

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 13, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. C. W. BOHLS, St. Johns Lutheran Church.

Pledge of Allegiance to the Flag.

Councilman White moved that the Minutes of January 6th be approved. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MAYOR McADEN announced that the Committee on studying the financing of the Auditorium had done an excellent piece of work, and the ordinance was ready to be considered by the Council. The City Manager reported the ordinance was submitted as recommended and included the revenues from the swimming pools at Barton and Deep Eddy to improve further the revenue situation. The City Attorney explained this ordinance in detail. After discussion, Mayor McAden introduced the following ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, PROVIDING FOR THE ISSUANCE OF "CITY OF AUSTIN, TEXAS, AUDITORIUM REVENUE BONDS, SERIES 1955", IN THE AGGREGATE AMOUNT OF ONE MILLION SEVEN HUNDRED FIFTY THOUSAND (\$1,750,000.00) DOLLARS, FOR THE PURPOSE OF CONSTRUCTING A MUNICIPAL AUDITORIUM IN THE CITY OF AUSTIN, AND TO PURCHASE OR ACQUIRE THE NECESSARY LANDS EQUIPMENT AND FACILITIES THEREFOR, INCLUDING LAND FOR PARKING AND THE NECESSARY EQUIPMENT AND FACILITIES THEREFOR; MAKING PLEDGES OF CERTAIN REVENUES AND COVENANTS TO INSURE THE AVAILABILITY AND USE OF SAID REVENUES FOR OPERATION AND MAINTENANCE

PURPOSES AND TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; REPEALING ALL ORDINANCES AND PARTS THEREOF HERETOFORE PASSED AND IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thompson 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, Pearson, Thompson, Mayor McAden
Noes: Councilman White

The ordinance was read the second time and Councilman Thompson 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, Pearson, Thompson, Mayor McAden
Noes: Councilman White

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

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden
Noes: Councilman White

The Mayor announced that the ordinance had been finally passed.

MR. JOHN SIMPSON, President of the Chamber of Commerce and member of the special committee appointed by the Council, wanted to thank FORMER MAYOR TOM MILLER, MESSRS. WILLARD HOUSER, DONALD JAMES, W. G. POPE, and CRAVENS, and JOHN AYCOCK the bankers, on the committee; that he and MR. LEONARD LUNDGREN were extremely grateful to them for their work in this matter, and that they were very much pleased that the Auditorium project was getting under way. In discussion it was brought out that these could be submitted in about three weeks. The Mayor expressed gratitude to the Committee for its fine work and endeavors. Councilman White wanted to make a statement to the President of the Chamber of Commerce, Mr. Simpson, that he voted against this before and was voting against it this morning for the reason he gave when he was with the Committee. He thought we should have an Auditorium, and he was for an Auditorium 100%. MR. CHARLES BURTON complimented the Council on getting the Auditorium project started. Councilman Long moved that the Council pass a resolution thanking the Committee for the work they had done on this matter, and hoping they would continue serving in that capacity. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. H. L. AULT submitted a petition signed by over 100 people living in Travis Heights requesting that the city dump be removed from the St. Edwards property. MRS. GEORGE SANDERS and MRS. MILTON O'DELL spoke, asking that the contract be checked to see if the 5 year period was not over. The City Manager

stated it was the intention to terminate this sanitary fill. It had been sprayed and the State Health Department had considered it a model proposition; but when it was abandoned, more spraying and fogging would be done and it would be given a final treatment. The Mayor stated the Council would investigate the matter and let them know.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Planning Commission has made exhaustive studies of the needs of the City of Austin and has recommended that the firm of Harold F. Wise and Associates of Menlo Park, California be employed as Planning Consultant to the City of Austin in the development of a Master Plan; Now, Therefore,

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

That the City Manager be authorized and directed to execute a contract, subject to the approval of the Council, for the services of Harold F. Wise and Associates in conformity with the recommendation of the City Planning Commission.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Present but not voting: Councilman Pearson

Councilman Pearson had previously explained that he should pass because he was out of town when most of the planners were interviewed, and he did not have the opportunity to interview the others. He stated he was sorry that the Committee did not recommend our local planners, as he would liked to have had our local planners do the entire job if possible, but he was sure this gentleman was capable and would do an excellent job. Councilman Long stated the planner had told her that this community had great opportunity to offer in drawing this plan and using these people within the community, and she did not think there would be too much disappointment along that line. Councilman Pearson hoped that all local skill except Mr. Wise and one other person would be used. About the amount, the City Manager stated the fee for MR. WISE and his associates would be \$35,000 per year, and the other incidental costs such as mapping, etc., would be in addition to that--additional staff, surveys, etc. He believed this covered a wide scope and would take approximately two and half to three years. It was estimated that there would be about \$14,500 for miscellaneous expenses. Councilman Long had asked the Council to amend the Resolution to add the words "subject to the approval of the Council", and this amendment was included in the Resolution as passed. MR. CHARLES BURTON, and MR. JOHN SIMPSON expressed appreciation to the Council for getting this plan underway.

MR. B. P. TRAYNOR, Attorney for HILLARD'S RENT-A-CAR OF AUSTIN, asked to rent space at the Airport for the Hillard's Rent-a-car service. This matter was discussed at length, and on Councilman White's request, postponed for two weeks.

The Sociology Class at WILLIAM B. TRAVIS SCHOOL was greeted and welcomed.

MR. S. Z. SKINNER appealed to the Council for assistance in developing his property. He, under the new subdivision ordinance, was unable to obtain a building permit, and was unable to get a variance through the Board of Adjustment. The Council urged him to comply with the Subdivision Ordinance and tried to find a way to help him. It was suggested by Councilman White that he again file for change of zoning since it had been over a year since it was turned down by the Council. Councilman Thompson suggested that he take his problem to the Planning Department and see if that department could find a zoning classification in which his land could be used, as there were now several classifications available other than that applied for before.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a deed, on behalf of the City of Austin, conveying the following described property to Troy Ragland, for and in consideration of the payment by the said Troy Ragland to the City of Austin the sum of Two Thousand Two Hundred Eighty Dollars (\$2280.00), said land being described as follows, to wit:

4950 square feet of land, same being out of and a part of that certain tract of land out of Outlot 17, Division "C" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin by warranty deed dated September 10, 1943, of record in Volume 726, at page 12, Deed Records of Travis County, Texas, said 4950 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pin at the point of intersection of the south line of East 46th Street with the east line of State Highway No. 29, or Airport Boulevard, and which iron pin is at the northwest corner of the herein described tract of land;

THENCE with the south line of East 46th Street, and the north line of the said City of Austin tract of land S. 59° 53' E. 57.59 feet to an iron pin at the northeast corner of the herein described tract of land, and the said City of Austin tract of land;

THENCE with the east line of the City of Austin tract of land and the east line of the herein described tract of land, S. 22° 26' W. 173.43 feet to an iron pin in the east line of State Highway No. 29 or Airport Boulevard;

THENCE with the east line of State Highway No. 29 or Airport Boulevard, and the west line of the City of Austin tract of land N. 4° 57' E. 189.90 feet to the point of beginning.

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

No action was taken on the Resolution establishing a policy for participation by the City in costs of paving, and the matter was deferred one week until the paving that this policy would cover could be classified.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Manager has approved the recommendation of the Director of Personnel of the City of Austin that the Personnel Policies dated October 1, 1954, be modified so as to integrate Workmen's Compensation Insurance benefits therein; and,

WHEREAS, said recommendation has been presented to the City Council;
Now, Therefore,

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

That the recommendation of the Director of Personnel, as approved by the City Manager, a copy of which is attached hereto, be approved by the City Council and that the same be adopted as a modification of the Personnel Policies of the City of Austin.

(Attachment)

"6.8 Injury Leave. Subject to paragraph b, below, an employee injured on the job shall be granted injury leave, not charged against his sick leave or vacation, to extend for such time as a physician, approved by the City Manager, shall certify that the injured employee is unable to return to work, but in no event to extend beyond six (6) months, unless expressly authorized by the City Manager. During such injury leave, the City shall pay such employee his full pay, either as direct payments from salary funds, or as Workmen's Compensation Insurance benefits, or both, but the total amount so paid for loss of time from work shall not exceed the full pay which such employee would have received for such period at his regular rate of pay; provided, however, that the benefits provided by Section 12 of Article 8306, Vernon's Annotated Civil Statutes of Texas, shall not be considered as payments for loss of time from work, but shall be paid in addition to the full salary payment herein authorized.

"a. An employee who has no sick leave or vacation accrued, and whose injury leave is used up before he feels he is able to return to work, shall be granted a leave of absence without pay for a reasonable period upon recommendation of his department head and approval of the City Manager. While on injury leave an employee shall continue to earn vacation and sick leave at the regular rate.

"b. An employee who is physically able and who fails to report within 24 hours any injury, however minor, to his foreman or supervisor and take such first aid treatment as may be necessary shall not be eligible for injury leave. When an employee is injured on the job, the job foreman or supervisor shall

complete an accident report immediately and submit it to his department head with copies to the Personnel Department and Safety Division. Where an accident causes serious bodily injury or death to an employee, the foreman or supervisor shall notify the Safety Division immediately by telephone.

"c. If any employee or his beneficiary should recover a judgement against the City for damages for injuries received while on duty or death ensuing from such injuries, the City shall be entitled to offset against the damages awarded by such judgment (a) the benefits paid for such injury or death under any insurance provided or paid by the City for its employees, and (b) the amount of money in salaries paid such employee while on injury leave granted because of the injuries for which the judgement was rendered.

"IN addition to its right of subrogation under the provisions of Section 6a, Article 8307, Vernon's Annotated Civil Statutes of Texas, the City shall also be subrogated to the rights of an injured employee or his beneficiary as against a third party to the extent of the salary paid such employee during injury leave granted because of injuries received while on duty.

"d. The provisions of the Charter of the City of Austin requiring the giving of notice of claim to the City shall be complied with before the City shall be liable on any claim for damages, and neither the filing of any accident report, the payment of any Workmen's Compensation benefit, the continued employment of an employee, nor the granting of any injury leave shall ever constitute a waiver of such notice of claim requirement, nor estop the City from requiring strict compliance with such provision."

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

Councilman Long stated if there were some unusual legislation passed at this Legislature, the policy might have to be changed to conform, but the City employees were still under the same policy except for certain provisions of the Workmen's Compensation.

Mayor McAden 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 "I", 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 "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON PROPERTY LOCALLY KNOWN AS 2260-2270 AND 2300-2322 SOUTH LAMAR BOULEVARD, 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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON SOUTHWEST ONE-FOURTH OF OUTLOT NO. 30, DIVISION "E", OUT OF OUTLOTS ADJOINING 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL ON LOTS 3 AND 4, BLOCK 18, THE HIGHLANDS, LOCALLY KNOWN AS 5204-5208 EILERS AVENUE AND 707-711 BRUNING AVENUE, 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 2515 AND 2601 SOUTH FIRST STREET, 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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 AND HEIGHT AND AREA DESIGNATIONS OF LOTS 1, 2, 3, 4, and 5, OF BLOCK 5, GULLETT GARDENS NO. 2 SUBDIVISION, IN THE CITY OF 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 AND HEIGHT AND AREA

DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOT 10, BLOCK 6, SUNSET HEIGHTS, IN THE CITY OF 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 Thompson, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: Councilman Pearson

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 Thompson, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: Councilman Pearson

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor McAden 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 "I", 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 "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT SOUTH 50 FEET OF LOT 11 AND SOUTH 50 FEET OF THE WEST 10.07 AVERAGE FEET OF LOT 10, BLOCK 4, GLEN RIDGE ADDITION, 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 be passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden
Noes: Councilman Thompson

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, Pearson, White, Mayor McAden
Noes: Councilman Thompson

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, Pearson, White, Mayor McAden
Noes: Councilman Thompson

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER
TO ENTER INTO A CERTAIN CONTRACT WITH AUSTIN
CORPORATION; 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 Pearson 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, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Pearson 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, Pearson, Thompson, White, Mayor McAden
Noes: None

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain drainageway and public utility easement as hereinafter described, was reserved and dedicated to the public on a map or plat of Ridgewood Village, Section 1, a subdivision of a portion of the Henry P. Hill League in the City of Austin, Travis County, Texas, according to a map or plat of said subdivision of record in Book 6, page 59, Plat Records of Travis County, Texas; and

WHEREAS, said easement is adjacent to the common line between Lots 24 and 25 of said subdivision; which lots have been resubdivided, resulting in the relocation of said common line; and

WHEREAS, a new easement has been granted the City of Austin along such relocated common line by the owner of said lots; and

WHEREAS, the owner of said lots has requested the City of Austin to vacate the easement, as hereinafter described; and

WHEREAS, the hereinafter described easement is not now needed and hereafter will not be required by the City of Austin; Now Therefore

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the easement located on the following described property, to wit:

- (1) The South seven and one-half (7.5) feet of Lot 24 of said Ridgewood Village, Section 1;
- (2) The North seven and one-half (7.5) feet of Lot 25 of said Ridgewood Village, Section 1.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Pearson 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 west side of Shady Lane, which property is owned by Tom Fairey Tractor & Implement Company, and is designated as an unplatted 2.63 acre tract in the City of Austin, Travis County, Texas, and hereby authorizes the Tom Fairey Tractor & Implement Company 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 Tom Fairey Tractor & Implement 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 13, 1955

"Mr. Walter Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Tom Fairey Tractor & Implement Company for permission to operate a private gasoline plant consisting of a 1000 gallon underground tanks and pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to be sold, upon property located on the West side of Shady Lane, which property is designated as an unplatted 2.63 acre tract, in the City of Austin, Travis County, Texas, and locally known as 704 Shady Lane.

"The 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 no 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, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SOUTH 4TH STREET, from a point 131 feet south of Juanita Street northerly 71 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 4TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in EAST 3RD STREET, from a point 133 feet west of Pleasant Valley Road easterly 44 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 3RD STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in WASHINGTON AVENUE, from a point 10 feet west of Leona Street, westerly 104 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WASHINGTON AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in EAST 10TH STREET, from a point 81 feet west of Northwestern Avenue easterly 24 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said EAST 10TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in WALTER STREET, from Northwestern Avenue westerly 61 feet, the centerline of which gas

main shall be 6 feet north of and parallel to the south property line of said WALTER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in NORTHWESTERN AVENUE, from Walter Street northerly 244 feet, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said NORTHWESTERN AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in CULLEN AVENUE, from Hardy Drive westerly 488 feet, the centerline of which gas main shall be 4.5 feet south of and parallel to the north property line of said CULLEN AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

The Council had before it the following application for change of zone deferred from last week:

CRUZ GALINDO By
Josephine Nieto

1114-18 East 8th St. &
800-10 Lydia

From "C" Commercial
1st Hgt & Area
To "C-1" Commercial
1st Hgt & Area
RECOMMENDED by PlanCom.

The Mayor asked those who wished to uphold the recommendation of the Plan Commission and grant the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilman White

Noes: Councilmen Long, Pearson, Thompson, Mayor McAden

The Mayor announced that the change had been DENIED.

The City Manager submitted the following memorandum from the Director of Public Works:

"Following is a tabulation of bids received at 10:00 A.M. Tuesday, January 11, 1955 for the paving and widening of Brazos Street from East 7th Street to East 8th Street.

Maufrais Brothers	\$6,194.66
Lee Maners	7,469.74
Capital Construction Co.	8,121.60
Collins Construction Co.	8,582.67
City's Estimate	\$7,464.85

"I recommend that Maufrais Brothers with a low bid of \$6,194.66 be awarded the contract for this project."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 11, 1955, for the paving and widening of Brazos Street from East 7th Street to East 8th Street; and,

WHEREAS, the bid of Maufrais Brothers in the sum of \$6,194.66 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Maufrais Brothers in the sum of \$6,194.66 be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Maufrais Brothers.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The City Manager stated the property owners were paying for this paving and the City would do the engineering work. The property owners are also paying for the lights.

The City Manager submitted the following:

"January 12, 1955

"Bids were opened January 11, 1955 at 2:00 P.M. for 69 KV oil circuit breakers, City Specification No. E-296. The bids are tabulated below:

	"Unit Price	Total
"General Electric Company	\$10,640.00	\$159,600.00
Allis-Chalmers Manufacturing Company	11,460.00	171,900.00
Federal Pacific Electric Co.	9,780.00	146,700.00
Westinghouse Electric Corporation	10,920.00	163,800.00

"There is \$150,000.00 budgeted for these oil circuit breakers, therefore, I recommend that the bid of the low bidder, Federal Pacific Electric Company be accepted and that the City enter into a contract with Federal Pacific Electric Company for fifteen (15) oil circuit breakers for a total price of \$146,700.00, in accordance with their quotation dated January 7, 1955.

"(Sgd) DCK
D.C. Kinney, Superintendent
Electric Division

"Approved
(Sgd) WES
W. E. Seaholm
City Manager"

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 11, 1955, for 69 KV Oil Circuit Breakers; and,

WHEREAS, the bid of Federal Pacific Electric Company in the sum of \$9,780.00 as the unit price for each KV Oil Circuit Breaker, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of the Electric 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 unit price bid of \$9,780.00 each for 69 KV Oil Circuit Breakers, submitted by the Federal Pacific Electric Company, be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Federal Pacific Electric Company for the purchase of fifteen (15) Oil Circuit Breakers.

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

The City Manager submitted the following memorandum from the Director of Public Works:

"January 12, 1955

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, January 11, 1955, for the construction of a swimming pool in Rosewood Park.

"Bids were received on this project in two ways. First, Proposal "A" was for the entire project complete in place. Alternate bids were for the project broken into its two major components. Proposal "B" was for the general construction including concrete, steel, excavation, etc. and Proposal "C" for the pipe work.

"Proposal "A"

Austin Engineering Co.	\$62,824.50
K. B. Wagner Engr. Const. Inc.	83,200.00

"Proposal "B"

Maufrais Bros., Inc.	\$31,301.50
Earl Rogers	35,891.75
W. D. Anderson Co.	41,997.75

"Proposal "C"

J. P. Huber	\$16,859.00
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"The lowest bid is on the alternate Proposals "B" and "C" as follows:

Maufrais Bros. Inc. (Proposal B)	\$31,301.50	
J. P. Huber (Proposal C)	<u>16,859.00</u>	
Total		\$48,160.50

"City's Estimate

\$50,080.00

"I recommend that Maufrais Bros. Inc. with their low bid of \$31,301.50 be awarded the general construction contract.

"I recommend that J. P. Huber with his bid of \$16,859.00 be awarded the plumbing contract.

"We have estimated that the entire Rosewood Park project of which this is the first phase will cost about \$73,000.00

"Other contracts to be awarded in the near future include lighting, pumps, a chlorinator, dry feed machines for water purification, a fence around the pool and a sprinkling system."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 11, 1955, for the construction of a swimming pool in Rosewood Park; and,

WHEREAS, the sum of the bid of Maufrais Brothers, Inc. in the amount of \$31,301.50 for the general construction work, and the bid of J. P. Huber in the amount of \$16,859.00 for the plumbing work, provides the lowest and

best bid for such project, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Maufrais Brothers, Inc. in the sum of \$31,301.50 for the general construction work, and the bid of J. P. Huber in the sum of \$16,859.00 for the plumbing work, be and the same are hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute contracts on behalf of the City of Austin with Maufrais Brothers, Inc. and J. P. Huber.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The City Manager stated this would be a regulation pool and a wading pool was being added. Other equipment is being purchased now--lights, pumps, chlorinator, etc., and the pool will be ready by spring.

Councilman Long inquired about the Pan American Center. The City Manager reported the Architects were proceeding with the plans and working with the schools and Recreation Board and Department. The property in this vicinity is being purchased also.

Mayor McAden brought up the following ordinance for its third reading:

AN ORDINANCE ADOPTING AND MAKING APPLICABLE TO THE CITY OF AUSTIN THE PROVISIONS OF STATE LAW RELATING TO WORKMEN'S COMPENSATION INSURANCE FOR CITIES, TOWNS, AND VILLAGES; PROVIDING THAT THE CITY OF AUSTIN SHALL BE SELF-INSURING; PROVIDING FOR NOTICES OF SUCH ACTION TO BE GIVEN; PROVIDING FOR THE ADMINISTRATION THEREOF; ESTABLISHING THE CITY OF AUSTIN WORKMEN'S COMPENSATION ACCOUNT; AND DECLARING AN EMERGENCY.

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, Pearson, Thompson, White, Mayor McAden

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34.24 OF THE AUSTIN CITY CODE OF 1954, INCREASING THE

MEMBERSHIP OF THE LAKE AUSTIN NAVIGATION BOARD;
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FOR
VARIOUS PURPOSES, 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, Pearson, White, Mayor McAden
Noes: Councilman Thompson

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, Pearson, White, Mayor McAden
Noes: Councilman Thompson

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, Pearson, White, Mayor McAden
Noes: Councilman Thompson

The Mayor announced that the ordinance had been finally passed.

Councilman Long stated she did not vote for the increase of the Department Heads (5%), but it was incorporated in the ordinance and she was for the rest of it. Councilman Thompson stated it was all tied in one ordinance, and he was against adding \$280,000 per year to the taxpayers.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager of the City of Austin, Texas, be and he is hereby removed from office according to the will and pleasure of the majority of the entire membership of the City Council, effective on the 10th*day of February, 1955, unless the City Manager, having served six (6) months, shall demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which his final removal shall take place: and in the event of such demand by the City Manager, he shall be suspended from office pending such hearing, and his final removal, if after hearing the same shall be voted by a majority of the membership of the City Council, shall be effective as provided by the City Council in its removal order pursuant to such hearing.

BE IT FURTHER RESOLVED that if the said W. E. Seaholm shall tender his resignation as City Manager in writing to the City Council prior to February 10*, 1955, such resignation shall be accepted forthwith by the City Council, and these proceedings for his involuntary removal from office shall be abated.

BE IT FURTHER RESOLVED that if the said W. E. Seaholm shall make request in writing to the City Council for retirement under the City of Austin Employees' Retirement System prior to February 10*, 1955, such proposal for retirement shall be accepted forthwith by the City Council, and the said W. E. Seaholm shall be retired as provided under the charter and ordinances of the City of Austin, and these proceedings for his involuntary removal from office shall be abated.

Councilman White seconded the motion with the statement there was nothing personal, and he hoped he felt the same way. Councilman Pearson asked if he had anything new other than his objectives discussed in the past. Councilman Thompson stated that he purposely left out any discussion because there was no need of any discussion; and unless the City Manager asked for a hearing, and then it would be necessary to discuss it. If there is a request for such a hearing, it would have to be discussed. The City Manager asked the Council, if they acted on this resolution affirmatively, that they present him with a letter setting forth the reasons therefor, and then he would be governed with what he might ask the Council. Councilman Thompson inquired if he were asking for a public hearing in the matter, or did he want a letter stipulating the reasons and then ask for a public hearing if he so desired. The City Manager said that was correct. Councilmen Thompson and White agreed to comply with the Manager's request. Roll call on Councilman Thompson's motion showed the following vote:

Ayes: Councilmen Long, Thompson, White

Noes: Councilman Pearson, Mayor McAden

*Change from "February 1st" in accordance with motion following.

Councilman Long made the following statement regarding her vote;

"I have stated my position in this matter, and perhaps under the circumstances this is as dignified a manner in which Mr. Thompson's motion could be made."

Councilman Pearson made the following statement regarding his vote:

"I have discussed this with Mr. Thompson before, and I still feel that the action is unwarranted, and I vote 'no'."

Mayer McAden made the following statement regarding his vote:

"I am forced to vote 'no' because of the fact that although I felt he has made some mistakes, I think he has done a pretty fair job."

Councilman Thompson stated he was scheduled to leave town the next morning; and if agreeable he would delay handing these written suggestions. Councilman Long moved that the date be changed from February 1st to February 10th. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayer McAden
Nees: None

MRS. DICK MASON expressed appreciation to the Council for getting the street lights installed in Ridgetop.

The Council received notice from the City Manager that the following applications for change of zoning were referred to the Planning Commission

JACK ANDREWARTHA	2101-2117 Interregional Highway	From "A" Residence 1st Height & Area To "LR" Local Retail 6th Height & Area
THEO A. BURKLUND	5300 Avenue F	From "A" Residence 1st Height & Area To "O" Office 6th Height & Area
EVELYN AKIN & MARGARET L. HILL	1605-07 Evergreen Avenue	From "A" Residence 1st Height & Area To "C" Commercial 1st Height & Area
W. J. PANNEL By L. J. Struhall	3101-35 Manor Rd. & 2101-37 Airport Blvd.	From "A" Residence 1st Height & Area & "C" Commercial 2nd Height & Area To "GR" General Retail 1st Height & Area

KATHLEEN WALSH BELSHAN,
KATHLEEN B. FULLER,
EDWARD J. BELSHAN &
A. J. FULLER

2711-21 Bonnie Rd. &
1507-11 Scenic Drive

From "A" Residence
1st Height & Area
To "BB" Residence
1st Height & Area

DR. T. R. McNEELY

2905-07 Duval & 501
Bellvue Place

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

JACK H. KEY By
Herman Jones

3202 So. Congress
Avenue

From "C" Commercial
6th Height & Area
To "C-1" Commercial
6th Height & Area

J. E. HARRISON,
C. D. WILSON,
D. M. BRYANT,
By L.J. Struhall

2201-29 Post Road &
201-207 E. Live Oak St.

From "C" Commercial 2nd
Height and Area &
"A" Residence 1st
Height and Area
To "GR" General Retail
1st Height & Area

D. L. WELCH

2308-16 So. 5th St.
2400-14 So. 5th St.

From "A" Residence 1st
Height and Area
To "LR" Local Retail 6th
Height and Area

TAYLOR GLASS,
JAMES C. COCHRAN,
ROLAND MOORE,
By Trueman O'Quinn

127-153 Riverside
Drive

From "C-2" Commercial
2nd Height & Area
To "D" Industrial 2nd
Height and Area

There being no further business the Council adjourned at 12:45 P.M.
subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk