

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 10, 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.

Invocation was delivered by REV. C. L. BOHLS, St. Johns Lutheran Church, West Live Oak and Wilson Streets.

Councilman White moved that the Minutes of the Meeting of January 3, 1957, be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. J. P. DARROUZET, representing MR. A. B. MARTIN, 2012 Enfield Road, came before the Council asking that the basketball practice activities on the tennis court at Westenfield Playground be stopped. It is being used by youths who create a disturbance and nuisance. Mrs. Martin had been ill, and the noise was working her. He claimed that this basketball practicing at this location was ruining the value of the rent property owned by the Martins. Two letters were submitted: one from Dr. S. P. Todaro, regarding the health of Mrs. Martin; and one from Lt. David J. Young, tenant. Mr. Martin had no objection to the tennis court activities. The Mayor stated this had been a park, both private and public for over thirty years, but he believed some temporary measures could be worked out, and suggested moving the basketball goals over on the golf course. If there was extra expense involved, Mr. Sheffield was to work it out with the City Manager.

MR. EVERETT LOONEY, representing KTBC-TV, outlined the history and expansion of KTBC since its operations in Austin; that it is now equipped to televise in color; and that it has been working on getting a community antenna system. He told the Council about the preparations that had been made up to now, and asked that they be permitted to work out with the City Manager, City Attorney and others, the possibilities of securing a franchise to provide the community antenna system. MR. JACK HARRIS, representing a group of local citizens who were interested in the community antenna system, gave information about the organization of the Midwest Video Corporation of Arkansas, its capabilities, and its proposal to install this system in Austin. Mr. Harris gave statistics on the probably amount of income the city would receive from the rent of the poles, from the 2% gross receipts; and from the electric energy that would be used. MR. ROBERT MORRELL, officer of the Midwest Video Corporation, gave details of the system and how it worked in other cities. Mr. Morrell stated he would not be interested if a franchise were granted someone else. MR. KELLAM, K.T.B.C.-TV, stated work had started on their tower to heighten it to more than 1100 feet, and it was believed it would be completed by April. Discussion of putting in a service to include showing motion pictures through this system also. It was believed both proposals could be worked up and submitted to the Council within 30 days, and the Mayor announced the Council would be glad to receive both proposals, and check it with the Electric and Legal Departments.

The Council postponed action on the following zoning application until next week at the request of the Attorney representing the applicant:

EDWIN LONDON	3108-3122 Lamar	From "A" Residence 1st & 5th Height & Area and "C" Commercial 5th Height & Area To "C" Commercial 5th Height & Area RECOMMENDED by the Planning Commission
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The Council postponed indefinitely action on the following zoning application until the matter could be taken through the Board of Adjustment:

NELSON PUETT	4308-10 Bellvue	From "A" Residence 1st Height & Area To "B" Residence 2nd Height and Area NOT RECOMMENDED by the Planning Commission
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The Council had before it the following zoning application postponed from last week:

JOHN J. JOHNSON ELLA & JOSEPHINE JOHNSON	1619-1623 East 7th Street	From "A" Residence 2nd Height & Area To "C" Commercial 2nd Height & Area
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The Mayor asked those who wished to grant the change to "C" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Palmer, Pearson

Noes: Councilmen Long, White, Mayor Miller

Councilmen Long made the following statement regarding her vote:

"I feel this property at sometime will be changed, but I do not believe this is the time. You have your great Huston Tillotson College across from it, and the homes of people that live across from there. The neighbors are not ready to become commercial. It has been up several times, and they have all been together except this one time; and in view of the opposition of the majority of the people that it should not be rezoned; and in view of the widening of the street, we may have to go in and buy right-of-way at a later time, at this time I vote 'No' and for keeping it 'A' Residence. It may come up again at a later time and there might be a difference in the character of the property."

Councilman Palmer made the following statement regarding his vote:

"I think all of East 7th, except this block, is perfectly zoned 'C' and there is no question but what the nature of that street has changed. While people have lived there for many years, it is no longer desirable for residences, and you would not buy a lot to build on there; and since 'C' is across the street, and 'C-2' is directly in back of them, I vote 'Aye'."

Councilman Pearson made the following statement regarding his vote:

"I vote 'aye' also because the Highway Department is going to widen it. Since this is the only block on 7th that is not commercial, I feel that everybody on the block within five years will want their property zoned commercial according to all the balance of the neighbors."

Councilman White made the following statement regarding his vote:

"I do not think but what there is any question that within a short time all of 7th Street will be commercial; but at this time, and in view that it seems that practically all the people living in that neighborhood are opposed to it, I feel that I am going to have to vote against it for the time being."

Mayor Miller made the following statement regarding his vote:

"Zoning is a terrible responsibility. We have to give the same consideration to zoning, whatever the neighborhood. We heard this for an hour or so last week. It is imminent that it will have to be changed. We have talked to the highway department, and the district people about the right-of-way... People outside the area called me and asked me to change the zoning; but after hearing all the testimony

up here, I am going to have to vote 'no'. As soon as we buy the right-of-way, then we can no longer defer it. (Discussion on withdrawal of the application was held) If 7th is widened, and continues to be a great thoroughfare, you cannot hold it forever, and I am sure everyone of you would be glad to sell out if you were offered the same. I feel although my inclination is to grant the change, I cannot do it according to my best judgment and dictates of my conscience, and I have to vote 'no'."

The Mayor announced that the change had been DENIED.

The Council had before it the following zoning application postponed from last week:

FRANK E. WATTERSON &	2612-2614 South 1st	From "A" Residence
KAYTE D. WATTERSON	600 Cumberland Road	To "LR" Local Retail
		NOT Recommended

Mr. M. A. Cutler appeared in opposition. The hearing was postponed due to the applicant's inability to be present.

The City Manager submitted the following:

"Bid Inquiry No. 5889-X was opened 17 December 1956 at 2:00 PM for 110 Mercury Vapor luminaire and six steel street lighting poles.

"The lump sum bids are tabulated below:

Westinghouse Elec. Mfg. Corp.	\$5,313.28
General Electric Supply	\$6,020.08
Line Material Company	\$5,917.30

"All prices are firm, delivery dates are all acceptable and prices are net 30 days. All luminaires are photometrically acceptable.

"I recommend that the low bid of \$5,313.28 submitted by Westinghouse Elec. Mfg. Corp. be accepted.

"Approved:

W.T. Williams, Jr., City Mgr.

D.C. Kinney, Dir. Elec Utility"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 17, 1956, for street lighting materials for East Seventh Street; and,

WHEREAS, the bid of Westinghouse Electric Manufacturing Corporation in the sum of \$5,313.28 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Electric Utility 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 Westinghouse Electric Manufacturing Corporation in the sum of \$5,313.28 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 Westinghouse Electric Manufacturing Corporation.

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)

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a Pipe Crossing Agreement between the City of Austin and Texas and New Orleans Railroad Company for the construction of a thirty inch (30") sanitary sewer line across the right-of-way of said railroad company approximately 42.2 feet east of the east end of said company's Bridge No. 111.30.

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 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) LOTS 2 AND 3, BLOCK 1, FREDERICKSBURG ROAD ACRES, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (2) A PORTION OF LOTS 2, 3 AND 4, BLOCK G, DELWOOD NUMBER 4, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) A TRACT OF LAND OUT OF OUTLOT NO. 17, DIVISION "C", LOCALLY KNOWN AS 4517-4523 AIRPORT BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (4) LOTS 1, 2, AND 3, BLOCK D, NORTHGATE ADDITION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (5) TWO TRACTS OF LAND OUT OF THE

JAMES P. WALLACE LEAGUE, LOCALLY KNOWN AS 5209-5307 CAMERON ROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA 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 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 White 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 White 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.

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 USE DESIGNATION FROM "D" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON PORTIONS OF LOTS 8, 9 AND 10, EDEN ACRES NUMBER 2, LOCALLY KNOWN AS 3407-3411 EAST 7TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE 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 Palmer, carried by the following vote:

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

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 Palmer, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council discussed the proposed base operator's contracts with RAGSDALE FLYING SERVICE and BROWNING AERIAL SERVICE at the Airport. The City Manager explained what was proposed after a meeting with both the operators. Councilman White suggested that a clause be added in the contract where if there were dissention, that the Council would cancel the contract.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into contracts on behalf of the City of Austin with Robert L. Ragsdale, DBA Ragsdale Flying Service, and with Robert M. Browning, DBA Browning Aerial Service in accordance with the terms and provisions of certain contracts, copies of which are attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copies of said contracts without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Palmer, 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)

WHEREAS, Lee Optical Company is the Contractor for the alteration of a

building located at 826 Congress Avenue and desires a portion of the sidewalk and street space abutting the north 23 feet of Lot 6, Block 98, of the Original City of Austin, Travis County, Texas, during the alteration 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 Lee Optical Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a easterly direction and at right angles to the center line of Congress Avenue 4 feet to a point; thence in a northerly direction and parallel with the center line of Congress Avenue 23 feet to a point; thence in a westerly direction and at right angles to the center line of Congress Avenue to the northeast corner of the above described property; thence in a northerly direction and at right angles to the center line of West 9th Street 4 feet to a point; thence in a westerly direction and parallel with the center line of West 9th Street approximately 12 feet to a point; thence in a southerly direction and at right angles to the center line of West 9th Street to the north line of the above described property.

2. THAT THE above privileges and allotment of space are granted to the said Lee Optical Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use parking meter spaces numbers 101 and 103 on the south side of West 9th Street for the delivery or removal of materials during construction work.

(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 and street had 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 March 1, 1957.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection of 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 Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2000), 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 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)

WHEREAS, J. C. Evans is the Contractor for the alteration of a building

located at 617 Congress Avenue and desires a portion of the sidewalk and street space abutting the south 23 feet of Lot 5, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration 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. C. Evans, 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 westerly direction and at right angles to the center line of Congress Avenue approximately 5 feet to a point; thence in a northerly direction and parallel with the center line of Congress Avenue 23 feet to a point; thence in a easterly direction and at right angles to the center line of Congress Avenue to the northwest corner of the above described property.

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

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(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 April 1, 1957.

(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 Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000), 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 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)

WHEREAS, Frank Rundell is the Contractor for the erection of a building located at 2910 University Avenue and desires a portion of the sidewalk and

street space abutting Lots 9 & 10, Block 5, Fruth Addition, of the City of Austin, 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 Frank Rundell, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction to the south curb line of West 30th Street; thence in a westerly direction and parallel with the center line of West 30th Street approximately 190 feet to a point; thence in a southerly direction and at right angles to the center line of West 30th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Frank Rundell, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(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 October 1, 1957.

(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 Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000), 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 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:

THAT the City Council of the City of Austin hereby approves the property situated on the east side of North Lamar Blvd. as a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, which property is owned by the Stark Roofing Company and is the Sam McDonald 2.39 acre tract, of the City of Austin, Travis County, Texas, and hereby authorizes the said Stark Roofing Company to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations;

and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject 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 Stark Roofing Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 10, 1957

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

"Dear Sir:

"I, the undersigned, have considered the application of the Stark Roofing Company for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of North Lamar Blvd., which property is designated as the Sam McDonald 2.39 acre tract in the City of Austin, Travis County, Texas, and locally known as 8227 North Lamar Blvd.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tank and pump shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

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:

THAT the City Council of the City of Austin hereby approves the property situated on the north side of East 5th Street as a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is 250 x 387 feet of the Southern Pacific Railroad Company tract located in Outlot 12, Division A, of the City of Austin, Travis County, Texas, and hereby authorizes the said E. E. Stuessy, Contractor to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject 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 E. E. Stuessy has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 10, 1957

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

"Dear Sir:

"I, the undersigned, have considered the application of E. E. Stuessy, Contractor for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 5th Street, which property is designated as 250 x 387 feet of the Southern Pacific Railroad Company tract located in Outlot 12, Division A, in the City of Austin, Travis County, Texas, and locally known as 2716 East 5th Street.

"This property is located in a "D" Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

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)

WHEREAS, bids were received by the City of Austin on January 7, 1957, for the purchase of twenty-six (26) 4-door sedan automobiles to be used by the Police Department of the City of Austin; and,

WHEREAS, the bid of C. B. Smith Motors in the sum of \$33,234.10, which figure includes trade-ins, was the lowest and best bid therefor, and the acceptance of such bid and the purchase of twenty-six (26) 4-door sedan automobiles 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 C. B. Smith Motors in the sum of \$33,234.10 and trade-ins, 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 C. B. Smith Motors.

The motion, seconded by Councilman White, 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 January 7, 1957, for the purchase of the following described automotive units to be used in the departments shown opposite each; and,

WHEREAS, the bid of Capitol Chevrolet in each of the sums shown opposite each item, including trade-ins, was in each instance the lowest and best bid therefor; and the acceptance of such bids and the purchase of such automotive equipment has been recommended by the Purchasing Agent of the City of Austin and by the City Manager, as follows:

<u>Equipment</u>	<u>Department</u>	<u>Amount</u>
3 Units		
Sedan Delivery	Electric Distribution	\$ 5,458.70
Business Coupe		
4-door Sedan		
1 - 4-door Sedan	Sanitary Sewer	1,400.62
1 - 4-door Sedan	Fire Prevention	1,400.62
1 - 4-door Sedan	Water	1,364.93
3 - 1-ton Pickup	Water	4,219.41
1 - 1/2-ton Pickup	Sanitary Sewer	1,248.12
1 - 4-door Sedan	Recreation	1,200.62
1 - 3/4-ton Pickup	Recreation	1,257.45
1 - 1/2-ton Pickup	Filter Plant	1,113.12
2 - 1-ton Platform Trucks	Sanitary Sewer	3,459.14
		<hr/>
	TOTAL	\$22,122.73

Now, Therefore,

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

That the bid of Capitol Chevrolet in the sum of \$22,122.73 and trade-ins, 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 Capitol Chevrolet for the purchase of the above described automotive equipment.

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

The Council noted that the following zoning applications set for public hearing on January 24th, had been rescheduled for hearing on JANUARY 31, 1957:

C. B. SMITH, et al	615-625 St. Johns Ave.	From "A" Residence To "D" Industrial
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RAYMOND C. LITTLEFIELD et al	801-05 Manor Road 2103-09 Oldham & 2102-04 Swisher St.	From "BB" Residence To "C" Commercial
E. C. LOGSDON	4609-4617 Red Bluff	From "A" Residence To "C" Commercial
WOODROW W. KNAPE	3409-11 East Avenue	From "C" Commercial To "C-1" Commercial
FRANK G. DURAN	2607 East 4th Street	From "E" Heavy Industrial To "C-1" Commercial
WARREN S. FREUND, et al	709 West 10th St. & 905-07 West Avenue	From "B" Residence To "O" Office

There being no further business the Council adjourned at 1:00 P.M.
subject to the call of the Mayor.

APPROVED

Jon Miller
Mayor

ATTEST:

Elai Hooley
City Clerk