

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 24, 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. ROBERT LEDBETTER, Wesley Bible Chair.

Pledge of Allegiance to the Flag.

Councilman White moved that the minutes of March 16th be approved. The motion, seconded by Councilman Thompson, carried by the following vote:

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

In accordance with published notice thereof, promptly at 10:00 o'clock A. M. Mayor McAden announced that the time for submitting bids on the purchase of City of Austin, Texas Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 3, in the amount of \$3,750,000, had expired; and the City Council would proceed with the opening of said bids.

The following bids were then opened and read as follows:

CITY OF AUSTIN, TEXAS

TABULATION OF BIDS

RECEIVED ON \$3,750,000 ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM
REVENUE BONDS, SERIES NO. 3, DATED APRIL 1, 1955
MARCH 24, 1955

NAME OF BIDDER	NOMINAL INTEREST RATE	PRINCIPAL	INTEREST COSTS	PREMIUM OFFERED	NET INTEREST	
					COSTS	EFFECTIVE INTEREST RATE
1. DREXEL & CO.	4 %	\$ 500,000.00	\$110,000.00	\$	\$	
Bear, Stearns & Co.	1 1/2%	250,000.00	26,250.00			
Braun, Bosworth & Co., Inc.	1 3/4%	1,500,000.00	275,625.00			
Ira Haupt & Co.	2 %	1,500,000.00	495,000.00	4,687.50	902,187.50	2.0048611 %
Hayden, Stone & Co., Inc.						
Wm. E. Pollock & Co., Inc.						
Bramhall, Fallon & Co., Inc.						
Shearson, Hammill & Co.						
Shelby Cullom Davis & Co.						
Rand & Co.						
Dittmar & Company						
Eppler, Guerin & Turner						
2. THE FIRST BOSTON CORPORATION	4 %	500,000.00	110,000.00			
	1 3/4%	1,250,000.00	196,875.00			
	2 %	2,000,000.00	620,000.00	5,861.00	921,014.00	2.04669 %
3. PHELPS, FENN & CO.	2 1/2%	500,000.00	68,750.00			
White, Weld & Co.	2 1/4%	750,000.00	135,000.00			
Eastman, Dillon & Co.	2 %	2,500,000.00	725,000.00	None	928,750.00	2.0638 %
F. S. Moseley & Co.						
Paine, Webber, Jackson & Curtis						
Hemphill, Noyes & Co.						
Dominick & Dominick						
F. S. Smithers & Co.						
Rauscher, Pierce & Co.						
Hirsch & Co.						
Underwood, Neuhaus & Co.						
G. C. Haas & Co.						

CITY OF AUSTIN, TEXAS

TABULATION OF BIDS

RECEIVED ON \$3,750,000 ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM
REVENUE BONDS, SERIES NO. 3, DATED APRIL 1, 1955
MARCH 24, 1955

NAME OF BIDDER	NOMINAL INTEREST RATE	PRINCIPAL	INTEREST COSTS	PREMIUM OFFERED	NET INTEREST COSTS	EFFECTIVE INTEREST RATE
4. GLORE, FORGAN & CO.	4 %	\$ 500,000.00	\$110,000.00	\$	\$	
A. C. Allyn & Co., Inc.	1 3/4%	1,000,000.00	148,750.00			
Merrill Lynch, Pierce, Fenner & Beane	2 %	2,250,000.00	675,000.00	1,725.00	932,025.00	2.07116 %
Central Republic Company						
Baxter, Williams & Co.						
Raffensperger, Hughes & Co., Inc.						
The Columbian Securities Corp. of Texas						
The White-Phillips Co., Inc.						
Barret, Fitch, North & Co.						
Scott, Horner & Mason, Inc.						
R. H. Johnson & Co.						
F. Brittain Kennedy & Co.						
5. HALSEY STUART & CO., INC. AND ASSOCIATES	2 1/2% 2 1/4% 2 %	1,000,000.00 250,000.00 2,500,000.00	162,500.00 50,625.00 725,000.00	1,162.00	936,963.00	2.08214 %
6. UNION SECURITIES CORPORATION AND ASSOCIATES	4 % 1 3/4% 2 %	500,000.00 750,000.00 2,500,000.00	110,000.00 105,000.00 725,000.00	75.00	939,925.00	2.0887 %
7. C. J. DEVINE & CO. & ASSOCIATES	2 1/2% 1 3/4% 2 % 2 1/4%	750,000.00 500,000.00 1,750,000.00 750,000.00	112,500.00 74,375.00 455,000.00 303,750.00	4,337.50	941,287.50	2.09175 %

CITY OF AUSTIN, TEXAS

TABULATION OF BIDS

RECEIVED ON \$3,750,000 ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM
REVENUE BONDS, SERIES NO. 3, DATED APRIL 1, 1955
MARCH 24, 1955

NAME OF BIDDER	NOMINAL INTEREST RATE	PRINCIPAL	INTEREST COSTS	PREMIUM OFFERED	NET INTEREST COSTS	EFFECTIVE INTEREST RATE
8. SMITH, BARNEY & CO. & ASSOCIATES	4 % 1 3/4% 2 %	\$ 500,000.00 500,000.00 2,750,000.00	\$110,000.00 65,625.00 770,000.00	\$ 712.50	\$ 944,912.50	 2.0998055%
9. LEHMAN BROTHERS & ASSOCIATES	4 % 1 3/4% 2 %	500,000.00 500,000.00 2,750,000.00	110,000.00 65,625.00 770,000.00	225.00	945,400.00	2.1009 %
10. FIRST SOUTHWEST CO. & ASSOCIATES	4 % 2 % 2 1/4%	250,000.00 3,000,000.00 500,000.00	50,000.00 690,000.00 208,125.00	77.00	948,048.00	2.10677 %
11. EQUITABLE SECURITIES CORP. AND ASSOCIATES	2 1/4% 2 % 2 1/4%	1,500,000.00 1,750,000.00 500,000.00	253,125.00 490,000.00 208,125.00	None	951,250.00	2.11388 %

Each of the above and foregoing bids was accompanied by a Cashier's Check in the amount of \$75,000.00.

Whereupon the bids were referred to the Finance Director for tabulation and report.

Report submitted by the Finance Director:

"March 24, 1955

"HONORABLE MAYOR AND CITY COUNCIL:

"Bids submitted for the purchase of \$3,750,000 Electric Light and Power, Water Works and Sewer System Improvement and Extension Revenue Bonds, Series No. 3, to be dated April 1, 1955, have been checked and tabulated.

"The bid submitted by Drexel & Co., 11 Wall Street, New York, N.Y. and Associates produces the lowest net interest cost to the City of Austin.

"We recommend the award be made to Drexel & Co., 11 Wall Street, New York, N. Y. and Associates.

"(Sgd) J. D. Huffman, Jr.
Director of Finance
(Sgd) W. T. Williams, Jr.
City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

ACCEPTING PROPOSAL AND AWARDING CONTRACT FOR THE PURCHASE OF
\$3,750,000.00 CITY OF AUSTIN, TEXAS ELECTRIC LIGHT AND POWER,
WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES NO. 3.

WHEREAS, in accordance with published notice thereof, promptly at 10:00 o'clock, A. M. , on this 24th day of March, 1955, Mayor McAden announced that the time for submitting bids on the purchase of \$3,750,000.00 Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 3, of the City of Austin, Texas, had expired; and the City Council would proceed with the opening of said bids; and,

WHEREAS, the bids having been then opened, read and considered, and the City Council having found and determined that the bid and proposal of Drexel & Co., of the City of New York, State of New York is the most advantageous bid submitted to the City Council for the purchase of the aforesaid bonds, and said bid having been found to be in proper form and accompanied by Cashier's Check in the amount of \$75,000.00; such bid being as follows:

March 24, 1955

HONORABLE MAYOR AND CITY COUNCIL
CITY OF AUSTIN
AUSTIN, TEXAS

GENTLEMEN:

Reference is made to your "NOTICE OF SALE" authorized by resolution of the City Council on March 3, 1955, of \$3,750,000 City of Austin, Texas, ELECTRIC LIGHT AND POWER, WATER WORKS, AND SEWER SYSTEM IMPROVEMENTS AND EXTENSION REVENUE BONDS, Series No. 3, dated April 1, 1955.

For your legally issued bonds, as described in said Notice, we will pay you par and accrued interest from date of issue to date of delivery to us, plus a cash premium of \$_____ for bonds bearing interest as follows:

FOR BONDS MATURING	COUPON RATE	INTEREST COST
April 1, 1960 through April 1, 1961	4 %	\$110,000.00
April 1, 1962	1 1/2%	\$ 26,250.00
April 1, 1963 through April 1, 1968	1 3/4%	\$275,625.00
April 1, 1969 through April 1, 1974	2 %	\$495,000.00
Total interest cost from April 1, 1955 to final maturity under this bid		\$906,875.00
Less: Cash premium bid		\$ 4,687.50
Net Interest Cost		\$902,187.50
Effective interest rate		2.0048611 %

Attached, hereto, is Certified check of the J. P. Morgan & Co. Bank, New York, New York, in the amount of \$75,000.00, which represents our Good Faith Deposit and which is submitted in accordance with the terms as set forth in the "Notice of Sale."

Respectfully submitted,

Drexel & Co., Manager
 Bear, Stearns & Co.
 Braun, Bosworth & Co., Incorporated
 Ira Haupt & Co.
 Hayden, Stone & Co.
 Wm. E. Pollack & Co., Inc.
 Bramhall, Falion & Co., Inc.

Shearson, Hammill & Co.
 Shelby Cullom Davis & Co.
 Rand & Co.
 Dittmar & Company
 Eppler, Cuerin & Turner

By S/ Drexel, E. C.
 Authorized Representative

ACCEPTANCE CLAUSE

The above and foregoing bid is hereby in all things accepted by the City of Austin, Austin, Texas, this the 24th day of March, 1955.

(SEAL)

/s/ C. A. McAden
 Mayor, City of Austin, Texas

ATTEST:

/s/ Elsie Woosley
 City Clerk, City of Austin, Texas

APPROVED:

/s/ Doren R. Eskew
 City Attorney, Austin, Texas

Return of bid deposit is hereby acknowledged.

By _____

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

That the proposal of Drexel & Co., of the City of New York and State of New York, to purchase \$3,750,000.00 City of Austin, Texas, Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 3, as per the City's Notice of Sale authorized March 3, 1955, at the price and upon the terms of said proposal, be and the same is hereby accepted and Drexel & Co., of the City of New York and State of New York be awarded the sale of said bonds; and

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

That the City Manager be and he is hereby authorized and directed to sell to Drexel & Co., of the City of New York and State of New York, the \$3,750,000.00 of revenue bonds of the City of Austin as per the City's Notice of Sale authorized March 3, 1955, at par and accrued interest from April 1, 1955, to date of delivery, plus a cash premium of \$4,687.50, according to the terms of the bid of said purchasers, which bid is attached and incorporated hereinabove, and is made a part thereof.

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

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

In this connection Councilman Thompson noted there would be roughly one million dollars to pay out in interest, in order to borrow money to improve and expand the Utility system, brought about by the rapid growth of the City and the financial policy pursued by the City over a long period of years of taking the profits out of the utility system and transferring them to the general fund. Had this not been done the Utility Department could have created reserves out of which these expansions could have been made without the city's facing the necessity of borrowing and having to pay off this million dollars in the next 20 years in interest. He said that to the taxpayers of Austin to present material to use in thinking when the question shall we continue to take large amounts out of the utility proceeds and transfer them into the general fund in order to keep tax rates down is asked. He made that comment to remind the taxpayers. He stated both questions had virtue, but he felt that we should not relieve ourselves of responsibilities and put off payday until tomorrow. Councilman Long noted most cities had been forced into deficit financing, and the easy payment plan had helped people have things they never would have had; water and light customers are paying an indirect tax. She believed the property tax would be prohibitive otherwise, if we put the full burden on the taxpayers. The City Manager stated on local government, that history reflected that deficit financing had been continuously in effect particularly in Texas ever since there had been local government; that in 1890 there was a million dollar bond issue, others before, and continuously since. Councilman Pearson stated he was aware of the fact when he first started on the Council that the city would run out of electricity in 1956; and had bonds not been voted, we would have run out of electricity and would have had to buy power from private utilities at a higher cost. Now the City is able to take on extra contracts as with the University. The Mayor noted that the financial world thought well of the City because they bid the best interest rate for these bonds of any since he had been on the Council.

At 10:30 the Paving Hearing on Raleigh, West 35th Street and Clearview was continued. Upon questioning by the City Attorney, MR. EDGAR JACKSON stated he had reviewed the published notice concerning this hearing; that he had been in the real estate business in Austin for ten years; was a member of the Austin Real Estate Board; National Association of Real Estate Boards, Institute of Property Management; and field appraiser. Having dealt with residential property and having appraised property for the Veterans Administration, he felt he was qualified to express opinion of values on real estate; and as it would be affected by paving. He stated to the Council, in connection with the property on West 35th Street, that it was his opinion that the value of that property would be enhanced more than the \$318.00 assessed against it for paving, as it was the only piece of property not paved on the street. MR. JACKSON stated that the property abutting the intersection at Clearview and Raleigh would be enhanced more in value than the \$234.00. MR. JACKSON stated that the property on Raleigh and Gilbert would be enhanced more than the \$783.00 assessed against it. Detail discussion on this paving was held. He was familiar with the recent purchase of this property. MR. H. J. ANTONIE, owner of the property, stated he was a real estate developer, subdivider, builder of streets, and had served on the Houston Zoning Board and on the Plan Commission of the Chamber of Commerce. He was concerned over the side street that was not paved, but which was not under this program. He did not believe he would be able to get the \$750 back out of his property. MR. ROGER HANK, an appraiser, stated he had inspected the three properties advertised to be paved, that he had not conferred in any manner with MR. JACKSON, and that he believed in his opinion that the West 35th Street property listed would be enhanced by \$318.00 by paving, and more. On the property on Raleigh and Clearview, it was his opinion that this property would be enhanced by \$234.00 by paving it. Also the property on Raleigh and Gilbert would be enhanced in value by \$738.00 by paving; would increase even more if paving were continued down Gilbert. MR. HANK stated he had been in the real estate business for eight years; that he had had personal experience in observing the effect which paving had on values and based upon his experience in the business, he had no doubt that these three pieces of property would be enhanced in value at least to the cost of paving. Councilman Long asked if the \$783.00 worth of paving of Mr. Antonie's paving would increase the value of his property from what he paid, \$15,500 to \$16,500. Mr. Hank believed if Gilbert were paved on through to Robin Hood that the property would be worth approximately \$17,500. MR. ANTONIE stated they were trying to get the rest of the neighborhood signed up to pave Gilbert, and asked the Council to wait two weeks until they could get commitments. The City Manager state LEE MANERS had been contacted and he had made an estimate of paving this lower than he made to the City; and if is possible to get additional paving included, he would recommend that the assessment be delayed. Councilman White inquired as to the details on this type of program, and the City Manager explained the procedure. Councilman Long moved that the portion on Raleigh and Gilbert be postponed for two weeks to try to work out paving for the rest of the street, and that the Council go ahead with the other portion of the contract and close the hearing. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MRS. A. G. SIEVERS, Zilker School P.T.A., Chairman of the Recreation Committee, appeared asking the Council to appropriate \$3500 to light the playground at this location, believing the fullest use of the playground would

be at night; that the \$25,000 for a swimming pool had been taken out of their budget. Councilman Long stated she would like to appropriate out of the unappropriated funds in the General Fund, of which there was \$336,000 surplus according to the last report, as she could not think of any better way to spend \$3,500 than to spend it on this particular playground at this particular time.

Councilman Long moved that \$3,500 be appropriated from the General Fund today. The motion was seconded by Councilman White.

Councilman Thompson stated the surplus did not exist, and he did not vote for the 1954 budget because the Utility Account, which had averaged \$1,500,000 over the years, had been cut by the administration to less than \$1,000,000 to create a surplus--robbing the Utility Account, of money out of which normally replacement parts were bought and the Utility Department was kept up to par. This would necessitate more bonds and more interest, in the future. The City Manager explained that the estimate was running more due to an extremely warm and dry fall. The operation costs did go up. If there should be a wet spring there would be a loss of all that or more, and he would not say there was an excess until it is known what the weather will be in the summer. Councilman Pearson stated he was certainly for lights, but only three weeks ago, the Director of Recreation submitted a revision of the budget and transferred funds, part of which went to Zilker Playground, and he did not mention lights. He felt that possibly the Council should not go on immediately but give the Department of Recreation and Recreation Board an opportunity of submitting the recommendation. MR. JOE PROWSE explained the reasons the swimming pool could not be constructed now. MR. FORD JOHNSON spoke with the group urging the appropriation of the money for the lights today. Councilman Long stated she recognized the need and if they get this by this summer it should be done immediately. The Mayor expressed sympathy for the group, and stated there are 20 different groups that are in the same predicament. He believed something could be worked out with a Little League plan, but the group did not believe the Little League would take care of the situation as well as the lights. Councilman White stated he seconded the motion, because he knew the money was there; if he did not think it, he would not have seconded the motion; and if they were going to get these, they would have to get started on it right away. Councilman Long stated if this matter did not pass today she would put it up again next week.

After more discussion, roll call on Councilman Long's motion showed the following vote:

Ayes: Councilmen Long, White

Noes: Councilmen Pearson, Thompson, Mayor McAden

The motion was defeated.

Councilman Pearson moved that the City Manager be instructed to give the Council an estimate from the Electric Department on what the lights will cost for this area and see if it is possible to transfer bonding money from the Recreation Department or to appropriate new money not now in the budget to make the lights possible and to meet the request of the citizens of this Community. The Report to be brought in next Thursday. The motion, seconded by Councilman Long, carried by the following vote:

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

Noes: None

Pursuant to published notice thereof the following zoning application was publicly heard:

DR. C. H. ROPER

2316-18 Euclid
200-202 Oltorf

From "A" Residence 1st
Height and Area
To "B" Residence 1st or
2nd Height and Area
RECOMMENDED "B" 1st Height
and Area by the
Planning Commission

Opposition was expressed by Gerald Clopton, 2310 Forrest Avenue, Mrs. George Smith, 2308 Forrest; Mrs. Mable Butler, 2309 Forrest, and Mr. and Mrs. R. V. Durden, 2305 Forrest Avenue, on the grounds that this was an exclusive "A" residential neighborhood, and they did not want it broken down by any lesser zoning classification. Action was deferred until the following week in order for the Council members to make a thorough check.

The Mayor announced that JUDGE JOE ROBERTS, on an emergency was confined to the Hospital. MR. J. C. HINSLEY, who had acted in Judge Roberts' place, had consented to take over the duties during the interim. The City Manager explained that because this was an emergency, Mr. Hinsley will probably not be able to give to the Court his full time, and he recommended MR. HINSLEY and MR. GENE ALVIS who had also served. He asked that they both be appointed, and they would agree between themselves on dividing the time so that the Court could be in Session at all times required. Councilman Long moved that MR. J. C. HINSLEY and MR. GENE ALVIS be appointed to serve as Judge of the Corporation Court in Mr. Robert's absence. The motion, seconded by Councilman Thompson, carried by the following vote:

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

Councilman Long moved that the Council pass a Resolution expressing regrets of Judge Roberts' illness and wishing him a speedy recovery. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The Council received the following:

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

IN THE MATTER OF
FILE NO. C.P. 14-55-5

CITY PLANNING COMMISSION OF THE
CITY OF AUSTIN, TEXAS

APPLICATION OF DR. DAVID DARTER by
Agent E. T. Holly

FOR SPECIAL PERMIT FOR VETERINARY HOSPITAL

-0-0-0-0-

NOTICE OF APPEAL TO CITY COUNCIL

-0-0-0-0-

TO THE CITY PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, and to
THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

Notice is hereby given that Dr. David Darter, acting by E. T. Holly, agent, does appeal to the City Council of the City of Austin, Texas, from the action of the Planning Commission of the City of Austin, Texas, at its regular meeting on the night of March 22, 1955, denying the application of Dr. David Darter for a special permit to build a veterinary hospital at 6721 Burnet Road in the City of Austin, Texas, being Lot No. 11 of Burnet Road Heights in the City of Austin, Texas, and does request the City Council of the City of Austin, Texas, after due hearing to set aside the action of said City Planning Commission and grant said special permit.

Respectfully submitted this 24th day of March, 1955,

(Sgd) J. C. Hinsley
J. C. Hinsley
Attorney for Dr. David Darter
and agent E. T. Holly

Opposition was expressed by MRS. ALVIN A. FLEISCHER, 6719 Burnet Road, and MRS. A. C. BIBLE, 6706 Burnet Lane. MR. J. C. HINSLEY represented Dr. Darter. MR. E. T. HOLLY was also present as agent for Dr. Darter. Action was delayed until the following week so that the Council members could make a personal inspection of the area.

The Council had before it a proposed contract with the Humane Society and Estimated Revenue and Expenditures for dog control based on \$1.00 and \$2.00 licensing fee, and on \$2.00 and \$3.00 licensing fee. Detailed discussion of the provisions was held and explained by the City Manager. Discussion covered point on cost of the make-shift pound in relation to cost of the City to the Humane Society in the operation of its shelter and care of dogs; 50¢ bounty on dogs picked up as an incentive, and the accounting regarding this; possibility of some misrepresentation of whether or not a dog was spayed; and matters of public health. Councilman Long believed it would take a \$2.00 and \$3.00 fee to support the program, but believed also that the people would not go along with, and she recommended increasing the fee to \$1.00 and \$2.00 and changing the date from April 1st to June 1st, so that those who had their dogs clipped could have everything done at one time. She proposed a 50¢ penalty after June 1st. Councilman Pearson felt that the cost was placed on those complying

with the ordinance and that the violators were not being fined enough. Councilman Thompson read a letter from Dr. G. D. STALLWORTH, D.V.M., suggesting the matter be reopened and final action be delayed until the overall picture is taken into consideration, and that the Council designate a body to study the matter. He further suggested representatives from the Council, the Police Department, the Humane Society, the local veterinarians, and anyone else interested. Councilman Thompson did not believe the people who owned dogs should have to bear the complete cost; neither did he think the fee should be so high that little boys would be prohibited from having a dog because they could not pay their licensing fee. Councilman White suggested having a committee of the Council, and a committee from the Humane Society, representatives of the Police Department, and a committee from the Veterinarians to meet and work this out, and report back in 10 days. MR. DAVENPORT suggested that the Council consider the contract with the Humane Society at this time and that the City locate a site for the \$50,000 shelter. Councilman Pearson stated that he had received no opposition to the shelter being located on the sand beach reserve near the depot. Councilman Pearson moved that the City enter into this contract with the Humane Society for that particular location, but the motion was not seconded. The City Manager outlined the restrictions and the zoning of the area and recommended the location as the most ideal in the city. Councilman White suggested a public hearing on this location.

Councilman Pearson moved that a public hearing be set for 3:30 P.M., Wednesday afternoon March 30, to discuss the possibility of a location to grant the Humane Society for the dog shelter, and that the Veterinarians be especially invited to this meeting to give the benefit of their views. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

Councilman Pearson suggested that the matter could be considered further at that meeting, and that final decisions could be made on the following Thursday, the regular Council meeting. Members of the Humane Society present at this meeting were MR. JOHN DAVENPORT, MR. TOM BRADFIELD, and MRS. AUBREY ELLIOTT.

Councilman Long wanted to make a statement for the record that the Council today would not support any kind of a motion made by her to reduce the rate to a \$1.00 at this particular time. She then offered a motion that the rate that was set last week be reduced from the \$2.00 and \$3.00 fees to \$1.00 and \$2.00. The motion died for lack of a second. Councilman White moved that the Mayor appoint a Committee of two from the Council to meet with a couple of the Humane Society people; one member from the Police Department, and two members from the Veterinarians, to work out the problem of the fees on the dogs, and come back to the Council, if they can get it ready by next week. The motion died for lack of a second. The City Attorney inquired as to what the wishes of the Council were on the collection of the fees. Councilman Long suggested leaving it like it is. The Mayor suggested if any body wanted to pay them, it would be all right. Councilman Thompson asked if the Council wanted to vigorously pursue the enforcement of the ordinance as it is right now. Councilman Long stated not to, and just not collect any fees. Councilman White suggested this be made public, as he would not like for people to come up and pay \$2.00 or \$3.00 for the dogs and a week later the fee go back to \$1.00; \$1.50, and \$2.00. No action was taken.

The City Manager reported on the change of subdivision policy now under consideration. Mr. Gibson Randle, representing the Real Estate Board, asked the City Manager to report for him since he had to leave that the Subdivision Committee of the Real Estate Board had recommended the adoption of this policy. The City Manager stated if it were found that the city could not support it down the years, it could be change. Councilman Pearson had heard no objections, and believed additional street paving would be gained. Councilman Thompson moved that the following modification of the subdivision policies be adopted:

"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. "

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NORTHWAY CREST DEVELOPMENT COMPANY, INC.; 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 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 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH TRAVIS C. COOKE AND J. W. GREGG; 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 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 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTIN DISCOUNT 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 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.

The City Manager submitted the following:

"TABULATION OF BIDS for 15 Police Cars - 4 Door Sedans with automatic transmissions - Sealed Bids Opened 2:00 P.M. March 16, 1955

SMITH BROTHERS	CAPITOL CHEVROLET	U.S. AUTOMOTIVE	C.B. SMITH	SWEARINGEN-ARMSTRONG
\$18,406.70	\$23,417.15	\$19,237.25	\$18,573.85	\$17,176.25
Plymouth	Chevrolet	Plymouth	Plymouth	Ford

Note: All Prices are net totals less trade in prices

Recommend low bidder, Swearingen-Armstrong be awarded contract.

(Sgd) W. T. Williams, Jr.
City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on March 16, 1955, for the purchase of fifteen (15) 4-door sedan cars for use by the Police Department; and,

WHEREAS, the bid of Swearingen-Armstrong Company in the sum of \$17,176.25 for fifteen Ford 4-door sedan cars, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Swearingen-Armstrong Company in the sum of \$17,176.25 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 Swearingen-Armstrong Company.

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)

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 ST. JOHNS AVENUE from a point 125 feet east of East Crest Drive easterly to Interregional Highway, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ST. JOHNS AVENUE.

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

(2) A gas main in INTERREGIONAL HIGHWAY, from St. Johns Avenue northerly 3167 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said INTERREGIONAL HIGHWAY.

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

(3) A gas main in SOUTH LAMAR BOULEVARD, from Manchaca Road southerly 200 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH LAMAR BOULEVARD.

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

(4) A gas main in SOUTH LAMAR BOULEVARD, from a point 200 feet south of Manchaca Road southerly 1773 feet, the centerline of which gas main shall be 10.5 feet east of and parallel to the west property line of said SOUTH LAMAR BOULEVARD.

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

(5) A gas main in WESTFOREST DRIVE, from South Lamar Boulevard northerly to WestOak Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WESTFOREST DRIVE.

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

(6) A gas main in WESTOAK DRIVE, from South Lamar Boulevard northerly to Westhill Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WESTOAK DRIVE.

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

(7) A gas main in WESTROCK DRIVE, from South Lamar Boulevard northerly to Westhill Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WESTROCK DRIVE.

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

(8) A gas main in WESTHILL DRIVE, from a point 264 feet east of Westoak Drive westerly 1286 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WESTHILL DRIVE.

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

(9) A gas main in WESTLAND DRIVE, from Westoak Drive westerly 343 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WESTLAND DRIVE.

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

(10) A gas main in WESTWOOD CIRCLE for Westforest Drive easterly 277 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WESTWOOD CIRCLE.

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

(11) A gas main in WESTVIEW CIRCLE, from Westrock Drive westerly 303 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the

north property line of said WESTVIEW CIRCLE.

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

(12) A gas main in BELFAST DRIVE, from a point 20 feet south of Westmoor Drive southerly to Broadmoor Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of BELFAST DRIVE.

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

(13) A gas main in BROADMOOR DRIVE, from Berkman Drive westerly to a point 480 feet west of Belfast Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BROADMOOR DRIVE.

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

(14) A gas main in ANDOVER PLACE, from Broadmoor Drive southerly 421 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said ANDOVER PLACE.

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

(15) A gas main in AVON PLACE, from Broadmoor Drive southerly 325 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said AVON PLACE.

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

(16) A gas main in KNIGHT CIRCLE, from Berkman Drive southerly 469 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said KNIGHT CIRCLE.

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

(17) A gas main in BERKMAN DRIVE, from Broadmoor Drive southerly 481 feet, the centerline of which gas main shall be 6.5 feet west and parallel to the east property line of said BERKMAN DRIVE.

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

(18) A gas main in IRMA DRIVE, from a point 61 feet east of Guadalupe Street easterly 489 feet to a point 100 feet west of Chesterfield Avenue, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said IRMA DRIVE.

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

(19) A gas main in WEST 42ND STREET from a point 16 feet west of Bull Creek Road, westerly to Jackson Avenue, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST 42ND STREET.

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

(20) A gas main in HARGRAVE STREET from a point 38 feet north of Rosewood Avenue southerly 117 feet, the centerline of which gas main shall be 12 feet east of and parallel to the west property line of said HARGRAVE STREET.

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

(21) A gas main in ROSEWOOD AVENUE from Hargrave Street westerly 71 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said ROSEWOOD AVENUE.

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

(22) A gas main in EAST 21ST STREET from a point 54 feet west of Chestnut Avenue westerly 103 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said EAST 21ST STREET.

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

(23) A gas main in POQUITO STREET from East 13th Street northerly 100 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said POQUITO STREET.

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

(24) A gas main in ANTHONY STREET from Riverview Street

southerly 101 feet, the centerline of which gas main shall be 18 feet west of and parallel to the east property line of said ANTHONY STREET.

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

(25) A gas main in WEBBERVILLE ROAD, from a point 128 feet west of Nile Street westerly 195 feet to a point 38 feet east Zaragosa Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEBBERVILLE ROAD.

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

(26) A gas main in WATERSON STREET from a point 66 feet west of Toyath Street easterly 38 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WATERSON STREET.

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

(27) A gas main in LOUIS AVENUE from Nichols Avenue easterly 212 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LOUIS AVENUE.

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

(28) A gas main in WINDSOR ROAD from a point 201 feet west of Rockmoor Avenue easterly 112 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WINDSOR ROAD.

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

(29) A gas main in RIDGE DRIVE from a point 255 feet south of East 12th Street southerly 100 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said RIDGE DRIVE.

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

(30) A gas main in MEADOWVIEW LANE from a point 20 feet north of Praire Dell northerly to Northway Drive, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said MEADOWVIEW LANE.

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

(31) A gas main in NORTHWAY DRIVE from Guadalupe Street easterly to Meadowview Lane, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said NORTHWAY DRIVE.

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

(32) A gas main in CRESTON LANE from Northway Drive southerly to Guadalupe Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CRESTON LANE.

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

(33) A gas main in DELAFIELD LANE from a point 20 feet north of Praire Dell Northerly 829 feet to a point 150 feet north of Northway Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said DELAFIELD LANE.

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

(34) A gas main in GUADALUPE STREET from a point 23 feet north of Northway Drive, southerly 106 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GUADALUPE STREET.

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

(35) A gas main in GUADALUPE STREET from a point 23 feet north of Creston Lane southerly 96 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GUADALUPE STREET.

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

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 north side of Koenig Lane as a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, which property is owned by the United Sheet Metal Works, and is the 75 x 262 feet, unplatted, J. S. Koenig tract, of the City of Austin, Travis County, Texas, and hereby authorizes the said United Sheet Metal Works to operate a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said United Sheet Metal Works has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 24, 1955

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

"Dear Sir:

"I, the undersigned, have considered the application of United Sheet Metal

Works, through their agent W. J. (Bill) Clark, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and one pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of Koenig Lane, which property is designated as the 75 x 262 feet, unplatted, J. S. Koenig tract, in the City of Austin, Travis County, Texas, and locally known as 1100 Koenig Lane.

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

- "(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc. and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- "(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- "(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- "(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

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

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, 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 east side of Lamar Boulevard as a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold which property is owned by Capitol Chevrolet Company, and is the south 60 feet of Lots 1, 2, 3, and 4, Block 4, Raymond Plateau, of the City of Austin, Travis County, Texas, and hereby authorizes the said Capitol Chevrolet Company to operate a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to

the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Capitol Chevrolet Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 24, 1955

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

"Dear Sir:

"I, the undersigned, have considered the application of Capitol Chevrolet Company, through their agent G. L. Anderson, for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property which is designated as the south 60 feet of Lots 1, 2, 3, and 4, Block 4, Raymond Plateau, in the City of Austin, Travis County, Texas, and locally known as Lamar Boulevard.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the propertyline 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.

"(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)

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

THAT the City Council of the City of Austin hereby approves the property situated on the north east corner of East 5th Street and Spencer Street as a bulk gasoline storage plant, which property is owned by Allied Oil Company and is designated as the unplatted 95 x 139 feet of Lot 5 Block 2, E. H. Deats Subdivision, in the City of Austin, Travis County, Texas, and hereby authorizes the said Allied Oil Company to erect a bulk gasoline storage plant, 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 bulk gasoline storage plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas in the enforcement of the proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Allied Oil Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
March 24, 1955

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

"Dear Sir:

"I, the undersigned, have considered the application of Allied Oil Company for permission to erect a Bulk Gasoline Storage Plant consisting of three 10,000 gallon underground storage tanks upon property located on the north east corner of East 5th Street, and Spencer Street, which property is designated as the unplatted 95 x 139 feet of Lot 5, Block 2, E. H. Deats Subdivision, of the City of Austin, Travis County, Texas, and locally known as 5001 East 5th Street.

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

"(1) That all pumps, tanks, and other equipment used in connection with the storage or handling of gasoline or other volatile liquid, shall bear the label of the Underwriter's Laboratories, Inc., and all such equipment shall be installed in compliance with the rules and regulations governing such installations as prescribed by the National Board of Fire Underwriters and all such equipment shall be inspected by and approved by the Fire Marshall of the City of Austin before being placed in service. All tanks shall meet the standards and specifications of the National Board of Fire Underwriters.

"(2) That only electric light shall be used in buildings or on premises where gasoline or other volatile liquid is stored or handled, and all electric wiring for lights or meters shall be installed in compliance with the ordinances and regulations of the City of Austin governing the wiring of any such building or premises, and shall be inspected and approved by the Electrical Inspector of the City of Austin.

"(3) That there shall be provided in all buildings or on premises where gasoline or other volatile liquids are stored or handled, at least one National Board of Fire Underwriters approved type fire extinguisher for every two thousand (2000) square feet of floor space, or fraction thereof, each of which fire extinguishers shall be kept in good working order at all times.

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

"(5) That all fees shall be paid and a permit secured from the Building Inspector's Office before 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

Nays: None

At this time Councilman Pearson left the Council Room.

The City Manager submitted the following report from the City Attorney on Joint Airport Zoning Board and explained in detail the statutes covering the creation of this board:

"A brief summary of Art. 46e, Vernon's Annotated Civil Statutes, concerning the creation of a zoning board by the City and the County, follows:

"Where an airport owned or controlled by a political subdivision has any airport hazard area located outside the limits of such political subdivision, an autonomous body with power to adopt, administer, and enforce airport zoning regulations in the hazard area, may be created by the City Council and the County Commissioners' Court, each ordaining or resolving that such board be created, and with the County appointing two members, with the City appointing two members, and the four members then select a fifth member who shall be chairman.

"The act authorizes the airport zoning regulations to be integrated with a city's own zoning laws and enforced therewith, but where two separate zoning regulations may conflict, the more stringent one will prevail.

"The Board also appoints a Zoning Commission (which may be the same as an existing body), and a Board of Adjustment (which may be the same as an existing body).

"The procedure for notice and hearing and other matters is quite similar to ordinary comprehensive zoning law requirements. The board is required to provide for administration and enforcement of such regulations. In so doing, they are authorized to utilize any existing agency (such as our own Planning Department, Building Inspector, Fire Marshal, etc.)."

After much discussion, he stated this was the only provision to set up the airport zoning. The Mayor suggested giving notice of our intention to try to solve this problem; and after the Council passed a resolution to get in touch with the County and let them work out their part of it. After more discussion, Councilman Thompson moved that the County Commissioners Court be advised that this Council is now ready to explore the matter of Airport Zoning Ordinances. The motion, seconded by Councilman White, carried by the following vote:

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING
THAT CERTAIN PORTION OF MIDDLE FISKVILLE ROAD
NORTH OF EAST FIFTY-SIXTH STREET AND SOUTH OF
THE SOUTHWEST RIGHT OF WAY LINE OF AIRPORT
BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY,
TEXAS; RETAINING PUBLIC UTILITY EASEMENTS IN
PORTIONS THEREOF; AND SUSPENDING THE ORDINANCE
RULE REQUIRING THE READING OF AN ORDINANCE ON
THREE SEPARATE DAYS.

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

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

The Council had before it for consideration the following application for change of zoning, pending since January 6, 1955:

M. H. CROCKETT, HUMBLE	5300-38 Airport Blvd.	From "C" Commercial
OIL & REFINING CO. by	5400-34 Airport Blvd.	1st Hgt & Area
Trueman E. O'Quinn	5500-38 Airport Blvd.	To "C" Commercial
	5301-29 Middle Fiskville	2nd Hgt & Area
	Rd.; 5501-39 Middle Fisk-	RECOMMENDED 5th Hgt
	ville Rd.; 714-22 Bruning	& Area by the
	Avenue	Planning Commission

The Mayor asked those who wished to uphold the recommendation of the Plan Commission and grant the change to 5th Height and Area to vote "aye";

those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to 5th Height and area and the City Attorney was instructed to draw the necessary ordinance to cover.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 3.64 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE A. B. SPEAR SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced that the ordinance had been finally passed.

The Council received a Recommendation for Change in Cemetery Charges. Councilman Thompson moved that consideration of this recommendation and report be postponed until next Thursday; and at the same time declare a moratorium on the sale of cemetery lots until this has had final action by the Council, excepting in cases where families of deceased requiring burial lots. The motion, seconded by Councilman White, carried by the following vote:

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

No action was taken on resolution authorizing condemnation on 270 acres of land belonging to the Estate of H. E. Wattinger, deceased, for necessary sewage disposal facilities.

The City Manager submitted the request of a radio station to bring in its facilities to broadcast the election returns on April 2nd. Councilman Long moved that the radios and any public news facilities be granted this permission. The motion, seconded by Councilman Thompson, carried by the following vote:

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

The Mayor announced that the Council would meet at 10:00 A.M., Tuesday March 29, 1955, to appoint the election officials for the election on April 2nd.

The Council gave an informal approval on appointment of arbitrators for appraising the property adjoining the Substation on 10th Street and Blanco.

The matter of determining whether or not the architects for the Auditorium had performed the services the Council had in mind for the preliminary plans and approving payment of 1/8 of the fee, was deferred until the Tuesday meeting just announced by the Mayor.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission and were tentatively set for public hearing on April 28th, 1955:

HENRY WIRE	rear, 2034-40 So. Lamar	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
R. G. MUELLER, JR.	3507-11 Jefferson St. 1604 West 35th St.	From "A" Residence and "C" Commercial 1st To "GR" General Retail 1st Hgt and Area
HENRY SASSE, ET AL	1301-07; 1401-13 Winst- ed Lane; 1300-16; 1400-12 Saybrook; 2001-05 Enfield Road & 2000-06 Waterston	From "A" Residence 1st Hgt. and Area To "B" Residence 1st Hgt and Area
FOE A. LAWRENCE	1600-22, 1700-02 Nash Ave 1708-10 Kinney Avenue	From "A" Residence 1st Hgt. and Area To "B" Residence 1st Hgt. and area
CHAS.E.SLOAN	709 W. 19th Street	From "B" Residence 2nd Hgt. and Area To "O" Office 2nd Hgt. and Area
MRS. LILLIAN GRUNT	2414 So. Lamar St.	From "C" Commercial 2nd Hgt. and Area To "C-2" Commercial 2nd Hgt. and Area
PHILLIP BASHARA	Red River & E. 45th St.	From "A" Residence 1st Hgt. and Area To "LR" Local Retail 1st Hgt. and Area

The Council noted that the following application had been referred to the Plan Commission, but the Council did not set this for public hearing at this time on request of MR. H. GRADY CHANDLER, Attorney for the opposition:

MRS. B. E. GIESECKE
ET AL

504-06 W. 33rd St.

From "A" Residence 1st
Hgt. and Area
To "BB" Residence 1st
Hgt. and Area

There being no further business the Council adjourned at 5:30 P.M.
subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk