

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 12, 1957  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Councilman White moved that the Minutes of the meeting of December 5, 1957, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

MR. LANDON BRADFELD, Chairman of the Subdivision Committee of the Austin Real Estate Board, and member of the Real Estate Board, submitted a Resolution asking the City to relax its paving standards where clearly advisable in the interest of economy and suitable from use standpoint on existing unpaved streets and on newly created and to-be-created streets built largely out of City funds for the convenience of the public, and that the Council adopt a policy of flexibility in enforcing the subdivision ordinance in low cost or minority group subdivisions and in mountainous or difficult terrain where 100% adherence to the ordinance would result in uneconomic development. Mr. Bradfield suggested that there should be no weakening of the subdivision ordinance. The Mayor stated no interference would be made in the subdivision ordinance, as this was an entirely different matter. The Council expressed appreciation for the backing and invited Mr. Bradfield and the Board to be at the hearing with the paving contractors in the afternoon.

MRS. MAUDE PRIDGEN made a complaint of receiving a ticket for making a right-hand turn on a red light. Also, she made a complaint of the taxes in her name at 3205 East Avenue, lot 50' x 158', 28 - C, for \$158.17, and of the taxes in the name of Alice McDonald, 1521 Manor Road, 43' x 150', Block 16, Div. B, for \$159.54. She stated the taxes here were more than others assessed in the

blocks. Although the time to be heard was over, the Mayor asked her to leave the statements to be checked to see if there had been a mistake.

Councilman Long moved that the City Manager be instructed to have the City Attorney draw up the proper papers approving the transfer of taxicab franchise of JOHN M. SHUGART to SHELBY S. TARTER. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

With reference to increasing the number of taxicabs under the JOHN M. SHUGART franchise, the Council advised Mr. Tarter to make application to the Taxicab Commission.

MR. MAURICE QUIGLEY, 2026 Ivy Trail, spokesman for a group on Ivy Trail, asked that the sewer project for this area be hastened, as this was not included in the last contract; that street lights be installed in the area; that drainage on both ends of the street be corrected; and that better fire protection for the area be provided. He reported an unpaved section of the street between Manchaca Road and this subdivision. Councilman White reported on future fire stations to be constructed, and said the next one built would be in this area. The Water Superintendent made a report on the sewer progress, stating there was difficulty in getting three easements. It was thought that the contracts could be let the first part of February 1958. As to the street lights, Councilman Pearson stated street lights were scheduled for that section sometime this month and he believed this street could be included. Mayor Miller suggested that on the short section of paving between Manchaca Road and the subdivision, that possibly that could be put in on an assessment program. The Director of Public Works reported on the drainage problems stating the east end could be taken care of right away. Councilman Pearson announced some \$10,000 had been earmarked for development of the playground in this area.

MRS. J. D. FINLAY appeared before the Council in the interest of the paving of PIEDMONT from Yates to Hardy. The Director of Public Works stated 64% had their money in, and 15 stated they would put the money up. The others had not been contacted. Councilman Long moved that this paving be authorized. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller brought up the following zoning applications deferred from last week:

ROY BEDICHEK, et al	2103-09 Oldham Street	From "C" Commercial
	801-05 Manor Road	To "BB" Residence
	2102-08 Swisher	NOT Recommended by the
	807-11 Manor Road	Planning Commission

Mr. Littlefield appeared in his own interest and displayed plans for the

apartment house development. The Mayor asked those who wished to grant the change to "BB" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None

Noes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

The Mayor announced that the change had been DENIED.

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A. Y. HUTTO

1511 Ullrich Avenue  
5713 Arroyo Seca

From "A" Residence  
To "BB" Residence  
NOT Recommended by the  
Planning Commission

The Mayor asked those who wished to grant the change to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None

Noes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

The Mayor announced that the change had been DENIED.

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AGNES S. BURROWS

2316-2318 Longview St.  
1201-03 West 24th St.  
(Lot 2 and part of  
Lot 3 formerly with-  
drawn)

From "B" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

The Mayor asked those who wished to grant the change to "O" Office to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance.

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PLANNING COMMISSION

Hancock Drive, Shoalwood  
Avenue and Crestmont  
Drive

From "C" Commercial  
To "A" Residence  
RECOMMENDED by the  
Planning Commission

No action was taken.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (1) A PORTION OF LOTS 27, 28, 29 AND 30, BLOCK D, RIDGETOP ADDITION FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) A TRACT OF LAND 171 FEET BY 228 FEET FRONTING 50 FEET ON THE DEAD END OF PARAMOUNT AVENUE, LOCALLY KNOWN AS 2604 PARAMOUNT AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; (3) LOT 4, BLOCK 3, HENRY ULIT ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND (4) LOTS 15 AND 16, BLOCK 46, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1 OF AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING TO ROY VELASQUEZ, DOING BUSINESS AS ROY'S TAXI, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED", FINALLY PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON THE 20TH DAY OF SEPTEMBER, 1951, RECORDED IN ORDINANCE BOOK "Q", AT PAGES 666-671 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 THEREOF PRESCRIBING THE NUMBER OF TAXICABS AUTHORIZED TO BE OPERATED, PROVIDING FOR PUBLICATION AND THREE (3) SEPARATE READINGS.

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

Ayes: Councilmen Long, Palmer, White, Mayor Miller  
Noes: Councilman Pearson

No action was taken on the application of ANTHONY A. MACALUSO for permit to alter his shore line at 2702 Scenic Drive, as the Council wanted to make a personal inspection of the area.

The City Manager announced that the lake should not be lowered before about the 15th of January, as the LCRA had reported the flow of the lake was such that the lake should not be lowered at this time.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. That the attached contract marked Exhibit "A" and made a part hereof in all respects, between the State of Texas and the City of Austin providing for the procurement of right of way for Travis County Project 113-12 on U. S. Highway 290 where Lamar Boulevard crosses the Missouri Pacific Railroad and the approaches thereto, be and is hereby approved and W. T. Williams, Jr., is hereby authorized to execute the same on behalf of the City and Elsie Woosley, City Clerk is hereby authorized to attest same under the seal of said City.

SECTION 2. That upon the execution of said contract by the hereinabove authorized officers, the attesting officer shall certify copies of this Resolution and attach a copy thereof to each of the copies of said contract and transmit the same to the State of Texas for appropriate action.

SECTION 3. That this Resolution shall become effective immediately upon its adoption.

(Contract attached)

CONTRACTUAL AGREEMENT  
FOR  
RIGHT OF WAY PROCUREMENT  
(CITY FORM)

Exhibit "A"

STATE OF TEXAS    §

COUNTY    Travis

COUNTY OF TRAVIS §

PROJECT   113-12

ACCT. NO.

HIGHWAY   U.S. 290

This agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by and between the State of Texas, acting by and through the Texas Highway Department, hereinafter called the State, and \_\_\_\_\_ the City of Austin \_\_\_\_\_ Texas, acting by and through its duly authorized officers under Ordinance dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, hereinafter called the City.

WHEREAS, the State has deemed it necessary to make certain highway improvements in conjunction with Highway No. U.S. 290 located where U.S. Highway 290 crosses the Missouri-Pacific Railroad and the approaches thereto on South Lamar Boulevard, and which section of highway improvements will necessitate the acquisition of certain right of way, and

WHEREAS, it is agreed that such right of way purchase shall be by joint effort of the State and the City;

NOW, THEREFORE be it AGREED that acquisition of such right of way shall be in accordance with Highway Commission Minute Order No. 42113 dated May 31, 1957, and Highway Commission Minute No. 43066, dated November 1, 1957. The State hereby authorizes and requests the City to proceed with acquisition and the State agrees to reimburse the City for its share of the cost of such right of way providing such acquisition and reimbursement is accomplished according to the provisions outlined herein and agreed to by both parties hereto.

LOCATION SURVEYS AND PREPARATION OF RIGHT OF WAY DATA: The State, without cost to the City, will do the necessary preliminary engineering and title search in order to supply to the City the data and deed instruments required for right of way purchase.

DETERMINATION OF RIGHT OF WAY VALUES: The City agrees to make a determination of property values for each right of way parcel by methods acceptable to the City and to submit to the State's District Office a tabulation of the values so determined, signed by the appropriate City representative. Such tabulation shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land taken, itemization of improvements taken, and (if a partial taking) damages, if any, or enhancements, if any, to the remainder. This tabulation shall be accompanied by an explanation to support the determined values, together with copy of information or reports used in arriving at determined values, ~~Such work will be performed by the City at its expense~~ without cost participation by the State. The State will review the data submitted and may base its reimbursement on the values as determined by this review. The State, however, reserves the right to perform at its own expense.

any additional investigation deemed necessary, including supplemental appraisal work by State employees or by employment of fee appraisers, all as may be necessary for determination of values to constitute the basis for State reimbursement.

If at any stage of the project development it is determined by mutual agreement between the City and the State that there should be waived the requirement that the City submit to the State property value determinations for any part or all of the required right of way, the State will make appropriate written notice to the City of such waiver, such notice to be acknowledged in writing by the City. In instances of such waiver, the State by its due processes and at its own expense will make a determination of values to constitute the basis for State reimbursement.

NEGOTIATIONS: The State will notify the City as soon as possible as to the State's determination of value. Negotiation and settlement with the property owner will be the responsibility of the City without participation by the State. The City will deliver properly executed deeds with title in the name of the State supported by an acceptable Title Insurance Policy for each right of way parcel involved. The costs incidental to such negotiation and the costs of recording of the right of way instruments will be the responsibility of the City. The cost of Title Insurance will be the responsibility of the State.

CONDEMNATION: Condemnation proceedings will be initiated at the election of the City and will be the City's responsibility at its own expense. Eligibility for State reimbursement of values determined by such condemnation proceedings shall be subject to the conditions as hereinafter outlined under the section titled "Reimbursement".

DISPOSAL OF IMPROVEMENTS: It is agreed that the State's participation in the cost of improvements will be based upon approved values. The disposition of improvements may be in accordance with State Highway Department Administrative Order 8-57, a copy of which is attached hereto and marked Exhibit "A". In the event the improvements are not disposed of in accordance with Administrative Order 8-57, the State shall dispose of said improvements by competitive bids. Such revenue derived from the disposition of any improvements will be credited to the cost of the right of way procured.

RELOCATION OF UTILITIES: If the required right of way to be acquired for this project encroaches upon an existing utility located upon its own right of way acquired for utility purposes, the State will participate with the City in the cost of the necessary adjustment, removal or relocation of the utility. The State's participation shall be limited to the cost of making such change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility. Such utility relocation costs will be an appropriate item of right of way cost. The adjustment, removal or relocation of any utility line on publicly owned right of way by sufferance or permit will not be eligible for State reimbursement. The term "utility" shall include publicly, privately and cooperatively owned utilities.

FENCES AND FENCING: None involved

REIMBURSEMENT: The State will reimburse the City after March 1, 1958, in an amount not to exceed 50% of the cost of the right of way acquired in accordance with the terms and provisions of this agreement. The State's reimbursement will be in the amount of 50% of the State's predetermined value of such parcel, or the net cost thereof, whichever is the lesser amount. If condemnation is

necessary the participation by the State shall be based on the final judgement, conditioned that the State has been notified in writing prior to the filing of such suit and prompt notice is also given as to all action taken therein. The State shall have the right to become a party to the suit at any time for all purposes, including the right of appeal at any stage of the proceedings. All other items of cost shall be borne by the State and the City as provided by other provisions of this Agreement. It is further understood and agreed that the total cost of this project, including construction and right of way costs, will be prorated in accordance with Highway Commission Minute Order No. 43066 dated November 1, 1957.

GENERAL: It is understood that the terms of this agreement shall apply only to right of way authorized and requested by the Texas Highway Department which is needed and not yet dedicated, in use, or previously acquired in the name of the State or City for highway, street, or road purposes.

It is further understood that if unusual circumstances develop in the right of way acquisition which are not clearly covered by the terms of this agreement, such unusual circumstances or problems will be resolved by mutual agreement between the State and the City.

CITY OF \_\_\_\_\_, TEXAS      RECOMMENDED FOR APPROVAL:

By: \_\_\_\_\_  
City Manager

\_\_\_\_\_  
District Engineer

\_\_\_\_\_  
Program Engineer

ATTEST:

\_\_\_\_\_  
Engineer of Road Design

\_\_\_\_\_  
Right of Way Engineer

Note: Any official signing for and on behalf of a municipality should attach an original or authenticated copy of order, resolution, ordinance or charter provision, or a citation to statute, under the authority of which this agreement is executed.

Certified as being executed for the purpose and effect of activating and/or carrying out the order, established policies, or work programs heretofore approved and authorized by the State Highway Commission:

By: \_\_\_\_\_  
Executed as State Highway Engineer  
and approved for State Highway  
Commission.

Commission

\*

TEXAS HIGHWAY DEPARTMENT

State Highway Engineer

D. C. Greer

\*

E.H. Thornton, Jr., Chairman  
Marshall Formby  
Herbert C. Petry, Jr.

Austin 14, Texas

April 4, 1957

In Reply Refer to  
File No. DCG

ADMINISTRATIVE ORDER NO. 8-57

SUBJECT: POLICY ON DISPOSAL OF IMPROVEMENTS ON STATE PURCHASED RIGHT OF WAY

TO: ALL DISTRICT ENGINEERS, ENGINEER-MANAGER AND DIVISION HEADS

Gentlemen:

The rapid progress of the State Right of Way Purchase Program indicates the necessity of having a well defined policy for the disposition of improvements purchased with highway rights of way. In arriving at a workable plan, the Right of Way Division studied the procedures used by a number of cities and states as well as the Texas Turnpike Authority. The most feasible plan appears to be one based upon the fixed percentage of the appraised value of the improvement. The cost to the property owner to retain his improvement will be figured as indicated below:

1. Frame Buildings

- (a) Pier or Block Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 20% of the appraised value of the retained improvement.
- (b) Continuous Beam Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 15% of the appraised value of the retained improvement.
- (c) Concrete Slab Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 10% of the appraised value of the retained improvement.

2. Brick, Rock, Stone, Veneer and Stucco Buildings.

- (a) Pier or Block Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 15% of the appraised value of the retained improvement.
- (b) Continuous Beam Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 10% of the appraised value of the retained improvement.
- (c) Concrete Slab Foundation. The owner will be permitted to retain this type of structure if he consents to reducing the purchase price for his property by an amount equal to 5% of the appraised value of the retained improvement.

3. Miscellaneous Improvements, e.g., well pumps, fences, etc., may be retained by the owner if he consents to reducing the purchase price for his property by an amount equal to 20% of the appraised value of the retained improvement.

Any improvements bought under the State Right of Way Purchase Plan which are to be sold and not relinquished to the property owners in accordance with the above

plan will be disposed of through the Board of Control. Where an owner elects to retain improvements under the above procedure, the Contract of Sale or the Memorandum of Agreement shall include a provision covering the agreement and fixing a time limit for removal of the improvement.

In anticipation of the possibility of the property owner desiring to retain his improvements, the appraisal report reviewer shall establish the basic offer value of each improvement which recommended price should be forwarded to D-15 along with the recommended offer price for the total parcel.

Sincerely yours  
(Sgd) D. C. Greer  
D. C. Greer  
State Highway Engineer

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. That the attached contract marked Exhibit "B" and made a part hereof in all respects, between the State of Texas and the City of Austin, providing for the construction, maintenance, existence, operation and use of a Highway Traffic Signal Project at the intersections of Airport Boulevard with the east and west frontage streets of Interregional Highway (U.S. 81) in the City of Austin, be and is hereby approved and W. T. Williams, Jr., City Manager is hereby authorized to execute the same on behalf of the City and Elsie Woosley, City Clerk is hereby authorized to attest the same under the seal of said City.

SECTION 2. That upon the execution of said contract by the hereinabove authorized officers, the attesting officer shall certify copies of this Resolution and attach a copy thereof to each of the copies of said contract and transmit the same to the State of Texas for appropriate action.

SECTION 3. That this Resolution shall become effective immediately upon its adoption.

(Contract attached)

STATE OF TEXAS     §

EXHIBIT "B"

COUNTY OF TRAVIS   §

This AGREEMENT, made this . . . . . day of . . . . ., 1957, by and between the State of Texas, hereinafter called the "State", Party of the First Part; and the City of Austin, Travis County, Texas, acting by and through its duly authorized officers under Resolution passed the . . . . . day of . . . . ., 19. ., hereinafter called the "City," Party of the Second Part:

W I T N E S S E T H :

WHEREAS, the City has authorized the installation of highway traffic signal(s) by Resolution passed on the . . . . . day of . . . . ., 19. . . , at the intersection(s) shown on Exhibit No. 2, attached hereto and made a part hereof, in the City; and

WHEREAS, the State has made it known to the City that it will: (1) furnish the necessary funds for the actual construction, (2) prepare plans and specifications, (3) install said highway traffic signal(s), and (4) supervise construction, provided the City will: (1) approve the plans, specifications, and location of said highway traffic signal(s), (2) operate and maintain the signal(s), (3) pay all power costs for operating the signal(s), (4) obtain written approval of the State Highway Engineer before making any changes in the design of operation and timing of the signal(s) or before removing any part of the installation(s), (5) return any and all parts of said highway traffic signal installation(s) to the State should they be removed by the City for any reason other than for installation on a State or Federal numbered highway route at a location approved by the State, (6) be responsible for the police enforcement required for securing obedience to the highway traffic signal(s); and (7) protect the State from all liability, claims, and damages occasioned by or resulting from the installation, construction, existence, use, operation, and/or maintenance of said highway traffic signal(s) and the passage and enforcement of the Ordinance hereinabove referred to.

A G R E E M E N T :

NOW, therefore, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

1. For and in consideration of the mutual covenants herein contained, the City shall and does hereby agree to hold harmless the State against any and all claims, demands, and causes of action for recovery of any and all damages arising out of the installation, construction, existence, use, operation, and/or maintenance of said highway traffic signal(s), and agrees to assume the defense of any and all suits brought for the recovery of all such alleged damages, and shall intervene and make itself a part therein in its own name, if it is not already made a party thereto for the purpose, and shall if requested in writing by the State so to do, wholly relieve the State from defending the same, and hereby agrees to hold the State harmless as to court costs, attorney's fees and all expenses in connection with such suits, and hereby assumes and agrees to pay all judgment recovered against the State by reason of the installation, construction, existence, use, operation, and/or maintenance of said highway traffic signal(s).

2. The State will furnish the necessary funds for the actual construction, prepare plans and specifications, install said highway traffic signal(s), and supervise construction.

3. The City will operate and maintain the highway traffic signal(s) upon completion of the installation(s) by the State.

4. The City will pay all power costs for operating the signal(s).

5. The City will obtain written approval of the State Highway Engineer before making any changes in the design of operation and timing of the signal(s) or before removing any part of the installation(s).

6. The City will return any and all parts of said highway traffic signal installation(s) to the State should they be removed by the City for any reason other than for installation on a State or Federal numbered highway route at a location approved by the State.

7. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signal(s).

8. It is understood and agreed by and between the parties hereto that the City recognizes that the public convenience, safety, and necessity require the construction of the highway traffic signal(s) as herein provided and has consented to the construction of the highway traffic signal(s) hereinabove named by the approval of the location and manner of construction as shown on plans and described in specifications attached hereto, marked "Exhibit A," and made a part hereof.

9. In the event the terms of this Agreement are in conflict with the provisions of any other existing Agreements and/or Contracts between the City and the State, this Agreement shall take precedence over the other Agreements and/or Contracts. All other provisions of said existing Agreements and/or Contracts not in conflict with this Agreement shall remain in full force and effect.

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the day above stated.

ATTEST:

\_\_\_\_\_  
Secretary for City

By \_\_\_\_\_  
Mayor

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission:

By \_\_\_\_\_  
Chief Engineer of Maintenance  
Operations

APPROVED AS TO FORM:

RECOMMENDED FOR APPROVAL:

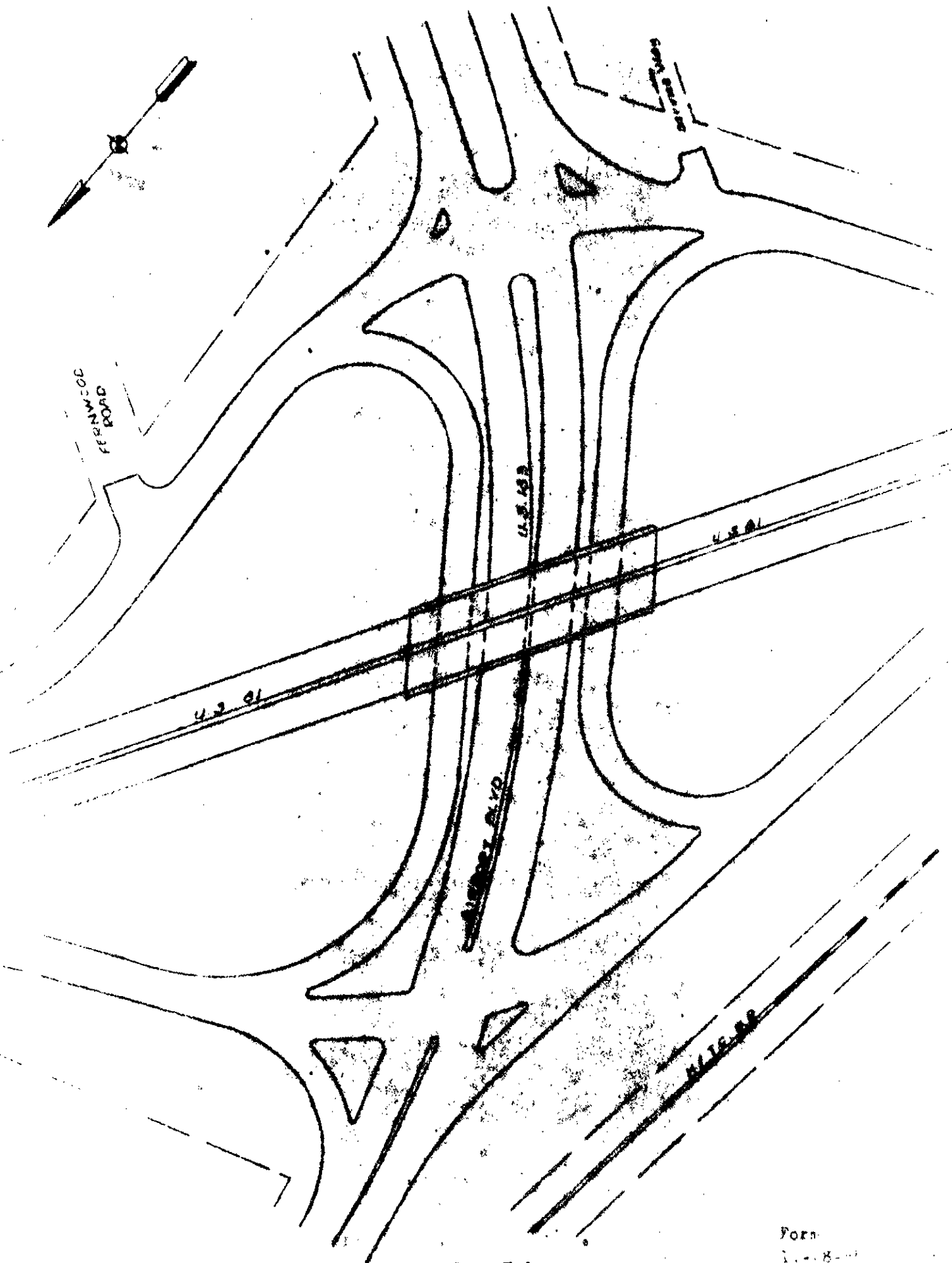
\_\_\_\_\_  
General Attorneys for the City

\_\_\_\_\_  
District Engineer

\_\_\_\_\_  
Assistant Attorney General

\_\_\_\_\_  
Engineer of Traffic

## LOCATION OF INTERSECTION(S)



The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of Chicon Street and East 11th Street, which property fronts 111.0 feet on Chicon Street and 122.0 feet on East 11th Street, and being known as a portion of the M. L. Jones Estate in the City of Austin, Travis County, Texas, and hereby authorizes the said Tremarco Corporation to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Tremarco Corporation has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"December 12, 1957

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Tremarco Corporation for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of Chicon Street and East 11th Street, which property fronts 111.0 feet on Chicon Street and 122.0 feet on East 11th Street, and being known as a portion of Block 1 of the partition of the M. L. Jones Estate in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Tremarco Corporation and is to be leased to Gulf Oil Corporation. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance

to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Tremarco Corporation be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2-C-2355.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-C-2355 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,  
(Sgd) S. Reuben Rountree, Jr.  
Director of Public Works  
(Sgd) J. C. Eckert  
Building Inspector"

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 10, 1957, for the furnishing of milk and cream to Brackenridge Hospital and Austin-Travis County T. B. Sanatorium for a period of six months beginning January 1, 1958; and,

WHEREAS, the bid of Oak Farms Dairies in the sum of \$8,687.32 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent 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 Oak Farms Dairies in the sum of \$8,687.32 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Oak Farms Dairies.

The motion, seconded by Councilman Palmer, carried by the following vote:  
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH DAVID B. BARROW; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White,

carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 2ND DAY OF JANUARY, 1958, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council agreed to schedule zoning hearings tentatively set to be heard on January 2nd, on JANUARY 9, 1958.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. H. McCullick Construction Company is the Contractor for the erection of a building located at 900 West 22nd Street and desires a portion of the sidewalk and street space abutting Lot 7 and 8, Block 32, of the George W. Sampson Subdivision, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. H. McCullick Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the center line of West 22nd Street to a point 4 feet south of the north curb line; thence in a easterly direction and parallel to the center line of West 22nd Street 109 feet to a point; thence in a northerly direction and at right angles to the center line of West 22nd Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. H. McCullick Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 1, 1958.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall

guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 10, 1957, for the general construction of a jail addition for the Police and Courts Building and for jail equipment; and,

WHEREAS, the bid of Joe Badgett in the sum of \$7,867.00 was the lowest and best bid for the general construction of the jail addition; and,

WHEREAS, the bid of Southern Steel Company in the sum of \$33,985.00 was the lowest and best bid for the furnishing of the jail equipment; and,

WHEREAS, the acceptance of such bids has been recommended by the Supervising Engineer of the Construction Engineering Division 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 Joe Badgett in the sum of \$7,867.00 for the general construction of the jail addition to the Police and Courts Building, and of Southern Steel Company in the sum of \$33,985.00 for the furnishing of jail equipment, be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute contracts on behalf of the City of Austin with Joe Badgett and Southern Steel Company.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

MR. ED SIMMONS appeared before the Council regarding reconsideration of the Council in authorizing a left-turn on West 12th and Lamar for traffic going north on Lamar. The Traffic Engineer was called in and went over the traffic patterns and timing again and pointed out a 25% decrease in opportunity for moving traffic and other disadvantages and hazards of a left-turn at that location. Councilman Pearson favored giving it a trial and getting a count on the traffic and timing again. A very detailed discussion with illustrations was held. The Mayor suggested that with the improvement on Exposition Boulevard and 6th Street, there might be a change in traffic, and that the proposed river road would take some of the traffic off; and he asked that new surveys be made after the first of the year when traffic was normal.

The City Attorney submitted a proposed exchange of property with MR. HAGE on the east side of South 1st Street and Barton Springs Road.

The Council recessed at 1:30 P.M. until 3:00 P.M.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business and met with the paving contractors. The City Manager reviewed the paving activities in the past few years, stating that a large number of streets had been paved, but now the paving does not seem to be moving fast enough. There are now 375 miles of unpaved streets; of which 280 are residential and 95 thoroughfares. Without reducing the standard of paving, it was desired to provide paving at a lower cost, and to increase the city's participation in costs of paving and thereby reduce maintenance costs. The recommendation was on streets where the present base could be stabilized, a  $1\frac{1}{2}$ " hot mix could be applied, which would cost about \$3.05 a front foot, including curb. On other streets, the paving procedure would be as it is now, which runs about \$3.50. He recommended charging a flat rate regardless of the type of street and the city absorb the difference. The rate for a 30' street would be approximately \$2.65 for curbs, gutters and paving; for a 40' street, \$3.20. Deductions for curbs and gutters in place would be made. He stated there were 385 miles of unpaved streets, falling in the two categories:

- 80 miles or 1200 blocks of 30' streets on which the base could be stabilized.
- 144 miles or 2160 blocks of 30' streets which could not be stabilized.
- 20 miles or 300 blocks of 40' streets which could be stabilized.
- 36 miles or 540 blocks of 40' streets which could not be stabilized.
- 95 miles of thoroughfares which need a heavier paving.

He stated it would take 14 or 15 million dollars for this paving, and using a flat rate bases, the city's portion would run around \$6,000,000. The City would continue to pave the intersections, amount to 14%, and take care of 1/3 of corner lots up to 50', plus engineering, which all amounts to 28-29% city participation. Under the new plan, the city would absorb about 40% of the costs. Also, this included the city's part on streets wider than 40'. The Council discussed the recommendation in detail. MR. PAT CANION, MR. MCKOWN, MR. NOBLE LATSON, MR. LEE MANERS, MR. HUNT, and other paving contractors were present and took part in the discussion. There was a question as to when to start the new program and how it would affect the contracts now underway. The Director of Public Works listed the status of all of the outstanding contracts. Further discussion covered the various paving programs--(1) streets where there was a general need and the public had asked for paving, (2) streets where Engineering Department had found heavily used and maintenance costs were too high, and (3) where property owners petitioned to pave; refunds on paving jobs already set up; letting contracts on construction design depending on types of base; city's ability to pay the additional 12% throughout the period; if additional participation by the City would be a saving over a period of years over the high maintenance cost; and if the new plan would speed up the paving program. It was suggested that something in writing be brought in setting out the total costs, and the responsibility of the city on present contracts, and

the entire recommendation. The Mayor announced this would be continued next week (December 19). No contractor present wanted the paving standards lowered, according to a vote the Mayor called for from them. The Mayor asked that consideration be given to the date January 15th as a suitable date to put the program into effect.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 9.38 OF CHAPTER 9 OF  
THE AUSTIN CITY CODE OF 1954 PERTAINING TO BONDS  
REQUIRED OF ELECTRICIANS LICENSED UNDER THE PRO-  
VISIONS OF SAID CHAPTER; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller  
Noes: None

The Mayor announced that the ordinance had been finally passed.

There being no further business, the Council adjourned at 6:00 P.M. subject to the call of the Mayor.

APPROVED

Tom Miller  
Mayor

ATTEST:

Elvis Hoosley  
City Clerk