

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 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 R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. LORY HILDRETH, Hyde Park Baptist Church, 39th and Speedway.

Mr. Trueman E. O'Quinn appeared for Mr. W. T. Covington in an appeal from a condition imposed by the Planning Commission upon his request for a special permit to erect a restaurant and motor hotel at the southwest corner of the intersection of South Congress Avenue and Havana Street. The condition imposed was "That 5 feet be given for the widening of Havana Street". Mr. Covington did not object to making 5 feet of his property available to the City for widening Havana Street but he wanted the same terms and conditions as the other property owners. Mr. O'Quinn stated that if the City ever decided to widen Havana Street, Mr. Covington would either donate or would not ask more than \$600 for the strip of land 5' x 175', and this offer was to be in effect as long as the life of the building. The Mayor asked the City Attorney to write this up.

The Council had before it the bids for the construction of approximately 32 blocks of pavement and accessories known as Voluntary Paving Contract No. 55-V-8. MR. EICHELBERGER spoke for a group and asked the Council to remove Justin Lane from the list to be paved as they could get the pavement cheaper. MR. JOHN H. WAGGONER also spoke. They asked that bids be taken separately on Justin Lane as they felt they would get a cheaper bid if they were not taken with the other units. MR. MCKOWN, the low bidder stated he wanted all the units or none. Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 13, 1955, for the construction of approximately 32 blocks of pavement and accessories known as Voluntary Paving Contract Number 55-V-8, Units 1 through 12; and,

WHEREAS, the bid of McKown & Sons in the sum of \$127,942.25 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 \$127,942.25 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with McKown & Sons.

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 following Zoning applications deferred from last week:

JAKE SILBERSTEIN	1022-30 E. 11th St.	From "C" Commercial
	1150-54 Waller St.	2nd Height and Area
		To "C-2" Commercial
		2nd Height and Area

MR. KENNETH LAMKIN appeared for these two changes, stating they were in a well established "C", "C-1" and "C-2" Commercial area. He stated he regretted the criticism of the Police Department in the hearing last week, as he thought we have a very fine Police Department and good Officers.

The Mayor asked those who wished to grant the change to "C-2" Commercial and 2nd Height and Area 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.

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T. A. MAYES	1808-12 E. 12th St.	From "C-1" Commercial
		2nd Height and Area
		To "C-2" Commercial
		2nd Height and Area

The Mayor asked those who wished to grant the change to "C-2" Commercial and 2nd Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: None

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

*Councilman Long made the following statement regarding her vote:

"I feel that we have plenty of places over there already, I don't believe there is a demand for it. Whether it is up to me to decide what the demand ought to be I don't know, but that is my feeling. I would like to protect the sanctity of the homes over there, if possible, in that area and there are a lot of homes, you might say, jammed into the "C" Commercial Area, "C-1", "C-2" Area."

The Mayor announced that the change had been DENIED.

Public hearing on the paving of Alegria Road, Brentwood Street, Collier Street, Avenue D, Overbrook Drive and Overdale Drive was held. The City Attorney announced this hearing was called to consider the proposed assessment against the abutting property owners and streets listed. Notice of the hearing was published in the American-Statesman on December 11th, 12th and 13th. No persons appeared at the hearing. The City Manager stated these were all skips except Overdale and Overbrook. The Council discussed the reasonable price per front foot on these units. Councilman Palmer moved that the hearing be closed. The motion, seconded by Councilman Long, carried by the following vote:

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

Noes: None

The Council discussed fully the Supplemental Agreement with SOUTHERN UNION GAS COMPANY for furnishing gas at the Municipal Power Plant, extending the Original Contract from July 25, 1957 to January 1, 1965. On Councilman Long's inquiry the City Attorney explained the portions of the old contract that would be carried through to 1965 - billing period to remain the same; installing, maintaining, etc. of the meters; meter measurement; checking of meters; warranty on appliances, equipment, where Gas Company responsibility ends and City's starts; title to appliance; provision covering responsibility in case of inability to deliver; and contract subject to regulation of state regulations. On Councilman Long's inquiry about the tax in Paragraph III, the City Attorney explained that it provided that the City would not pay any tax twice, so there would not be any tax on a tax. The Mayor stated they had been negotiating for 6 or 7 months on this contract and they had gone over it word by word and point by point, and that the City had the right to terminate it with 30 days written notice. Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin requires a large supply of natural gas for the operation of its municipal electric power plant; and,

WHEREAS, the low cost of operation of said plant has saved the citizens of Austin vast sums of money since the existing contract for the supply of natural gas for said plant has been and remains in force; and,

WHEREAS, the most advantageous arrangement which has thus far been offered the City of Austin for the continued supply of natural gas after July 25, 1957, is an extension and modification of the existing contract with Southern Union Gas Company, as set forth in the contract hereunto annexed; 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 contract in behalf of the City of Austin with Southern Union Gas Company with the provisions and under the terms and conditions set forth in the instrument hereunto annexed.

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT entered into by and between SOUTHERN UNION GAS COMPANY, a corporation (herein called "Seller"), and the CITY OF AUSTIN, a municipal corporation (herein called "Buyer").

W I T N E S S E T H:

WHEREAS, under date of August 31, 1948, a certain gas contract was entered into between Texas Public Service Company, as Seller, and City of Austin, as Buyer, providing a natural gas supply for the latter's municipal power plant at Austin, Texas, hereinafter called the "Original Contract"; and,

WHEREAS, Southern Union Gas Company has succeeded to all of the rights and duties of Texas Public Service Company and has, accordingly, become the Seller under the Original Contract; and,

WHEREAS, the parties hereto desire to extend the term and otherwise to modify the Original Contract, as herein provided, pursuant to their recent negotiations and to concurrent negotiations successfully concluded with the wholesale gas supplier, United Gas Pipe-Line Company.

NOW, THEREFORE, in consideration of the premises and of their mutual covenants and agreements herein, the parties have agreed and do now agree expressly as follows:

I.

The ultimate expiration of the Original Contract is extended from July 25, 1957, to January 1, 1965, at 7:00 a.m., and Section 4 of the Original Contract is hereby amended to read as follows:

"4. This contract is for a period and term commencing the 25th day of July, 1948, and extending continuously until January 1, 1965, at 7:00 a.m., unless Buyer shall give to Seller written notice of intention to terminate at least thirty (30) days prior to the date selected for termination."

II.

Effective July 25, 1957, Section 1 of the Original Contract shall be amended and thereafter, during the extended term, it shall read as follows:

"1. Seller agrees to sell and deliver to Buyer, and Buyer agrees to purchase and receive from Seller natural gas for the entire industrial fuel requirements of the electric generating station of Buyer located at the intersection of West Avenue and West First Street, at a price per million B. T. U.'s each month equal to Seller's cost of such gas from its supplier, United Gas Pipe Line Company, plus ten (10%) per cent of such cost. In addition to such price, the Seller shall also be paid each month an amount sufficient to reimburse it for taxes, as defined herein, paid or incurred by Seller by reason of its performance of this agreement; but no reimbursement shall be made by Buyer under this sentence for any tax or taxes which are included and paid by Buyer as a part of the cost of such gas to Seller.

"The gas purchase contract of Seller with its said supplier provides, substantially, that Seller's monthly cost of a million B. T. U.'s for resale under this agreement, in volumes exceeding 150,000 million B. T. U.'s per month, shall be the actual weighted average price per m.c.f. (expressed in cents per m.c.f. at 14.9 pounds p.s.i.a. and otherwise under the conditions of measurement of such purchases) paid by the supplier for all gas purchased by it in its San Antonio District during the monthly period ending on the last day of its preceding billing month, plus taxes (defined substantially as the term is defined herein) paid or absorbed by the supplier and plus also a fixed charge of 5.25 cents per 1 million B. T. U.'s for transportation and all other costs and expenses.

"The B. T. U. content of gas delivered hereunder shall be determined by the same instruments and tests employed in the determination of B. T. U. content of gas received by Seller from its supplier, United Gas Pipe Line Company; provided that the parties hereto may mutually decide upon some different method of B. T. U. determination which shall thereafter prevail for purpose of this agreement."

III.

Effective July 25, 1957, Section 2 of the Original Contract shall be amended and thereafter, during the extended term, it shall read as follows:

"2. The term 'tax' as used herein shall mean any tax (other than ad valorem and Federal income or excess profits taxes) or any franchise charge made by the City of Austin, license, fee or charge now or hereafter levied, assessed or made by any governmental authority on the gas or on the act, right or privilege of production, severance, gathering, transportation, distribution, handling, sale or delivery of gas which is determined by the volume, value or sales price of the gas in question; provided, however, that the term 'tax' shall not be deemed to include any general franchise tax imposed on corporations on account of their corporate existence or on their right to do business within the State as a foreign corporation."

IV.

Effective July 25, 1957, the Original Contract shall be amended by addition of a new Section 3-A reading as follows:

"3-A. During each billing month the Buyer shall purchase hereunder gas volumes containing not less than 150,000 million B. T. U.'s.

"The maximum gas volumes which Seller may be called upon to deliver hereunder during any twenty-four hour period is 45,000 m.c.f. at 14.9 p.s.i.a. and otherwise under the conditions of measurement in Seller's gas contract with its supplier."

V.

The Original Contract shall remain in full force according to its terms, as herein modified.

IN WITNESS WHEREOF, this Supplemental Agreement is executed by the parties on this the _____ day of _____, 1955, pursuant to due authorization, so as to be binding upon themselves, their respective successors and assigns.

(Seal)

SOUTHERN UNION GAS COMPANY

ATTEST:

By _____
President_____
Secretary

SELLER

(Seal)

CITY OF AUSTIN

ATTEST:

By _____
(Title)_____
City Clerk

BUYER

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Council considered the sale of the Ball Water Tower at Jefferson Chemical Company site. Mr. Albert R. Davis, Superintendent Water and Sewer Department, stated the Jefferson Chemical Company had made a bonafide offer of \$1,505.00 for the water tower. The City had not taken bids but it was Mr. Davis' recommendation that the tower be sold to Jefferson Chemical Company, as it would cost \$650 just to paint it and it was already located on the Company's property and would not have to be moved. Mr. Davis was instructed to tell them the City would take \$2,000 for the Ball Water Tower or they would have to advertise it.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 8, 1955, for the purchase of one 7,000 G.P.M. 170 F.T. Head Centrifugal Pump to be installed in the North Austin Booster Station; and,

WHEREAS, upon an evaluation of the bids received, the bid of Allis-Chalmers Manufacturing Company in the sum of \$13,228.21 was the best bid therefor; and,

WHEREAS, the City Council deems it to the best interest of the City of Austin to accept the bid of Allis-Chalmers Manufacturing Company, and the acceptance of such bid has been recommended by the Superintendent of the Water and Sewer Department 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 Allis-Chalmers Manufacturing Company in the sum of \$13,228.21 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 Allis-Chalmers Manufacturing 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 ESTABLISHING A SOCIAL SECURITY TRUST FUND FOR EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF AUSTIN; CREATING A BOARD TO ADMINISTER AND OPERATE THE FUND CREATED HEREBY, DEFINING ITS POWERS, DUTIES AND

FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM;
PROVIDING SEVERABILITY AND SAVING CLAUSE AND DECLARING
AN EMERGENCY.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance be 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 be 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.

The Council discussed the sale of surplus City-owned property. The Council had before it a memorandum from the City Manager and drawings of eight pieces of property. The property discussed was in the 300 Block of Chicon, the 2700 Block of Guadalupe and 1200 Block of Barton Springs Road. This matter was laid on the table.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on December 15, 1955, the City of Austin received bids for the furnishing and installation of a 10" excess sludge line and appurtenances for the Sewage Treatment Plant Sludge Disposal System; and,

WHEREAS, an evaluation of the bids received shows the combined bid of Austin Engineering Company in the amount of \$144,795.70 to be the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of Water and Sewage Treatment 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 combined bid of Austin Engineering Company in the sum of \$144,795.70 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 Austin Engineering Company.

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, on December 15, 1955, the City of Austin received bids covering the necessary clearing and earth work in connection with the installation of a 10" excess sludge line and appurtenances for Sewage Treatment Plant Sludge Disposal System; and,

WHEREAS, the bid of J. R. Canion in the lump sum of \$17,700.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of Water and Sewage Treatment 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 lump sum bid of J. R. Canion in the sum of \$17,700.00 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 J. R. Canion.

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, bids were received by the City of Austin on December 19, 1955, for the purchase of four 1-ton pickup trucks; and,

WHEREAS, the bid of Swearingen-Armstrong in the sum of \$5,802.00 and the trade-in of 3 old trucks, was the lowest and best bid therefor, and the acceptance of such bid and the purchase of four Ford 1-ton pickup trucks has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

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

That the bid of Swearingen-Armstrong in the sum of \$5,802.00, and the trade-in of 3 old trucks, be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Swearingen-Armstrong.

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 PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 808-10 RIO GRANDE STREET AND 701-03 WEST 9TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS

OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A TRACT OF LAND LOCALLY KNOWN AS 2804 ENFIELD ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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 White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated October 21, 1946, the City of Austin was granted a sanitary sewer line easement which crossed a portion of what is presently known as Lots 2 and 3, Sweetbrush Addition, in the City of Austin, Travis County, Texas, said portion being hereinafter described as Tract No. 1; and,

WHEREAS, a certain drainage and public utilities easement was reserved and dedicated to the public along either side of the common line between Lots 2 and 3 on a map or plat of Sweetbrush Subdivision of record in Book 7, page 118, Travis County Plat Records of Travis County, Texas; and,

WHEREAS, certain utilities have been located elsewhere and such easements do not adequately describe the needed locations of such sanitary sewer, drainage and public utilities easements, and such easements are not now needed and will not hereafter be required by the City of Austin; and,

WHEREAS, the owners of Lots 2 and 3, Sweetbrush Subdivision, have requested that said sanitary sewer, drainage and public utilities easements located on the hereinafter described tracts of land be released; 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 sanitary sewer easement located on the hereinafter described Tract No. 1, and a drainage and public utilities easement located on hereinafter described Tracts Nos. 2 and 3, to wit:

TRACT NUMBER 1. Being all of that certain portion of said sanitary sewer easement ten (10.00) feet in width which traverses Lots 2 and 3 of the said Sweetbrush Addition; which sanitary sewer easement is described in deed dated October 21, 1946, of record in Volume 825 at page 99 of the Deed Records of Travis County, Texas.

TRACT NUMBER 2. The north five (5.00) feet of Lot 2 of the said Sweetbrush Addition;

TRACT NUMBER 3. The south five (5.00) feet of Lot 3 of the said Sweetbrush Addition.

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 instrument dated October 10, 1955, of record in Volume 1634, page 457, Deed Records of Travis County, Texas, the City of Austin was granted a sanitary sewer easement on the hereinafter described property; and,

WHEREAS, such easement does not adequately describe the needed location for such sanitary sewer; and,

WHEREAS, the owners of the hereinafter described property have heretofore granted the City of Austin an easement across their property at a more desirable location; and,

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

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

That W. T. Williams, Jr., City Manager be and he is hereby authorized and directed to execute a release of the sanitary sewer easement located on the following described property, to wit:

A strip of land ten (10.00) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a stake in the north line of Manor Road and the South line of that certain tract conveyed to Lewis Barclay Herring III, et ux, by deed recorded in Volume 1435, page 310 of the Deed Records of Travis County, Texas, for the point of origin of the centerline of the herein described easement, from which the south corner of that certain tract conveyed to the Longhorn Development Corporation by deed of record in Volume 1538, page 498, Deed Records of Travis County, Texas, bears N. 52° 16' E. 33.2 feet;

THENCE, N. 62° 48' W. a distance of 222.7 feet to a stake in the north line of the said Herring tract also the south line of that certain tract conveyed to the City of Austin by deed recorded in Volume 1111, page 208 of the Deed Records of Travis County, Texas, for the point of termination, from which an iron pipe at the east or southeast corner of the said City of Austin tract bears N. 47° 00' E. 53.20 feet.

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, a certain drainageway and public utility easement on Lots 1 and 2, Ridgeview West, was reserved and dedicated to the public on a map or plat of said subdivision, same being out of a portion of the Henry P. Hill League in the City of Austin, Travis County, Texas, being of record in Book 7 at page 53, Plat Records of Travis County, Texas; and,

WHEREAS, such easement does not adequately describe the needed location for the underground public utilities to be located thereon; and,

WHEREAS, the owner of the said lots has heretofore granted the City of Austin the necessary easement across said property at a more desirable location; and,

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

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

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

A strip of land fifteen (15) feet in width is more particularly described by metes and bounds as follows:

BEGINNING at a point on the north line of said Lot 1, and from which point of beginning a concrete monument at the most northerly corner of said Lot 1 bears N. $59^{\circ} 27'$ W. 55.00 feet;

THENCE in a southeasterly direction to a point on the dividing line between said Lots 1 and 2, and from which point the northeast corner of Lot 1, same being the northwest corner of Lot 2 bears N. $38^{\circ} 31'$ E. 30.00 feet;

THENCE in a southeasterly direction to a point of termination on the curving south line of said Lot 2, same being a curve whose radius is 133.91 feet, whose intersection angle is $76^{\circ} 27'$, and whose tangent distance is 105.47 feet, said curving line also being the north line of Ridgeview Street; and from which point of termination the point of Compound Curvature between the aforementioned curve and a curve to the south bears in a southwesterly direction a chord distance of 55.00 feet; said centerline herein above described being the same line described as "CL of 15' drainage and utility easement" on the said map or plat of Ridgeview West.

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 PERPETUALLY VACATING AND CLOSING THAT CERTAIN ALLEY TRAVERSING THE ALICE E. MILLER'S RESUB-DIVISION OF LOT 3, BLOCK L OF RIDGETOP SUBDIVISION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Long, 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.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin and Travis-Williamson County Water Control and Improvement District No. 1 on December 8, 1955 executed a Contract for purchase and sale of water, and which Contract provides, among other things, that no bonds of such district shall be sold by the District except for prices, interest rates, and redemption premiums approved by the City and that said bonds shall be callable five years from their date or on any interest paying date thereafter; and,

WHEREAS, the Board of Directors of Travis-Williamson County Water Control and Improvement District on November 9, 1955 ordered the sale of One Million Two Hundred Fifty Thousand (\$1,250,000.00) Dollars of said bonds in denominations of One Thousand (\$1,000.00) Dollars each, with Bonds Nos. 1 to 219, inclusive bearing interest at the rate of three and one-half (3 1/2%) per cent per annum and Bonds Nos. 220 to 1250, inclusive, at the rate of four and one-half (4 1/2%) per cent per annum; maturing in groups annually by schedule stated in said Order from December 1, 1960 to December 1, 1990; and providing that said bonds shall be callable on December 1, 1960 or on any interest payment date thereafter on the dates and at the prices as follows:

On December 1, 1960 and June 1, 1961, at 103.00 and accrued interest;

On December 1, 1961 and June 1, 1962, at 102.50 and accrued interest;

On December 1, 1962 and June 1, 1963, at 102.00 and accrued interest;

On December 1, 1963 and June 1, 1964, at 101.50 and accrued interest;

On December 1, 1964 and June 1, 1965, at 101.00 and accrued interest;

On December 1, 1965 and on any interest payment date thereafter prior to maturity at par and accrued interest; and,

WHEREAS, Travis-Williamson County Water Control and Improvement District No. 1, has requested the approval of such bonds by the City of Austin under the terms of its contract and the City of Austin finds the same to be satisfactory; Now, Therefore,

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

That the City of Austin hereby approve the sale of Travis-Williamson County Water Control and Improvement District No. 1 Bonds Nos. 1 to 1250, inclusive, under the terms and upon the conditions provided by the Order of its Board of Directors on the 9th day of November, 1955.

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

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

Noes: None

Councilman Long brought up the matter of our permit from the State Water Commission and it was discussed. Councilman Long moved that the City Manager be instructed to get that material together, to investigate it and report to the Council next week. The motion, seconded by Councilman White, 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)

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 southwest corner of the intersection of Woodrow Avenue and Koenig Lane, which property fronts 88.18 feet on Woodrow Avenue and 109.14 feet on Koenig Lane, and being known as Lot 1 of Wilder Addition Section 1 in the City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company 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 Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

"December 22, 1955

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

"Dear Sir:

"We, the undersigned have considered the application of the Magnolia Petroleum Company 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 southwest corner of the intersection of Woodrow Avenue and Koenig Lane, which property fronts 88.18 feet on Woodrow Avenue and 109.14 feet on Koenig Lane, and being known as Lot 1 of Wilder Addition Section 1 in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Magnolia Petroleum Company and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "LR", Local Retail, 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 Magnolia Petroleum Company 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 - C - 2014.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 2014 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
S. Reuben Rountree, Jr.
Director of Public Works
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

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the north corner of the intersection of Burnet Road and Burnet Lane, which property fronts 305.47 feet on Burnet Road and 287.36 feet on Burnet Lane, and being a 0.29 acre tract out of the George W. Spear League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Mrs. Claude D. Teer and is under lease to Sinclair Refining Company, and hereby authorizes the said Mrs. Claude D. Teer 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. 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 Mrs. Claude D. Teer has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

"December 22, 1955

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

"Dear Sir:

"We, the undersigned have considered the application of Mrs. Claude D. Teer 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 corner of the intersection of Burnet Road

and Burnet Lane, which property fronts 305.47 feet on Burnet Road and 287.36 feet on Burnet Lane, and being a 0.29 acre tract out of the George W. Spear League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Mrs Claude D. Teer and is under lease to Sinclair Refining Company, and we hereby advise that the following conditions exist:

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

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. 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 Mrs. Claude D. Teer 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 which 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 areas 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 - 1421.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1421 and shall be of the premoulded 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.
S. Reuben Rountree, Jr.
Director of Public Works
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

The Council took no action on the application of William D. Gaston for a filling station at the northwest corner of San Gabriel Street and West 29th Street.

Councilman Long reported she had talked with Mr. Jackson regarding the meeting with the Greater East Austin Development Committee it would either be between Christmas and New Year's or between the 1st and 10th of January.

The City Manager reported an offer of \$17,500 from Property Development Company for two tracts of land, one at Hancock Drive and North Loop and the other tract at Flores Street and Interregional Highway. His recommendation was that the offer be declined.

The Council discussed the policy of employing local people in preference to persons just moving here.

The Council appointed MR. JIMMY CLAY and Mr. J. NEILS THOMPSON as members of the Civil Defense Council. MR. I. W. DAVIS was appointed to serve in the place of Mr. Eddie Robinson, who was appointed last week, in the event Mr. Robinson cannot serve. Roll call on the appointments showed the following vote:

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

Councilman Long nominated Mrs. Frederic Meyers; Councilman Pearson, Mr. Walter Guttman; Councilman White, Mr. Joe Manor; and Councilman Palmer, Mr. William B. Carssow as members of the Airport Zoning Board. The City Attorney was asked to write down the duties of the Board and each Councilman to call his nominee.

Councilman Long offered the following resolution and moved its adoption:

R E S O L U T I O N

WHEREAS, the long and fruitful labors of the Honorable Simon Gillis came to an end on the 23rd day of November, 1955, A.D.; and,

WHEREAS, Simon Gillis adopted the City of Austin and its people as his place of service to God and his fellow-man; and,

WHEREAS, the grateful people of Austin have been enriched by the strength of character, the thrift, and the integrity of The Sturdy Scot who, out of a great heart, always gave of his wisdom, his energy, his time, and his means, and who devoted twenty-one of his years to public service during most difficult times in the City's history; Now, Therefore,

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

That a page be set aside in the Minutes of the City Council upon which shall be spread this Resolution, and that the Council adjourn this day in memory of the beloved Simon Gillis who served as a distinguished member of the Council for eighteen years.

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

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

Councilman Long offered the following resolution and moved its adoption:

R E S O L U T I O N

WHEREAS, the Honorable Will T. Johnson, who passed away on December 17, 1955, A.D., had given unstintingly of his energies, his means and his judgment in the service of his fellow-man, and had with distinction served six years as a member of the City Council of the City of Austin; and,

WHEREAS, Will T. Johnson inspired the people of Austin as a pillar of the courage of a man of unpretentious but consistent integrity, who served his people with cheerful perseverance despite great suffering and inconvenience much of the time; Now, Therefore,

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

THAT a page be set apart in the Minutes of the City Council upon which shall be spread this Resolution, and that the Council adjourn this day in memory of the beloved Will T. Johnson who served in such fashion as to inspire all people to whom the strength of his character comprises so rich a heritage.

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

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

There being no further business the Council adjourned at 1:45 P.M.
in memory of Former Councilmen Gillis and Johnson.

APPROVED

Tom Miller.
Mayor

ATTEST:

Grace Monroe
Deputy City Clerk