. Councilman Long moved the Council authorize the City Manager to enter into a lease with Mr. Andrewartha. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ADJOURNMENT

The Council then adjourned.

APPROVED: *Harry Akin*
Mayor

ATTEST: *Grace Monroe*
Asst. City Clerk