

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 21, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

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

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

Invocation was delivered by REV. SCOTT BAILEY, All Saints Episcopal Church.

Councilman White moved that the Minutes of July 14th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The Council had before it an appeal made by FLOYD W. DUNAWAY from the decision of the Planning Commission on granting a special permit to the Episcopal Theological Seminary to build on the property located on the north side of Rathervue between Harris Park and Duval. MR. ARTHUR FEHR, Architect, submitted plans as had met all the zoning and building requirements, stating they had even planned more set-back than required. BISHOP JOHN E. HINES pointed out the scope of this Seminary in its training and that it was one of the national seminaries of the Episcopal Church. MR. DUNAWAY objected to the building as it would be within 17' of his home. MR. DAVID TISINGER represented Mr. Dunaway. He believed the Architects could move the building back 50' easier than Mr. Dunaway could be inconvenienced by having the library so near his property. He submitted a letter in which Mr. Dunaway had written to the Seminary, but which letter had not been answered. Mr. Tisinger asked the Council to require the Seminary to move over 50' or withhold action until Mr. Dunaway and the Church could get together and attempt to overcome the difficulties. MR. A. E. RHODES, 3104 Harris Park, asked that the Seminary be required to move the library back farther. The Mayor asked if a 25' set-back could be worked out, the Council could act on the appeal today, tomorrow, or the following Thursday. The group agreed to get

together among themselves and work it out. The Mayor asked if they worked it out before the following Thursday the Council could act on it Friday the 22nd.

The Council took under consideration the proposed zoning of the "down-town Office District". MR. GIBSON RANDLE represented property owners surrounding the corner of 19th and West Avenue in opposition specifically to the "O" zoning of 707-09 West 19th Street and 1809-11 West Avenue. He asked if the Council were inclined to zone this property "O" that it leave the corner zoned as "B" and zone just the vacant lot. MR. SALES LEWIS, representing Dr. Glenn, accepted this if they could not get the whole property zoned. After discussion, Councilman Pearson moved that the recommendation of the Plan Commission be approved to make all the area as recommended "O" with the exception of this lot fronting on 19th and running north and south on West Avenue. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor stated that the Council would like to have the Planning Commission make a further study of the area between 7th and 11th in this same regard and let the Council know the results.

The Council had before it the following zoning:

RAYMOND BROWN	Missouri Pacific R.R. and Oltorf Street	From "A" Residence To "D" Industrial and "C" Commercial
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It was finally agreed that all the area shown in green on the map was to be "D" Industrial. The area 100' west of the east property line of Mr. Brown's property and running from the north part down to the north line of Southwood Subdivision is to be "C" Commercial; but that even with that portion of the Southwood Subdivision lying north of Oltorf Street will be "A" Residence. A 95' street will be dedicated from Oltorf south to the south property line of Cumberland Road; a five foot planting strip will be retained by Mr. Brown, and he will be obligated to maintain that five foot planting strip along the entire east property line from Oltorf to Cumberland; that an area from Cumberland 100' wide beginning at the south property line of Cumberland Road and running through the remainder of Mr. Brown's property will be zoned "A"; that ~~Mr. Brown will pave and curb~~ the street to be dedicated to city's specifications (both sides of it); that the area west of the street to be dedicated and south of the south line of Southwood Road, shown in red on the map, will be zoned "C" Commercial. These conditions were all agreed to by Mr. Brown. Councilman Pearson moved that the zoning as decided upon be approved, and that the planting strip be maintained by Mr. Brown. (Map on File Under ZONING - Brown, Raymond) The motion, seconded by Councilman White, carried by the following vote:

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

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

Pursuant to published notice thereof the following zoning applications were publicly heard:

TROY RANLAND	1001-05 East 46th St. 4527-37 Airport Blvd.	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area RECOMMENDED by the Planning Commission
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No Opposition appeared. The Mayor asked those who wished to grant the requested change to vote "aye"; those opposed to vote "no". Roll call showed the following:

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

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

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FRED WONG	2513 East 7th Street	From "D" Industrial 3rd Height and Area To "C-1" Commercial 3rd Height and Area RECOMMENDED by the Planning Commission
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No opposition appeared. The Mayor asked those who wished to grant the requested change to vote "aye"; those opposed to vote "no". Roll call showed the following:

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

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

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ROBERT MURRAY ALLEN	801-915 St. Johns Ave. 7017-7123 Interregional Highway	From "A" Residence 1st & "C" Commercial 6th Height and Area To "D" Industrial NOT Recommended by the Planning Commis- sion
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MR. ZOLLY STEAKLEY represented the applicant. No opposition appeared. Councilman Pearson moved to zone the entire tract "D" except the 15' on the back to remain "A", with the understanding that the applicants, in putting up their cyclone fence, will put a hedge on the back of their cyclone fence and maintain it themselves. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor announced that the change had been granted except for the 15' on the back, and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Council deferred action on the application of W. J. PANNEL, By L. J. Struhall until after the Planning Commission makes a study of the whole area, which would be in about 2½ weeks.

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The Council reset the following zoning application to be heard August 11:

JOHN & JOSIE MILLER	5301 Martin Avenue	From "A" Residence
	700-02 East 53rd St.	To "LR" Local Retail

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The Council had before it for original zoning the following newly annexed areas:

Highland Park West, Section 2
Manor Hills, Section 2
St. Anthony's Village, Section 2
Highland Park West, Section 3
Walnut Hills, Sections 4 and 5
Jain Lane and Perry Road Tract
Burrell Tract

RECOMMENDED "A" Residence by the Planning Commission

The Mayor asked those who wished to zone the newly annexed areas "A" Residence District and First Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following:

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

The Mayor announced that the newly annexed areas above had been zoned "A" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Council had before it for original zoning the following newly annexed area:

WEST PARK ADDITION

MR. YELDERMAN represented MR. W. H. BULLARD, subdivider of West Park Addition and pointed out that the lots adjoining South Lamar or Fredericksburg Road were commercial in nature and requested "GR" General Retail zoning. The Council was concerned about the property owners in the subdivision having been notified when they purchased their lots that this area had been contemplated as "GR". It was stated by Mr. Yelderman that the property was sold on the proposal that the Fredericksburg Road frontage would be commercial, and the deeds carried the restrictions and the people knew their property was residential, and that this frontage property was commercial when they bought. Councilman Pearson moved to originally zone WEST PARK ADDITION "A" Residence, except this area of approximately 150' across the portion of West Park Addition fronting on South Lamar Boulevard, or Fredericksburg Road, (Lots 116 - 128) to be "GR" General Retail District 6th Height and Area. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

The Mayor announced that West Park Addition had been originally zoned "A" Residence and "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954
BY ADDING A NEW CHAPTER DESIGNATED CHAPTER 35,
MUNICIPAL CIVIL DEFENSE, TO CREATE AND REGULATE
MUNICIPAL CIVIL DEFENSE ORGANIZATION AND OPERA-
TIONS IN THE CITY OF AUSTIN.

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

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

Noes: None

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

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

Noes: None

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"July 12, 1955

"The following bids have been received on 5 operating room tables and accessories:

<u>"Vendor</u>	<u>Total Price</u>	<u>Discount</u>
American Hospital Supply	\$10,533.25	--
American Sterilizer Company	\$ 9,471.50	--
A. S. Aloe	\$ 9,946.50	2%
Wilson X-ray	\$10,541.37	2%

"The bid of the American Sterilizer Company is low, and their table meets our specifications. It is therefore recommended that the Award be made to the American Sterilizer Company.

"(Sgd) T. W. Fourqurean
Administrator"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on or about July 12, 1955, for the purchase of five (5) operating room tables and accessories for use in Brackenridge Hospital; and,

WHEREAS, the bid of the American Sterilizer Company in the sum of \$9,471.50 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Administrator of Brackenridge Hospital, and by the City Manager; Now, Therefore,

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

That the bid of the American Sterilizer Company in the sum of \$9,471.50 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 the American Sterilizer Company.

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

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

Noes: None

Councilman White introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6, of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF APPROXIMATELY 8.0 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE, AND THE JAMES TRAMMEL 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 motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to the Austin Independent School District, for and in consideration of the payment of the sum of One Dollar (\$1.00) by said Austin Independent School District, save and except the improvements situated thereon, the following described property, to wit:

0.980 of one acre of land, same being out of and a part of that certain 4.92 acre tract of land out of Outlot 7 of Division "0", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas which was conveyed to the City of Austin by deed dated June 2, 1954, of record in Volume 1474, page 228-233, Deed Records of Travis County, Texas, and is described as Tract No. 1 in said deed; and also being out of and a part of the north one-half (1/2) of Lots 5, 6, and 7 of Pickle's Resubdivision of Musgrove's Addition, according to a map or plat of said Pickle's Resubdivision of record in Volume 104, page 46, Deed Records of Travis County, Texas, the north one-half (1/2) of said Lots 5, 6, and 7 having been conveyed to the City of Austin by deeds of record in the Deed Records of Travis County, Texas, as follows:

(1) The north one-half (1/2) of Lot 5 by deed dated March 18, 1955, of record in Volume 1559, page 18;

(2) The north one-half (1/2) of Lot 6 by the aforementioned deed dated June 2, 1954, of record in Volume 1474, page 228-233 and described as Second Tract in said deed;

(3) The north one-half (1/2) of Lot 7 by deed dated March 30, 1955 of record in Volume 1561, page 18-19,

which 0.980 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at a steel pin set at the northeast corner of said Lot 7 of Pickle's Resubdivision of Musgroves Addition in the south line of East 4th Street;

THENCE, with the east line of said Lot 7, as fenced, S. 22° 45' W. 149.82 feet to a steel pin;

THENCE, N. $66^{\circ} 57'$ W. at 163.25 feet pass a steel pin on the west line of said Lot 5, and from which steel pin an iron stake in the west line of Lot 5 and at the northeast corner of a tract of land ten (10) feet in width conveyed to the City of Austin by deed of record in Volume 1283 at page 368, Deed Records of Travis County, Texas, bears S. $23^{\circ} 05'$ W. 145.68 feet; and continuing N. $66^{\circ} 57'$ W. in all a distance of 282.25 feet to a steel pin;

THENCE, N. $23^{\circ} 05'$ E. 157.62 feet to a steel pin;

THENCE, S. $63^{\circ} 14'$ E. 119.31 feet to a steel pin at the northwest corner of said Lot 5 in the south line of East 4th Street;

THENCE, with the north line of said Lots 5, 6 and 7 and the south line of East 4th Street S. $66^{\circ} 57'$ E. 162.40 feet to the point of beginning.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in PEARL STREET from West 16th Street northerly to West 17th Street, the centerline of which underground telephone conduit shall be 12 feet east of and parallel to the west property line of said PEARL STREET.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of East 5th Street 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 leased by Lone Star Sales Company, and is the 183 foot x 300 foot unplatted tract at the north east corner of Outlot 7, Division 0, of the City of Austin, Travis County, Texas, and hereby authorizes the said Lone Star Sales 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 Lone Star Sales Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
July 21, 1955

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

"Dear Sir:

"I, the undersigned, have considered the application of LoneStar Sales Company, through their agent, A. L. Rice, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East 5th Street, which property is designated as the 183 foot x 300 foot unplatted tract at the north east corner of Outlot 7, Division 0, in the City of Austin, Travis County, Texas, and locally known as 2001-07 East 5th Street.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or

receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

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

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

Mayor Miller introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The City Manager made a report on the traffic conditions in Delwood No. 4, as requested on July 7th by Mr. James R. Smith, 1424 Corona Drive. It was his recommendation that stop signs be placed at the intersections of Cameron Road and Corona Drive, Cloverleaf, Ridgeway, and Lockwood; that a 25 mile per hour speed limit be established on Corona, Cloverleaf Drive, Ridgeway, and Lockwood from Cameron Road to Berkman; also on Nassau and Belfast from Corona Drive to Lockwood. Councilman Long moved that an ordinance be drawn pertaining to the 25 mile per hour speed limit as recommended. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The City Manager submitted the following report:

"July 21, 1955

"SUBJECT: Water Extensions in St. John's Addition

"Since the City Council heard the request of Mr. Willie Bartee on June 23, 1955, the following actions have been taken by the City:

"On June 29, 1955, a letter was written to all property owners, urging them to pay their water taps and stating that water mains would be extended in the same area in accordance with the standards established by the City Council at the June 23rd meeting.

"During the first week in July, we talked with Mr. Bartee, again assuring him of our interest in the matter and seeking his cooperation and support.

"Following this meeting, the complete list of property owners was sent to Mr. Bartee to aid him in contacting those who owned lots in the area, but did not live there.

"Prior to June 29th when the letter was written from Mr. Davis to the residents, 4 taps had been paid on Meador and 7 on Providence Street. Since that time, the department has received several telephone calls and visits from citizens in the area, but no taps have been paid for water service.

"WTW, Jr."

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 License Agreement on behalf of the City of Austin with Texas and New Orleans Railroad Company, whereby the Texas and New Orleans Railroad Company grants to the City of Austin the right to construct, reconstruct, maintain and operate a 24" sewer line, such sewer line to be located at Nile Street and Rosewood Avenue and proceeding northerly a distance of 540 feet, said line to be located 20 feet east from center of railroad company's main tract, in 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 the said License Agreement in the permanent files of the City Clerk's Office.

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

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

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the District Court of Travis County, Texas, in Cause No. 47463, styled City of Austin v. Sophia Henderson, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 25th day of October, 1930, by deed being of record in Volume 459 at page 333, Deed Records of Travis County, Texas; and,

WHEREAS, the taxes on said property which were involved in the tax suit upon which said sale was based and all costs accruing in said suit and said sale being fully paid unto the City of Austin; and,

WHEREAS, the successors in title to said Sophia Henderson have requested a quitclaim deed from the City of Austin to remove the cloud from their title, which has arisen by virtue of said suit and deed; Now, Therefore,

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 execute on behalf of the City of Austin a quitclaim deed to Sophia Henderson, her heirs, assigns and successors in title, all right, title and interest acquired by the City of Austin by the above described deed in and to the following described property, to wit:

Lot 10, Block 8, Outlot 3, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 43364 styled City of Austin v. Lula Reeves and Charles Reeves, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 24th day of November, 1928, by deed being of record in Volume 430 at page 392, Deed Records of Travis County, Texas; and,

WHEREAS, the taxes on said property which were involved in the tax suit upon which said sale was based and all costs accruing in said suit and said sale being fully paid unto the City of Austin; and,

WHEREAS, the successors in title to said Lula Reeves and Charles Reeves have requested a quitclaim deed from the City of Austin to remove the cloud from their title which has arisen by virtue of said suit and deed; Now, Therefore,

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 execute on behalf of the City of Austin a quitclaim deed to Lula Reeves and Charles Reeves, their heirs, assigns and successors in title, all right, title and interest acquired by the City of Austin by the above described deed in and to the following described property, to wit:

Lot 14, Block 2, Riverside Addition, a subdivision of a portion of Outlot 36, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 40435, styled City of Austin v. Annie Walker and Ed Walker, the hereinafter described property was sold for

taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 4th day of November, 1926, said deed being of record in Volume 404 at page 153, Deed Records of Travis County, Texas; and,

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 43599, styled City of Austin v. Annie Walker, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 24th day of November, 1928, which deed is of record in Volume 429 at page 606, Deed Records of Travis County, Texas; and,

WHEREAS, the taxes on said property which were involved in the tax suits upon which said suits were based, and all costs accrued in said suits and said sales have been fully paid to the City of Austin; and,

WHEREAS, the successors in title of the said Annie Walker and Ed Walker have requested a quitclaim deed from the City of Austin to remove the cloud from their title which has arisen by virtue of said suits and deeds; 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 quitclaim deed, on behalf of the City of Austin, quitclaiming to Ed Walker and Annie Walker, their heirs, assigns and successors in title, all right, title and interest acquired by the City of Austin by the above described deeds in and to the following described property, to wit:

Lot 11, Block 8, Outlot 3, Division "O" of the Government
Outlots adjoining the Original City of Austin, Travis County,
Texas.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 104 West 14th Street and desires a portion of the sidewalk and street space abutting west 50 feet of Lots 1 and 2, Block 173, Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the south east corner of the above described property and at right angles to the centerline of West 14th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of West 14th Street 50 feet to a point; thence in a northerly direction and at right angles to the centerline of West 14th Street to the south west corner of the above described property.

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

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

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such

time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than February 1, 1956.

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

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

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense. That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.00) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

The Mayor submitted the following letter from the Austin Association of Fire Fighters:

"7-19-55

"To The Hon. Mayor & City Council:

"The fire fighters are asking for your consideration at this time an increase of 1% per cent into our pension fund.

"This increase would have the city contributing 4% per cent into our fund.

"They are now paying 4% per cent into the other city employees pension fund and have been for several years.

"In order to bring you up to date I will go back to Nov 24, 1944. A resolution was passed this date by that council and Mayor Miller agreeing to pay 4% percent into our pension fund. Which was the same amount the firemen were paying.

"Our state law at that time provided that the city only had to pay up to 3% percent. Every one at that time thought the city council could pay

the other 1% per cent and call it a donation, which they did do for several months.

"Then a new council and Mayor came into office and decided they were breaking the state law by paying 1% percent more than the law required. They then withheld about \$5000.00 dollars that had went into our pension fund.

"The firemen are still paying 4% per cent. The city at the present time is paying 3% per cent.

"At the past session of the legislature we amended our law that will allow the city to contribute more than the 3% per cent, in other words they could pay the other 1% per cent legally now. And this is how the new part of this law reads:

"In addition to the amount which the City is required to contribute, the governing body of the city may authorize the city to make a further annual contribution to the Firemen's Relief and Retirement Fund in whatever amount the governing body fixes.

"This 1% per cent will amount to approximately \$7,500 dollar a year.

"Fraternally yours
(Sgd) Tom Pinckney
Chairman of the committee"

The Mayor outlined the history of the pension system and how it applied to the firemen. It was his recommendation that the City go ahead and increase this payment. He stated the City had a good Fire Department. Councilman Long stated when the city voted to take away the 1% and cut it back to 3%, she was on the Council, and felt it was an injustice and voted against it; but she would vote to restore it now. Councilman White moved that the 1% be restored, making it effective October 1st in the new budget--payments due after the first of October, and the City Attorney be instructed to draw an ordinance to cover. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The Council recessed until 3:00 P.M.

Recessed Meeting

3:00 P.M.

At 3:00 P.M. the Council met with the Planners, and Mr. Wise, consultant. The Mayor stated the contract with Mr. Wise expired on September 30, and he asked Mr. Wise to tell what the terms would be for the next year. MR. WISE outlined the plan, its development, and its status as of today. He submitted list of personnel engaged in the Master Plan; maps showing the land use inventory tying each parcel in with the records existing in the City Hall on value, size, tax exempt status, etc. Another accomplishment was the preparation of the initial report, to give understanding to the public and for discussion. The 2nd report will be a statement of the Research program; the third has to do with the State; the 4th, due in October has to do with traffic and transportation in Austin. The Master Plan is to be completed in October 1956, but will not be the complete

program, as it will then be necessary to review with the public, Council, and Plan Commission the work; then the technical program--the preparation of zoning and subdivision ordinances. His office, as required by contract, had prepared a budget for the next fiscal year. The Mayor stated the Council should meet with the Plan Commission once a month and later on, twice a month. He urged economy in every respect and stated the expenses must be held down. He read a part of Section 5 - LEGAL EFFECT OF MASTER PLAN - from the Charter. He stated the Council would have to examine minutely this plan before they go into it. He pointed out it would take $17\frac{1}{2}$ million dollars of tax value to produce \$105,000, and the Council was going to keep the tax rate in line. Councilman Long stated the people voted for the master plan, and she felt the Council was bound by vote of the people to continue the master plan, and since they had started, she thought it would have to be continued to get the money's worth. She thought the way it looked now that Austin was going to get a master plan and a good one. The Director of Planning outlined the Budget for the master plan as submitted by Mr. Wise and recommended by the Plan Commission. Councilman White was concerned with whether or not the Council could ever deviate from the master plan once it were adopted. Councilman Palmer did not think that very many people realized the cost of getting the master plan under way, and wondered if there were enough material available now to go before the people and get a preliminary endorsement on it, and then determine if the costs will be prohibitive. He did not want to spend the money and then have the plan rejected. Councilman Pearson did not believe the people were conscious of the cost necessary to produce a master plan; and when it is adopted, it will seriously affect property in every section of the city. MR. EDMUNDS TRAVIS stated he had been appointed on a committee to serve as an advisory body to the Plan Commission during the preparation of the master plan, and he noted at the first meeting, at which he was not present, the committee undertook to tell the Council what to do. MR. JIM HOLLOWAY did not feel that the Council was committed to spend good money after bad; nor was committed for actions taken by a previous Council. MR. DAVID BARROW stated the public meeting under discussion was called to permit the public to take part in discussion of the master plan. No plan was made for any motions to be offered on the master plan nor to put any pressure on the Council. Back on the report on the proposed budget, Mr. Mahoney stated the total cost of the master plan would be \$147,000; \$110,000 for the firm, and \$37,000 for the Planning Department Master Plan Division. SENATOR JOHNNIE B. ROGERS stated there was no money appropriated for Planning; but it might be that the Governor might want to use some of his reserve to put in for the State's part. The Mayor asked if the Council wanted to study this budget over. He asked MR. KUEHNE to let the Council know when the Plan Commission wanted to meet with the Council. MR. TOM QUINN felt that the program would be good if it were widely accepted, and he felt the program should be continued as it is.

The Mayor brought up the request of the MT. VERNON Courts to purchase .45 acres of land. The Mayor asked that MR. BEN KING go out again and make a written appraisal of the land. The Mayor then after discussion asked the Council if it wanted to authorize him to ask \$5,000 or let Mr. King place a value on it, and the city retaining the easement. After more discussion, Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a deed on behalf of the City of Austin conveying to Mount Vernon Motor Courts, Ltd., a limited partnership, for and in consideration of the payment of the sum of \$2,500.00 by said Mount Vernon Motor Courts, Ltd., subject to certain easement rights being reserved, the following described property, to wit:

0.45 acres of land more or less same being out of and a part of that certain 1.79 acre tract of land out of the Thomas Hawkins Survey #9, in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by warranty deed dated August 8, 1944, of record in Volume 747, pages 139-141, Deed Records of Travis County, Texas, which 0.45 acres of land more or less is more particularly described by metes and bounds as follows:

BEGINNING at a point on the north line of the said City of Austin 1.79 acre tract of land, same being the northeast corner of a tract of land conveyed to Mount Vernon Motor Courts, Ltd. by deed of record in Volume 1452, page 242, Deed Records of Travis County, Texas;

THENCE with the north line of said City of Austin 1.79 acre tract, S. 59° 34' E. to the northeast corner of said 1.79 acre tract, in the west Right-of-Way line of the H. & T. C. Railroad, said Right-of-Way line being a curve whose radius is 2893.71 feet;

THENCE following said curving west Right-of-Way line of the H. & T. C. Railroad to the left, same being the east line of said 1.79 acre tract, in a southeasterly direction to the point of intersection of the easterly prolongation of the south line of a tract of land conveyed to Mount Vernon Motor Courts Ltd. by deed of record in Volume 1021, page 491, Deed Records of Travis County, Texas, with the east line of said 1.79 acre tract of land;

THENCE, following the easterly prolongation of the south line of the said Mount Vernon Motor Courts, Ltd. tract of land in a westerly direction to the southeast corner of said Mount Vernon Motor Courts Ltd. tract of land on the west line of the said City of Austin 1.79 acre tract, said west line being a curve whose radius is 2943.71 feet;

THENCE following said curving west line of the said City of Austin tract of land, same being the east line of said tract of land conveyed to Mount Vernon Motor Courts Ltd. by deed of record in Volume 1021 at page 491, Deed Records of Travis County, Texas to the right an arc distance of 320.09 feet, the subchord of which arc bears N. 8° 16' W. 319.93 feet to an iron stake at the northeast corner of said Mount Vernon Motor Courts Ltd. tract of land described in Volume 1021 at page 491, Deed Records of Travis County, Texas, same being the southeast corner of said tract of land conveyed to Mount Vernon Motor Courts, Ltd. by Deed of record in Volume 1452 at page 242, Deed Records of Travis County, Texas.

THENCE, following the east line of said tract described in Volume 1452 at page 242, Deed Records of Travis County, Texas, in a northerly direction to the point of beginning.

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

No action was taken on proposal of purchase of right-of-way of KOENIG LANE.

The City Manager stated 77% had been signed up on paving of Collier Street from Bluebonnet to Garner, and it was believed one or two more would fall in line when the paving began. Councilman White moved to proceed with the paving on Collier between Bluebonnet Lane and Garner Avenue under the voluntary paving program and assess those property owners who do not come in. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Long stated she turned in a complaint that a citizen had given her concerning cars parking on right-of-way of a service station, and it was turned in to the Police Department. The policeman told the party that she made the complaint, and she objected to having her name connected with turning in the complaint. She thought the man should be reprimanded for giving her name as making the complaint to this party.

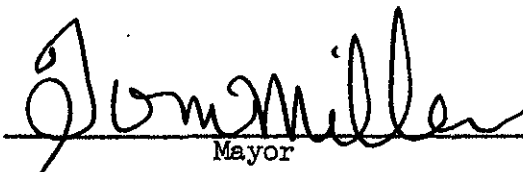
The Mayor inquired about the Cedar Valley Addition and the possibility of getting street lights out there. The City Manager reported it was in a plan that the lights would be installed in about two years.

The City Manager reported another paving petition with 85% of the property owners signed up, on East 41st Street from East Avenue to Red River, the north side belonging to the city. Councilman Long moved to go ahead on the paving of this street, depending upon the drainage necessary. The motion, seconded by Councilman Palmer, carried by the following vote:

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

There being no further business the Council adjourned at 5:20 P.M.
subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk