

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 30, 1970

9:00 A.M.

Council Chamber, City Hall

Mayor LaRue called the meeting to order.

Roll Call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price

Mayor LaRue

Absent: None

The City Manager, Mr. L. H. Andrews, was absent during the first part of the meeting. Mr. Dan Davidson, Deputy City Manager, was in attendance.

The Invocation was delivered by REVEREND R. B. SCHMIDT, First United Methodist Church.

APPROVAL OF MINUTES

Councilman Gage moved the Council approve the Minutes of the regular meetings of June 18, 1970, July 9, 1970, and June 25, 1970; and the special meetings of July 14, 1970, and July 21, 1970. The motion, seconded by Councilman Price, carried by the following vote:

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

Noes: None

INTRODUCTION OF MAJOR GENERAL DAVID I. LIEBMAN
VICE COMMANDER OF TWELFTH AIR FORCE

COLONEL VANCE MURPHY introducing Major General and Mrs. Liebman, announced that General Liebman has just taken over as Vice Commander of the Twelfth Air Force. The Mayor and Council welcomed Major General Liebman to Austin and to the Council Chambers this morning. General Liebman expressed delight in being assigned in Austin.

MR. BILL DISMUKES REPRESENTING AQUA FESTIVAL

MR. BILL DISMUKES introduced the Aqua Festival royalty. In presenting Skipper pins to members of the Council, Mr. Dismukes expressed appreciation to the many thousands of people who had made the Aqua Festival successful throughout the years, stating that the forth-coming Festival was to be the greatest ever. Mayor LaRue expressed the sentiments of gratitude of the Council to those who had made the Festivals successful.

SAN LEANNA - PROPOSED INCORPORATION

MR. E. H. SMARTT represented residents of the area known as SAN LEANNA, who are asking the City Council for permission to incorporate as provided under State statutes. The 220 acre area is within the five-mile limit under jurisdiction of the City of Austin. There are fine homes in the area and the residents want to preserve this standard and have orderly development. They have drawn a petition asking the County Judge to call an election for determining whether or not the residents desire to incorporate, dependent upon the Council's permission. Mr. Smartt reported the community owned the water system, and it is within the Austin Independent School District. The Council discussed the situation at length. Mayor LaRue stated the Staff would make a study and present its findings to the Council next week, and asked that this be placed on the Agenda.

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:
A 7,645 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5006 GROVER;
1201-1205 WEST 51ST STREET, FROM "A" RESIDENCE DISTRICT TO "O"
OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY,
TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES
ON THREE SEPARATE DAYS.

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

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

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

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

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

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

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 18,360 SQUARE FOOT TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, LOCALLY KNOWN AS 2525-2533 DURWOOD STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE 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 pass to its second reading. The motion, seconded by Councilman Johnson, 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 pass to its third reading. The motion, seconded by Councilman Johnson, 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 Johnson, 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:
BLOCKS A AND B, TWIN OAKS INDUSTRIAL SUBDIVISION, LOCALLY KNOWN AS 3900-3919 WAREHOUSE ROW; 406-500 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 pass to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson (out of room at time of roll call)
Present but not voting: Councilman Janes

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

Ayes: Councilmen Atkison, Gage, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson (out of room at time of roll call)
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, MacCorkle, Price, Mayor LaRue
Noes: None
Absent: Councilman Johnson (out of room at time of roll call)
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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 2.00 ACRE TRACT OF LAND OUT OF AND PART OF THE GEORGE W. DAVIS SURVEY NO. 15, LOCALLY KNOWN AS REAR 1800-1806 PEYTON GIN ROAD FROM "BB" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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 Janes moved that the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Mayor LaRue
Noes: Councilman Price
Absent: Councilman Johnson (out of room at time of roll call)

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Mayor LaRue
 Noes: Councilman Price
 Absent: Councilman Johnson (out of room at time of roll call)

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Mayor LaRue
 Noes: Councilman Price
 Absent: Councilman Johnson (out of room at time of roll call)

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CAPITAL NATIONAL BANK; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
 Noes: None
 Absent: Councilman Johnson (out of room at time of roll call)

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
 Noes: None
 Absent: Councilman Johnson (out of room at time of roll call)

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

Ayes: Councilmen Atkison, Gage, Janes, MacCorkle, Price, Mayor LaRue
 Noes: None
 Absent: Councilman Johnson (out of room at time of roll call)

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH CLEAR CREEK PROPERTIES, INC.; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance pass to its second reading. The motion, seconded by Councilman Janes, 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 Price moved that the rule be suspended and the ordinance pass to its third reading. The motion, seconded by Councilman Janes, 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 Janes, 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.

STREET VACATIONS

Mayor LaRue introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE THAT CERTAIN PORTION OF WADE AVENUE AND WADE AVENUE ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING CERTAIN EASEMENTS IN THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

No action was taken on the ordinance vacating Crawford Avenue Alley from West 37th Street to the proposed south line of West 35th Street Cut-off.

STREET IMPROVEMENTS

Mayor LaRue introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATIVE PROCEDURE PROVIDED BY THE CHARTER OF THE CITY OF AUSTIN AND THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENTS OF SUCH ASSESSMENTS, STATING THE

TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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

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

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

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

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, MacCorkle, Price, Mayor LaRue
Noes: None
Present but not voting: Councilman Johnson

The Mayor announced that the ordinance had been finally passed.

Mayor LaRue complimented the staff on the great progress that is being made not only on sidewalks but on streets, stating if there is ever anything the Council can do to foster this idea or speed up the paving, it would appreciate its being called to their attention. He suggested centering the attention on this temporarily, that there might be added results. The Staff might come in with the remaining miles of streets of the City that are not paved, and the property owners could be appraised that the City is most anxious to pave the rest of these streets. If this information were available to the Council it could highlight this.

Mayor LaRue introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WEST ANDERSON LANE AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY ED H. PAGE, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

TEMPORARY STREET VACATION

Mayor LaRue introduced the following ordinance:

AN ORDINANCE TEMPORARILY VACATING AND CLOSING TO PUBLIC TRAVEL PORTIONS OF WEST RIVERSIDE DRIVE, BOULDIN AVENUE AND DAWSON ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; FIXING THE DATE UPON WHICH VACATION AND CLOSING TO PUBLIC TRAVEL SHALL BE COME EFFECTIVE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gage moved that the rule be suspended and the ordinance pass 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 pass 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.

EASEMENTS RELEASED

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes, same being out of and a part of Lot 92, Block 0, Quail Creek, Section 3, a subdivision in the City of Austin, Travis County, Texas, according to a map or plat of said Quail Creek, Section 3, of record in Book 46 at Page 96 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described 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 utility easement, to-wit:

Being all the south 2.30 feet of the north 7.5 feet of the West 81.00 feet of Lot 92, Block 0, Quail Creek, Section 3, a subdivision in the City of Austin, Travis County, Texas, according to a map or plat of said Quail Creek, Section 3, of record in Book 46 at Page 96 of the Plat Records of Travis County, Texas.

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

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

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for drainage purposes, same being partly out of and a part of Lot 19, and partly out of and a part of Lot 20, Brawner's Subdivision, Section Two, a subdivision in the City of Austin, Travis County, Texas, of record in Book 46 at Page 53 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described 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 drainage easement, to-wit:

A strip of land ten (10.00) feet in width, same being partly out of and a part of Lot 19 and partly out of and a part of Lot 20, Brawner's Subdivision, Section Two, a subdivision in the City of Austin, Travis County, Texas, of record in Book 46 at Page 53 of the Plat Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at an iron pin at the most northerly corner of said Lot 19, same being the southwest corner of said Lot 20, and which point of beginning is in the west line of Cody Court;

THENCE, with the north line of said Lot 19, same being the south line of said Lot 20, S 58° 10' E 96.91 feet to point of termination in the west line of an existing five (5.00) foot public utilities easement.

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

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

CONTRACTS AWARDED

The City Manager submitted the following:

"Date: July 22, 1970

"TO: Lynn Andrews
City Manager

"From: S. Reuben Rountree, Jr.
Director of Public Works

"Bids were received on July 14, 1970 for assessment paving of nine street units, Contract No. 70-Pa-199. The tabulation below indicates bids received. The City has specified 60 working days for completion.

"Pat Canon Excavation Co., Inc.	\$49,993.67
Robert C. Gray Construction Co.	50,557.42
Ed Page	50,580.13
Haufler Excavating Co.	52,748.60
Austin Paving Co.	53,266.58
Engineer's estimate	54,734.60

"It is recommended that the contract be awarded to Pat Canion Excavating Company, Inc., at their low bid of \$49,993.67.

"There is attached for your information a schedule showing distribution of plans and specifications to prospective bidders.

"(Sgd) S. Reuben Rountree, Jr.

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 14, 1970, for assessment of nine streets units, Contract No. 70-Pa-119; and,

WHEREAS, the bid of Pat Canion Excavating Company, Incorporated in the sum of \$49,993.67 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, Incorporated in the sum of \$49,993.67 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 Pat Canion Excavating Company, Incorporated.

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

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

Noes: None

The City Manager submitted the following:

"Date: July 22, 1970

"To: Lynn Andrews
City Manager

"From: S. Reuben Rountree, Jr.
Director of Public Works

"Bids were received on July 14, 1970 for construction of a reinforced concrete box culvert in Airport Boulevard, Contract No. 70-C-102. The tabulation of bids is shown below. The contract calls for completion within 75 working days.

"Larson-Pugh, Inc.	\$44,584.00
Jack A. Miller	50,602.40
Miller Concrete	51,477.30
Ed Page	

"The Engineer's estimate was \$54,734.60.

"It is our recommendation that the contract be awarded to Larson-Pugh, Inc. at their low bid of \$44,584.00.

"There is attached for your information a schedule showing the distribution of plans and specifications to prospective bidders.

Councilman Price offered the following resolution and moved its adoption:

WHEREAS, bids were received by the City of Austin on July 14, 1970, for construction of a reinforced concrete box culvert in Airport Boulevard, Contract No. 70-C102; and,

WHEREAS, the bid of Larson-Pugh, Inc. in the sum of \$44,584.00 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 Larson-Pugh, Inc. in the sum of \$44,584.00 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 Larson-Pugh, Inc. in the sum of \$44,584.00 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 Larson-Pugh, Inc.

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

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

The City Manager submitted the following:

"Date: July 21, 1970

"To: Lynn Andrews
City Manager

"From: Victor R. Schmidt, Jr.
Water and Waste Water Department

"WATER AND SEWER MAINS - NORTH LAMAR BOULEVARD, ANDERSON LAND AND HIGHWAY 183. Sealed bids were received until 2:30 P.M., July 17, 1970 at the Office of the Design Engineer, Webberville Service Building for the installation of approximately 12,200 feet of concrete steel cylinder and cast iron water mains, 2,825' of 8-inch sanitary sewer mains and appurtenances and the salvage of various size water pipe in or near this North Lamar Intersection. The bids were publicly opened and read in the Auditorium of the Webberville Service Building. The purpose of this project is to prepare for highway construction for a major interchange.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING TIME</u>
Bland Construction Company	\$372,385.90	5 Months
George Consolidated	377,414.35	5 Months
Austin Engineering	383,620.70	5 Months
Schmidt Construction Company	398,265.40	5 Months
United Contracting Company	402,432.65	5 Months
Ford-Wehmeyer, Incorporated	421,770.90	5 Months
City of Austin (Estimate)	408,998.35	5 Months

"It is recommended that this bid be awarded to the Bland Construction Company on their low bid of \$372,385.90 with 5 months construction time."

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 17, 1970, for the installation of approximately 12,200 feet of concrete steel cylinder and cast iron water mains, 2,825 feet of 8-inch sanitary sewer mains and appurtenances and the salvage of various size water pipe in and near North Lamar Boulevard, Anderson Lane and Highway 183 intersection; and,

WHEREAS, the bid of Bland Construction Company in the sum of \$372,385.90 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 Bland Construction Company in the sum of \$372,385.90 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 Bland Construction Company.

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

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

Noes: None

CASH SETTLEMENT

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, M. H. Flournoy, the owner of Flournoy's Sweetbriar, Section VI, has caused to be installed water and sewer mains at a cost of \$18,900.37, pursuant to the subdivision plan of said Flournoy's Sweetbriar, Section VI, and has requested a 40% and 60% cash settlement of the above amount in lieu of a refund contract; Now, Therefore,

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

That Dan H. Davidson, Deputy City Manager of the City of Austin, be and he is hereby authorized and directed to execute a cash settlement contract under the terms of which the City of Austin shall acquire title to the above described mains from M. H. Flournoy and to pay to said M. H. Flournoy the actual cost thereof not to exceed \$11,340.22.

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

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

SALE OF HOUSES

Councilman Janes offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 20, 1970, for the sale of seven (7) City-owned houses to be moved; and,

WHEREAS, the bids of J. A. Miller Company in the sum of \$51.00 for the house located at 407 Atlanta, in the sum of \$257.00 for the house located at 603 Theresa, and in the sum of \$771.00 for the house located at 1610 Newfiled; the bid of E. L. Stryk in the sum of \$1,606.50 for the house located at 606 Theresa; the bid of Mrs. J. W. Rountree in the sum of \$500.00 for the house located at 2103 Lake Austin Boulevard, and in the sum of \$1,527.87 for the house located at 3014 Perry Lane, where 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 Company, E. L. Stryk, Mrs. J. W. Rountree and M. J. Kouri 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 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 July 20, 1970 for the sale of five (5) City-owned houses to be removed from the premises by demolition; and,

WHEREAS, Vincent Ferrer has bid in the sum of \$195.00 to remove the house located at 1104 Essex and in the sum of \$295.00 to remove the house located at 1900 West 11 th Street; Southwest Wrecking Inc. has bid in the sum of \$299.99

to remove the house located at 1902 West 11th Street; and in the sum of \$299.99 to remove the house located at 1900 West 11th Street; and August Hoyer has bid in the sum of \$150.00 to remove the house located at East Service Center; such sums being the lowest and best bid 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 above enumerated bids of Vincent Ferrer, Southwest Wrecking Inc. and August Hoyer 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, Janes, Johnson, MacCorkle, Price, Mayor LaRue
Noes: Councilman Gage

SUBSTANDARD STRUCTURE

Councilman MacCorkle moved that the Council uphold the recommendation of the Building Standards Commission on the following substandard structure:

Structure at 1166 Curve Street
(Mrs. Carrie A. Moseley)

- That the structure located on this lot be declared a public nuisance by the City Council; that the owner of such structure be given ninety days from April 3, 1970, in which to repair or demolish the structure and clean the premises, the Legal Department of the City of Austin be instructed to seek judicial determination; that upon a termination of the legal proceedings in favor of the City of Austin, the failure of the defendant to abate the nuisance, the forces of the City of Austin, with permission of the court, be empowered to demolish the structure and affix the costs thus incurred as a valid and enforceable lien against the property upon which the above mentioned structure is located.

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

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

CONTRACT OF SALE

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 to the hereinafter described property to sell to the City of Austin for \$12,000.00, be and it is hereby accepted by the City Council of the City of Austin; that the owners be given first right to purchase the improvements thereon for \$1.00 and after full compliance of all applicable laws and regulations involving sale of said improvements by the City of Austin; and the City Manager is hereby authorized to enter into a contract of sale for the purchase of said property, in accordance with the terms herein:

Being all of Lot 3, R. N. Grahman's Subdivision No. 2, a subdivision in the City of Austin, Travis County Texas, of record in Book 3 at Page 43 of the Plat Records of Travis County, Texas, which Lot 3 was conveyed to Peter P. Zarembo by warranty deed dated February 19, 1969, of record in Volume 3630 at Page 433 of the Deed Records of Travis County, Texas.

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

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

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 to the hereinafter described property to sell to the City of Austin for \$45,000.00 be and it is hereby accepted by the City Council to sell to the City of Austin for \$45,000.00; and the City Manager is hereby authorized to enter into a contract of sale for the purchase of said property, the price not to exceed \$45,000.00:

Being all of the following two (2) tracts of land; Tract Number One being Block 3, Sunset Heights, a subdivision in the City of Austin, Travis County, Texas, of record in Volume 333 at Page 65 of the Deed Records of Travis County, Texas; Tract Number Two being an unplatted tract of land out of the George W. Spear League, in the City of Austin, Travis County, Texas; which Two (2) tracts of land were conveyed to Corene Y. Schmidt, et vit, by warranty deed dated January 1w, 1952, of record in Volume 1217 at Page 157 of the Deed Records of Travis County, Texas, and described as Tracts One and Two in said deed to which reference is hereby made for all purposes.

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

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

WIRE LINE LICENSE AGREEMENT

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, it is necessary that the City of Austin obtain from Missouri Pacific Railroad Company a Wire Line License to install certain 69 K.V. power line along the Bergstrom Spur near intersection of Highway 35; Now, Therefore,

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

That the said Wire Line License be approved and that the Mayor be authorized to execute same.

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

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

ACQUISITION OF PROPERTY

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 to the hereinafter described property to sell to the City of Austin for \$31,214.00 be and it is hereby accepted by the City Council of the City of Austin; and the City Manager is hereby authorized to enter into a contract of sale for the purchase of said property, the price not to exceed \$31,214.00:

TRACT 1: Lots 9 and 10 and the South 1.7 feet of Lot 11, Cedar Terrace Addition, a subdivision in the City of Austin, Travis County, Texas.

TRACT 2: North 50 feet of Lot 11, Cedar Terrace Addition, a subdivision in the City of Austin, Travis County, Texas.

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

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

APPEAL ON SPECIAL PERMIT

Councilman Johnson moved the Council schedule a hearing on an appeal from the Planning Commission decision in approving a Special Permit for a day care center, at 9:30 A.M., August 13, 1970. The motion, seconded by Councilman Price, carried by the following vote:

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

APPROPRIATION FOR PAVING

Councilman Janes moved the Council appropriate \$4100.00 for paving of the Sanitation Parking Lot. The motion, seconded by Councilman Johnson, carried by the following vote:

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

NURSES VOCATIONAL SCHOOL

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, it is in the public interest that the City of Austin enter into an agreement with Central Texas College for purposes of vocational nurse training;
Now, Therefore,

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

That said agreement with Central Texas College be approved and that the City Manager be authorized to execute same.

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

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

IMPROVEMENT OF TRAINING
REGISTERED NURSES

Mayor LaRue suggested that the City Manager be authorized to explore all possibilities of improving the training of Registered Nurses for the City of Austin. This authorization was acceptable to the majority of members present.

AMENDMENT

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 700709-B BY SUBSTITUTING AUSTIN SAVINGS AND LOAN FOR AUSTIN LAND INVESTMENT COMPANY, INCORPORATED WHEREVER AUSTIN LAND INVESTMENT COMPANY, INCORPORATED APPEARS IN THAT ORDINANCE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance pass to its second 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 second time and Councilman Price moved that the rule be suspended and the ordinance pass 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:

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.

HOSPITAL SCIENCE PROGRAM

Councilman Janes moved the Council discontinue the stipend of \$10.00 each for 30 nurses. The motion, seconded by Councilman Price, carried by the following vote:

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

CAPITAL AREA PLANNING COUNCIL

The Council, after discussion, amended the contract to read "Capital Area Planning Council" in lieu of the "Austin - Travis County Regional Planning Commission".

HEARING ON SOUTHERN UNION APPLICATION
FOR RATE ADJUSTMENT ON GAS

Mayor LaRue opened the hearing on the Southern Union Gas rate application. The City Attorney, Mr. Don Butler, introduced the consultants representing the City of Austin: MR. ROBERT BATHEN and MR. ED CECIL from R. W. Beck and Company.

MR. FRANK DENIUS, Counsel for Southern Union Gas Company presented testimony through two witnesses, MR. DAN CROWLEY, Vice President and District Manager for the Austin District of Southern Union Gas Company; and MR. CHARLES W. SHINNAMON, Dallas, Texas. Mr. Denius added the company would make available any information the City Attorney or the Consultants would desire.

Interested also in the gas rate adjustment were MR. WILL ODOM, Coastal States Gas Company; MR. GALE L. GALLOWAY, Vice President; MR. CLINTON FAWCETT, Vice President of gas transmission; MR. WILLIAM J. ANDERSON, Manager, contract administration; MESSRS CHARLES DALEY, and JOSEPH BENSON, gas utility consultants from Washington D. C.

Mr. Denius asked that the record include the testimony given this afternoon for consideration by the Council as well as their application. (Transcript on file in City Clerk's Office under "Southern Union Gas Rate Hearing").

MR. GALLOWAY, Coastal States, cited the gate rate costs applicable to both the Southern Union Gas Company, and to the City in each contract, showed a tremendous increase from 1963 to date; and pointed out the diminishing gas supply. Councilman Janes noted the City had a 25 year contract with Coastal States. Discussion followed. Mr. Galloway stated the costs had changed in rendering service, and it was felt that a firm gas utility contract which had inflexible pricing provisions was not in the best interest of the consuming public.

The Southern Union Gas Company's rate, this was the first automatic escalation in rate by Coastal States.

MR. WILL ODOM and MR. CHARLES DALEY discussed the available gas supply nation-wide, stating Austin was in an enviable position compared with the rest of the country. He stated Coastal States needs three cents per mcf in the City gate rate to stay competitive with other pipeline buyers in all parts of Texas, and Austin would still be getting a bargain at the City gate.

After lengthy discussion, and there being no further questions at this time, the Mayor thanked the officers of the companies for the presentations.

SANITARY SEWER PLAN B

Mayor LaRue opened the discussion on the proposed sewer plan. It was stated the administration had recommended Plan B, and documentation had been received by the administration and the Council.

MR. R. M. DIXON, Consulting Engineer, compared Plan A with Plan B, pointing out a possible conflict between two long range studies, one made in 1966 by Black & Veach and Currington on a drainage area, and one made by Freese, Nichols, and Enders on a pre-design area for Shoal Creek, as to the daily volume flow per acre. It was his opinion, Plan A was the better method, and less expensive. He claimed there was not enough information to justify the expenditure of funds for Plan B, and that more study and information were necessary.

MR. ISOM HALE likewise was not in favor of Plan B, emphasizing infiltration problems, and asking that this be deferred.

MR. AL ULLRICH, Freese, Nichols, and Enders, discussed topics mentioned by Mr. Dixon and Mr. Hale, explained points in the Freese, Nichols, and Enders study, and endorsed the Horner Shiffrin report. Action was deferred until the afternoon meeting.

Later in the afternoon meeting, the Council brought up the Sanitary Sewer Plan for consideration. Councilman Janes moved the Council authorize the City Manager to commence implementation of Plan B. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

ORGANIZATIONS, DUES & FINANCIAL STATEMENTS

Councilman MacCorkle had asked for a list of the various organizations to which the City belongs and pays dues, and he would like to know what is paid and to which organization; and to those who receive over \$500.00, he would like some financial statement from those organizations as to how their money is spent. The City Manager stated these details would be provided, and would be included in the budget.

SIDEWALK REPORT

Councilman Johnson was glad to get the sidewalk report, and stated everyone was doing a fine job.

RAILROAD SITUATION

Inquiry was made about the railroad situation by Councilman Johnson. The City Manager stated the contract had been returned and work would be started forthwith.

LETTER OF COMMENDATION AND CHECK TO APPLY ON OPEN SPACES

Mayor LaRue read a letter from MR. BARRETT D. ALEXANDER, expressing his enjoyment of the parks, open spaces, hike and bike trails, etc., and enclosing a \$10.00 check to apply to the costs of these projects. Councilman MacCorkle, moved the Council send a letter thanking him for his contribution, and accepting the contribution to be expended on the maintenance and enhancement of Austin. The motion, seconded by Councilman Johnson, carried by the following vote:

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

ANNEXATION HEARING

Mayor LaRue opened the annexation hearing scheduled for this time. No one appeared to be heard. Councilman Gage moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

12.80 acres out of the Theodore Bissel League.

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

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

EXECUTIVE SESSION

The Council went into Executive Session to appoint a Night Judge and a Day Judge to substitute during vacation periods.

The Council resumed its business in open session.

Councilman Atkison moved the Council appoint MR. JEROME SMITH as the Night Judge, and MR. ROBERT PENN FOWLER as the Day Judge (to substitute for the respective judges while on vacation). The motion, seconded by Councilman Price, carried by the following vote:

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

AUSTIN INDEPENDENT SCHOOL DISTRICT
TAX SERVICE CONTRACT REPORT

Mayor LaRue made a report on his contract with Mr. Roy Butler of the School Board. The Board is in accord with the agreement tentatively reached by the School Administrative staff. It was Mr. Butler's suggestion that the Austin Independent School District be permitted to become current in two years rather than in one. The City Manager recommended that request. The Mayor stated that the City Manager would draw a new contract, updating the present one. The City Manager stated he would bring the contract back to the Council for the Council's perusal.

ADJOURNMENT

The Council adjourned at 6:35 p.m., subject to the call of the Mayor.

APPROVED:

Mayor

ATTESTED:

E. H. Hooley

City Clerk