

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 11, 1971
9:00 A.M.

COUNCIL CHAMBER, CITY HALL

The Meeting was called to order with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Absent: Councilmen Atkison, MacCorkle

The Invocation was delivered by REVEREND GROSS, Wesley United Methodist Church.

PROCLAMATION - PAN AMERICAN RECREATION CENTER WEEK

Mayor LaRue read and then presented a proclamation to Mr. Alvino Mendoza designating the week of March 14-20 as Pan American Recreation Center Week in commemoration of the 25th Silver Anniversary of the Pan American Recreation Center.

REQUEST TO WITHDRAW ZONING CASE

Mr. Dick Lillie, Planning Director, noted the request of the purchaser of the property in question, Mr. Kirk E. Williamson, to withdraw Zoning File No. C14-70-234. He also noted the request of the trustees of the owners, Austin National Bank, not to withdraw the case. Mayor LaRue noted that it was the will of the Council that no action be taken by the Council at this time.

HEARINGS RECESSED

At 9:30 A.M. Councilman Gage moved the Council open and recess the public hearings scheduled for that time. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

EASEMENT DISCUSSED - MR. PUETT

Mr. Nelson Puett appeared before the Council to object to an easement for a sewer line through a piece of property which he did not intend to subdivide. He stated that the City had bulldozed trees on this property without prior notification to him. He was shocked and disappointed that he was being sued by the City without prior notification.

City Manager Andrews did not care to comment at this point as there was a lawsuit involved. Councilman Janes found it difficult to believe that the City had trespassed unlawfully on Mr. Puett's property. In response to Councilman Gage's question, City Manager Andrews stated that it was the policy of the City to go onto someone's property to survey, etc. only with permission from the owner or the court. City Attorney Butler noted that owner's permission was usually obtained orally, and Councilman Gage suggested that it might be wise to obtain it in writing.

Mayor LaRue stated that the problem seemed to be essentially a breakdown in communications. He recommended to the City Manager and the City Attorney that this matter be resolved out of court if possible.

Mr. Puett stated that the matter could be resolved by the City not running a sewer through the property or by running the sewer line and at the same time fixing the creek in such a way that it would drain. He asked for an apology for trespassing and suing him without notification. He also wanted the City to pay some of the cost of his attorneys and some of the engineering cost.

Mayor LaRue, Councilman Janes, and City Manager Andrews offered an apology if the City had done anything wrong in this case. City Attorney Butler discussed the proper notification procedures. City Manager Andrews stated that the City had attempted to follow the same procedures in this case as was followed for all others like it.

PUBLIC HEARING ON "RAW MILK" ORDINANCE

Mayor LaRue reopened the Public Hearing on the "Raw Milk" Ordinance recessed from 9:30 A.M.

Mrs. Martina Langley spoke on behalf of repealing the ban on the sale of raw milk in Austin, noting that part of the consideration when sale was banned was that there was no supplier and distributor.

Mr. Robert Wright stated that he owned a store at 1002 West 12th Street and had a truck to haul the milk. He read a letter from Mr. Harold Smith, speaking as a private citizen and not as a representative of his employer, the Texas State Department of Health. The letter stated that there is no evidence of a clear danger to public health from the sale of raw milk and that the purchase of raw milk involved a clear and rational choice on the part of the purchaser. The letter asked for an amendment to limit the scope of the ordinance in order to maintain effective public health controls on the processing of raw milk, while allowing citizens the freedom of choice to which they were entitled. Mr. Wright stated that he had the equipment to haul the milk and wanted to acquire it from AA Jersey Farm Dairy in West Point, Texas to sell in Austin.

Mrs. Langley believed that the ability to obtain raw milk outside the City limits was unsatisfactory service.

Dr. Valdemar Setzer, Assistant Professor at the University of Texas, stated that the synthetic Vitamin D in processed milk was a danger to human health. He believed that homogenization was unnecessary and dangerous. He stated that pasteurization was no longer necessary for determining if milk was good or not. Finally, he found it inconsistent that cigarettes, though determined hazardous to health, were not banned but foodstuffs could be banned because they could be hazardous. He was distressed that he was unable to find milk without Vitamin D at any grocery store, which he wanted for his children.

Mrs. Langley stated that more and more cities were repealing their bans on the sale of raw milk. She believed that a new ordinance should have a provision requiring that a new cow added to the herd should be examined by a veterinarian and its milk should be tested.

Dr. John Sessums, City Health Director, stated that the City inspected any milk coming into Austin from within the surrounding 12 counties. He stated that the West Point dairy was in this 12-county area. In response to Councilman Johnson's question, he stated that the present ordinance required only pasteurization and not homogenization or the addition of Vitamin D. He believed that pasteurization was the most operational way of assuring that disease would not be spread throughout the population. The analogy to cigarette smoking was not applicable as cancer was not contagious. He stated that there was no other large city in Texas approving the sale of raw milk. He noted that pasteurization added nothing to the milk and could involve only a possible taste change from the heating of the milk.

Councilman Price believed that banning raw milk in the City would lead to bootlegging outside the City limits. Dr. Sessums discussed the communicable diseases that could be spread through milk. In response to Mrs. Langley's question, he stated that 99% of the time pasteurized milk showed a lower bacteria count than did raw milk.

Mrs. Carol Smith, wife of the man whose letter had been read, believed that there were inexpensive ways to provide protection against the dangers of raw milk. Dr. Sessums stated that inspection of dairies selling raw milk would have to be more frequent than for other dairies.

Mr. Doran Williams, an Austin attorney, felt that it was clear that raw milk could be a safe product, although the City might need inspections more frequently than those performed by the State. He believed the incidence of communicable disease from raw milk was quite low. He believed that a new ordinance should limit the shelf-life of raw milk by having stamped on the containers the date by which the milk must be sold.

Ms. Arlene Benson quoted the statements of Catherine Elwood, nutritionist, that pasteurization destroyed the Vitamin C and the enzyme phosphatase in milk and that pasteurized milk was more dangerous to health than was raw milk.

Mrs. Sarah P. Harris disagreed with the City Health Department, stating that pasteurization damaged the ability of milk to preserve the teeth. She wanted raw cream for her husband to help prevent arthritis. She favored freedom of choice for people to select the kind of milk they wanted. She stated that all milk must be tested and elaborated further on the dangers of pasteurization.

Mrs. Charles Huntley discussed the undesirability of pasteurization and the lack of communicable disease spread by raw milk. She believed it would add to traffic congestion and pollution to force residents wanting raw milk to go outside the City to obtain it.

Mr. John Loving favored the selling of raw milk to permit residents of Swedish descent and others to make foods which required raw milk as an ingredient.

Councilman Gage, in response to suggestions which had been made, stated that there had been no pressure placed on the Council from milk suppliers of producers for the ban on raw milk.

Mr. William E. Smith believed that it was worth a little more trouble and expense to the City Health Department to give the citizens the opportunity to buy raw milk.

Councilman Janes saw no reason to reconsider the Council's prior action. Councilman Price disagreed, now that these people had been heard.

Motion

Councilman Price moved that the Raw Milk Ordinance be revised to permit raw milk to be sold in Austin under inspection. The motion died for lack of a second.

ANNEXATION HEARING

Mayor LaRue reopened the annexation hearing recessed from 9:30 A.M. No one appeared to participate in the hearing.

Councilman Price moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following: (requested by owner's representative)

0.87 of one acre of land out of the JOHN APPLGAIT SURVEY.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

ARCHITECTURAL PLANS FOR ZACHARY SCOTT THEATRE

Councilman Gage moved the Council approve the architectural plans presented by Mr. Al Golden for the proposed Zachary Scott Theatre. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

PARADE PERMIT GRANTED

Councilman Gage moved the Council grant the request for a parade permit for Colorado Commandery No. 4, Knights Templar on April 18, 1971. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

REFUND CONTRACT ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH AUSTEX DEVELOPMENT COMPANY; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH ROBERT OGDEN AND JESS WEBB; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

VACATION OF RIGHTS-OF-WAY ORDINANCE

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THOSE CERTAIN PORTIONS OF NECHES STREET AND EAST 10TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mr. Leon Lurie, Executive Director of the Urban Renewal Agency, discussed the options for dedication of an alley or dedication of an easement to permit access for emergency vehicles or other vehicles into the Downtowner Motor Inn. Mayor LaRue noted that passage of the ordinance would be subject to the legal details, and Councilman Gage stated that his motion would be in accord with the plan outlined by Mr. Lurie.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor LaRue 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 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 3.97 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4204-4230 JACKSON AVENUE AND 4234-4266 BULL CREEK ROAD, AND 4209-4427 MUELLER AVENUE, FROM "A" RESIDENCE FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE SECOND HEIGHT AND AREA DISTRICT;

TRACT 2: A 2.71 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4010-4202 JACKSON AVENUE, FROM "B" RESIDENCE SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE SECOND HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor LaRue 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 35.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

STREET ASSESSMENT ORDINANCES

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR;

FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.

