

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 10, 1970
9:00 A.M.

Council Chamber, 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 the City Manager, Mr. Lynn Andrews.

APPROVAL OF MINUTES

Councilman Gage moved the Council approve the Minutes of the Regular Meeting of November 24, 1970. The motion, seconded by Councilman Price, carried by the following vote:

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

REQUEST TO DELAY ELECTRICAL SERVICE

Councilman Gage moved the Council approve the request by the University of Texas to delay the start of the agreement for supplemental and standby electric service at Harris Substation from November 1, 1970 to March 1, 1971. 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's vote was not counted in accord with the ruling of the City Attorney.

ZONING ORDINANCES

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: LOTS 1-11, 20, 21, WOODWARD INDUSTRIAL DISTRICT; LOT 1-A OF RESUBDIVISION OF LOT 1, WOODWARD INDUSTRIAL DISTRICT NO. 2: NORTH 400 FEET OF EAST 44.9 FEET OF BLOCK 28, FORTVIEW ADDITION, LOCALLY KNOWN AS 3701-3811 SOUTH CONGRESS AVENUE; 3701-4021 WOODBURY DRIVE; AND 137-333 EAST BEN WHITE BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL 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 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 Atkison*, Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman Janes (disqualified himself as he owns property in the area)

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 Atkison*, Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman Janes

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 Atkison*, Gage, Johnson, MacCorkle, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman Janes

The Mayor announced that the ordinance had been finally passed.

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 9,940 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1505 WEST 39½

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

STREET; AND TRACT 2: A 6,113 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 1505 WEST 39½ STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, 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 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 Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

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 Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

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 Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue

Noes: None

The Mayor announced that the ordinance had been finally passed.

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: A 14,017 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2229-2233 RICHCREEK ROAD FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

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

Ayes: Councilmen Atkison*, Gage, Janes, Price, Mayor LaRue

Noes: Councilmen Johnson, MacCorkle

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

The ordinance was read the first time and Councilman Gage moved the ordinance be passed through its first reading. The motion, seconded by Councilman Price, failed to carry by the following vote:

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

Councilman Gage moved the Council reconsider this zoning ordinance. The motion, seconded by Councilman Price, carried by the following vote:

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

Councilman Gage moved the item be set for the Agenda of December 22, 1970. The motion, seconded by Councilman Johnson, carried by the following vote:

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

VACATION OF STREETS

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THOSE CERTAIN PORTIONS OF WILLOW SPRINGS ROAD AND DOWNING DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR ELECTRICAL AND WASTE WATER 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 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:

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING

The Council continued the hearing on the following zoning application:

CLARENCE FLOURNOY	1007 East 13th Street	From "A" Residence 1st
C14-70-182		Height & Area
		To "B" Residence 2nd
		Height & Area
		NOT Recommended by the
		Planning Commission

Councilman Price moved the Council override the Planning Commission and grant the change to "B" Residence 2nd Height and Area. The motion, seconded by Councilman Johnson, failed to carry by the following vote:

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

The Mayor announced that the change had been DENIED.

CONTRACTS AWARDED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS bids were received by the City of Austin on December 1, 1970, for the construction of a reinforced concrete box culvert across Marganita Crescent 325± southeast of Bland Street, Contract No. 70-C-135; and,

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

WHEREAS, the bid of Jack A. Miller, Inc. in the sum of \$14,913.50 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Jack A. Miller, Inc. in the sum of \$14,913.50 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Jack A. Miller, Inc.

(Capital Improvement Program - City's estimate was \$16,188 - 120 working days for completion)

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

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

Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 1, 1970, for the construction of a drainage system in East 55th Street from H & TC right-of-way to East of Airport Boulevard, Contract No. 70-D-136; and,

WHEREAS, the bid of Pat Canion Excavating Company in the sum of \$51,104.80 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Pat Canion Excavating Company in the sum of \$51,104.80 be and the same is hereby accepted and that W. H. Andrews, City Manager of the City of Austin be and he is hereby authorized to execute a contract on behalf of the City with Pat Canion Excavating Company.

(Capital Improvement Program - City's estimate was \$58,910.00 - 60 working days for completion)

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

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

Noes: None

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

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 1, 1970, for street improvements on 26th Street from Guadalupe to Speedway, Contract No. 70-Pb-123; and,

WHEREAS, the bid of Ed H. Page in the sum of \$79,239.34 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Ed H. Page in the sum of \$79,239.34 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Ed H. Page.

(Capital Improvement Program - City's estimate was \$100,968.30 - 60 working days for completion)

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

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,

Mayor LaRue

Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 1, 1970 for the construction of approximately twelve (12) blocks of pavement and accessories at Anderson Lane, known as Assessment Paving Contract No. 70-Pa-133; and,

WHEREAS, the bid of Ed H. Page in the sum of \$105,583.58 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Ed H. Page in the sum of \$105,583.58 be, and the same is hereby accepted, and that L. H. Andrews, City Manager of the City of Austin be and he is hereby authorized to execute a contract on behalf of the City with Ed H. Page.

(Capital Improvement Program - City's estimate was \$107,746.00 - 90 working days for completion)

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

Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,

Mayor LaRue

Noes: None

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

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 1, 1970, for 916 feet of 8-inch cast iron water mains to relocate a water line now tied to a county bridge currently being replaced with a high-rise bridge; and,

WHEREAS, the bid of Dexter Simons Company in the sum of \$6,718.90 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Waste Water 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 Dexter Simons Company in the sum of \$6,718.90 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Dexter Simons Company.

(Bluff Springs Road at Onion Creek)

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

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

Noes: None

LICENSE AGREEMENT

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a certain license agreement with Southern Pacific Transportation Company for the installation of an 8-inch water pipeline to cross under the Railroad's Llano Branch main track at Engineer's Station 372+48 (Mile Post 8.49), within the limits of Anderson Lane at Austin; and in accordance with the terms and provisions of that certain license agreement exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said license agreement in the permanent records of her office without recordation in the Minutes of the City Council. (No charge to City)

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

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

Noes: None

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

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION APPROVING AND PROVIDING FOR EXECUTION OF PROPOSED GRANT CONTRACT FOR CODE ENFORCEMENT PROGRAM, NUMBERED CONTRACT NO. TEX E-12(G), BETWEEN THE CITY OF AUSTIN AND THE UNITED STATES OF AMERICA, PERTAINING TO THE PREPARATION OF CODE ENFORCEMENT PROGRAM NO. TEX E-12.

WHEREAS, under title 1 of the Housing Act of 1949, as amended, the United States of America (herein called the "Government") has tendered to the City of Austin (herein called the "Public Body") a proposed Grant Contract for Code Enforcement Program, hereinafter mentioned, pursuant to which the Government would extend a Grant of Federal funds to the Public Body to aid in financing the cost of the preparation of a Code Enforcement Program, designated Code Enforcement Program No. TEX E-12 (herein called the "Program"), and

WHEREAS, this Public Body has given due consideration to said proposed Contract and has found it to be in the interest of this locality to execute such Contract, and

WHEREAS, this Public Body is duly authorized, under and pursuant to the Constitution and laws of the State of Texas, to undertake and carry out the preparation of the Program, and

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

Section 1. The pending proposed Contract, designated "Grant Contract for Code Enforcement Program, Contract No. TEX E-12(G)", "consisting of Parts 1 and 11 under and subject to the provisions, terms and conditions of which the Government would make a Grant of Federal funds under Title 1 of the Housing Act of 1949, as amended, to this Public Body to aid in financing the cost of the preparation of the Program for the locality of the City of Austin, Texas, is hereby approved in all respects.

Section 2. The City Manager of this Public Body in its behalf is hereby authorized and directed to execute said proposed Contract in two counterparts, and the City Clerk of this Public Body is hereby authorized and directed to impress and attest the official seal of this Public Body on each such counterpart and to forward such counterparts to the Department of Housing and Urban Development, together with two certified copies of the proceedings in connection with the passage of this Resolution, two certified copies of this Resolution and such other and further documents relative to the approval and execution of the Contract as may be required by the Government.

Section 3. The City Manager of this Public Body is hereby authorized to file requisitions, together with necessary supporting documents, with the Government, from time to time as Grant funds are required, requesting payments to be made to it on account of the Grant provided for in the Contract, and to do and perform all other things and acts required to be done or performed in order to obtain such payments.

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

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

SALE OF HOUSES

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 30, 1970, for the sale of two (2) City-owned houses to be moved; and,

WHEREAS, the bid of J. A. Miller Co. in the sum of \$51.50 for the house located at 1701 (A) Winsted Lane, and the bid of Alta B. Hoyl in the sum of \$757.00 for the house located at 1701 (B) Winsted Lane, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official 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 bids of J. A. Miller Co. and Alta B. Hoyl be, and the same are hereby accepted and that L. H. Andrews, City Manager of the City of Austin be, and he is hereby authorized to execute contracts on behalf of the City said named parties. (positive bids)

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

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

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 30, 1970, for the sale of five (5) City-owned houses to be removed from the premises by demolition; and,

WHEREAS, Vince Ferrer has bid in the sum of \$343.00 to remove the house located at 900 Essex; Southwest Demo. has bid in the sum of \$393.39 to remove the house located at 1907 West 10th Street and in the sum of \$474.47 to remove the house located at 605 West 38th Street; Luke Luksovsky has bid in the sum of \$225.00 to remove the house located at 1002 Essex; and Wesley Dahl has bid in the sum of \$100.00 to remove the house located at 1009 Winsted Lane; such sums being the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin and by the City Manager; Now, Therefore,

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

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

That the above enumerated bids of Vince Ferrer, Southwest Demo., Luke Luksovsky, and Wesley Dahl be, and the same are hereby accepted and L. H. Andrews, City Manager of the City of Austin be, and he is hereby authorized to execute contracts for the payment of said sums on behalf of the City with said named parties. (Negative bids)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 30, 1970, for the sale of two City-owned houses to be removed from the premises by demolition; and,

WHEREAS, the bids of R. J. Ott in the sum of \$50.00 for the house located at 1511 East 51st Street, and in the sum of \$110.00 for the house located at 905 East 14th Street, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official 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 bids of R. J. Ott be, and the same are hereby, accepted and that L. H. Andrews, City Manager of the City of Austin be, and he is hereby authorized to execute contracts on behalf of the City with the said R. J. Ott. (Positive bids)

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

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

BRANCH LIBRARY - LEASE AGREEMENT

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

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

That a certain lease agreement between the City of Austin and Highland Park West Enterprises for lease of certain premises for use as a public library from December 1, 1970 to September 30, 1972, all in accordance with the terms of said lease agreement which is hereby made reference to but need not be

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

recorded in the Minutes, be and the same is hereby approved, and the City Manager or Deputy City Manager is authorized and directed to execute same for and on behalf of the City of Austin. (3317 Hancock Drive in the Highland Park Shopping Center - monthly rental \$70.00 per month)

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Atkison*, Gage, Janes, Johnson, MacCorkle, Price,
Mayor LaRue
Noes: None

SALE OF STRUCTURES

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS
APPROVING THE PRICES AND CONDITIONS SET FORTH IN THE BID OF
T. F. KEELE, FOR THE PURCHASE OF STRUCTURES LOCATED ON PARCEL
8-1-A, BRACKENRIDGE AREA, TEX. A-11-1

WHEREAS, on December 1, 1970, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 388-70, by which the Board accepted the bid of T. F. Keele, for the purchase of structures located on Parcel 8-1-A, situated in the Brackenridge Area, No. Tex. A-11-1, and more particularly described in said Resolution; and

WHEREAS, said Resolution Number 388-70, 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 2nd day of December, 1970, by the Executive Director of the Urban Renewal Agency for approval of the prices and conditions of the proposed sale of said structures; and,

WHEREAS, the City Council finds nothing objectionable concerning the prices and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 388-70.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

That the prices and conditions set forth in the bid of T. F. Keele for the purchase of structures located on Parcel 8-1-A, Brackenridge Area, Tex. A-11-1, are hereby approved. (Former owner. - \$495.00)

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

SELECTION OF ENGINEERS

Councilman MacCorkle moved SNOWDEN & MEYER be selected as Soils Engineering Services for Green Water Treatment Plant High Service Pump Station - Capital Improvement Program Project #C-4901. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Noes: None

ANNEXATION HEARINGS RESET

Councilman Gage offered the following resolution and moved its adoption rescheduling annexation hearings:

(RESOLUTION)

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

That a public hearing be held at 9:30 o'clock A.M., in the City Council Chambers of the City of Austin on the 22nd day of December, 1970, for the purpose of providing an opportunity for all interested persons to be heard on consideration of the institution of annexation proceedings with respect to the below described property, to-wit:

TRACT 1: 30.85 acres of land being out of and a part of the William Cannon League in Travis County, Texas, more particularly described as follows:

BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by ordinance dated August 14, 1969, which point of BEGINNING is the northwest corner of the herein described tract of land, same being the intersection of the west line of South First Street with the South line of King Edward Place, and which point of BEGINNING is in the proposed corporate limit line of the City of Austin;

THENCE, with said present corporate limit line of the City of Austin as adopted by ordinance dated August 14, 1969, S 71° 32' E 80.00 feet to the most northerly northeast corner of the herein described tract of land, same being a point in the east line of South First Street, same being the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, same being said east line of South First Street, in a southerly direction to a concrete monument at the most northerly northwest corner of Tract Two of that certain tract of land conveyed to the Austin Independent School District by warranty deed dated July 31, 1963, of record in Volume 2636 at Page 187 of the Deed Records of Travis County, Texas

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the most easterly north line of said Austin Independent

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

School District tract of land, S 61° 32' E 595.00 feet to a concrete monument at the point of curvature of a curve having an angle of intersection of 14° 54', a radius of 1,596.45 feet and a tangent distance of 208.79 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the right an arc distance of 415.22 feet, the subchords of which arc bear S 59° 12' E 130.00 feet, S 53° 16' E. 200.23 feet and S 48° 10' E 84.79 feet to an iron pin at the most easterly northeast corner of said Austin Independent School District tract of land, same being the most easterly northeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a southerly direction with the following two (2) courses:

(1) S 26° 50' W 136.23 feet to an iron pin;

(2) S 28° 20' W 1,019.74 feet to an iron pin at the southeast corner of said Austin Independent School District tract of land, same being the southeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 61° 09' W 1,081.96 feet to the southwest corner of the herein described tract of land, same being a point in the aforesaid west line of South First Street;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said west line of South First Street, in a northerly direction, to the point of BEGINNING.

TRACT 2: 11.41 acres of land being out of and a part of the Santiago Del Valle Grant in Travis County, Texas, more particularly described as follows:

BEGINNING at the intersection of the present corporate limit line of the City of Austin as adopted by ordinance dated December 15, 1966, with the south or southwest line of Metcalfe Road, same being the proposed corporate limit line of the City of Austin, and from which point of BEGINNING the intersection of the West or northwest line of Catalina Drive with said south or southwest line of Metcalfe Road bears in a southeasterly direction 112.75 feet;

THENCE, with the proposed corporate limit line of the City of Austin, same being said south or southwest line of Metcalfe Road, in a northwesterly direction to a point in the east line of that certain 10.23 acre tract of land which was conveyed to Austin Independent School District by deed of record in Volume 2870 at page 50 of the Deed Records of Travis County, Texas, and which point is an interior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said west line of the Austin Independent School District tract of land, S 30° 00' W 360.37 feet to an iron pipe at the southeast corner of said Austin Independent School District tract of land, same being the most westerly southeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 60° 15' W 455.16 feet to an iron pin at the southwest corner of said

Austin Independent School District tract of land, same being the southwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a northerly direction with the following two (2) courses;

(1) N 26° 56' E 631.65 feet to a point;

(2) N 26° 48' E 317.70 feet to an iron pin at the northwest corner of said Austin Independent School District tract of land, same being the northwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in an easterly direction with the following three (3) courses:

(1) S 61° 15' E 105.70 feet to an iron pin;

(2) S 59° 11' E 203.80 feet to a point;

(3) S 60° 18' E 175.25 feet to an iron pipe at the northeast corner of the aforesaid Austin Independent School District tract of land, same being a point in the west or northwest line of Metcalfe Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, S 60° 50' E 50.00 feet to the most westerly northeast corner of the herein described tract of land, same being a point in the east or southeast line of Metcalfe Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east or southeast line of Metcalfe Road, in a southerly and easterly direction to the point of BEGINNING.

TRACT 3: 24.06 acres of land being out of and
a part of the James Rogers Survey in Travis County,
Texas, more particularly described as follows:

BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by ordinance dated August 6, 1970, same being the most southerly southwest corner of the herein described tract of land, same being a point in the curving west right-of-way line of U. S. Highway 183, said curve having an angle of intersection of 14° 16', a radius of 5,629.58 feet, and a tangent distance of 704.53 feet, which point of BEGINNING is one hundred (100.00) feet west of and in a line normal to centerline station 149+00 on U. S. Highway 183, and which point of BEGINNING is in the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, same being said west right-of-way line of U. S. Highway 183, along said curve to the left an arc distance of 1,134.84 feet, the chord of which arc bears N 02° 00' W 1,132.92 feet to an iron pin at the point of tangency of said curve;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said west right-of-way line of U. S. Highway 183, N 07° 47' W 512.80 feet to the most westerly corner of the herein described tract of land, same being a point in a line one hundred (100.00) feet west of and in a line normal to centerline station 133+00 on U. S. Highway 183;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said line normal to centerline station 133+00 on U. S. Highway 183, N 82° 13' E 200.00 feet to a point in the east right-of-way line of U. S. Highway 183;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east right-of-way line of U. S. Highway 183, S 07° 47' E 83.65 feet to a point in the northwest line of Hoover Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said northwest line of Hoover Road, in a northerly direction with the following six (6) courses:

- (1) N 66° 12' E 107.76 feet to a point;
- (2) N 29° 06' E 172.41 feet to a point;
- (3) N 30° 10' E 507.59 feet to a point;
- (4) N 20° 19' E 394.19 feet to a point;
- (5) N 25° 59' E 61.94 feet to a point;

(6) N 29° 59' E 16.00 feet to an exterior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, S 60° 01' E 60.00 feet to an iron pin at the point of curvature of a curve having an angle of intersection of 90° 11', a radius of 15.00 feet and a tangent distance of 15.05 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the left an arc distance of 23.61 feet, the long chord of which arc bears S 15° 07' E 21.25 feet to an iron pin at the point of tangency of said curve;

THENCE, continuing with the proposed corporate limit line of the City of Austin, S 60° 12' E 215.69 feet to an iron pin at the point of curvature of a curve having an angle of intersection of 21° 16', a radius of 322.25 feet, and a tangent distance of 60.50 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the right an arc distance of 119.61 feet, the long chord of which arc bears S 49° 34' E 118.92 feet to an iron pin at the point of reverse curvature between the aforementioned curve and another curve to the left having an angle of intersection of 21° 04', a radius of 317.74 feet, and a tangent distance of 59.08 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the left an arc distance of 116.83 feet, the long chord of which arc bears S 49° 28' E 116.17 feet to an iron pin at the point of tangency of said curve, same being an interior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 30° 00' E 350.00 feet to a concrete monument at the most northerly

northwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in an easterly direction with the following five (5) courses:

- (1) S 60° 00' E 105.00 feet to an iron pin;
- (2) S 71° 19' E 50.99 feet to an iron pin;
- (3) S 60° 00' E 920.00 feet to an iron pin;
- (4) N 47° 01' E 25.37 feet to an iron pin;
- (5) S 36° 00' E 165.00 feet to a concrete monument at the most easterly corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a westerly direction with the following five (5) courses:

- (1) S 54° 00' W 275.36 feet to an iron pin;
- (2) N 36° 00' W 60.00 feet to an iron pin;
- (3) N 60° 00' W 261.35 feet to an iron pin;
- (4) S 30° 00' W 525.00 feet to a concrete monument;
- (5) N 60° 00' W 540.00 feet to an iron pin at an exterior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a northerly direction with the following five (5) courses:

- (1) N 30° 00' E 285.00 feet to an iron pin;
- (2) N 60° 00' W 110.00 feet to an iron pin;
- (3) N 43° 18' W 52.20 feet to an iron pin;
- (4) N 60° 00' W 105.00 feet to a concrete monument;
- (5) N 30° 00' E 75.00 feet to an iron pin at the point of curvature of a curve having an angle of interestection of 21° 04', a radius of 377.74 feet and a tangent distance of 70.24 feet, same being an interior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the right an arc distance of 138.89 feet, the long chord of which arc bears N 49° 28' W 138.11 feet to an iron pin at the point of reverse curvature between the aforementioned curve and another curve to the left having an angle of intersection of 21° 16', a radius of 262.25 feet, and a tangent distance of 49.24 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the left an arc distance of 97.34 feet, the long

chord of which arc bears N 49° 34' W 96.78 feet to an iron pin at the point of tangency of said curve;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 60° 12' W 208.57 feet to an iron pin at the point of curvature of a curve having an angle of intersection of 99° 29', a radius of 15.00 feet and a tangent distance of 17.71 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin along said curve to the left an arc distance of 26.04 feet, the long chord of which arc bears S 70° 04' W 22.89 feet to an iron pin at the point of tangency of said curve, same being a point in the Southeast line of Hoover Road;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said southeast line of Hoover Road, in a southerly direction with the following four (4) courses:

- (1) S 20° 19' W 334.15 feet to an iron pin;
- (2) S 30° 10' W 512.20 feet to an iron pin;
- (3) S 29° 06' W 193.10 feet to an iron pin;
- (4) S 66° 12' W 145.11 feet to a point in the aforesaid east right-of-way line of U. S. Highway 183;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east right-of-way line of U. S. Highway 183, S 07° 47' E 366.73 feet to a concrete monument at the point of curvature of a curve having an angle of intersection of 14° 16', a radius of 5,829.58 feet, and a tangent distance of 729.56 feet;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said east right-of-way line of U. S. Highway 183, along said curve to the right an arc distance of 1,175.16 feet, the chord of which arc bears S 02° 00' E 1,173.17 feet to the most southerly corner of the herein described tract of land, same being a point in the aforesaid present corporate limit line of the City of Austin as adopted by ordinance dated August 6, 1970;

THENCE, with said present corporate limit line of the City of Austin as adopted by ordinance dated August 6, 1970, N 86° 55' W 200.00 feet to the point of BEGINNING.

TRACT 4: 15.48 acres of land being out of and a part of the John Applegait Survey in Travis County, Texas, more particularly described as follows:

BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967, same being the west right-of-way line of Interstate Highway 35, also known as Interregional Highway, which point of BEGINNING is the most easterly-southeast corner of the herein described tract of land, same being a point in the proposed corporate limit line of the City of Austin, same being the south line of Braker Lane;

THENCE, with the proposed corporate limit line of the City of Austin, same being said south line of Braker Lane, in a westerly direction 2,250 feet, more or less, to an iron pin at the northeast corner of that certain 11.86 acre tract of land conveyed to Austin Independent School District by warranty deed dated June 29, 1959, of record in Volume 2058 at Page 281 of the Deed Records of Travis County, Texas, same being an interior ell corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, S 28° 29' W 726.47 feet to an iron pin at the southeast corner of said Austin Independent School District tract of land, same being the most westerly southeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 61° 40' W 691.89 feet to an iron pin at the southwest corner of said Austin Independent School District tract of land, same being the southwest corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin, N 29° 26' E 840 feet, more or less, to the northwest corner of the herein described tract of land, same being a point in the north line of Braker Lane;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being said north line of Braker Lane, in an easterly direction 3,000 feet, more or less, to the northeast corner of the herein described tract of land, same being a point in the aforesaid west right-of-way line of the Interstate Highway 35, same being the aforesaid present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967;

THENCE, with said present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967, in a southerly direction to the point of BEGINNING.

TRACT 5: 15.69 acres of land being out of and a part of the John Applegait Survey and J. O. Rice Survey in Travis County, Texas, more particularly described as follows:

BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967, same being the east right-of-way line of Interstate Highway No. 35, also known as Interregional Highway, which point of beginning is the northwest corner of the herein described tract of land, and which point of BEGINNING is in the proposed corporate limit line of the City of Austin, same being the present north line of Braker Lane;

THENCE, with said proposed corporate limit line of the City of Austin, same being said north line of Braker Lane, in an easterly direction 3,000 feet more or less to a point, for the northeast corner of the herein described tract of land, same being a point in the northerly prolongation of the east line of that certain tract of land conveyed to the Austin Independent School District by Warranty Deed dated February 28, 1964, of record in Volume 2803 at Page 460 of the Deed Records of Travis County, Texas;

THENCE, continuing with said proposed corporate limit line of the City of Austin, same being said east line of the Austin Independent School District tract of land, and its northerly prolongation, S 27° 50' W 981.63 feet to a point for the southeast corner of the herein described tract of land, same being the southeast corner of said Austin Independent School District tract of land;

THENCE, continuing with said proposed corporate limit line of the City of Austin, N 62° 10' W 560.00 feet to the most southerly southwest corner of the herein described tract of land, same being the southwest corner of the said Austin Independent School District tract of land;

THENCE, continuing with said proposed corporate limit line of the City of Austin, N 27° 50' E 849.73 feet to a point in the south line of said Braker Lane, for an interior ell corner of the herein described tract of land, same being the northwest corner of said Austin Independent School District tract of land;

THENCE, continuing with said proposed corporate limit line of the City of Austin, in a westerly direction with the south line of said Braker Lane 2,420 feet, more or less to a point in the aforesaid Interstate Highway No. 35, same being a point in the aforesaid present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967;

THENCE, with said present corporate limit line of the City of Austin as adopted by ordinance dated April 6, 1967, same being said present east line of Interstate Highway No. 35, in a northerly direction to the place of BEGINNING.

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

That the City Clerk be authorized and directed to cause a notice of such hearing to be published in a newspaper having general circulation in this City and in the area proposed to be annexed, such publication to be made not more than twenty (20) days, nor less than ten (10) days prior to the hearing.

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

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

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

OFF-STREET PARKING SPACES

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Chapter 45 of the Austin City Code of 1967 requires that, within certain specified areas, there be a determination by the City Council as to the number of parking spaces to be required within such area; and,

WHEREAS, The Ralph McElroy Company, Inc. has made application for such determination which the City Council is of the opinion should be granted as requested; Now, Therefore,

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

That the request of The Ralph McElroy Company, Inc. for authorization to provide nineteen (19) parking spaces within the area described in its application of December 1, 1970, is hereby in all things approved.

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

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

Noes: None

APPEALS FROM DECISION OF PLANNING COMMISSION
IN GRANTING SPECIAL PERMITS

Jagger & Associates for 97 Unit Apartment Development at 1201-1227 Algarita Avenue. Appeal filed by James Showen.

On the request of James Showen, Councilman MacCorkle moved that the Council accept the withdrawal of the appeal for Jagger & Associates for 97 unit apartment development at 1201-1227 Algarita Avenue. The motion, seconded by Councilman Janes, carried by the following vote:

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

Noes: None

Greg Gannaway for the building of a 104 Unit Apartment at the rear of 2701-2801 Rae Dell -
Appeal filed by T. J. Gibson

It being 9:30 A.M., Mayor LaRue opened the hearing scheduled for this time on an appeal from the decision of the Planning Commission in granting GREG GANNAWAY a special permit for building a 104-unit apartment at the rear of 2701-2801 Rae Dell, such appeal being filed by Mr. T. J. Gibson.

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

Councilman Johnson wanted the record to reflect that he was a property owner in the immediate area and would disqualify himself from participating in this matter.

MR. FRANK BOLTON, representing the appellants, stated their protest was not to block the apartment building, but to minimize the adverse effects that this development might have on the adjacent homes. Parking to accomodate the 104 units would be around the back fence, and would cause noise to disturb property owners that have been there for many years. They have asked the owner to consider a noise barrier, but he refused to do so. They asked that the location of the garbage bins be relocated from the rear property line as a matter of sanitation to adjoining properties. The opponents fear the damages that blasting will cause. He called attention to the inadequate drainage existing, and urged that this be solved before building began. He asked the Council to consider these points before allowing the special permit. Another condition of the special permit was a 6' fence. The Assistant Director of Planning, Mr. Lillie, reviewed the site plan, locating the apartments in the middle, with the parking around the border of the tract. Two swimming pools will be located in the center. Garbage pickup locations are to be approved before the site plan is released and the Department would require them to be adjacent to the buildings rather than next to the residential property lines. Discussion covered the 24" - 36" sewer lines, and enclosing the drainage. MR. CHARLES GRAVES reported on the drainage, and concluded by listing a need of a relief storm sewer which would cost about \$12,000 plus for this location. Mr. Lillie stated neither the special permit nor the subdivision will be released until the drainage problem has been solved.

MR. GANNAWAY stated the drainage problem is going to be there regardless, and construction of 104 apartments would not cause overflow on anyone on Rae Dell. He called attention to the present zoning which would yield to apartments without a special permit under certain conditions. As to blasting, he was not certain it would have to be done, as the work might be done by machinery. Mr. Gannaway reported there was raw sewage running across the tract now, from sanitary sewer lines. Mayor LaRue stated this would be looked into immediately.

Opposition was expressed by Mrs. Roger Drake, 2605 Rae Dell, stating her home was in jeopardy, as water draining into the ground would run off from the solid concrete which would be laid. As to the blasting, she received damage from a blast 500' from her home, and her home would be right next to this location.

MAYOR LaRUE stated the Council would hold this request in abeyance until next week, December 17, and go out and look at the situation on the ground. In the meantime the interested parties might get together and resolve the listed problems.

UTILITY ADJUSTMENT AND JOINT
USE AGREEMENTS WITH THE STATE FOR THE PARTIAL
REIMBURSEMENT OF UTILITY ADJUSTMENT COSTS AT
U.S. 183 - NORTH LAMAR INTERCHANGE

The City Manager stated the City can receive 50% reimbursement on the areas that were in easements as against in the streets, to an amount of about \$30,000, in working out this utility adjustment and joint use agreements with the State, at U.S. 183-North Lamar Interchange. Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the State of Texas has offered to reimburse the City of Austin for fifty percent (50%) of the cost of relocating utilities from a privately owned easement along the U.S. 183 - Loop 275 (North) Interchange Project; and,

WHEREAS, the State of Texas has offered the City of Austin joint use of the right-of-way acquired for the same for utility relocation; and,

WHEREAS, acceptance of same would be in the best interest of the City of Austin and its citizens; Now, Therefore,

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

That the City Manager or his designate be and he is hereby authorized to execute on behalf of the City of Austin all instruments necessary to obtain allowable reimbursement for utility adjustment costs and joint use of right-of-way for utility purposes associated with the U.S. 183 and Loop 275 (North) Interchange Project.

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

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

MODEL CITIES PROGRAM

The City Manager, Mr. Andrews, stated a letter of credit under the Model Cities Program in the amount of \$3,088,000 had been received this morning, and authorizes the City to draw on it at the rate of \$617,600 a month. He stated this would be paying back the expenditures already made up to 20%.

FINANCIAL REPORT FOR SEPTEMBER, 1970
AND FISCAL YEAR ENDED SEPTEMBER, 1970

MR. NORMAN BARKER, Director of Finance, reported the City had an exceptional year utility-wise in revenues, as weather conditions affected utility sales favorably. More water and more electricity were sold than ever before, the revenues following accordingly. The expenditures were below those budgeted. Interest, cost-wise, the City as well as the nation and entire world experienced an unusual year. It was possible that the City deferred borrowing Utility Revenue bond money. The Utility net debt went up only \$8,500,000, for the period in which \$20,000 for assets for the utility system was expended. The balance had been picked up by the current revenues in this utility system. Under the General Government, revenues were above expectation by 6%, and the expenditures were below budgetary figures by about 4%. Tax collections overall, not counting interest and penalty, have been running better than 98%. He

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

explained the year-end figures of both the Utility and the General Obligation Funds, resulting in the overall position of the general fund being better at the end of this year than it was at the end of last year. After discussion, Councilman Gage moved the Council note receipt of the Financial Report for September, 1970. The motion, seconded by Councilman Price, carried by the following vote:

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

Noes: None

RE-OPEN HEARING ON DELUXE TAXICAB COMPANY

MR. JOE TERNUS, Director of Traffic and Transportation, reported having just checked with the Tax Department, and due taxes had not been paid at 10:30 A.M. The vehicles' status are the same as before. The radios are still inoperative. Three weeks ago, vehicles were brought down and passed a vehicle inspection but they are not in compliance with the City Code regarding two-way operation of the radio. The Company filed an annual operating report, but they had not filed their return on a fiscal year basis. He pointed out that although some efforts had been made to comply, the company was not in compliance with the City Code, and Mr. Ternus listed the items which had not been cleared. Councilman Price pointed out numerous complaints he had received, and pointed out it was unjust to allow one company to operate in that manner, while the others are required to meet the ordinance requirements. He reported complaints on overcharging by companies other than just this one cab company under question. Complaints were reported through the Police Department. Councilman Gage asked that the City Manager have that record furnished to the Council.

MR. SALMANSON, representing Deluxe Cab Company, reported four of the cabs now had passed the inspection in all requisites. The problem with the radios stemmed from the very few technicians in this field, and it is a matter of getting competent people to do this work. Mr. Salmanson was trying to get the money for the back taxes today, and asked that two more weeks be given in which to get the tax money to the City. He explained he was trying to help him secure money, and set up proper management, stating if Mr. Hawkins cannot accomplish it by the first of the year, he was not in a position to represent him further. The two items of non-compliance at this time are the delinquent taxes and no two-way radios in operation. Councilman Janes commented that he would go along, provided the operator was in compliance by the 29th; and instead of a temporary suspension, he would suggest withdrawal of the franchise.

Councilman Price again urged that the responsibility for managing these cab companies be placed on the Franchise holder, and relieve the taxpayer around \$34,000 for this management.

Councilman Janes moved the Council recess the hearing until January 7th. The motion, seconded by Councilman Gage, carried by the following vote:

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

Noes: None

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

REPORT ON STUDY OF 270 ACRES IN SPICEWOOD SPRINGS
ROAD AREA

The City Manager stated since this annexation had been before the Council before, the recommendation is today that the City Attorney be authorized to draw an ordinance to annex the area. MR. DICK LILLIE, Assistant Director of Planning, reviewed the area, pointing out the location on a map. The City Manager stated the area west of Spicewood Springs Road should be studied and considered early in 1971, thus not thrusting taxes on the property owners for two years. Consideration was given to annexing 200' on each side of Spicewood Springs Road just west of Mesa.

Quite a bit of discussion was held and various motions and substitute motions were made, later to be withdrawn. Councilman Gage moved the Council vote to annex the 270 acres as recommended by the City Manager (to initiate the proceedings.) The motion, seconded by Councilman Janes, carried by the following vote:

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

Councilman Gage moved the Council ask the City Manager to study and bring back to the Council the recommendation on the area north and south of Spicewood Springs Road, west of Mesa Drive on Spicewood Springs Road. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Councilman Johnson asked that the City Attorney be requested to send out a status of the last public hearing on annexation.

BARTON CREEK LAND ACQUISITION

The City Manager reported there was a contract from Mr. Andrewartha agreeing to sell to the City fee simple title, the 14 acres of land designated as dark green on the map. He pointed out on another map approximately 10 acres to be acquired as a conservation easement. For this little more than 24 acres, Mr. Andrewartha agrees to sell the conservation easement and the 14 acres fee simple for \$227,000 - \$10,000 cash deposited in escrow, and the remaining \$217,000 at the consummation of the sale, totalling \$227,000.

The City Manager discussed the easements to be granted for sewer lines across this tract to meet the sewer line. He had talked with Mr. Bradfield who has four or five acres on the north side of Barton Creek. Mr. Bradfield said he had no interest in negotiating for the purchase of either a fee simple or conservation easement on that property.

Mayor LaRue added that MR. DON BERMAN had pointed out at the last meeting, that there was money available to help acquire land in this area - the Texas

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

Parks and Wildlife Department had confirmed definitely, that there was money available; and that \$100,000 funds from the same source are available to Austin; but unless they are used, they may not be available. The Mayor stated that Austin, being the Capital City with over 50% of the property non-taxable, that the City would have an excellent chance of getting additional funds for acquisition of property along Barton Creek, if assurance could be given that the \$100,000 first was going to be handled properly. The City Manager said it appeared necessary to file an amended application with the State for that \$100,000. It would require matching funds of 50% on the City's part. Councilman Johnson favored the City's spending its own funds. Discussion ensued on seeking the \$100,000 which could be used for various projects on Town Lake.

In reply to Councilman Janes' question about the status of the School Board transaction for property on Town Lake, the City Manager stated it had been authorized. Due to a large trunk main in the tract, the School Board and architects are looking into this matter now.

Councilman Johnson moved the Council authorize the City Manager to sign the contract and enter into the agreement. The motion was seconded by Councilman Price.

The City Manager listed the protection the City had on the conservation easement - to prevent forever the cutting of trees except those which were dead, decayed, diseased or dangerous; to prevent depositing, dumping, or abandonment of any land fill or solid or liquid refuse, waste or junk; to prevent quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, other similar materials from said land provided that the excavating, cutting, etc., incidental to construction authorized by the City pursuant to this agreement shall be permitted. The City can enter upon the land to inspect for violations and to remove or eliminate unauthorized junk or refuse and restoration that may be necessary; prevent construction of all buildings, structures or work and prevent construction of private roads, drives, parking lots or other improvements. The land will be left in its present state. The owners would reserve the right to use it for recreation, day camp, hunting preserve, fishing, wildlife sanctuary, woodland preserve for the purpose of meeting front, side, rear yard average density minimum lot area requirements in the ordinances. The easements would not be open to the public. The City Manager stated details would be worked out and brought back to the Council.

Councilman Johnson withdrew his motion that the City Manager be authorized to sign the contract and enter into the agreement. Councilman Price withdrew his second.

MR. DAVIS BARROW was glad to see that Barton Creek is in the process of being purchased and stated the value is reasonable and the City should purchase the land. Mr. Barrow stated he thought \$3,000 an acre was a reasonable price, and he advocated also the purchase of the Bradfield tract.

Councilman Gage suggested striking several provisions in the contract as follows: that no fence be erected; that the property owners can utilize this for recreation, day camp, hunting preserve, fishing, as a wildlife sanctuary, woodland preserve, and utilization for the purpose of being front, side, medium density, minimum lot value requirements. He said he would like to see those provisions stricken from the contract

Councilman Gage moved the Council vote that the contract be executed with the exclusion of fences and those first two items in use of the land as anything but meeting the density requirements. (14.30 acres out of the Henry P. Hill League and William Barton Labor, and 9.82 acres of a conservation easement, out of the Henry P. Hill League and William Barton Labor) The motion, seconded by Councilman Price, carried by the following vote:

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

LOWERING LAKE AUSTIN

The City Manager mentioned the discussion on lowering Lake Austin, asking the Council its desires. It was the general consensus of the Council that the Lake not be lowered.

CAPITAL AREA PLANNING COUNCIL

Mayor LaRue made a report on the action taken by the Capital Area Planning Council on December 9th. The Executive Committee employed MR. HOYLE OSBORNE as Executive Director, recognizing this has to be worked out with the City Manager. The Executive Committee approved a work program, correcting two deficiencies raised by HUD, and the City will now be in a position shortly to take whatever action it feels is necessary insofar as transportation is concerned or any of other Housing and Urban Development Funds. The City Manager stated MR. DON KING was now in San Antonio, and he hoped to meet with him. It might be necessary for Mr. King to join the City in Washington, D.C.

REPORT ON STATUS OF COUNCIL MEMBER

Mayor LaRue reported members of the Council last week requested information as to what other courses of action were open to the Council in the legal manner as far as Mr. Atkison's position was concerned. The Council had received a statement from the City Attorney. Legalities were discussed. After a lengthy discussion, Councilman Gage, in order to get something underway, in making a determination as to the legal status of Councilman Atkison, moved that the Council instruct the City Attorney to proceed and institute the quo warranto proceedings. Councilman Janes seconded the motion, in consistency with his prior position which is shared by Mr. Atkison, that this is the only way to make that determination. He stated all had indicated this action was in no way directed against Mr. Atkison, but an action directed against the situation in order to clarify it. Councilman MacCorkle stated this seemed that the only route was to the Courthouse to get the matter clarified, by a ruling of the Court.

Councilman Atkison, before casting any vote, thanked each Council member for the definite stand they will take. He wanted to thank the hundreds of people who had called him and encouraged him to stay on the Council and not resign. They could be assured that he would not resign, but would face up to

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

any situation confronting him in the future. He thanked each and every member for the tolerance they had shown here today. Roll call on motion showed the following vote:

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

Councilman Price restated he would not send the City Attorney to the Courthouse to spend the taxpayers money. If someone wants to contest this matter, they could make their judgement their own way.

CORPORATION COURT JUDGE

Councilman Gage read a story in the American-Statesman which caused him some concern about one of the Courts. The Mayor stated factual information could be obtained. It was reported the Corporation Clerk had left some reports to be distributed to the Council today. The request was held in abeyance until the next week.

STATUS OF RAILROAD COMMISSION HEARING ON SOUTHERN UNION GAS COMPANY RATE INCREASE

The City Attorney, Mr. Butler, stated the City would present its evidence on January 7th. He reported the Gas Company requested more than the 13% increase. The Council discussed exploring possibilities and negotiating. Councilman Janes moved the Council vote that the City Manager take what steps he thinks prudent. The motion, seconded by Councilman MacCorkle, carried by the following vote?

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

AIRPORT PARKING

Councilman MacCorkle stated there seems to be parking trouble around the Airport, with cars parking in "no parking zones". He suggested that enforcement of rules and regulations be stepped up.

REPORT ON BUS SITUATION

Councilman MacCorkle inquired about the status of the bus situation. The City Manager stated there were advertisements in the Wall Street Journal and in other publications. One firm contract had been received and he had a meeting set up with this group. Another contract had been received, but this had not been worked out just yet. Councilman MacCorkle said the problem of buses is not only in Austin - it is universal. It is a nation-wide problem, but the City has to solve its transportation situation.

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

FIREMEN'S RECRUITING CLASS 59

The Mayor and Council greeted and welcomed the Firemen's Recruiting Class 59. Mayor LaRue noted many comments have come in about the wonderful Fire Department in recent years. The Firemen make a fine contribution to the City, going beyond the line of duty in cleaning up the premises after a fire.

ZONINGS SET FOR PUBLIC HEARING FEBRUARY 4, 1971

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on February 4, 1971:

RICHARD F. GRIGGS C14-70-233	2802-2804 Wheless Lane	From "A" Residence To "C" Commercial
AUSTIN NATIONAL BANK TRUSTEE: VERA WOODS SMITH et al Trust By Kirk Williamson C-14-70-234	Rear of 6421-6511 North Lamar Boulevard	From "A" Residence To "C" Commercial
AUSTEX DEVELOPMENT COMPANY, LTD. By W.T.Williams, Jr. C14-70-235	Tract 1 11201-11213 U.S.Highway 183	From Interim "A" Residence To "C" Commercial
	Tract 2 11111-11127 U.S.Highway 183	From Interim "A" Residence To "C" Commercial
FRANK BARRON C14-70-236	7508-7642 Cameron Road	From "A" Residence To "GR" General Retail
JESSE L. BOZARTH et ux By Russell Rowland C-14-70-237	4208-4210 Medical Parkway	From "A" Residence To "O" Office
E. T. MCGREGOR By J. J. Raisch C14-70-238	3913-3915 Red River	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
JOHN P. SCHNEIDER By Glenn H. Foster C14-70-239	101-105 East 38th Street 3705-3707 Speedway	From "B" Residence 2nd Height and Area To "LR" Local Retail 2nd Height and Area
R.C. LITTLEFIELD C14-70-240	3500 Red River	From "A" Residence To "BB" Residence
JAMES W. SYKES By Wayne M. Laymon C14-70-241	2501-2505 Parker Lane	From "A" Residence To "BB" Residence

FRANCIS LEE KARBEN
By Dorothy G. Croom
C14-70-242

8312-8316 North Lamar
Boulevard

From "C" Commercial 6th
Height and Area
To "C-2" Commercial 6th
Height and Area

DAVID D. FORD et ux
et al
By Robert Sneed
C14-70-243

Tract 1
6400-6622 Manchaca Road

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

Tract 2
Rear of 6400-6622
Manchaca Road

From Interim "A" Residence
1st Height and Area
To "B" Residence 1st
Height and Area

AUSTIN DOCTORS BUILD-
ING CORPORATION
By Robert C. Sneed
C14-70-244

Tract 1
1007-1013 West 33rd Street
1004-1010 West 32nd Street
3207-3211 Wabash Avenue

From "A" Residence 1st
Height and Area
To "O" Office 3rd Height
and Area

Tract 2
1001-1007 West 33rd Street
1000-1002 West 32nd Street
3200-3220 North Lamar
Boulevard

From "C" Commercial 1st
Height and Area
To "C" Commercial 3rd
Height and Area

Tract 3
1100-1112 West 33rd Street
3301-3305 Bailey Lane
3300-3304 Wabash Avenue

From "A" Residence 1st
Height and Area
To "O" Office 3rd
Height and Area

Tract 4a
3301-3305 Wabash Avenue
1008-1012 West 33rd Street

From "A" Residence 1st
Height and Area
To "O" Office 2nd
Height and Area

Tract 4b
1200-1204 West 33rd Street
3300-3304 Bailey Lane

From "A" Residence 1st
Height and Area
To "O" Office 2nd
Height and Area

Tract 4c
3200-3208 Bailey Lane
1207-1209 West 33rd Street

From "A" Residence 1st
Height and Area and
"B" Residence 2nd
Height and Area
To "O" Office 2nd Height
and Area

Tract 4d
1011-1015 West 32nd Street

From "A" Residence 1st
Height and Area
To "O" Office 2nd Height
and Area

Tract 5a
3105 Wabash Avenue

From "A" Residence 1st
Height and Area
To "B" Residence 2nd
Height and Area

Tract 5b
1010 West 31st Street

From "A" Residence 1st
Height and Area
To "B" Residence 2nd
Height and Area

Tract 5c
1012-1016 West 31st Street

From "A" Residence 1st
Height and Area
To "B" Residence 2nd
Height and Area

KERRY G. MERRITT
By Robert C. Sneed
C14-70-245

100-410 proposed Northway
Drive
7801-7806 Northcrest
Boulevard

From "A" Residence
To "BB" Residence

TOM W. BRADFIELD
et al
By Bryant-Currington,
Incorporated

Rear of 1500-1910 Barton
Hills Drive

From Interim "A" Residence
1st Height and Area
To "B" Residence 2nd
Height and Area

ADJOURNMENT

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

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

Noes: None

The Council adjourned.

APPROVED:

Mayor

ATTESTED:

City Clerk

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