

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 16, 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. T. Williams, Jr., City Manager; Doren Eskew, City Attorney; Reuben Rountree, Director of Public Works.

Invocation was delivered by REV. J. W. LANCASTER, First Southern Presbyterian Church.

Pledge of Allegiance to the Flag.

Councilman White moved that the minutes of March 10th be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden  
Noes: None  
Present but not voting: Councilman Thompson

The City Manager reported on a meeting of a committee from the Council, from the Humane Society, and the administration, on the matter of the handling of dogs. The Humane Society presented plans by which it would build an animal shelter and operate it. The City would continue under its present ordinance to pick up animals not licensed and in violation of city ordinances; and instead of putting them in the City pound, the city would turn them over to the Humane Society. The Society proposes to put in a modern shelter with proper facilities to take care of the animals and the cost of the operation as distinguished from the construction would be financed by the fees which the city would normally collect any way, simply providing that we would pay certain of those fees to the Humane Society for the operation of their shelter. Animals impounded could be redeemed on the payment of \$1.00 and 75¢ per day after the first day for care. The \$1.00 would go to the City to help finance the ordinance generally and the 75¢ would go to the Humane Society to finance the

operation of the shelter. It was suggested to the Council and it asked the administration to make a further study and make such minor revisions as necessary and report to the Council on March 24th. The City Manager reported further that no matter who operated the shelter or the City pound, it would be necessary to increase the fees to enforce the ordinances--fees for the licensing of the animals as well as the impounding fees. He submitted an ordinance to provide for these fees. MRS. WARDLOW and MRS. HOLBROOK were present in the Council and interested in this matter. MRS. WARDLOW thought the proposition for increasing the fees was most reasonable. Councilman Pearson stated he was not ready to vote on the fees, because they had just had their discussion and were in the process of working out a plan with the Humane Society. Other cities he believed were charging only \$1.00 fee. He was concerned over whether there would be more dog licenses at a lower fee and make up the difference. He suggested also a system to be worked out that if you buy your license in April and May it would be so much and after that there would be a penalty. He did not think the Humane Society was satisfied with the original plan as some had called him back on it. Councilman Long did not believe the City could wait with the dead line on April 1st to pass the fees; that to make the program effective next year, it was necessary to move out now. Councilman Thompson stated he was going to vote for this because the city is so short of money that he considered it working on a deficit; and if money is appropriated to buy two automobiles and hire two more people, we are going to get some more revenue by voting the raise in fees, and the dog owners should pay the cost of the operations. After more discussion, Councilman White introduced the following ordinance:

AN ORDINANCE TO AMEND SECTIONS 3.21 AND 3.25 OF  
CHAPTER 3, AUSTIN CITY CODE OF 1954, PERTAINING  
TO THE LICENSING, VACCINATING, AND IMPOUNDING OF  
DOGS; 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 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 APPROPRIATING FUNDS FOR POLICE  
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 Long, 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 Long, 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 Long, 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.

Councilman Long stated she believed this was the first step taken toward doing something about the problem that has increased over the period of years concerning dogs; and if the Council is going to take steps necessary to help control situations, it is necessary to have ordinances enforced.

Councilman Long moved that the ALPHA OMICRON PI SORORITY be granted permission to block off a portion of 21st Street at Rio Grande for two hours-- 7:00 - 9:00 P.M. either on April 27th or April 29th, the date to be determined later. The motion, seconded by Councilman Thompson, carried by the following vote:

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

This was at the request of MISS DENNIS RAMER and she was to check back with the City Manager to work out the exact time and details.

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

AN ORDINANCE DETERMINING AND FIXING THE  
SCHEDULE OF RATES TO BE CHARGED BY SOUTH-  
WESTERN BELL TELEPHONE COMPANY FOR EXCHANGE  
TELEPHONE SERVICE IN THE CITY OF AUSTIN, TEXAS.

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

Ayes: Councilmen Pearson\*, Thompson, Mayor McAden

Noes: Councilmen Long, White

\*Councilman Pearson made the following statement for the record:

"If anyone is interested in what the truth is in regard to the Rate Expert's recommendation on the Southwestern Bell Telephone Company's application for a rate increase, if they will refer to our Council meeting of January 10, 1955, they will find that Mr. Honaker recommended that the Company must receive around six percent return. This Council meeting was on January 10th at 2:00 P.M."

The Mayor announced that the ordinance had been finally passed.

In accordance with the published notice thereof, at 10:30 o'clock A.M. it was announced that the Council would proceed with the hearing involving the improvement of certain streets in the City, the benefits which would result to the abutting property and owners, the amount of the costs of such improvements to be assessed against the abutting property and owners and all related matters. A list of the streets proposed to be improved, West 35th Street (North side) West of King Street; Raleigh Avenue (West side) at its intersection with Clearview Drive; and Raleigh Avenue (East side) north of Clearview Drive, was read. It was announced that this is a Skip Paving Program.

The Director of Public Works explained the nature of the paving, the amount of each assessment. The City Attorney explained the method of financing which could be extended over seven years.

MRS. BEULAH M. SKINNER appeared in the interest of the assessment of her property on Raleigh Avenue, west side at Clearview. She was concerned over whether or not the paving would undermine her two brick pillars and fence, along with the \$255.00 cost. The City Attorney stated the purpose of this hearing was to determine whether the property would be enhanced in value to the amount of the paving. Since Mrs. Skinner did not know, she was advised to check on this between now and the following meeting; and if necessary have an expert to testify for her.

MR. HERBERT J. ANTONIE, Raleigh, east side at Gilbert, stated the people on the rest of the block, except one, had agreed to pave the block, and he could not go with the City's price of \$783.58 when it could be paved at a cheaper rate. This was explained to him--the difference between an assessment program and cash program. Mr. Antonie asked that this skip be abandoned, and that he be permitted to include it in the whole job. The same contractor who had this assessment contract had told him he would pave the strip for \$550.00. The City Attorney explained that this was already under contract; but if he wants to go on a voluntary pavement program, and if Mr. Maners will relieve the City of its obligation under the contract and accept Mr. Antonie's obligation, that could be worked out; but it should be done between now and the next meeting. The City Attorney's recommendation was that this one particular

piece of property be paved independently whether or not the rest of the block was included. Councilman Long suggested that Mr. Antonie also be ready to testify, in case this is not worked out, if the paving will enhance the value equal to the cost of the paving.

The City Attorney explained that the other property owners in this program were GEORGE H. KAHILL and NOREEN KAHILL, and they were in Houston.

Councilman Long moved that this hearing be recessed until 10:30 A.M., March 24th. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

At this point Councilman Thompson had just left the meeting.

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 DISTRICT ON THE REAR 200 FEET BY 121.38 FEET OF THE WILLARD THOMAS 1.07 ACRE TRACT, LOCALLY KNOWN AS 3410-18 SOUTH CONGRESS 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, White, Mayor McAden

Noes: None

Absent: 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: None

Absent: 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: None  
Absent: Councilman Thompson

The Mayor announced that the ordinance be 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 "B" RESIDENCE DISTRICT ON A STRIP OF LAND LOCALLY KNOWN AS 1700 KINNEY AVENUE AND 1601-05 COLLIER 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, White, Mayor McAden  
Noes: None  
Absent: 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: None  
Absent: 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: None  
Absent: Councilman Thompson  
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-1" COMMERCIAL DISTRICT ON A PART OF LOT 7, BLOCK 33, ORIGINAL CITY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, LOCALLY KNOWN AS 1706 GUADALUPE STREET; 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, White, Mayor McAden  
Noes: None  
Absent: 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: None  
Absent: 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: None  
Absent: Councilman Thompson

The Mayor announced that the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A PORTION OF THAT CERTAIN ALLEY BETWEEN COLE STREET AND INTERREGIONAL HIGHWAY AND SOUTH OF EAST 30TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND

SUSPENDING THE RULE REQUIRING THE READING OF AN  
ORDINANCE 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, White, Mayor McAden  
Noes: None  
Absent: 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: None  
Absent: 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: None  
Absent: Councilman

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 10, 1955, for the purchase of one 8-ton three wheel road roller; and,

WHEREAS, the bid of Askew Equipment Company in the sum of \$5,644.80 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 Askew Equipment Company in the sum of \$5,644.80 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 Askew Equipment Company.

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

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



After discussion and explanation, 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 and directed to execute a deed on behalf of the City of Austin conveying to Ted Wendlandt, for and in consideration of the payment by the said Ted Wendlandt to the City of Austin of the consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the following described property, to wit:

6065 square feet of land, same being out of and a part of Lot 1, Block 2 of Northfield Annex No. 2, a subdivision of a portion of the James P. Wallace Survey in the City of Austin, Travis County, Texas, according to a map of said Northfield Annex No. 2 of record in Book 4 at page 232, Plat Records of Travis County, Texas, which Lot 1, together with other property, was conveyed to the City of Austin by warranty deed dated March 22, 1947 of record in Volume 830 at page 442, Deed Records of Travis County, Texas, which 6065 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the south east corner of said Lot 1;

THENCE with the south line of said Lot 1, N. 60° 18' W. 32.99 feet to an iron stake;

THENCE N. 11° 54' E. 53.64 feet to an iron stake on the west line of said Lot 1 and from which iron stake a steel pin at the southwest corner of said Lot 1 bears S. 30° 24' W. 51.08 feet;

THENCE with the west line of said Lot 1, N. 30° 24' E. 78.92 feet to an iron stake at the northwest corner of said Lot 1;

THENCE with the north line of said Lot 1, S. 60° 18' E. 50.00 feet to an iron stake at the northeast corner of said Lot 1;

THENCE with the east line of said Lot 1, S. 30° 24' W. 130.00 feet to the point of beginning.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain sanitary sewer, storm sewer and storm water drainage easement was granted the City of Austin along the common lot line of Lots 46 and 47 of Tarrytown No. 5, a subdivision of a portion of the George W. Spear League in Austin, Travis County, Texas, by that certain instrument of record in Volume 650 at page 48, Deed Records of Travis County, Texas; and,

WHEREAS, a certain storm sewer and public utility easement was granted the City of Austin on three tracts of land out of Lots 46 and 47 of said Tarrytown No. 5, in the City of Austin, Travis County, Texas, by that certain instrument of record in Volume 779 at page 169, Deed Records of Travis, County, Texas; and,

WHEREAS, such easements do not adequately described the needed location for such utilities and storm water drainageway, and create a cloud on the title off said lots; and,

WHEREAS, the owners of said Lots 46 and 47 have heretofore granted the City of Austin an easement describing the proper location such facilities; and,

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

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 and directed to execute a release of the hereinafter described easements, to wit:

1. The certain sanitary sewer, storm sewer and storm water drainage easement granted the City of Austin by that certain instrument dated April 16, 1940, executed by Westenfield Development Company, a private corporation, which instrument is of record in Volume 650 at page 48, Deed Records of Travis County, Texas.
2. The certain storm sewer and public utility easement granted the City of Austin by that certain instrument executed by W. W. Huff, of record in Volume 779 at page 169, Deed Records of Travis County, Texas.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

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 of the City of Austin, be and he is hereby authorized and directed to enter into a lease with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, for the use of 1,956 square feet of railroad's premises, as driveway for egress and ingress to City's power substation located southwest of Waterston Street, in accordance with the terms and provisions of said lease, as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said lease in the permanent files of the City Clerk's Office.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

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 of the City of Austin, be and he is hereby authorized and directed to enter into a wire line license agreement with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, and the Western Union Telegraph Company, for the construction operation, maintenance and use of one certain 11,000-volt power line located on said railroad's premises in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of said agreement, as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said wire line license agreement in the permanent files of the City Clerk's Office.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Boyer and Lagow are the Contractors for the alteration of a building located at 122 West 9th Street and desires a portion of the sidewalk and street space abutting Lot 12, Block 110, 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 Boyer and Lagow, the boundary of which is described as follows:

Sidewalk and Street Working Space

#1

Beginning at a point in the west line of the above described property approximately 22 feet north of the south west corner; thence in a westerly direction and at right angles to the center line of Colorado Street to a point 5 feet east of the east curb line; thence in a southerly direction and parallel to the center line of Colorado Street 22 feet to a point; thence in an easterly direction and at right angles to the center line of Colorado Street to the south east corner of the above described property.

Thence in a southerly direction and at right angles to the center line of West 9th Street to a point 5 feet north of the north curb line; thence in an easterly direction and parallel with the center line of West 9th Street 22 feet to a point; thence in a northerly direction and at right angles to the center line of West 9th Street to the south line of the above described property.

Sidewalk and Street Working Space

#2

Beginning at the south east corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 9th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel to the centerline of West 9th Street approximately 40 feet to a point; thence in a northerly direction and at right angles to the centerline of West 9th Street to the south line of the above described property.

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

(1). In the working space listed as #1, the contractors shall erect within the above described working space solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The

Contractors 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 or approaching danger. (The Contractors will also be permitted to use 2 parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.)

(1). In the working space listed as #2, the Contractors shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractors shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractors are permitted to construct in their working space a substantial gate which shall be kept closed at all time when not in use, and at all times that such gate is open, the Contractors 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 Contractors 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 Contractors will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractors 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 Contractors 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 August 1, 1955.

(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 Contractors, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13). That the Contractors 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 Contractors 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, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

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 as a filling station site the property located at the northeast corner of the intersection of Airport Boulevard and East 52nd Street which property fronts 137.5 feet on Airport Boulevard and 100 feet on East 52nd Street and being known as lots 16 and 17 and parts of lots 15, 18, and 19 of Block B, Ridgetop Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Lucien Dean to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic, and Fire regulations; and the right of revocation is retained, if, after

hearing, it is found by the City Council that the said Lucien Dean has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"March 16, 1955

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

"Dear Sir:

"We, the undersigned, have considered the application of Lucien Dean doing business as Damon Oil Company for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial drive-ways in conjunction therewith upon the property located at the northeast corner of the intersection of Airport Boulevard and East 52nd Street which property fronts 137.5 feet on Airport Boulevard and 100 feet on East 52nd Street and being known as Lots 16 and 17 and parts of Lots 15, 18 and 19, of Block B, Ridgetop Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Lucien Dean and we hereby advise that the following conditions exist.

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

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

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

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

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

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

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

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1769.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1769 and shall be of the pre-moulded type.

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

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

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden

Noes: None

Absent: Councilman Thompson

The City Manager submitted the following:

"March 11, 1955

"MEMORANDUM TO: Mr. W. T. Williams, Jr., City Manager  
FROM: Eldred Perry, Supt. Municipal Abattoir  
SUBJECT: Repair work to floor slab in old second floor cooler room

"During the month of November, 1954, the floor slab of the old second floor cooler room started leaking water in to the cooler room directly below this room. When this water passed through the floor cork insulation, it became discolored, and when it dropped onto the dressed meat hanging in the cooler room directly below this room the meat was damaged.

"This floor slab was first damaged during the last flood we had in Austin when



the Colorado River damaged the Power Plant and Austin was without water and light for a short time. Considerable amount of block ice had to be placed on the floor of this second floor cooler room to keep the dressed meats in there from spoiling until the owners could remove same from the Abattoir. This weight of the ice with the water from melting ice caused this floor slab to start leaking. It was repaired by placing a second floor slab over the original floor with a water-proof membrane between the two concrete slabs.

"This cooler room has been used as a bonning room since 1949, and the weight of the meat trucks, boxed meat, bonning tables, and the dropping of heavy meat trolleys onto this floor has caused it to again crack. Considerable water is used all during the day, and this water is leaking through the damaged floor slab and onto the meat in the cooler room below.

"This second floor cooler room was used as a bonning room by two of our customers, Ollie Williford and T. E. Alexander, and the floor slab of this room started leaking very badly, we had these two customers vacate the room and stop their bonning operation on January 15, 1955. This room has not been used since that time. This caused a decrease in number of animals slaughtered at the Abattoir and the room is needed for a cold storage room to keep dressed beef carcasses under refrigeration until they are removed by the respective owners. If the bonning operation is started again, it could be done in one of the cooler rooms on the first floor if we were not limited for cooler room space at that time.

"There was no indication that this floor slab would start leaking when our budget was prepared for the fiscal year Octo. 1, 1954 to Sept. 30, 1955, and we did not ask for an appropriation to cover the cost of repairs to this damaged floor which will amount to \$4,610.00, and as a result we do not have the money in our present budget to cover this cost. We must ask the Council to appropriate this money, so that the repair work can be done before the hot summer months begin.

"Respectfully submitted  
(Sgd) Eldred Perry"

Mayor McAden introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FOR VARIOUS  
PURPOSES, AND DECLARING AN EMERGENCY.  
(\$4,610.00 to provide funds to repair cooler  
room floor at the City Abbatoir)

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, White, Mayor McAden  
Noes: None  
Absent: Councilman Thompson

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, White, Mayor McAden  
Noes: None  
Absent: Councilman Thompson

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: Councilman Long, Pearson, White, Mayor McAden  
Noes: None  
Absent: Councilman Thompson

The Mayor announced that the ordinance had been finally passed.

At this time the MAYOR left the Council Room, and Mayor Pro-tem Pearson presided.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utility easement was reserved and dedicated to the public along the common line between Lots 90 and 91, on the map or plat of Grant Park Addition in the City of Austin, Travis County, Texas, according to a map or plat of said Grant Park Addition of record in Book 6 at page 107, Plat Records of Travis County, Texas; and,

WHEREAS, said public utility easement should have been located along the common line between Lots 92 and 93 of said subdivision and on which an easement has been heretofore granted by the owners of said Lots 92 and 93; and,

WHEREAS, the hereinafter described portion of such easement between Lots 90 and 91 is not now needed and will hereafter not be required by the City of Austin; Now, Therefore,

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 and directed to execute a release of portions of such public utility easement located on the hereinafter described tracts of land to wit:

No. 1: The south 129 feet of the east five (5.00)  
feet of the said Lot 90 of said Grant Park  
Addition.

No. 2: The south 129.21 feet of the west five (5.00)  
feet of the said Lot 91 of said Grant Park  
Addition.

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

Ayes: Councilmen Long, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Councilman Thompson, Mayor McAden

The City Manager reported on and outlined the following policy regarding subdivisions which he was recommending:

"Where a subdivision to be developed by the installation of sewer or water or both is traversed by a street or streets which existed on the effective date of the subdivision ordinance, no refund contract shall be made for the utilities, unless such streets are paved by the subdivider. In such cases; if the subdivider paves such street or streets, the city will participate in the cost of installation of water or sewer or both to the extent of the cost of paving of such streets.

"Where a subdivision to be developed by the installation of sewer or water or both is bounded by a street or streets which existed on the effective date of the subdivision ordinance, if the subdivider arranges for the paving of such boundary street or streets by depositing with the City or guaranteeing the payment of the full estimated cost of paving such streets, and by agreeing to pay the portion of the cost of paving such streets normally borne by the City under an assessment paving program, and to purchase all paving certificates resulting from the assessment of the paving costs of such streets, the City will proceed to pave such streets on an assessment paving program, issue and transfer to the subdivider all of the paving certificates, and participate in the cost of installation of sewer or water or both to the extent of all costs of paving such streets except the portion thereof evidenced by paving certificates against property not owned by the subdivider.

"Wherever the City participates in the cost of utilities as herein provided, the remainder of the cost of the utilities installed will be considered to be the full cost of the utilities for the purpose of the current refund policies."

Councilman White asked MR. BURNS, a subdivider present, if he was familiar with this policy, and Mr. Burns stated this would be a very satisfactory solution to the problem. Mr. Burns had discussed this policy with several subdividers. No action was taken by the Council at this point, as two of the members were not present, so the matter was deferred until the following week.

The City Manager submitted a letter from the Highway Department in regard to the Soap Box Derby to be held in July and to be held on the Inter-regional Highway (Middle Fiskville Road) with the ends of the tract in the city limits. The Highway Department has granted the permission to hold this derby conditioned that he receive a letter from the City Manager after he receives approval from the City Council to write such a letter assuring that Department of the complete cooperation in the conduct of the city by City officials, including a sufficient number of law enforcement personnel to properly handle the traffic. The City Manager reported that after a meeting was held between the clubs, Police Department representatives, Department of Public Safety and himself, it was agreed that the Public Safety would furnish ten officers, and the City 20 for one full day. The Civic Clubs would pay the expenses, such as fencing the strip--painting, etc. Councilman Long moved that the City Manager be instructed to enter into this agreement with the Highway Department and follow through on whatever arrangements ought to be made. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Councilman Thompson, Mayor McAden

The City Manager gave an interim report of the study made on abandoning a part of the Middle Fiskville Road and the dedication of another street which would permit access to one of the cross streets. This was in connection of zoning application of Mr. M. H. Crockett on Airport Boulevard and Middle Fiskville Road, for change of height and area. The Council wanted copies of the report made by the Plan Commission.

The City Manager submitted statistics on costs of occupational accidents to city employees. (On File under EMPLOYEES)

The City Manager read the following report from the Director of Public Works on paving Holly Street:

"A petition for the paving of Holly Street from East Avenue to Pedernales Street was issued on April 9, 1954 and returned on May 18, 1954 with 97 signatures which represents 55% of the owners, however 57% of the owners between East Avenue and Comal Street signed the petition.

"Between 1949 and April, 1954, there were paving petitions turned in for 212 blocks of streets that have not been paved. A few of these streets have drainage problems, one of two need additional right-of-way and one will need a bridge.

"In the case of Holly Street, I would recommend that, even though we have some curb and gutter and five storm sewer inlets in place on a 30 foot roadway, that we widen the street to 40 feet and make it a semi-thoroughfare street. If this is done the cost per front foot would be approximately \$5.90. However, if we hold the street on its present roadway width of 30 feet, the cost per front foot would be approximately \$4.90. These rates are based on the paving resolution adopted by the City Council on February 3, 1955."

Councilman Pearson suggested that since this underpass on the Interregional was in, that this should be included in a program this year or next. He wanted to see something worked out for a paving program--possibly put a fulltime employee on getting it lined up--how much could be done on an assessment basis, and how much might be done otherwise. The City Manager stated when the financing was arranged that would be done. Mayor Pro-tem Pearson inquired if there was some \$80,000 available for paving. The City Manager stated there was \$80,000 left over out of the bond money for streets, rights-of-way and bridges, and left from buying the Interregional Highway right-of-way. Out of that, it will be necessary to buy property to extend Oltorf Street across the railroad; to buy property for the extension of North Loop; and possibly some on South 1st. The Legislature might appropriate some money for paving adjacent to state property, and the City would have to take care of its share there, and he did not believe there would be enough left to justify an assessment paving program. Councilman Long stated the City had \$300,000 more additional net income than was anticipated, and some of that could be used on a paving program. The City Manager cautioned against the use of that at this time, as there was an excess due to the warm fall and winter weather wherein the utilities showed an increase. Should there be a wet summer, this excess could be reduced. Mayor Pro-tem Pearson complimented Mr. Williams as doing a fine job as City Manager. He asked if he could get every department to economize as much as possible to make available \$100,000 for paving. The City Manager recommended

study on charging for dust-laying services, as some cities had been doing that. \$300,000 is charged out for dust laying. He was studying every angle to try to get some way to do the paving. Mayor Pro-tem Pearson inquired about getting a committee to work on this paving proposition. The City Manager stated the ultimate decisions as to which streets would be paved would be the Council's; the administration would make studies and recommendations; and if the Council preferred to work by a committee, working with the administration or separately, it would not be out of order.

Councilman Long did not favor making a charge for the dust laying as she believed the city was charged with the responsibility of maintaining the streets. She outlined the procedure the Council followed in choosing the streets to be paved. She suggested that Exposition Boulevard have a special type of paving put on it, as it was such a big thoroughfare. The Director of Public Works stated an estimate was being made on using an emulsion that would last 3 or 4 years. The only thing about that it might hurt the paving program. After more discussion, Mayor Pro-tem Pearson asked that a recommendation be made.

Councilman White inquired on what was being done about the City Employees' voting on the Social Security Act. The City Manager reported on the plan of integrating the Social Security Act with the retirement system, and the Actuary is now working on that and should have something to report in two or three months; then the Retirement Board would meet and go into it and then the employees would vote on it. Councilman White asked if both plans could be carried; or will it make it too heavy? The City Manager explained this was being worked out so that there will not be any money wasted on duplication or anything, and so that it will cover all the benefits with as little cost as possible. When that is worked out, it will be submitted to the employees.

Councilman White inquired about the list of City property. The City Manager explained that it had been hoped to have been ready by the 17th, but the Council met a day earlier; however, he did not think it would have been completed, and he would have it by next week. Councilman White believed when the property that the city does not need is sold, that money could be put into street paving.

Mayor Pro-tem brought up the property on Guadalupe and 27th. The City Manager explained the proposal there which was a trade of property.

Councilman Long moved that the City Manager be requested to have the Recreation Department and Parks and Recreation Board to make a study of the possibility of financing the building of a new golf course where we have already purchased the land, by revenue bonds. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Councilman Thompson, Mayor McAden

Discussion followed. The City Manager outlined briefly the matters that would have to be looked into and the time necessary. Mayor Pro-tem Pearson suggested that in the study of this, he would like to see swimming pools included.

Councilman Long inquired if the Council should use the Airport Committee and get the Council to appoint a committee for the study of the Airport zoning, or would this go through the Plan Commission. The City Manager stated the statutes provided for a joint zoning program by the City and County. The Mayor and Planning Engineer had taken the matter up with the County to see if they were ready to go, and there will be a meeting with the Commissioners on this in the very near future. Discussion was held on what kind of a Board would be appointed. The Mayor Pro-tem stated the Council could move out on this as soon as the report was received.

During the paving hearing, MR. HERBERT J. ANTONIE reported an incident in that they moved into their home on Raleigh and Gilbert November 2. There was a little row of dirt on this unpaved area. He called the Street and Bridge Department, he presumed, and asked them to move the dirt. When the street was paved, the contractor left his dirt in the middle of the street. The City then pushed this dirt into the gutter. They finally sent a man out there, and he told them that the gravel had come out of the yard. The repair work had been done only a few months, and the lawn had been in there for years, and the man told them it was no work of theirs. Mr. Antonie stated they had the dirt moved. Last Friday he noticed street maintainers on Raleigh, 150' from him, and he took pictures of the loading machine. They were cleaning up the street in front of a man who works for the state; not only cleaned up but did a curb job for him. Councilman White stated if he could not get any work from the Public Works Department he should have come to the Council. The City Manager stated that Mr. Antonie did not come to see him nor phone him. He inquired as to who told him the dirt came from the lawn, but Mr. Antonie did not have the name. Mr. Antonie told him this happened not more than six weeks ago. The City Attorney asked if the dirt were there when he bought his property, and he stated it was. The City Manager stated this was one reason they had the policy of requiring skips to be paved because it was not economical for the city to maintain dirt or gravel streets within a paved area. The City Manager was to check into Mr. Antonie's complaint.


Councilman White asked about requiring street lighting in subdivisions. This was discussed briefly.

Councilman Long moved that the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

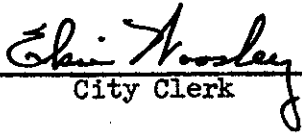
Ayes: Councilmen Long, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Councilman Thompson, Mayor McAden

The Council adjourned at 1:30 P.M. subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
City Clerk