(West Annie Street and Various Other Streets)

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

Ayes:	Councilmen Gage, Janes, Price, Mayor LaRue
Noes:	None
Present But Not Voting:	Councilman Johnson
Absent:	Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON THAT CERTAIN STREET IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREET WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREET WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.

(Montopolis Drive)

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

Ayes: Councilmen Gage, Janes, Price, Mayor LaRue
Noes: None
Present But Not Voting: Councilman Johnson
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.

(Bunche Road and Various Other Streets)

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

Ayes: Councilmen Gage, Janes, Price, Mayor LaRue
Noes: None
Present But Not Voting: Councilman Johnson
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.

(Francisco Street and Various Other Streets)

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

Ayes:	Councilmen Gage, Janes, Price, Mayor LaRue
Noes:	None
Present But Not	
Voting:	Councilman Johnson
Absent:	Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND

AN, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AS ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.
(Porter Street and Various Other Streets)

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

Ayes:	Councilmen Gage, Janes, Price, Mayor LaRue
Noes:	None
Present But Not Voting:	Councilman Johnson
Absent:	Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES.
(Bissel Lane and Various Other Streets)

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

Ayes: Councilmen Gage, Janes, Price, Mayor LaRue
Noes: None
Present But Not Voting: Councilman Johnson
Absent: Councilmen Atkison, MacCorkle

The Mayor announced that the ordinance had been finally passed.

City Manager Andrews noted that there were two programs relevant to the general policy concerning street paving assessments: the Model Cities Program and the Code Enforcement Program. He stated that he would attempt to obtain 100% Federal funding from the Model Cities Program for a Code Enforcement Area within the Model Cities area. With regard to a Code Enforcement area outside the Model Cities Area, Mayor LaRue inquired if the Federal Government would pay 2/3 and if the property owner could be assessed the remaining 1/3, rather than the City paying the latter amount. City Manager Andrews stated that this would be investigated, and both of these matters would be brought back to the Council.

EASEMENT RELEASED

Councilman Gage moved the Council adopt a resolution authorizing release of the following easement:

A down-guy easement out of Tract A, COLEMAN & COLEMAN ADDITION.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

CONTRACTS AWARDED

Councilman Gage moved the Council adopt a resolution awarding the following contracts:

TRAVIS MATERIALS COMPANY	Twelve (12) months contract to furnish Finish Sand, Mortar Sand, and Fill Sand - \$12,970.00
LONGHORN SAND & GRAVEL, INC.	Twelve (12) months contract to furnish Coarse Concrete Sand - \$1,400.00

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Gage moved the Council adopt a resolution awarding the following contract:

AUSTIN CONCRETE WORKS, INC.

Twelve months contract to furnish
concrete sewer pipe - \$14,733.63

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Johnson moved the Council adopt a resolution awarding the following contract:

BIF

Six (6) each 24" Butterfly valves -
\$20,988.00

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Gage moved the Council adopt a resolution awarding the following contracts:

DEPENDABLE MOTORS, INC.

38 each Pick Up Trucks - \$94,686.00

INTERNATIONAL HARVESTER CO.

3 each Pick Up Trucks - \$9,767.88.

Mr. Solon Bennett, Director of Purchasing, stated that these bids did not reflect the possible reinstatement of the fleet discounts which had been previously granted to governmental agencies.

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilman Atkison, MacCorkle

Councilman Price moved the Council adopt a resolution awarding the following contract:

NELSON CONSTRUCTION CO.

For the construction of Zilker Park
Children's Play Shelter - \$6,098.00
(City's estimate, approximately
\$8,000.00) (Capital Improvement Program)

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Price moved the Council adopt a resolution awarding the following contract:

TABOR CONSTRUCTION CO.

For installation of 475 linear feet of 8-inch water line in Greystone Drive from Shadow Park easterly \$7,126.70. (30 working days for completion, City's estimate-\$10,405.40) (Capital Improvement Program)

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Price moved the Council adopt a resolution awarding the following contract:

FAULKNER CONSTRUCTION CO.

For installation of water and sewer lines in U.S. 183 from Fairfield southerly - \$15,142.90 (60 working days for completion) (City's estimate \$17,413.00; Capital Improvement Program)

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

The Council had before it for its consideration bids to be opened March 9, 1971, for reinforced concrete box culvert across Northcross Drive and in an easement east of Northcross Drive. City Manager Andrews stated that the exact number of working days had not been specified. The low bidder was Jack A. Miller Incorporated, with 125 working days, at a total cost of \$51,446.89 (cost to City - \$6,430.86). He noted a letter from Northcross Associates, Ltd., requesting that the City award the contract to the second bidder, Mr. Lawson Pugh.

Mr. James Dunnam, representing the developers of this property, Northcross Associates, requested acceptance of the bid of Mr. Pugh because the Pugh contract called for only 100 working days, Northcross Associates was agreeable to the City

paying no more than they would have paid on the lowest bid.

Councilman Gage moved the Council authorize the developer to contract with whomever they wished for reinforced concrete box culvert across Northcross Drive and in an easement east of Northcross Drive with City participation to the extent of \$6,430.86. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

CONTRACT AUTHORIZED

Councilman Gage moved the Council adopt a resolution authorizing the City Manager to execute a contract with Southern Pacific Transportation Company relative to the installation of traffic safety control devices at Guadalupe, 51st, and 45th Streets. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

ARCHITECTURAL SERVICES SELECTED

Councilman Gage moved the Council select Jessen Millhouse Greeven Crume Day Newman for Architectural Services for the second and third floor addition to Police and Courts Building. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

Councilman Price moved the Council select Coffee and Crier for Architectural Services for a single story masonry building to house one engine company and one ladder company - Fire Department. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

After some discussion, Mayor LaRue announced that the Council would delay a decision in selecting Architectural Services for the new Municipal Golf Course.

BARTON CREEK RESOLUTION REVISED

Councilman Gage moved the Council adopt a resolution revising the Barton Creek Resolution by deleting a portion of Section 3. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

CHANGE ORDERS AUTHORIZED

Councilman Gage moved the Council adopt a resolution authorizing change orders for Decker Unit No. 1 as follows:

For Contract X-120, Change Orders No. 22-29, inclusive	\$37,892.82
For Contract X-121, Change Orders No. 11-14, inclusive	\$ 5,317.92
For Contract X-122, Change Orders No. 12-15, inclusive	<u>\$ 2,713.51</u>
Total Final Change Orders	\$45,924.25

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

Ayes: Councilmen Gage, Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, MacCorkle

RECESSED MEETING

1:00 P.M.

The meeting was reconvened at 1:00 P.M. with Mayor LaRue presiding.

Roll Call:

Present: Councilmen Janes, Johnson, Price, Mayor LaRue
Absent: Councilmen Atkison, Gage, MacCorkle

SIDEWALK ORDINANCE DISCUSSED

City Manager Andrews stated that the Council had been furnished with copies of a proposed ordinance concerning sidewalk vending as requested by the Council and prepared by the City Attorney's Office. He noted that the proposed ordinance would allow sale on public property of such items that people were carrying with them in hand but would not allow the setting up of a business. City Attorney Butler stated that there were a number of possible approaches which could be taken,

including some type of licensing arrangement. With regard to the selling of carnations, he stated that the proposed ordinance would not prohibit the selling of flowers held in the hand on public streets and sidewalks but would prohibit the placing of signs and merchandise, such as extra flowers, on public property.

Mr. Steve French, City Manager of Campbell-Scott of Austin, which sold carnations on the street, read a portion of a letter from the Comptroller in the main office in Dallas which stated that total sales tax paid by Campbell-Scott from January 18 to February 15, 1971, was \$852.51 for an average weekly figure of \$170.50, and an annual estimate of \$8,866.00. He stated that his company had about 50 employees, 30 of which were full-time, with an average weekly payroll of \$1,000.

Mr. Harley Clark, partner in the law firm of Byrd, Davis, Eisenberg, and Clark, raised the issue of the rights of a new type of minority group, often termed "hippies." He stated that much of the Travis County Grand Jury report was concerned with problems of "street people" begging and mooching along the Drag and drifters without any visible means of support, rather than people selling things on the sidewalk. He discussed the mutual perceptions of "hippies" and "straights" which led to emotional and undesirable responses. He believed the proposed ordinance would unreasonably impede the street vendors' ability to make a living, and he believed their operations to be capitalism at work. He believed there was sufficient sidewalk space which could be licensed for them to use without impeding the flow of traffic. He feared that the proposed ordinance would prevent the placing of garbage cans in alleys, the placing of merchandise on the sidewalk by Red River merchants, the selling of Tyler roses on street corners, and arts and crafts shows in Zilker Park. He stated that his walking on the sidewalk and driving on Guadalupe had never been impeded by the vendors there. In response to Mayor LaRue's question, he agreed that one could be prevented by injunction from blocking 75% or 80% of a sidewalk.

Mr. Cliff Dunn, Regional Manager of Campbell-Scott, stated that according to reports from Austin citizens, the selling of carnations on street corners was not a bother or nuisance to anyone.

Mrs. Pam Newton, street vendor, stated that she sold macrame which she made in order to support her husband in graduate school at the University. In response to her question as to who was opposing the vendors, Mayor LaRue read a telegram from Mr. Rooster Andrews, President of the Grand Jury Association, urging the Council to put into immediate effect the anti-sidewalk vendors ordinance. Mayor LaRue did not recall the names of individuals who had appeared before the Council some two or three weeks earlier. Mrs. Newton encouraged those who had complained about the street vendors to make themselves known publicly as she was unaware of any complaints having been brought to the vendors themselves. She also stated that she believed the street vendors could serve the community in establishing communications and building a relationship between "straight" people and "hippies."

Mr. Larada Cole believed the proposed ordinance would be unfair to the vendors in destroying their employment. He noted the actions of one particular vendor in picking up from the street debris from which he made flower pots and glasses.

Mr. Terry Roberts, Vice President of Travis Security Systems, Inc., noted that his wife sold crafts on the Drag and exhibited some of this merchandise to the Council. He stated that the vendors were generally not in competition with other merchants and noted the employment and revenue benefits to the City. He stated the willingness of the vendors to work out some sort of compromise.

Mr. Ricky Leatherwood stated that after traveling across the country he was saddened to see the polarization of "straights" vs. "hippies," but he believed this was beginning to change. He did not believe the vendors were obstructing anything.

Mr. Newcomb Greenleaf, Associate Professor of Mathematics at the University of Texas, cited a poll taken on the University campus, published in the Daily Texan, which found that the overwhelming majority of students favored the Drag vendors staying there. He believed they were more representative of the University than was Chancellor LeMaistre, who had asked for the ordinance.

Mrs. Edith Buss, Chairman of the Travis County Democratic Women's Committee, believed the selling of flowers and cultural items added to the beauty of the City, and she was unaware of complaints from the merchants of the University. She did not believe the vendors were doing any harm.

Mr. Woodrow Sledge stated that the vendors had blocked access to the store display windows on the Drag, and he believed that an ordinance should prohibit that. Apart from that, he warned against an ordinance which would be too restrictive. He stated that most "hippie" types he had taught were law-abiding and good students.

Mr. Bob Bryant, worker at the Methodist Student Center, contrasted the present situation of the vendors to the situation earlier when street people had idled on the Drag in non-productive fashion. He believed that fears of drug traffic were highly exaggerated. He had found the vendors quite cooperative and able to work with and get along with the Drag merchants. Councilman Janes discussed with Mr. Bryant the possibility of finding a suitable place for the displaying of wares. Mr. Bryant noted that the church, as a tax-exempt organization, could not get involved in such a commercial enterprise.

An individual from the University Mathematics Department, stated that he had found the merchants along the Drag not to be opposed to the vendors.

Mr. Bill Smith commended the quality of the work sold by the vendors, and he enjoyed doing business with them. He also remarked that he had done business at some of the stores there, but it was the vendors who had attracted him to the area, so he believed that was a benefit to the merchants which they might not have thought of. He believed the vendors would keep the area clean and suggested the possibility of their using the restroom facilities at the University Student Union.

Mr. Carl Hickerson, University student, asked for positive action in providing a market place for the vendors rather than prohibiting their activity.

Mrs. Billy Long stated that Houston had a market square and she urged the Council to find a market area for the vendors in question.

Mayor LaRue stated that his primary concern was with alleviating the congestion on the Drag. He believed that if one group were permitted to use a public thoroughfare, this right would have to be accorded to all other groups who requested it. Councilman Price suggested the placing of two restrooms on the Drag and searching for a well-located area for a market place like the area on Red River Street. Councilman Johnson expressed concern that permitting use of a public thoroughfare would set a bad precedent, stating that all businesses should be treated uniformly. Councilman Janes expressed doubt about any licensing procedure for selling on public property. City Attorney Butler noted that the proposed ordinance would except those licensed under the charitable solicitation ordinance, such as the Salvation Army. Councilman Janes did not feel he was ready to make a decision and suggested that the vendors work together with the Grand Jury Association before the Council took action. Mayor LaRue discussed the differences between the situation under discussion and a temporary permit for use of public facilities.

Miss Bonnell believed that if the vendors were allowed to use the sidewalk, then ladies having garage sales could set up on public property wherever they wanted.

Mr. Wayne Leibowitz stated that no one had yet shown that there was any congestion on the Drag. He stated that the problem of blocking the display windows had been worked out. He believed that the present location was workable rather than setting up a market place further away.

Mr. Tim Coultrie believed the vendors were doing no harm and that they could be allowed a restricted area so that the thoroughfare would not be blocked.

Mr. Bill Smith, who spoke earlier, suggested that each vendor be restricted to a certain amount of space he could occupy and that the vendors appoint a spokesman to whom complaints could be directed.

Mayor LaRue commented that the only justification he knew of used by any city to block off part of a thoroughfare was to facilitate the movement of traffic, and he did not see that this justification applied for the matter in question.

An unidentified man spoke against an ordinance which would destroy the vendors' means of earning a livelihood. Another unidentified man spoke in favor of the Red River Street merchants placing their merchandise on the sidewalk. Mr. Cole, who spoke earlier, asked the Council to get to know the vendors.

An unidentified woman noted that the Drag vendors paid no ad valorem taxes, while the Red River Street merchants did. She did not believe the Drag vendors were selling very much. Mr. Roberts, who spoke earlier, noted that the vendors paid sales tax.

Mr. Tim Curtis asked that the Council not pass the proposed ordinance.

Mr. Leibowitz, who spoke earlier, requested the assistance of the City Attorney in writing up an alternative ordinance which would regulate rather than prohibit the use of the sidewalks.

Mr. Robin Ferris stated that whatever ordinance might be passed should be equally enforced throughout the City.

Mr. Frank Horsfall cited obstructions on sidewalks like telegraph poles and light poles. He believed that some provision should be made for the vendors and asked that any regulation be made for a two-year period only.

Councilman Janes noted that a good deal more was involved in the proposed ordinance than just vendors on the Drag. Councilman Price agreed that more time was needed before the Council reached a decision and wished to wait for a full Council. Mayor LaRue announced that this item would be considered again when there was a full Council and after the merchants on Red River Street were apprised of the fact that they too would be affected by action which the Council might take.

FINANCIAL STATEMENTS ACCEPTED

Mr. Homer Reed, of the City Manager's Office, presented financial statements for the months of December, 1970, and January, 1971, noting that these were late because of a computer conversion process.

Councilman Price moved the Council accept the financial statements for December, 1970, and January, 1971. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, Gage, MacCorkle

NURSING SCHOOL RECOMMENDATIONS APPROVED

City Manager Andrews presented a report of the Brackenridge Hospital Advisory Board concerning Nursing School tuition and enrollment with the following recommendations:

That tuition and room and board charges be increased from \$1,000 to \$1,975 for the 3-year nursing school with students paying for University tuition, books, and other expenses.

That tuition for non-resident students be established at \$925 with students paying for University tuition, books, and other expenses.

That the Nursing School be authorized to recruit a freshman class of 70 plus 12 additional students having completed the required academic courses who would enter Brackenridge School of Nursing as Juniors.

He noted that these recommendations were designed to recruit more students without increasing the City's cost. He noted that this was the recommendation of the Advisory Board as well as the unanimous recommendation of a special committee which included two of the physicians who had appeared before the Council. Councilman Janes was uncertain as to whether these recommendations would be an aid or an impediment to recruitment.

Councilman Price moved the Council accept the Nursing School tuition and enrollment recommendations as outlined by the City Manager. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, Gage, MacCorkle

APPOINTMENT OF JUDGES DELAYED

Mayor LaRue announced that the appointment of election judges would be delayed until March 18.

MONTOPOLIS PARK DISCUSSED

Councilman Janes noted receipt of a letter requesting the Council's cooperation in establishing a park at Montopolis Center. He requested that the City Manager investigate this and bring back a recommendation to the Council.

ADJOURNMENT

Councilman Price moved the Council adjourn. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Janes, Johnson, Price, Mayor LaRue
Noes: None
Absent: Councilmen Atkison, Gage, MacCorkle

The Council then adjourned.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk