

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 22, 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 Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. DICK LEAR, Faith Methodist Church, 2701 South Lamar Boulevard.

Councilman White moved that the Minutes of September 15th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. MARION B. FINDLAY submitted a request from the Junior Chamber of Commerce that the Council permit them to procure trash containers as displayed and sell them to interested merchants, to be donated to the City, reserving the right to print on each container "Donated by ____" in letters not over 1½" high. The City is to maintain the containers, which will be placed at convenient spots between 1st and 11th and Brazos and Colorado. The Mayor commended the Jaycees in their project. He also complimented the Sanitation Department in leaving the streets so clean at night. Councilman Long congratulated the Jaycees, and Councilman Pearson stated that he would donate two of the containers. Councilman Long moved that the idea of the Jaycees be accepted and the City Manager instructed to have the Attorney draw the necessary Resolution. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. JACK SWENSON, Austin Junior Chamber of Commerce, submitted the project of erecting a concrete slab at the Zilker Club House, and putting a chain link fence around it. They were going to secure help from other civic clubs asking them to donate to the \$2,000 project, and each club would then have a plaque to place on the fence posts with its name. In addition he asked that each donating club be permitted to use the Zilker Club House two times a year for three years without charge. The Mayor explained the impracticability of the latter request, and Mr. Swenson stated they would drop that part of their request. He stated the Austin Association of Independent Electrical Contractors, composed of all Master Electricians, were going to furnish labor and materials for installing the lighting. Councilman White moved that the proposition be accepted as submitted by the Jaycees (leaving out the request for free use of the Club-house). The motion, seconded by Councilman Palmer, carried by the following vote:

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

The Jaycees were complimented by Councilman Long in their aid to the Recreation system. The Violet Crown Garden Club expressed its appreciation to the Jaycees.

MR. HOWARD SPEIR asked for a name for their street and house numbers as they are living on a former county lane, Patton Lane, which a part of it had been annexed in 1951. They had petitioned for a name and street markers in 1952, and had suggested the street be named MIRA LOMA LANE. The Mayor stated this would be referred to the City Manager for swift attention.

MR. AMOS HEROLD spoke regarding his opinion that the present appropriation for civil defense was inadequate. The Mayor explained the situation as applied to Austin.

Pursuant to published notice thereof public hearing on the paving of St. John's Avenue was held. The Mayor read the amount to be assessed against abutting property owners for curb and gutters--\$1.15; for improvements excluding curbs and gutters, \$2.461; total to be assessed against abutting property owners, \$17,629.52; total to be paid by the City, \$20,814.34. Councilman Palmer moved that the hearing be closed and the assessments be made as read above. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Long moved that the hearing on Brentwood Street be continued until next week. 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 APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 6TH DAY OF OCTOBER, 1955, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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.

Mayor Miller brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE, BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER A PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JUNE 26, 1947, AND IS RECORDED IN BOOK "M", PAGES 523-524, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 THEREOF PRESCRIBING RATES FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY BUS WITHIN THE CITY OF AUSTIN.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 28th day of July, 1955, bids were received by the City of Austin for two year supply of bulk piped oxygen and medical gases in cylinders for use at Brackenridge Hospital; and,

WHEREAS, the bid of Capitol Welding Supply in the sum of 67.8¢ as the average price for total supply, was the lowest and best bid for bulk piped oxygen; and,

WHEREAS, the bid of Alamo Welding Supply Company in the sum of \$24,366.50 for anesthetic gases was the lowest and best bid therefor; and,

WHEREAS, the acceptance of the above named bids 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 said bids of Capitol Welding Supply and Alamo Welding Supply Co. be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin, is hereby authorized to enter into contracts with said parties for the items above specified.

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, bids were received by the City of Austin on September 14, 1955, for 12 KV outdoor metal clad switchgear for the Burleson Substation; and,

WHEREAS, the bid of ~~Westinghouse~~ Electric Corporation in the sum of \$36,150.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of the Electric Division of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Westinghouse Electric Corporation in the sum of \$36,150.00 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 Westinghouse Electric Corporation.

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)

WHEREAS, bids were received by the City of Austin on September 16, 1955, for the substation structures for Fiskville and Burleson Substations; and,

WHEREAS, the bid of General Electric Company in the sum of \$27,100.00 for the structure for Burleson Substation, and the bid of said company in the sum of \$20,000.00 for the structure for the Fiskville Sub-Station, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Superintendent of the Electric Division of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bids of General Electric Company in the sum of \$27,100.00 for the structure for Burleson Substation, and in the sum of \$20,000.00 for the structure for the Fiskville Substation be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute contracts on behalf of the City of Austin with General Electric Company.

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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 19, 1955, for the switchgear for Wheless Lane Substation; and,

WHEREAS, the bid of Westinghouse Electric Corporation in the sum of \$18,130.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of the Electric Division of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Westinghouse Electric Corporation in the sum of \$18,130.00 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 Westinghouse Electric Corporation.

The motion, seconded by Councilman Long, 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, bids were received by the City of Austin on September 14, 1955, for the construction of certain street improvements on service drives and parking areas at Water Filtration Plants Nos. 1 and 2; and,

WHEREAS, the bid of Sutherland Paving Company in the sum of \$3,333.30 was the lowest and best responsible 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 Sutherland Paving Company in the sum of \$3,333.30 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 Sutherland Paving Company.

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

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

Noes: None

The City Manager submitted the following:

"Sealed bids opened Sept.13,1955 10:00 A.M.
Tabulated by: O.G.Brush,Purchasing Agent

"BIDS ON CHLORINE FOR FILTER PLANTS

ITEM	QUANTITY	DIAMOND AIKALI COMPANY HOUSTON, TEXAS	SCHWARTZ INC. CORPUS CHRISTI TEXAS	DIXIE CHEMICAL HOUSTON, TEX.
150# cylinders Chlorine	3,000lbs	\$360.00	\$360.00	\$360.00
Chlorine - 1 ton containers	260,000 lbs.	\$11,763.00	No bid	No bid
		FRONTIER CHEM. COMPANY AT WICHITA, KANS.		SAME QUANTITY AT PRESENT CONTRACT PRICE
		\$360.00		\$360.00
		\$11,763.00		\$11,763.00
				Contract now held by Diamond Alkali

"NOTE: Only two firms able to supply ton containers for this area.
From 1950 - 1953 Chlorine was under Federal Control and the
Government made it a directive that we purchase from Diamond
Alkali.

Recommend contract be awarded Diamond Alkali Company as best bid
due to closeness and past excellent service.

Chlorine is a commodity that it is imperative that shipments be
received as scheduled.

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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 13, 1955, the City of Austin received bids on
Chlorine for Filter Plants; and,

WHEREAS, an evaluation of the bids received for such material shows the
bid of Diamond Alkali Company in the sum of \$360.00 for 3000 pounds Chlorine
in 150 pound cylinders, and the sum of \$11,763.00 for 260,000 pounds of chlorine
in 1-ton containers were the best available bids therefor; and,

WHEREAS, the acceptance of such bids 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 said bids of the Diamond Alkali Company in the sum of \$360.00 for 3,000 pounds of chlorine in 150 pound cylinders, and the sum of \$11,763.00 for 260,000 pounds of chlorine in 1-ton containers, be and the same are hereby accepted, and W. T. Williams, Jr., City Manager, is hereby authorized and directed to execute a contract on behalf of the City of Austin with the Diamond Alkali Company.

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

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

Noes: Councilman Long*

*Councilman Long voted against the motion with the statement it was against her policy to vote for identical bids.

**The Mayor made the following statement concerning his vote:

"You have to have chlorine for public health so I vote 'aye'".

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

SOUTHLAND CORPORATION
By Trueman E. O'Quinn

4213-4221 Duval
501-05 E. 43rd St.

From "C" Commercial 2nd
to Height and Area
To "C-1" Commercial 2nd
Height and Area

Opposition was expressed by MRS. JOE PROWSE, 4309 Duval; L. S. RIVERS, 4302 Duval; PAUL BOWMAN, representing Miss Johanna Almquist, 504 Park Blvd.; MISS PAYTON, 502 Park Blvd.; REV. STEVENSON, Pastor Hyde Park Christian Church and representing other churches in Hyde Park; EARL WUKASCH and MRS. ANDERSON. MR. TRUEMAN E. O'QUINN represented the applicant. The Mayor asked those in favor of the change to "C-1" to vote 'aye'; those opposed to vote 'no'. Roll call showed the following:

Ayes: None

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

The Mayor announced that the change had been denied.

Councilman Long made the following statement concerning her vote:

"In defense of the 7-Eleven Stores, certainly they are an outside corporation. It is a fine organization; they have 14 stores, and each of those stores have people employed

who live here; their homes are here and they are a part of Austin and provide a service for the city just as any other store were it Safeway or Mr. Wukasch. I do want to say that in behalf of this organization. It is a part of Austin. The people in that area have lived there for many years and have kept that portion of the city dry because those people felt that way about it. We have that of Shipe's dry because of the manner in which they developed that area, and I will vote to deny this permit."

Mayor Miller made the following comment regarding his vote:

"I know Mr. Thompson. He is a very fine man and a very fine civic leader. I would like to grant it, but I know this territory out there, so I vote 'no'."

- - - - -

MOSESS KOURI, ET AL	1300,1400,1600 & 1700 blk.of Airport Blvd. 1700 blk.of Lovingood Drive;3100-3200 blks of East 18th,16th,14½;14th & 17th Streets	From "A" Residence and "O" Office 6th To "LR" Local Retail NOT Recommended by the Plan Commission
W. J. PANNELL	1801-11 Airport Blvd. 3101-3217 East 19th 1800-16 Tillery 3100-3210 East 18th	From "A" Residence To "LR" Local Retail RECOMMENDED by the Plan Commission

Mr. Herman Jones represented Moses Kouri, et al, and Mr. R. L. Struhall represented W. J. Pannell. Opposition to both applications was expressed by MR. SALES LEWIS, JULIUS FRANKE, REV. ELLISON, LLOYD CURLEY, 3114 East 13th, MATTIE DAVIS, WILLIE MAE McCALL, 3206 East 14½; BOOKER T. MOORE, and others asking that these applications not be granted and to leave their nice neighborhood one for homes. The Council postponed the hearing until next week.

- - - - -

JACK H. KEY	1501-05 Scenic Drive 3716 Enfield Road	From "A" Residence To "LR" Local Retail NOT Recommended recommended "O" Office by the Plan Commission
-------------	---	---

Opposition was expressed by MRS. ROBERT AKIN, MRS. WINBURY, 3700 Enfield Road, MRS. BROTHERS, 3700 Enfield Road; F. K. PENCE, 1609 Scenic Drive. MR. HERMAN JONES represented the applicant. The Mayor asked those who wished to grant the change to "O" Office 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 to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

N. J. RABENSBURG	1903 Lamar; 1905-07	From "A" Residence
ERNEST H. VAUGHAN	Lamar & 1306-08 W.	To "BB" Residence
	22nd Street	RECOMMENDED by the
		Plan Commission

The Mayor asked those who wished to grant the change to "BB" to vote 'aye'; those opposed to vote 'no'. Roll call showed the following:

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

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

- - - - -

D. E. ING	2201 Lamar Blvd.,	From "A" Residence
	1309-11 W.22nd	To "BB" Residence
	(Lot 17)	NOT Recommended by the
		Plan Commission

The Mayor asked those who wished to grant the change to "BB" to vote 'aye'; those opposed to vote 'no'. Roll call showed the following:

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

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

- - - - -

NELSON PUETT & JOE CROW	3411-13 Glenview 1601-07 W. 35th 3412 Kerbey Lane	From "O" Office 6th & "A" Residence 1st To "LR" Local Retail 2nd
----------------------------	---	--

Mr. Trueman E. O'Quinn represented the applicants. Opposition was expressed by MAC UMSTATTD for H. L. LEMBURG, W. J. HAMLETT, R. H. CHAPMAN, HARLON L. SHANNON, and the owner of 3702 Kerbey Lane; R. G. MUELLER, JR. The Mayor asked those who wished to grant the change to "LR" Local Retail 2nd 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 change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

JIMMIE & GEORGIA OWENS
& WALTER J. JONES

1010-1020;1000-06
East 11th;1151-55
Curve Street

From "C" Commercial
To "C-1" Commercial 2nd
Height and Area

KENNETH LAMPKIN represented the applicants. No opposition appeared. The Mayor asked those who wished to grant the change to "C-1" Commercial 2nd 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 change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

B. F. McCOY

9400-12 Interregional
Highway

From "A" Residence
To "GR" General Retail
Recommended conditionally
By the Plan Commission

The Mayor asked those who wished to grant the change to "GR" General Retail to vote 'aye'; those opposed to vote 'no'. Roll call showed the following vote:

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.

- - - - -

CITY PROPERTY

1109-25 Robert E. Lee
Road; 101-415 Lee
Barton Road

From "A" Residence
To "C" Commercial

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.

- - - - -

CITY PROPERTY

1901 Lamar Blvd.
1308 West 19th St.From "A" Residence
To "BB" Residence

The Mayor asked those who wished to grant the change to "BB" to vote 'aye'; those opposed to vote 'no'. Roll call showed the following:

Ayes: Councilmen Palmer, Pearson, Mayor Miller

Noes: Councilman White

Present but not voting: Councilman Long

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

REV. R. P. ROBINSON, Pastor of the New Lincoln Baptist Church asked for traffic control at 8th and San Saba. The Council referred this request to the City Manager.

The Mayor announced that MR. and MRS. MILTON SMITH, Economy Furniture Manufacturing Company, had written a letter praising the Council and stating their desire to give the furniture for one of the Recreation rooms at the new center at the Zavalla School.

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. 20397, styled City of Austin vs. T. H. Wilmer, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin by deed dated May 16, 1903, being of record in Volume 564, page 302, 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 T. H. Wilmer 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 T. H. Wilmer, his 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 3, Block 2, Outlot 58, Division B, F. B. Forester
Subdivision, in the City of Austin, Travis County, Texas.

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

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, certain public utility easements were reserved and dedicated to the public on a map or plat of Bowman Place Section One, a Re-subdivision of a portion of a Subdivision known as Monte-Vista, said Monte-Vista being a Subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, and being of record in Book 3 at page 121 of the Plat Records of Travis County, Texas, and a map or plat of the said Bowman Place Section One being of record in Book 5 at page 94 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described premises has requested that public utility easement located thereon be released; and,

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

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the public utility easement located on the hereinafter described premises:

The rear five (5.00) feet of Lot 14 of said Bowman Place Section One.

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 AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF ALL POLICEMEN AND FIREMEN; ESTABLISHING POSITIONS IN EACH CLASSIFICATION; PROVIDING FOR RECLASSIFICATION OF POSITIONS; PROHIBITING UNAUTHORIZED FILLING OF POSITIONS; REGULATING PROMOTIONS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN FEBRUARY 7, 1952, AND IS RECORDED IN BOOK "R", PAGES 10-13, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 3(b) THEREOF, TO DIVIDE THE EMPLOYEES OF THE FIRE PREVENTION DIVISION OF THE FIRE DEPARTMENT INTO THREE CLASSES TO BE KNOWN AS GROUP II, GROUP III, AND GROUP IV, TO CREATE AND CLASSIFY THE POSITION OF CHIEF INSPECTOR, GROUP III; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 9.63, 9.65, 9.94, 9.153, 9.157, 9.158, and 9.161 OF CHAPTER 9 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO ELECTRICIAN LICENSING FEES AND ELECTRICAL INSPECTION FEES; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. H. McCullick is the Contractor for the alteration of a building located at 1011-1017 San Jacinto Boulevard and desires a portion of the sidewalk and street space abutting Lot 12, Block 121, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

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

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in a northerly direction and at right angles to the centerline of East 11th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of East 11th Street 46 feet to a point; thence in a southerly direction and at right angles to the centerline of East 11th Street to the north west corner of the above described property.

Thence in a westerly direction and at right angles to the centerline of San Jacinto Boulevard to a point 12 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of San Jacinto Boulevard 128 feet to a point ; thence in an easterly direction and at right angles to the centerline of San Jacinto Boulevard to the southwest corner of the above described property.

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

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, as a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted 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 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 June 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 of 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) 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 distrubed 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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Lawless & Alford Inc. is the contractor for the alteration of a building located at 104-112 West 7th Street and desires a portion of the sidewalk and street space abutting the East 80 feet of Lot 12, Block 83, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said Lawless & Alford, Inc., the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 7th Street five feet to a point; thence in a westerly direction and parallel to the centerline of West 7th Street approximately 80 feet to a point; thence in a northerly direction and at right angles to the centerline of West 7th Street to the north west corner of the above described property.

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

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and annhored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. (The Contractor will also be permitted to use one parking meter space immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.)

(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 times 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 December 31, 1955.

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

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part of 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.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) 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

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 northeast corner of the intersection of Red River Street and East 32nd Street, which property fronts 125 feet on Red River Street and 80 feet on East 32nd Street and being known as a part of Lot 1, Hancock Park Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Mr. Lomis Slaughter 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 Mr. Lomis Slaughter has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"September 22, 1955

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

"Dear Sir:

"We, the undersigned, have considered the application of Mr. Lomis Slaughter 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 north east corner of the intersection of Red River Street and East 32nd Street, which property fronts 125 feet on Red River Street and 80 feet on East 32nd Street and being known as a part of Lot 1, Hancock Park Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Lomis Slaughter and we hereby advise that the following conditions exist.

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

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the side-

walk 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 Mr. Lomis Slaughter 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 - 1403.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - H - 1403 and shall be of the pre-moulded type.

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

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

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

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 13th day of September, 1955, bids were received by the City of Austin for furnishing automotive batteries to the City of Austin for the twelve months period beginning October 1, 1955; and,

WHEREAS, the bid of Allied-Southland in the sum of \$5,600.41, based on previous twelve months purchases, 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 Allied-Southland in the sum of \$5,600.41 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 Allied-Southland.

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)

WHEREAS, on the 15th day of September, 1955, bids were received by the City of Austin for furnishing gasoline, kerosene, diesel fuel and lubricating oils and greases to the City for the twelve months period beginning October 1, 1955; and,

WHEREAS, the bid of Gulf Oil Company in the sum of \$81,167.25 was the lowest and best bid for furnishing gasoline; and,

WHEREAS, the bid of Gulf Oil Company in the sum of \$2,875.00 was the lowest and best bid for furnishing kerosene; and,

WHEREAS, the bid of Sinclair Refining Company in the sum of \$5,325.00 was the lowest and best bid for furnishing diesel fuel; and, and greases; and,

WHEREAS, the bid of Magnolia Petroleum Company in the sum of \$5,579.84 was the lowest and best bid for furnishing lubricating oils and greases; and,

WHEREAS, the acceptance of the above bids 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 said bids of Gulf Oil Company, Sinclair Refining Company and Magnolia Petroleum Company be and the same are hereby accepted, and W. T. Williams, Jr. City Manager, is hereby authorized to enter into contracts with said parties for the purchase of gasoline, kerosene, diesel fuel, and lubricating oils and greases, for the twelve months period beginning October 1, 1955.

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

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

Noes: None

At the request of Mr. Ghent Sanderford, the Council set the following application for zoning change for public hearing at 11:00 A.M. October 13, 1955:

MRS. SELMA H. ALBERS

2131 East 1st
96-98 $\frac{1}{2}$ Canadian

From "C" Commercial
To "C-1" Commercial

The Mayor announced that the GAS COMPANY Hearing had been reset for October 27th.

With regard to the Gas Company rate hearing, Councilman Long moved that MR. HONAKER be rehired to make a study of the Gas Company request and work with the Council on it. The motion was seconded by Councilman White. The Mayor outlined past negotiations with the Company in which he had secured a reduction, and got the rate down for the City from 14 $\frac{1}{2}$ to 12, and established for a 10 year period ending in 1957. Councilman Palmer suggested having the hearing and deciding then if there would be a need for a further study. After discussion, roll call on Councilman Long's motion showed the following:

Ayes: Councilmen Long, White

Noes: Councilmen Palmer, Pearson, Mayor Miller

The Council had before it zoning ordinance amendments as to clarifications of conflicting provisions and corrections; and revisions in fee schedule for zoning change applications and Board of Adjustment Appeals, the hearing having been continued from the past week. Councilman Palmer moved that an ordinance be drawn incorporating the basic changes and that the hearing on fees be continued over until the following week. The motion, seconded by Councilman Long, carried by the following vote:

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

Noes: None

It was decided also that the omission pertaining to Apartment Hotels be included in where they were inadvertently left out.

The Council decided to go over the pending tax appeals at 2:30 P.M., September 23rd.

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

APPROVED

Tom Miller.
Mayor

ATTEST:

Elaine Thorsley
City Clerk