

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 25, 1971
9:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

Roll Call:

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

The Invocation was delivered by REVEREND J. DAVID BLACK, St. John's United Methodist Church.

APPROVAL OF MINUTES

Councilman Price moved the Council approve the Minutes of the Regular Meeting of February 4, 1971. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Out of Room at
Roll Call: Councilman Atkison

HEART SUNDAY PROCLAMATION

Mayor LaRue read and presented to Mrs. Shapiro and Mrs. Oatman a proclamation designating Sunday, February 28, 1971, as "Heart Sunday."

HIRE A STUDENT WEEK

Mayor LaRue read and presented to Mrs. Carpenter a proclamation designating the week of March 1 through March 5, 1971, as "Hire a Student Week."

RAW MILK ORDINANCE

Mrs. Martina Langley and Mrs. Harold Smith spoke against the raw milk

ordinance and asked that a public hearing be set on the issue. The Council agreed to set a hearing for 9:30 A.M., March 11, 1971.

ZONING CASE POSTPONED

Mr. Robert L. Davis requested that Zoning Case C14-71-008 (Bobby C. Denton) be postponed from March 4, 1971, to March 11, 1971. Councilman Janes moved the Council grant the requested postponement. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

SPECIAL PERMIT - AUSTIN-TRAVIS COUNTY HEAD START

Mrs. Evelyn Sell, Director, Head Start, requested that the City waive the requirement regarding parking for a Day Care Center operation. Mayor LaRue recommended that Mrs. Sell get with the City Manager and work out a suitable arrangement rather than hold a public hearing on the matter, and Mrs. Sell agreed to do so. The City Manager reported later in the meeting that the matter had been resolved.

PARADE PERMIT - STUDENT MOBILIZATION COMMITTEE

Miss Dottie Bolieu, representing the Student Mobilization Committee, requested a parade permit for Sunday, April 18, 1971. Councilman Gage moved the Council grant the permit. The motion, seconded by Councilman Janes, carried by the following vote:

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

DAMAGES CLAIM

Mr. Frank Steadman appeared in behalf of his son, Mr. James A. Steadman, who was involved in a motor vehicle accident with Officer Love, a City policeman on April 18, 1970. Mr. Steadman asked the Council to make a decision on the claim for damages. The City Manager stated that the matter would be discussed in Executive Session since it was a legal matter. The City Manager told Mr. Steadman to follow up through the City Attorney either on Friday or the following Monday.

ITEM WITHDRAWN

Mr. Harley Clark asked that his request to appear before the Council be withdrawn until the regulation of sidewalk use by vendors came back before the Council.

ELECTION OF COUNCILMEN BY DISTRICT

Mr. Arthur Guerrero, before making his proposal, announced that he had resigned as Chairman of the Citizens for Equal Representation. He then proposed that the City Charter be amended to elect four Council members by district (Places 1, 2, 3, 4) and two Council members (Places 5 and 6) and the Mayor at large. Prior to filing for Places 1, 2, 3 or 4 an individual had to reside in the district for at least six months and maintain his residency there if serving on the Council. Mr. Guerrero requested that the amendment be placed on the ballot for the April 3, 1971 regular municipal election.

Dr. Philip L. White, Chairman, West Austin Democrats, and member, Executive Committee, Citizens for Equal Representation, proposed that the City be divided into six equal districts, each district to elect a resident of that district as a member of the Council, and the Mayor continue to be elected at large.

Mrs. Carl Schmidt, League of Women Voters, stated that a consensus of the League's members favored a combination of district representation with at-large representation. The League did not favor any particular split (4-3 or otherwise). There would be no objection to enlarging the Council to nine members, with perhaps a 6-3 split.

Mr. Woodrow Sledge stated that he felt that there was a causal connection between the pure district system (ward system) and bossism and the political machine type of government. He emphasized that abandonment of the pure district ward system generally was considered progress by a considerable body of thought in the field of government and history.

Miss Edith Buss, Chairman, Travis County Democratic Women's Committee, stated that the Committee favored electing Councilmen from six districts and the Mayor at-large.

Mrs. John Barrow, representing the NAACP, stated that the NAACP favored the 6-1 system.

Miss Cynthia Patzke, League of Women Voters, felt that a study committee should be appointed to examine the question on methods of electing City Council members. The League had a great deal of information on the subject, which it would share with a study committee. She felt also that any decisions of the committee should be delayed until after the upcoming City Council elections.

Miss Catherine Engle, Travis County Young Democrats, stated that her group endorsed the 6-1 form of representation.

After some discussion among the Council, it was decided to take the matter under advisement. Mayor LaRue stated that he felt that the incoming Council should appoint the study committee or take whatever action desired, including calling a special election.

BRACKENRIDGE SCHOOL OF NURSING

Dr. R. A. Dennison, Chief of Staff, Brackenridge Hospital, asked the Council to state its position regarding the continuing of the School of Nursing before he spoke to the issue.

Councilman Johnson stated that it was not his intention to remove the School of Nursing from Brackenridge Hospital. He felt that action on the matter had to be taken now and not wait until a new Council came in.

Mayor LaRue stated that it was his intent that the School of Nursing be continued at Brackenridge Hospital. He felt that the other members of the Council had the same intent. The Mayor also stated that it was the consensus of the Council that someone should be recruiting for the School of Nursing, either another agency or the City of Austin.

Councilman Price stated that his vote was not to close the School of Nursing at Brackenridge Hospital. His desire was to put the School under an educational program which would eventually go into a three-year program.

Councilman MacCorkle agreed with Councilmen Johnson and Price. He felt that the public had not been given the facts about the School of Nursing. He then read a prepared statement.

Motion

Councilman Johnson moved the Council adopt a resolution authorizing the continued operation of Brackenridge School of Nursing associated with Brackenridge Hospital in Austin, Texas, under the administration of the Council and City Manager of Austin, Texas, and that the Manager be further instructed to attempt to improve the educational function of this facility.

Councilman Johnson stated that it was not the intent of his motion to limit the operation of Brackenridge School of Nursing for one year.

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

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, Price, Mayor LaRue
Noes: Councilman MacCorkle

Councilman MacCorkle explained that he voted "No" because he felt that the present motion did not present the point of view of putting the Nursing School under professional educators working with the hospital.

Dr. Dennison stated that he thought the intent of the motion was exactly what the Council desired. He wished to maintain the School on its present quality basis or better. He had no argument with any administrative principles which would improve the School's operations economically.

* Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney.

ANNEXATION HEARING

Mayor LaRue opened the annexation hearing scheduled for 9:30 A.M. No one appeared to participate. Councilman Price moved the Council close the public hearing and direct the administration to institute annexation proceedings to annex the following: (requested by owner's representative)

35.65 acres of land out of the James Rogers Survey - proposed MESA PARK, SECTION TWO.

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

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

COUNCILMAN ATKISON LEAVES THE MEETING

HEARING ON PAVING ORDINANCE

Mayor LaRue opened the public hearing scheduled for 9:30 A.M. to consider paving and levying the assessment on the following streets:

- a. West Annie Street and various other streets (Contract 70-Pa-111).
- b. Montopolis Drive (Contract 70-Pa-113).
- c. Bunche Road and various other streets (Contract 70-Pa-114).
- d. Francisco Street and various other streets (Contract 70-Pa-119).
- e. Porter Street and various other streets (Contract 70-Pa-122).
- f. Bissel Lane and various other streets (Contract 70-Pa-127).

The Council heard those individuals interested in specific units. Mr. Charles Pankey, 3509 Pecan Avenue, had purchased a judgement for back taxes from the City. He did not receive title to the property until January, 1971, but was notified of the paving assessment in October, 1970. The City Attorney explained that the judgement which had been purchased did not include the lien for paving. Furthermore, since the owner of the property had been notified of the assessment in October, 1970, under the Council's 45-day policy, it was too late to qualify for the flat rate discount by paying the assessment now.

Mr. Joe Perrone, a qualified real estate broker and appraiser, testified that in his opinion each parcel of land proposed to be assessed for paving would be enhanced at least to the extent of the cost of improvements.

Mr. Pat Hubbard, representing Mr. Julius Seguro, Mr. Manuel Navarro and Mrs. Roxie Martin, argued that since the area under consideration (West Milton group) was in the Meadowbrook Code Enforcement area, the assessment was not ordinary and should not be treated as one by the Council. In this instance, the Federal government was paying two-thirds of certain public improvement costs in the area and the City of Austin was to pay one-third. Under the contract with the

*Councilman Atkison's vote did not count in accord with the ruling of the City Attorney

Federal government the City could assess up to one-third, but if it assessed over that amount, then anything exceeding one-third would have to be returned to the government. Mr. Hubbard stated that his clients were being assessed in excess of the one-third agreement.

Mr. Dick Jordan stated that insofar as HUD and the City of Austin were concerned, their contract was completely legal because the City was in compliance.

After an extended discussion regarding the City's paving assessment policy it was decided to delay any consideration regarding the changing of the assessment policy, and to pass the first reading of the paving assessment ordinance.

STREET ASSESSMENT ORDINANCES

Mayor LaRue brought up the following ordinance for its first 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 first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, James
Absent: Councilman Atkison

Mayor LaRue brought up the following ordinance for its first 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 STREET 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 first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Janes
Absent: Councilman Atkison

Mayor LaRue brought up the following ordinance for its first 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 ordinance was read the first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Janes
Absent: Councilman Atkison

Mayor LaRue brought up the following ordinance for its first 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 first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Janes
Absent: Councilman Atkison

Mayor LaRue brought up the following ordinance for its first 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 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 first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Janes
Absent: Councilman Atkison

Mayor LaRue brought up the following ordinance for its first 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 first time, and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilmen Gage, Janes
Absent: Councilman Atkison

RECESSED MEETING

1:30 P.M.

HUMAN RELATIONS COMMISSION REPORT

Dr. John Barclay read to the Council the Human Relations Commission Report on police brutality in the cases of Willie Robinson and Albert Durst, Jr. The Commission voted that no undue police violence, prejudice or racial hostility was evident in the Robinson case. The Commission felt that in the Durst case the officers involved were not guilty of brutality or an overshoot of force. However, in the interest of better human relations, it was felt that the officers should have shown more respect for Mrs. Durst and permitted her to tell her side of the story. However, at the time she insisted on telling her story, a crowd was gathering and the atmosphere was rather tense. The officer used his best judgement in getting the boy on out.

ZONING ORDINANCE

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 16 AND THE SOUTH 25 FEET OF LOT 15, BLOCK 12, BROAD ACRES ADDITION, LOCALLY KNOWN AS 5608-5610 WOODROW AVENUE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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 Johnson 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, MacCorkle, Price, Mayor LaRue
 Noes: None
 Absent: Councilman Atkison

The ordinance was read the second time and Councilman Johnson 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, MacCorkle, Price, Mayor LaRue
 Noes: None
 Absent: Councilman Atkison

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

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

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCE

Mayor LaRue brought up 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 39.30 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE HENRY P. HILL LEAGUE AND THE WILLIAM BARTON LABOR; ALL BEING LOCATED IN THE COUNTY OF TRAVIS, 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 Gage moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

VACATION OF ALLEY

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF WEST 6TH STREET ALLEY NUMBER TWO, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Price, carried by the following vote:

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

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 Price, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

VACATIONS DEFERRED

The Council deferred consideration of vacating street and alley rights-of-way in accordance with the Urban Renewal Plan for the Brackenridge Area, Tex. A-11-1, as follows, until a release could be obtained from the developers:

Neches Street - from East 10th Street to East 11th Street

Alley between East 10th Street and East 11th Street - from Neches Street for approximately 104 feet east

ELECTION CALLED - APRIL 3, 1971

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 3, 1971, FOR THE PURPOSE OF ELECTING SIX COUNCILMEN AND A MAYOR OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1971, AND FOR THE PURPOSE OF SUBMITTING, AS A NON-BINDING REFERENDUM, A PROPOSITION FOR OR AGAINST THE FLOURIDATION OF THE PUBLIC WATER SUPPLY; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR PROPER NOTICE; 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: Councilman MacCorkle
Absent: Councilman Atkison

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: Councilman MacCorkle
Absent: Councilman Atkison

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: Councilman MacCorkle
Absent: Councilman Atkison

The Mayor announced that the ordinance had been finally passed.

TAXICAB FARES ORDINANCE

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

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SCHEDULE OF RATES AND FARES WITHIN SECTION 42 OF CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967.

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

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

ANNEXATION HEARING SET

Councilman Price moved the Council adopt a resolution setting a public hearing for 9:30 A.M., March 11, 1971, to consider annexing the following: (requested by owner's representative)

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

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

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

RELEASE OF EASEMENT

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

Portions of a public utilities and drainage easement out of ROSEWOOD VILLAGE SECTION THREE.

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

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

CONTRACTS AWARDED

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

AUSTIN ENGINEERING COMPANY

For installation of electric ductline and concrete foundations on 11th Street from Guadalupe to IH 35 - \$78,704.20. (completion time - 130 days) (Capital Improvement Program)

Austin Engineering Company was the low bidder which met specifications. There was a lower bidder, but he had erred on his estimate and asked to withdraw and have his bid bond returned.

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

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

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

GRIFFIN CONSTRUCTION CO.

For the installation of 11,480 lineal feet of 8-inch wastewater pipe, 1,716 lineal feet of 8-inch asbestos cement wastewater pipe, and 810 lineal feet of 8-inch cast iron wastewater pipe and appurtenances for Industrial Boulevard Project - \$107,358.00. (130 working days to complete); City's estimate - \$114,828.50) (Capital Improvement Program)

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

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

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

FAULKNER CONSTRUCTION CO.

For the installation of approximately 650 linear feet of 12-inch cast iron, 504 feet of 12-inch concrete, 1,612 feet of 10-inch concrete and 617 feet of 8-inch concrete sewer pipe and appurtenances for Austin Mall Easement \$36,504.10. (85 working days for completion; City's estimate - \$49,024) (Capital Improvement Program)

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

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

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

UTILITY EQUIPMENT CO. Three (3) each Tool, Equipment and Wire Stringing Trailers - \$5,480.88

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

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

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

90-day Contract for furnishing Single Phase Pad Mounted Distribution Transformers for the following estimated quantities:

		<u>Unit Price</u>
GRAYBAR ELECTRIC CO.	Three (3) each 25 KVA	\$456.00
TECHLINE, INC.	Six (6) each 25 KVA	\$475.00
GRAYBAR ELECTRIC CO.	Ten (10) each 50 KVA	\$595.00
TECHLINE, INC.	Forty (40) each 50 KVA	\$593.00
PRIESTER-MELL CO.	Sixty (60) each 50 KVA	\$564.00
TECHLINE, INC.	Nine (9) each 75 KVA	\$748.00
TECHLINE, INC.	Six (6) each 100 KVA	\$868.00

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

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

LICENSE AGREEMENT

Councilman Gage moved the Council adopt a resolution authorizing the City Manager to enter into a license agreement with Missouri Pacific Railroad Company to install four (4) pipe lines described as follows: (No Charge)

One (1) 12-inch water line and one (1) 8-inch water line crossing Carrier's Bergstrom Spur tracks 1891 feet and 711 feet east of Mile Post #3, respectively.

Two (2) 8-inch sanitary sewer pipe lines crossing 691 feet and 1921 feet east of Mile Post #3 on Carrier's Bergstrom Field Spur.

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

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

OPERATION OF WASTEWATER TREATMENT PLANT

Councilman Gage moved the Council adopt a resolution authorizing City Forces to operate the Wastewater Treatment Plant for the Eanes Independent School District for a period of five (5) years with an established rate of reimbursement of ten cents (\$.10) per mile for each mile traveled by City vehicles to and from the plant and the actual cost of manhours involved plus an additional twenty percent (20%) pad to allow for administrative overhead.

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

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

TRAFFIC CONTROL DEVICES AGREEMENT

Councilman Gage moved the Council adopt a resolution authorizing the agreement between the Model Cities Department and the Department of Traffic and Transportation for the installation and improvement of traffic signals and control devices - total cost: \$63,800 -- 100% Model Cities Funds.

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

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

MANPOWER TEAMS

Councilman Gage moved the Council adopt a resolution authorizing an agreement between the City of Austin and the Texas Employment Commission for the operation of the Manpower Teams within the Model Neighborhood Area - total cost: \$99,342.00 - Model Cities Share: \$81,749.00.

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

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

The City Manager stated that he believed that the Texas Employment Commission would pay the difference between the total cost and the amount furnished by Model Cities. Mr. Tony Ojeda stated that TEC would pay the difference in kind through furnishing personnel and furniture at no cost to the City or the Model Cities Program.

RETAINING WALL

Councilman Gage moved the Council adopt a resolution authorizing Mr. John D. Byram to build a concrete retaining wall, boat dock and two (2) boat slips on Lake Austin at 2518 Matthews Drive, subject to Mr. Byram's removing fill from the lake, which workmen had deposited there.

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

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

CITY MANAGER REPORTS TO COUNCIL

FINANCIAL REPORT - NOVEMBER, 1970

The City Manager submitted to the Council the financial report for November 1970. He indicated that other reports would be coming in shortly.

POSTPONEMENT OF ANNEXATION HEARING

The City Manager indicated that Mr. Reuben Rountree was having some problems with field notes for the annexation set for March 11, 1971. He requested that the hearing be postponed until March 25, 1971. Councilman MacCorkle moved the Council reset the annexation hearing for 9:30 A.M., March 25, 1971, to consider annexing the following:

- a. 50.0 acres of unplatted land out of the John Applegait Survey.
- b. 39.5 acres of unplatted land and a portion of Jones Road.
- c. 344.0 acres of unplatted land out of the Santiago Del Valle Grant.
- d. 9.8 acres of unplatted land out of the Henry P. Hill League.
- e. 187.0 acres of unplatted land out of the Santiago Del Valle Grant including a portion of Burleson Road.
- f. 67.3 acres of unplatted land out of the Henry P. Hill League.

- g. 13.3 acres of land out of the James Trammel Survey:

Sunset Valley, Section 2
Flournoy Acres, Section 2
A portion of Jones Road.

- h. 95.7 acres of unplatted land out of the Isaac Decker League, including a portion of Shelby Lane.
i. 32.4 acres of unplatted land out of the George W. Davis Survey, including a portion of Rutland Drive.
j. 254.0 acres of unplatted land out of the Santiago Del Valle Grant, including portions of Levander Loop and Gardner Road.
k. 623.5 acres of unplatted land out of the Santiago Del Valle Grant.

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

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

REPORT ON TRANSIT NEGOTIATIONS

The City Manager reported that Transportation Enterprises, Inc. would be willing to continue their present contract until March 31, 1971. Mr. Andrews then requested that the Council extend the contract through that date. Councilman Price moved the Council adopt a resolution authorizing the City Manager to extend the contract with Transportation Enterprises, Inc. through March 31, 1971. The motion, seconded by Councilman Janes, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilman Gage
Absent: Councilman Atkison

The City Manager then reported that by Monday three proposals would have been received to operate the City transit system. He would have the item on the Agenda for March 4, 1971.

EXECUTIVE SESSION

The Council went into Executive Session to discuss the accident involving Officer Love and Mr. James A. Steadman.

APPOINTMENT TO COMMISSIONS

Councilman MacCorkle moved the Council reappoint Mr. Edward Robinson, Jr., to the Civil Service Commission. The motion, seconded by Councilman Gage, carried by the following vote:

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

Councilman Janes moved the Council appoint Mr. Tom Viola to the Human Relations Commission. The motion, seconded by Councilman Price, carried by the following vote:

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

ADJOURNMENT

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

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

The Council then adjourned.

APPROVED: _____

ATTEST: _____