

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 11, 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, Director of Public Works.

Invocation was delivered by REV. CARL ISRAEL, Crestview Methodist Church, 1300 Morrow.

Councilman White moved that the minutes of August 4th be approved with two corrections; and the minutes of the Special Meeting of July 29th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller  
Noes: None  
Present but not voting: Councilman Long

MR. HOWARD CALKINS, Professor of Government, accompanied a group of approximately 40 Exchange students from Central and South America. The Mayor and Council greeted and welcomed the group.

MR. DAVID TISINGER appeared before the Council giving a resume of the sidewalk problems in the Casis and O'Henry School area, and stating that a number of citizens had paid to put the sidewalks in--not on their own property but on other properties in some cases. They have gotten five-sixths of the sidewalks down, and there is an area south of Enfield down to O'Henry that is University property, and he asked that the City pay for putting the sidewalks in this area, as it was under city control. The Mayor congratulated the Casis PTA and the O'Henry PTA on the fine job. He stated never in the history of Austin had the City paid for putting down sidewalks; and with the shortage of

funds, and the many demands, it just could not sponsor a program now with the City participating. Councilman Long took the position that the City should pay half the costs; but since this group had paid for part of the program, she did not think it would be fair for the city to come in and pay half in this particular area, as it would be very inconsistent. Mr. Tisinger stated this was all in one program. Councilman Palmer inquired about Mr. Tisinger's obtaining from the University the necessary documents necessary to leave the street open, and Mr. Tisinger thought he could get them. As to the safety of the children, the Mayor pointed out the City was providing 30 men familiar with traffic, to patrol the schools. Councilman White agreed that there should be sidewalks, but he had had people tell him that when sidewalks were put in here, that they too wanted sidewalks around their schools. Councilman Pearson felt that the people would continue to make their contributions and get all the sidewalks in. After more discussion, Councilman Long moved that the City Attorney be instructed to draw an ordinance declaring the necessity for constructing sidewalks on Exposition Road, south of Enfield Road to 6th Street at no cost to the City. The motion, seconded by Councilman White, carried by the following vote:

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

The Council received a petition filed by MR. J. FRED JONES asking the Council to direct the removal of two dilapidated buildings in the vicinity of the intersection of Chesterfield and West 55th Streets, which two buildings had been declared a fire hazard. The Mayor suggested that the City Attorney be asked to look into the matter if the City had the power, and if there were no reasons for delay that the buildings either be moved or construction started to make them habitable. Councilman Long moved that the City Attorney be instructed to look into this matter and report back to the Council and see if something could be done about it. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager stated notice had been served on the people. Councilman Pearson asked if in the future where a building were moved, could something be provided that improvements be started within 30 days and completed within 90 or 120 days. The City Manager suggested that the house moving ordinance might be amended to cover such a provision. Councilman Pearson asked that a recommendation to amend the ordinance to correct these problems be brought in.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the free flow and expeditious handling of traffic under conditions existing at the locations described below require that traffic upon the frontage streets on the East Avenue Expressway (Interregional Highway) move only in one direction, such locations with the direction in which such traffic shall move being described as follows:

ON

FROM

DIRECTION

East Frontage Street	U.S. Hwy. 290 (also known as Elgin-Manor Hwy.) <u>to</u> Atkinson Road	Northbound
West Frontage Street	Atkinson Road <u>to</u> U.S. Hwy. 290 (also known as Elgin-Manor Hwy.)	Southbound
East Frontage Street	Live Oak Street <u>to</u> East 3rd Street	Northbound
West Frontage Street	East 3rd Street <u>to</u> Live Oak Street	Southbound

Now, Therefore,

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

That the City Clerk be and she is hereby authorized and directed to record this finding in Section 33.38 of the Traffic Register.

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

The Council approved a recommendation of an agreement with Jack Ritter Sales Company, Inc. for use by the Company of a portion of Lots 6, 7, 8, 9, and 10, Block C, Pearson Subdivision. Councilman Pearson moved that the City Attorney be instructed to prepare a resolution to cover. The motion, seconded by Councilman Palmer, carried by the following vote:

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

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

WM. D. GASTON & JOE TOCKER	1000-02 W. 29th St.; 2900-02 San Gabriel; 2906-08 San Gabriel; 2907-09 Lamar	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission and to include Lot 3
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MR. WM. CARSSOW represented Mr. Gaston. MR. GASTON was present and displayed the design and plans of his building. MR. KELLY McADAMS, MRS. McBRIDE and others spoke in favor of the change. MR. EDWARD JONES represented the opposition. DR. EDWARD MICEK, MRS. BERTHA ALFORD, MRS. JAMES MONROE, MRS. FRENKE, 2907 San Gabriel; MRS. J. W. WHITEAKER, MISS ELIZABETH TURPEN opposed the change. Action was deferred until the following week in order to give the Council members an opportunity to look over the neighborhood.

J. N. RAHENSEBERG ERNEST H. VAUGHN & D. E. ING, By E. H. Smartt	1903, 1905-07, 2201 Lamar 1309-11, 1306-08 W. 22nd St.	From "A" Residence To "BB" Residence RECOMMENDED to change Lots 18, 19, 20 & 21 only, & omitting Lot 17
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MR. SMARTT represented Mr. Wright, who is purchasing Lot 17, on which he wanted to build a \$50,000 apartment house, and Mr. Smartt asked that lot 17 be included in the zoning. Opposition was expressed by JOE NEAL, 2209 Shoal Creek Boulevard; by DR. BRACE (through correspondence); by FRED ISLEY, through representation. MR. SMARTT stated Mr. Wright had plans drawn for this fine building, and he planned apartments that would rent from \$125 to \$250 per month. MR. NEAL thought that might be a more acceptable development, and he requested that the matter be delayed until all the property owners could get together and discuss this with Mr. Wright. The Council postponed action on this until SEPTEMBER 15th.

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MAYOR MILLER noted in connection with the above zoning application that there was a turnabout lane in this area, that was often mistaken for a street, and he asked that a sign be placed at this location showing it is not a street.

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JOHN GRACY, JOHN OATES  
& A.C. WARNER

5608-5609-11 Adams Avenue

From "A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission

The Mayor asked those who wished to grant the 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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JOHN & JOSIE MILLER

5301 Martin Avenue  
700-02 E. 53rd St.

From "A" Residence  
To "LR" Local Retail  
NOT Recommended by the  
Planning Commission

The Mayor asked those who wished to grant the 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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## PLANNING COMMISSION

414-428 W. Riverside  
Dr., 101-177, 201-17  
So. 1st St.

From "D" 1st Hgt & Area  
To "D" 2nd Hgt & Area  
RECOMMENDED by the  
Planning Commission

The Mayor asked those who wished to grant the 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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## ORIGINAL ZONING of

Gaston Park, Meadowbrook,  
Gaston Place, Acreage

The Council had before it the following recommendation of the City Planning Commission:

"In accordance with established policy, the Planning Commission herewith submits its recommendation for the Original Zoning of the area which includes Meadowbrook Section 1, Gaston Place Section 1, and Gaston Park Section 1, and two unsubdivided tracts of land, the total area being outlined on the attached map.

"The Planning Commission had earlier considered the development of this area when the three subdivisions above named were first presented to it for preliminary approval. They have been designed to fit together as a part of a unified neighborhood development. Accordingly, the reserving of areas for single-family homes, for schools, for playgrounds; the location and adequacy of thoroughfares; the density of development and the needs for circulation within the area, have all been considered in the review and approval of these subdivisions.

"Since the proposed development in the area fits into the over-all plan for the neighborhood of which this is a part, the Commission has

"VOTED: To recommend that the large area lying west of Berkman Drive and the small triangular area immediately east of Harris School between Wheelless Lane and Briarcliff Boulevard be designated "A" Residence and First Height and Area; and to further recommend that the area east of Berkman Drive and south of Briarcliff Boulevard and west of a proposed street in Gaston Place Section 1, except the southern 130 feet, be zoned "GR" General Retail and Sixth Height and Area District; and to further recommend that the south 130 feet of the second described area and the area southeast of Briarcliff Boulevard and northeast of the above mentioned proposed street be zoned "B" Residence and First Height and Area District."

Councilman Long moved that the recommendation of the Planning Commission be adopted. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Councilman Pearson nominated MR. PAT DOUGHERTY as Corporation Court Judge. The nomination was seconded by Councilman Palmer. Councilman Long nominated MR. ALFRED SCOTT. The nomination was seconded by Councilman White. Roll call on the nomination of MR. SCOTT showed the following:

Ayes: Councilmen Long, White\*

Noes: Councilmen Palmer, Pearson, Mayor Miller

\*Councilman White made the following statement regarding his vote:

"I am going to vote 'aye'. I had the pleasure of working with MR. SCOTT during the last war. We worked hand in hand for the duration, and I found him to be a very fine man. There are no differences whatever. That is why I will have to support Mr. Scott."

Roll call on the nomination of MR. PAT DOUGHERTY as Judge of the Corporation Court for the term of this Council revealed the following:

Ayes: Councilmen Palmer, Pearson, Mayor Miller

Noes: Councilmen Long, White

Councilman Long made the following statement regarding her vote:

"It is a basic principle of American government that the judiciary must be independent of the administrative branch. Selection of a judge who has been indebted to the administrative branch for his livelihood sets a barrier in the path of justice for the people.

"Occasionally, there is an administrator of such outstanding ability that it is safe to appoint him to the judiciary. The fact that not a single person who has viewed the activities of this new judge as a prosecutor has recommended him to me leads me to doubt that this is such a case.

"In our Corporation Court, the City Manager's men bring the charges against the people. To have one of the City Manager's men passing on those charges is to me unthinkable, especially one who has been the supporter and prosecutor of those charges. I have found that it is virtually impossible for some bureaucratic minds to place justice to the people ahead of loyalty to the bureaucracy.

"While the Council majority did me the favor of waiting until I returned from vacation to vote on their selection, the fact of his selection was published over a week ago."

Councilman Pearson made the following statement regarding his vote:

"I certainly have nothing against Mr. Scott, but I am a strong believer in where people are qualified on the job that they receive just promotion. I have had many, many calls from different people urging us to consider Mr. Dougherty, and I told Mr. Scott in talking with him that I was going to give every consideration to Mr. Dougherty because he seemed to be well qualified for the job, and so I vote 'Aye'."

Mayor Miller made the following statement regarding his vote:

"I want to say that either of the men, both of high character, would be a credit to the office. I think Judge Dougherty will not be in any way obligated in his judgment by having previously served with the city. I will also state that I regret the division, but Mr. White and Mrs. Long have the right to vote as they please and make any statement that they please. I have been going along on all the appointments-- the Council makes only a few--Park Board, Recreation Board, etc. We tried to get Mrs. Long over the telephone. The resignation came out after she went on her trip. The Judge is retiring on the 13th. Either of the men, Mr. Scott as well as Judge Dougherty, would have administered with impartiality. I do not question the motives of either one of the gentlemen. It is necessary to make a choice and one cannot vote for both."

Judge Dougherty came before the Council. Councilman White stated he had voted for Mr. Scott, as he had had the pleasure of working with him side by side during the war and had to support him. He hoped that Judge Dougherty would run it as it should be. Councilman Long stated to Mr. Dougherty that she did not vote for him because he had been working on the side of the City, and she did not know if he would be able to switch over and get things from the real point of view of justice on both sides. She hoped her vote here would be wrong. Judge Dougherty expressed appreciation for the confidence of the Council members and stated he would do the best job he could. Judge Dougherty stated he was Secretary to the Governor; Chairman of the Liquor Board; Assistant Attorney General under Governor Allred for three years; and had been in private practice.

The Mayor stated the Junior Chamber of Commerce had asked him to present a project for them, that they wanted to join the City in getting the blind corners cleared, and that the city could warn the people about the shrubbery. He stated the Council would want to endorse the Junior Chamber of Commerce in their project of arousing public sentiment so that the hazards of the street corners could be eliminated. This had come up in the years past, and was up again at this time. He suggested that the Council authorize him and the City Manager to tell them that the City would work with them and then the City would write letters about these various corners. Councilman Long moved that the proposition of the Junior Chamber of Commerce be accepted, to aid the City in clearing off the corners where there is excessive shrubbery and all corners that are hazardous, and that a letter be written in the name of the Council and City Manager to ask voluntary compliance before it has to be done otherwise. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long submitted a petition by property owners living between 40th and 42nd Streets on Marathon and Lamar requesting better water pressure. She asked that the City Manager investigate this and see what their problem is and see if it could be corrected.

The Mayor submitted a letter from MRS. M. L. HUTCHINS, SR. regarding

water pressure on Sweeney Lane. Councilman Long moved that the City Manager be instructed to look into those two matters and let the Council know what the situation is and try to do something if possible. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 34.7, 34.9, AND 34.23, AUSTIN CITY CODE OF 1954, AND DECLARING AN EMERGENCY. (Swimming, boating and fishing on Colorado River between mouth of Shoal Creek and railroad)

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 White, 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 White, 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 White, 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 matter charging a fee for the licensing of boats on the river between Tom Miller Dam and Barton Creek was referred to the Navigation Board.

The Council referred a letter, addressed to Councilman Long by MR. and MRS. JAMES C. SHEFFIELD, 706 North Loop, asking for stop light on Lamar and North Loop, to the City Manager.



Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the northwest corner of the intersection of Bastrop Highway and Vargas Road, which property fronts approximately 335 feet on Bastrop Highway and approximately 265 feet on Vargas Road and being a portion of a 152.32 acre tract out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and hereby authorizes the said M. E. Chernosky to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said M. E. Chernosky has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"August 11, 1955

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

"Dear Sir:

"We, the undersigned, have considered the application of M. E. Chernosky for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the northwest corner of the intersection of Bastrop Highway and Vargas Road, which property fronts approximately 335 feet on Bastrop Highway and approximately 265 feet on Vargas Road and being a portion of a 152.32 acre tract out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by M. E. Chernosky and is under lease to Billups Petroleum Corporation, and we hereby advise that the following conditions exist.

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

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage

shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

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

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

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

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

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

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - H - 1395.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - H - 1395 and shall be of the pre-moulded type.

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

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

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

The Mayor stated he would like to have a letter written by the City Clerk and signed by the City Manager or him, or all the members of the Council, thanking the bidders on the Congress Avenue improvements, because they all rendered public service in bidding, and making such good bids. He then suggested that the property owners be written a letter. The Council discussed the amount of money to be charged against the property owners, and the amount of participation of the City. It was decided that \$4.00 per foot for 1½" topping be set, and the City to pave the intersections. After more discussion, Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 9, 1955, for the resurfacing of Congress Avenue from First Street to Eleventh Street; and,

WHEREAS, the bid of McKown & Sons in the sum of \$25,080.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager Now, Therefore,

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

That the bid of McKown & Sons in the sum of \$25,080.00 for the resurfacing of Congress Avenue from First Street to Eleventh Street, 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 McKown & Sons.

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

The Council requested that the City Clerk write a letter thanking all the bidders because all parties took a personal interest in this as a public service.

Councilman Long moved that after weighing all the factors that \$4.00 per front foot be the fixed price on the east and west sides of Congress Avenue for reconditioning the Avenue. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Palmer asked if a better arrangement on traffic lights could be worked out on Congress Avenue; as the lights were hidden behind busses, etc. The City Manager stated the Traffic Engineer had a recommendation, placing lights in the center of the avenue, but it would run into considerable money.

Action on authorizing condemnation for sanitary sewer sludge pipe line easement across A. D. Bolm tract (outside City limits) was postponed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 9, 1955, for the construction of paving skips and accessories known as Paving Skip Assessment Contract Number 3, Units 1 through 6; and,

WHEREAS, the bid of McKown & Sons in the sum of \$2,083.05 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of McKown & Sons in the sum of \$2,083.05 for the construction of such paving skips and accessories, known as Paving Skip Assessment Contract Number 3, Units 1 through 6, 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 McKown & Sons.

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

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

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 9, 1955, for street improvements on North Loop Boulevard from Hancock Drive to Burnet Road; and,

WHEREAS, the bid of Collins Construction Company in the sum of \$14,988.44 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Collins Construction Company in the sum of \$14,988.44 for such street improvements on North Loop Boulevard from Hancock Drive to

Burnet Road, 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 Collins Construction Company.

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

Mayor Miller introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FOR VARIOUS PURPOSES, AND DECLARING AN EMERGENCY. (To cover costs in case of Curtis O. Schmedes, et al v. City of Austin - \$3,994.65)

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, Palmer, Pearson, White, Mayor Miller  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman 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 White 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.

Petition asking for fire plugs and water mains on Pecan Springs Road and adjacent territory and for asphalt treatment on Pecan Springs was referred to the City Manager.

The City Manager reported a paving project under way on Payne Avenue from Arroya Seca to Woodrow, with 26 property owners out of 30 having signed up, and two having agreed to sign when the work was started. Councilman Long moved that they go ahead with this paving. The motion, seconded by Councilman White, carried by the following vote:

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

The Council had before it the appeal of the Plan Commission's approval of a Special Permit to establish a Veterinary Hospital at 2171 South Lamar. MR. J. H. KEOUGH, representing the Veterans of Foreign Wars, owners of the property, asked that the Council approve the permit of Dr. Darter for this Veterinary Hospital. The Mayor reviewed the hearing and the points in opposition, and also listed the distance between the Hospital and the tourist court belonging to Mr. Wheeler, as being 150' away. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, David A. Darter has filed his application for a special permit under the provisions of Section 10-B, Paragraph 1 of the Zoning Ordinance of the City of Austin; and,

WHEREAS, the City Planning Commission has examined said application with its accompanying site plan, has found the same to conform to the requirements of the Zoning Ordinance and has granted a Special Permit for the establishment of a Veterinary Hospital at 2171 South Lamar Boulevard, subject to the following conditions, to wit:

- (1) Curbing the front of the property so as to provide a driveway of not more than 35 feet in width;
- (2) Restriction of the operation to a Veterinary Hospital only, excluding boarding and kennel uses;
- (3) The construction of a completely air-conditioned building, so designed that the passage of noise and odors to the outside is reduced to a minimum;

and,

WHEREAS, Roberta Lee Cloer and Ida Segmund appealed to the City Council from the action of the Planning Commission, and after due notice to interested parties the City Council of the City of Austin held public hearings on the matter of granting said Special Permit and, upon reviewing said application, has found said application to conform to the requirements of the Zoning Ordinance; Now, Therefore,

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

That the Special Permit heretofore granted by the Planning Commission of the City of Austin for the establishment of a Veterinary Hospital at 2171 South Lamar Boulevard, in accordance with the application and attached site plan, be and the same is hereby affirmed and approved.

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

\*Councilman Long made the following statement regarding her vote:

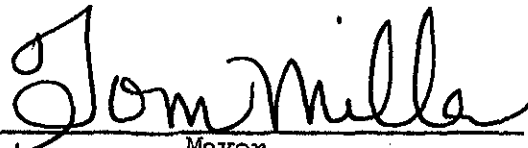
"I think the VFW is making a terrible mistake to sell this property, but that is not my decision. I happen to be a member of the VFW Auxiliary and hate to see them sell this for \$10,000 when they paid \$13,000 and it is worth \$15,000. If I vote honestly, as I think I ought to on the permit, I have to vote 'aye'."

\*\*The Mayor made the following statement regarding his vote:

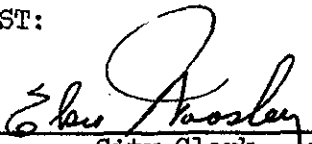
"It is clear this has passed 4 to 1. There were several objections to it, but I will change my vote to go along with the Council, as I like to see these things done with full concurrence, and it is unanimous that it be granted."

There being no further business the Council adjourned at 4:20 P.M.  
subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
City Clerk