

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 29, 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, Price, Mayor LaRue  
Absent: Councilman MacCorkle

The Invocation was delivered by REVEREND HOUSTON HODGES, United Campus Christian Life.

PROCLAMATION - STREET NAME CHANGE

Mayor LaRue read and then presented a proclamation, officially changing the name of Notre Dame Drive to "Beat Notre Dame Drive" for the day of January 1, 1971. Mr. Ron Chandler accepted the proclamation and thanked the Council.

ZONING CASE WITHDRAWN

Councilman Gage moved the Council grant the request of Mr. Don J. Jackson to withdraw Zoning Case C14-70-221 scheduled to be heard on January 7, 1971. The motion, seconded by Councilman Johnson, carried by the following vote:

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

ZONING ORDINANCE

Mayor LaRue introduced the following ordinance:

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

## CITY OF AUSTIN, TEXAS

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 .46 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8425-8433  
U.S. HIGHWAY 183, FROM "A" RESIDENCE DISTRICT TO "C"  
COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN  
AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE  
REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

## ORDINANCE AND RESOLUTION PLACED ON AGENDA ✓

Councilman Gage moved that the City Attorney draft an ordinance amending provisions of the Employee's Retirement and Pension Fund and a resolution amending the Firemen's Relief and Retirement Fund to be placed on the Agenda for January 7, 1971; such ordinance and resolution to be effective on January 1, 1971. The motion, seconded by Councilman Johnson, carried by the following vote:

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

## BUS CONTRACT AUTHORIZED

The Council had before it for its consideration authorizing the City Manager to enter into a contract for interim bus service. City Manager Andrews stated that the proposed contract was a two-month contract with an option for

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

extension. The company was agreeable to discontinuing service whenever the City wanted after the two month period. Under the contract, the City would agree to guarantee up to 65¢ per mile over the routes authorized by the City. The City would pay the difference between revenue and receipts and the 65¢ per mile figure. The company could not make in excess of \$5,000 profit. There was no guarantee they would make any profit and they could take a loss if their expenses exceeded 65¢ per mile. City Manager Andrews noted that the Transportation Department would be reviewing the bus routes and reporting to the Council on them. Councilman Price discussed with the City Manager the auditing procedures to be followed.

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Transportation Enterprises, Inc. has given notice of termination of its operation of a municipal transit system within the City; and,

WHEREAS, the City Council is of the opinion that a contract should be entered into with Transportation Enterprises, Inc. whereby certain returns would be guaranteed to Transportation Enterprises, Inc. in consideration of its cost operation of such transit system on an interim basis; Now, Therefore,

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

SECTION 1 That the City Manager be, and he is hereby authorized to execute a certain contract with Transportation Enterprises, Inc., as exhibited to the Council for the operation of said municipal transit system.

SECTION 2 Said contract is hereby made reference to for all purposes but the same need not be made a part of the Minutes.

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

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

ORDINANCE - APPROPRIATION FROM GENERAL FUND

Mayor LaRue introduced the following ordinance:

WHEREAS, Transportation Enterprises, Inc. has given notice of termination of its operation of a municipal transit system within the City; and,

WHEREAS, the City Council is of the opinion that a contract should be entered into with Transportation Enterprises, Inc. whereby certain returns would be guaranteed to Transportation Enterprises, Inc. in consideration of its cost operation of such transit system on an interim basis; Now, Therefore,

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

Part 1. That the sum of \$20,000 be appropriated from unappropriated general revenue funds to cover any anticipated expenses to the City under said contract. Councilman Atkison's vote was not counted in accord with the ruling of the City Attorney

**PART 2.** An emergency being apparent for the preservation of the safety, health and general welfare of the public requires that this ordinance go into effect immediately, and it is therefore ordained that it shall be effective from the date of its passage as provided by the Charter of the City of Austin.

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 Johnson, carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

#### DELETION OF BUS ROUTE AUTHORIZED

Councilman Janes moved the Council authorize the deletion of the following bus route as requested by Transportation Enterprises:

Spicewood Springs - Montopolis special route

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

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

#### ENGINEERING CONSULTANTS SELECTED

Mr. Joe Ternus, Director of Traffic and Transportation, presented to the Council four possible engineering consultants for Transit Technical Study Application.

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

He discussed what the study reviewing the operation of the busses would involve. City Manager Andrews stated that a consultant must be available for HUD to approve money for the study. Councilman Johnson stated that he believed this study of bus routes was very important in providing the best bus service possible.

Councilman Johnson moved the Council select Wilbur Smith and Associates as Engineering Consultants for Transit Technical Study Application. The motion, seconded by Councilman Janes, carried by the following vote:

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

Mayor LaRue commented that the City hoped to hear within a day or two that they had qualified for Federal participation.

#### EASEMENT RELEASED

Councilman Gage offered the following resolution and moved its adoption:

#### (RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Willow Creek, Section One-B, a subdivision of record in Book 52 at Page 19 of the Plat Records of Travis County, Texas, same being out of and a part of Lot 3, Block A of said subdivision; and,

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

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

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

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

159 square feet of land, same being out of and a part of Lot 3, Block A, Willow Creek, Section One-B, a subdivision in the City of Austin, Travis County, Texas, of record in Book 52 at Page 19 of the Plat Records of Travis County, Texas, which 159 square feet of land are more particularly described by metes and bounds as follows:

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

BEGINNING at the northeast corner of the herein described tract of land, same being the intersection of the west line of an existing public utilities easement, same being a line seven and one-half (7.50) feet west of and parallel to the east line of said Lot 3, Block A, with the north line of an existing public utilities easement, same being a line seven and one-half (7.50) feet north of and parallel to the south line of said Lot 3, and from which point of beginning a concrete monument at the southeast corner of said Lot 3 bears S 60° 18' E 7.50 feet and S 29° 31' W 6.89 feet;

THENCE, with said line seven and one-half (7.50) feet west of and parallel to the east line of Lot 3, S 29° 31' W 2.51 feet to the southeast corner of the herein described tract of land, same being a point in a line five (5.00) feet north of and parallel to said south line of Lot 3;

THENCE, with said line five (5.00) feet north of and parallel to the south line of Lot 3 in a westerly direction with the following two (2) courses:

(1) N 65° 21' W 42.23 feet to a point;

(2) N 45° 23' W 26.50 feet to the most westerly corner of the herein described tract of land, same being a point in the aforesaid north line of an existing public utilities easement;

THENCE, with said north line of an existing public utilities easement in an easterly direction with the following three (3) courses:

(1) S 60° 18' E 9.71 feet to a point;

(2) S 45° 23' E 16.69 feet to a point;

(3) S 65° 21' E 42.01 feet to the point of beginning.

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

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

Noes: None

Out of Room at Roll Call: Councilman Johnson

Absent: Councilman MacCorkle

CASH SETTLEMENT AUTHORIZED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Montopolis Community Center have installed a sewage lift station at a cost of \$7,875.00 and have requested that the City participate on a 50/50 cash basis; and,

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

WHEREAS, the Deputy City Manager and the Director of Water and Waste Water Department of the City of Austin have recommended said cash settlement; Now, Therefore,

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

That Dan H. Davidson, Deputy City Manager be and he is hereby authorized and directed to enter into a cash settlement agreement under the terms of which the City of Austin shall acquire title to the above described sewage lift station from Montopolis Community Center, the actual cost of said settlement not to exceed \$3,937.50.

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

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

#### CONTRACT AWARDED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 22, 1970 for the construction of a Warehouse at Camp Mabry; and,

WHEREAS, the bid of Simon Building Sales and Construction Company in the sum of \$19,988.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Construction Engineering 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 Simon Building Sales and Construction Company in the sum of \$19,988.00 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 Simon Building Sales and Construction Company.

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

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

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

## SALE OF HOUSES AUTHORIZED

Councilman Gage offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 21, 1970, for the sale of two (2) City-owned houses to be moved; and,

WHEREAS, the bid of Earl Bradford in the sum of \$1,143.00 for the house located at 1710 Newfield Lane, and the bid of Sam Winetroub in the sum of \$1,302.70 for the house located at 405 Arlington, 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 Earl Bradford and Sam Winetroub 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 said named parties.

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

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

Noes: None

Absent: Councilman MacCorkle

Councilman Price offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 21, 1970, for the sale of four (4) City-owned houses to be removed from the premises by demolition; and,

WHEREAS, Lois B. Sutherland has bid in the sum of \$327.00 to remove the house located at 1729 West 11th Street and in the sum of \$327.00 to remove the house located at 407 Arlington; August Heyer has bid in the sum of \$100.00 to remove the house located at 900 East 14th Street; and Southwest Rathgeber has bid in the sum of \$191.99 to remove the house located at 602 1/2 East 13th Street; 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,

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

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



That the above enumerated bids of Lois B. Sutherland, August Heyer and Southwest Rathgeber 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 for the payment of said sums on behalf of the City with said named parties.

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

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

#### LAND ACQUISITION APPROVED

Councilman Janes offered the following resolution and moved its adoption:

#### (RESOLUTION)

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

That the offer of the owners and claimants of the hereinafter described tract of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payment of \$16,575.00 therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tract of land, to-wit:

South 80 feet of Lot 5, Block 143, Original City.

1210 Sabine Street

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

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

#### LAND ACQUISITION DISCUSSED

City Manager Andrews reported on an item concerning land acquisition - Brackenridge Urban Renewal. His recommendation was that the Urban Renewal Agency be notified that the City was not interested in the piece of property in question. Councilman Gage believed that it would be a good piece of land for the City to acquire.

City Manager Andrews stated that the price would be \$4.45 per square foot for a portion of it with the remainder to be dedicated as a park. He believed

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

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that the latter portion as a long narrow strip would be unusable as a park and noted that there was already a park in the vicinity. He did not know of any need the City had for the property. Mayor LaRue stated his belief that the portion of the land which the City would have to purchase was a negotiable item with the owner. Councilman Johnson questioned the appropriateness of this area as a park and did not believe the City needed the land. Councilman Janes did not wish to reject this item out of hand without further information.

Councilman Gage moved the Council authorize the City Manager to thoroughly review the possibilities and report back to the Council. The motion, seconded by Councilman Janes, carried by the following vote:

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

## AUCTION AUTHORIZED

Councilman Gage moved the Council authorize the City Manager to sell surplus property at auction and employ the firm of Barney Welch and Associates as auctioneer. The motion, seconded by Councilman Johnson, carried by the following vote:

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

City Manager Andrews stated that he would set up a contract with Barney Welch and Associates and bring it before the Council for approval.

## POSITION AUTHORIZED

Councilman Gage moved the Council authorize the City Manager to establish the position of Executive Administrator (Assistant City Manager) to provide administration of Federal Programs, Model Cities and other Service Departments and Functions in the City of Austin. The motion, seconded by Councilman Price, carried by the following vote:

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

City Manager Andrews noted that an ordinance on this matter would be prepared and brought before the Council.

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

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## HUMAN RELATIONS DIRECTOR DISCUSSED

In response to Councilman Janes' question, City Manager Andrews discussed the status of the selection process for Human Relations Director. He elaborated upon the duties and responsibilities of the position. He hoped that the Council would aid in making a selection, hopefully within the next thirty days.

## REPORT ON TRANSIT

In response to Mayor LaRue's question, City Manager Andrews reported on his recent trip to St. Louis to talk with American Transit Company concerning bus service. He discussed others who were being contacted concerning bus service for Austin.

## INVESTIGATION REQUESTED

Councilman Gage requested that the City Manager investigate a complaint he had received that the Ambulance Company had refused to move Mr. Lawrence Munson, 3000 Oakcraft, who had had a heart attack, until he came up with \$25.00. He understood that this was an emergency call and not a transfer situation. City Manager Andrews stated that he would investigate this matter.

Councilman Johnson requested that the Council formulate some policy concerning fees and collection procedures for ambulance transfer calls. Councilman Gage requested that an accounting of ambulance receipts and expenses and of costs to the City be given to the Council.

## EXECUTIVE SESSION

Mayor LaRue announced that the Council would go into Executive Session at this time for appointments.

## APPOINTMENT MADE

Councilman Gage moved the Council appoint Mrs. Ed Wroe, Jr. to the Human Relations Commission. The motion, seconded by Councilman Johnson, carried by the following vote:

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

## COMMISSIONS DISCUSSED

Mayor LaRue asked the City Attorney to examine the terms of office for the Human Relations Commission and the Model Neighborhoods Commission.

## COMMITTEE DISCUSSED

Councilman Johnson requested that the Council appoint a committee concerning a convention center. He also wanted the Council to adopt formally a charge for this committee concerning responsibilities and a proposed timetable for them to report. He discussed the responsibilities he thought this committee should have. Councilman Gage stated that he had proposed a committee to investigate what kind of facilities were needed rather than a committee charged with creating a convention bureau. Councilman Johnson believed this item was intermingled with the bed-tax issue, while Councilman Gage thought the two matters should be considered separately.

Mayor LaRue stated that this item would be placed on the Agenda for January 7, 1971.

## ADJOURNMENT

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

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

The Council then adjourned.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk