

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 11, 1957
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
Noes: 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. JOHN REYNOLDS, Chaplain, Austin State Hospital.

Councilman White moved that the Minutes of July 3, 1957, be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. and MRS. G. C. PROCK appeared asking reconsideration of their zoning application which had been voted denied the week before. Councilman Long moved that they reconsider and hear MR. and MRS. PROCK on their property at 1153 Springdale Road. The motion, seconded by Councilman White, carried by the following vote:

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

The Council then had before it for reconsideration the following zoning application:

G. C. PROCK	1105D-1109D Springdale Road (1153)	From "A" Residence To "D" Industrial NOT Recommended by the Planning Commission
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The reconsideration was based on the fact that the four houses on this property were prefabricated houses to be sold and moved off, and were not residences. After much discussion, Councilman Long moved to reconsider the

vote of last week and rescind that vote, to correct the Minutes of last week, and ask that an ordinance be brought in changing the zoning to "D" Industrial. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

MAYOR MILLER gave the status of the Nelson Puett zoning case (petition of GERALD W. MODESETTE, et al, to zone the property 7600-7812 Gault Street; 1301-1313 Anderson Lane, 7600-7810 and 7601-7811 Tisdale Drive from "D" Industrial to "A" Residence) and gave a history of the zoning of the area to Industrial, and Mr. Puett's setting a trend of zoning to Residential, and making a covenant with the people. He stated it was not the intent of the Council or the local Planners to confiscate any property, nor to roll back property from "D" or any classification to Residential; but that this had already been rolled back by its usage. The Mayor displayed the subdivision map which had been submitted by Mr. Puett on this area, and which had been approved by the Planning Commission, in 1955. The Mayor announced that the Attorney representing Mr. Puett was out of the City and had asked that no action be taken at this meeting, and that the matter would probably come up next Thursday. MR. FRANK MONTGOMERY read the following resolution adopted by the Real Estate Board on July 9, 1957:

"WHEREAS the Austin Real Estate Board is composed of members who believe in the rights of property ownership, and the right of lawful use of property when such use is not contrary to law, and

"WHEREAS the members of the Austin Real Estate Board feel the necessity to speak out to uphold these principles when such rights may be in jeopardy.

"NOW, THEREFORE, BE IT RESOLVED that the Austin Real Estate Board makes it known to all concerned its opposition to any violation of the legal right of property ownership or the lawful use of any property by any change of zoning which would, without the owner's consent, deprive such owner of any of his legal rights without such change being made by due process of law and damages being paid as required by law.

"BE IT FURTHER RESOLVED that the Austin Real Estate Board, by a copy of this resolution, respectfully calls to the attention of the Austin City Council its vigorous support of these rights and principles.

"Resolution adopted by motion duly made, seconded and passed at the regular business meeting of the Austin Real Estate Board, Tuesday, July 9, 1957.

"(Sgd) Ann Crockett

"Ann Crockett, President, Austin Real Estate Board.

"Attest:

"(Sgd) Roger S. Hanks, Secretary, Austin Real Estate Board."

MR. WOODROW SLEDGE stated there were 80% of the Board that were absent, and that he had not found one of that 80% that was for this Resolution; that no one but himself had studied the file in question, and no member of the Board

had attended the hearings; and he did not want the public to feel that the realators in general were necessarily represented in this resolution. MRS. ANN CROCKETT stated a committee had been appointed, one of which would attend the Council meetings and bring back information and knowledge which the Board would need.

MRS. CROCKETT invited the City Council to the ground breaking ceremonies of the Austin Real Estate Board's building, next Tuesday, July 16th, at 1:30 P. M.

MR. MORRIS MOORE, appeared before the Council inquiring of a former price set for property in the 2800 block of Interregional Highway. He represented SARAH MANOR who owned adjoining property behind the two 8' strips which the city owns. The City Manager stated the appraisal of this property was made some years back. The Council referred the matter to the City Manager, and stated it would review the matter again.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.47 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF THE A. B. SPEAR SURVEY NO. 25 IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Palmer 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 third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 25.01 ACRES OF LAND, SAME BEING ALL OF ALLANDALE WEST SECTION 3, A SUBDIVISION OF A PORTION OF THE JAMES P. DAVIS SURVEY NO. 14 IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time and Councilman Palmer 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 Pearson introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 0.517 OF ONE ACRE OF LAND OUT OF THE JAMES P. DAVIS SURVEY NO. 14, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

The ordinance was read the first time and Councilman Pearson moved that 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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TWO (2) TRACTS OF LAND, ONE CONTAINING 10.02 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THAT CERTAIN 29.05 ACRE TRACT OF LAND OUT OF THE WILLIAM BARTON LABOR IN CONFLICT WITH THE HENRY P. HILL LEAGUE, THE OTHER TRACT CONTAINING 3.5 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY P. HILL LEAGUE, BOTH TRACTS BEING IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

The ordinance was read the first time and Councilman Pearson moved that 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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 3.58 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN PARTICULARS STATED IN THE ORDINANCE.

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

The ordinance was read the first time and Councilman Pearson moved that 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

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 13.63 ACRES OF LAND, SAME BEING ALL OF WINDSOR PARK NO. 2 SECTION 3, A SUBDIVISION OF A PORTION OF THE DINSMORE SIMPSON SURVEY NO. 27, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the second time and Councilman White moved that the ordinance be 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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 9, 1957, for the construction of Waller Creek Sanitary Sewers from East 41st Street to East 43rd Street; and,

WHEREAS, the bid of Hardin Construction Company in the sum of \$18,531.70 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director 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 Hardin Construction Company in the sum of \$18,531.70 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 and Hardin Construction Company.

The motion, seconded by Councilman Long, 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 FOLLOWING: (1) LOT 14, BLOCK 3, BRYKERWOOD "E", FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND (2) LOTS 6 AND 7, BLOCK 3, SILVERTON HEIGHTS, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

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

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

Noes: None

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

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

The Mayor announced that the ordinance had been finally passed.

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 southeast corner of the intersection of Lamar Boulevard and Franklin Boulevard which property fronts 159.84 feet on Lamar Boulevard and 129.75 feet on Franklin Boulevard, being known as lots 4, 5, and 6 of Northfield Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Humble Oil & Refining 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. 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 Humble Oil & Refining Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"July 11, 1957

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

"Dear Sir:

"We, the undersigned, have considered the application of Humble Oil & Refining 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 southeast corner of the intersection of Lamar Boulevard and Franklin Boulevard which property fronts 159.84 feet on Lamar Boulevard and 129.75 feet on Franklin Boulevard being known as lots 4, 5, and 6 of Northfield Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Humble Oil & Refining Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C-1" 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 Humble Oil & Refining 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-H-1517.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2-H-1517 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.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

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

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Evans is the Contractor for the erection of a building located at 805-807 Brazos Street and 203 East 9th Street and desires a portion of the sidewalk and street space abutting the south 78.6 feet of Lots 11 & 12 and all of Lot 10, Block 96, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore'

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

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

Sidewalk, Street, and Alley Working Space

(1) Beginning at the northeast corner of Lot 10; thence in a northerly direction and at right angles to the centerline of East 9th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the center line of East 9th Street approximately 50 feet to a point; thence in a southerly direction and at right angles to the center line of East 9th Street to the south right of way line of East 9th Street.

(2) Beginning at a point in the west line of Lot 12 approximately 50 feet south of the northwest corner of said lot; thence in a westerly direction and at right angles to the center line of Brazos Street to a point 12 feet west of the east curb line; thence in a southerly direction and parallel with the center line of Brazos Street and continuing until connection is made with the existing barricade granted for the Presbyterian Church construction job.

(3) That the west 130 feet of the alley between East 8th Street and East 9th Street be blocked off by installing a gate at both ends, closing this portion of the alley until all hazards have ceased or the construction work has been completed.

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

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

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 31, 1957.

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

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City in making such grant reserves

the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000), 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

In connection with this street working space, the City Manager stated temporary closing of the alley between 8th and 9th street would be necessary.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum, reasonable and safe speed for the operation of vehicles at the following location is less than thirty miles per hour; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Daugherty Street	Twin Oaks Drive	Pegram Street

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

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 THE NORTH LINE OF EAST SIXTH STREET EAST OF CONGRESS AVENUE AND THE EAST SIDE OF CONGRESS AVENUE NORTH OF EAST SIXTH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND WAIVING ANY CLAIM WHICH THE CITY OF AUSTIN MAY HAVE FOR REAL OR SUPPOSED ENCROACHMENT ON SAID STREETS; 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.

Mr. Frank Barron appeared in the interest of his zoning application at 3411-15 Owen Avenue from "A" to "BB". The City Attorney stated this was being worked out, and the field notes were now ready, and an ordinance would be drawn vacating the North 5' of the alley in the area, and the zoning amendment would be drawn, probably by next week.

No action was taken on the other application of Mr. Barron, SECURED INVESTMENTS, INC., 3110-38 Manor Road, etc. from "O" Office to "GR" General Retail.

COUNCILMAN PEARSON brought an inquiry from the HOLIDAY COURTS, as to what could be done about their erecting their sign, which is 48' high, and which is a standard sign used throughout the United States on these courts. They had been to the Board of Adjustment. It was suggested that application be made for change of Height and Area, and that the Planning Commission keep in mind the area with reference to Airport Clearance. In the meantime the Council would go look at the particular site.

The Council received notice from the City Manager that the following zoning applications had been referred to the Plan Commission, and were set for public hearing before the Council for August 15th:

JACK H. KEY	2201-2209 So.1st Street 513 West Live Oak	From "C" Commercial To "C-1" Commercial
H. E. READ	718 West 34th Street	From "A" Residence 1st Height & Area To "O" Office 2nd Height & Area
NELL M. FLOWERS	1909 Washington 1158 Poquito	From "A" Residence To "B" Residence
FRANCIS R. REISSIG	1406-1420 So.Lamar Boulevard	From "A" Residence 1st Height and Area & "C" Commercial 2nd Height and Area To "C" Commercial 2nd Height and Area
COLLEGE STORES PROPERTIES, INC.	1701 San Jacinto Street	From "C-1" Commercial To "C-2" Commercial
GEORGE A. JOHNS	1124 Airport Boulevard	From "C" Commercial To "E" Heavy Industrial
D. M. BRYANT, SR.	1307-1319 East Live Oak 2200-2206 So.Interregion- al Highway and 1318-1322 East Oltorf Street	From "A" Residence 1st Height and Area To "LR" Local Retail 6th Height & Area
W. H. WUTHERICH & VIRGINIA WUTHERICH	819 North Loop	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area
W. B. GREGG	1606 Red River Street	From "C" Commercial To "C-1" Commercial
MRS. EDITH KINNEY	2815 Rio Grande	From "A" Residence To "O" Office

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

A RESOLUTION PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF THE PORTION OF F.M. ROAD NO. 969, EAST 19TH STREET IN THE CITY OF AUSTIN, BETWEEN THE FOLLOWING LIMITS, TO-WIT: FROM AIRPORT BOULEVARD (U. S. HIGHWAY 183) TO EAST CITY LIMITS, HEREINAFTER REFERRED TO AS "THE PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF SAID PROJECT; AND DETERMINING THE LIABILITIES AND RESPONSIBILITIES OF THE CITY AND THE STATE OF TEXAS WITH REFERENCE THERETO.

WHEREAS, the public convenience, safety and necessity of the City, and the people of the City require that the portion of F.M. Road No. 969 from Airport Boulevard (U.S. 183) to East City Limits be constructed, since the existing condition constitutes a serious inconvenience to the public, which it is urgently required to be remedied; and,

WHEREAS, the City has requested the State of Texas to contribute financially in the project; and,

WHEREAS, the State of Texas has made it known to the City that the State will assist the City in the improvement and maintenance of said project, providing the City approves the plans for said project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That since the public convenience, safety and necessity of the City and the people of the City require it, said project shall be constructed.

SECTION 2. That the City Manager of the City be and is hereby authorized to execute for and on behalf of the City an agreement and contract with the State of Texas in accordance with and for the purpose of carrying out the terms and provisions of this resolution, in the form attached hereto and marked "Exhibit A". The City Manager of the City is further authorized to approve and sign the detailed plans for construction of the project or any section thereof when and as such plans are completed and prior to award of construction contract by the State. The City Clerk is hereby directed to attest the agreement and contract and to affix the proper seal of the City thereto.

SECTION 3. That the State of Texas be and is hereby authorized to enter upon and construct the project at the location and in the manner shown on the plans to be approved by the City Manager and to maintain such project all as is provided in the agreement hereto attached.

MUNICIPAL CONSTRUCTION AND MAINTENANCE AGREEMENT

STATE OF TEXAS ()

COUNTY OF TRAVIS ()

This agreement made this _____ day of _____ 1957, by and between the State of Texas, hereinafter referred to as the "State", party of the first part, and the City of Austin, Travis County, Texas, acting by and through its duly authorized officers under an ordinance passed the _____ day of _____, 1957, hereinafter called the "City", party of the second part.

W I T N E S S E T H

WHEREAS, the City has requested the State to contribute financial aid in the improvement and maintenance of 19th (F.M. 969) Street within such City, from Airport Boulevard (U.S. Highway 183) to East City Limits, the route of F.M. Road 969 and hereinafter called the "Project", and has by proper ordinance authorized the State to enter upon and improve and maintain or assist the City in the improvement and maintenance of said project; and,

WHEREAS, the State Highway Commission has approved a program of work which includes the project described above, and the State Highway Engineer, acting for and in behalf of the State Highway Commission in activating such program, has made it known to the City that the State will assist the City in the improvement and maintenance of said project, conditioned that the City, as contemplated by Senate Bill 415, Acts 46th Legislature, Regular Session, will enter into agreements with the State for the purpose of determining the liabilities and responsibilities of the parties with reference thereto.

A G R E E M E N T

NOW THEREFOR, inconsideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

Project Authorization

It is understood and agreed between the parties hereto that the City by virtue of the provisions of its charter and the laws of the State of Texas has exclusive control of and jurisdiction over all streets and public ways within the incorporated limits of such City, and that the City has requested and consented to the construction and maintenance of the project and the State in the construction and maintenance of such project does so at the special instance and request of the City. The City, in consideration of the mutual covenants herein contained, does hereby agree to and does hereby authorize the State to improve or assist in the improvement of said project at the location and in the manner shown on the construction plans to be approved by both parties. It is mutually agreed that as the project is developed to the construction stage, either as a unit or in increments, both parties shall approve such plans by signature approval thereon, and a copy of such plans for the unit or for each increment as such increment is developed will be attached hereto, marked "Exhibit A", and made a part hereof in all respects.

Right of Way and Existing Utilities

The City will provide without cost to the State a right of way for the project free of all obstructions and encroachments, and of a width sufficient to provide properly for the improvements shown on the plans. The City will provide without cost to the State for the installation, removal or other necessary adjustment of any and all utilities and services, whether publicly or privately owned, as may be necessary to permit the proper improvement, maintenance and use of said project. Existing utilities shall be adjusted in respect to location and type of installation in accordance with requirements of the State. If, upon receipt of written request by the State, the City does not promptly carry out any provision of this paragraph and delay results in additional expense to the State, such expense will be the direct charge and obligation of the City.

Construction Responsibilities

The City and the State will provide for the items of construction for which each has assumed financial responsibility.

For the items of construction which are the State's financial responsibility, the State will prepare or provide for the construction plans, advertise for bids, and let the construction contract, or otherwise provide for the construction and will supervise the construction, reconstruction or betterment work as required by said plans. As the project is developed to the construction stage, either as a unit or in increments, the State will secure the City's approval of the construction plans for each increment or the unit prior to award of contract.

If there are items of construction which are the City's responsibility, the City will prepare plans and accomplish construction, and the design and construction procedures will be subject to the inspection and approval of the State. If desired by the City and approved by the State, any part of all of the items of construction which are the City's responsibility may be included in the plans and made a part of the construction work to be undertaken by the State. In this event the State will prepare the plans, let the contract, and supervise the construction, and the City will pay to the State the cost of the items which are the City's responsibility. The details of cost participation and method of payment will be covered by a separate agreement to be executed between the City and the State prior to the undertaking of construction.

General

The City and the State on the _____ day of _____, 19____, entered into an agreement, hereinafter called "Municipal Maintenance Agreement", establishing the responsibilities of both Parties in respect to the maintenance and operation of the then existing system of highway within the City. This Municipal Maintenance Agreement includes the provision that in the event the system of highways is changed, the full effect and all conditions of the Municipal Maintenance Agreement shall apply to the changed highway system unless the execution of a new agreement on the changed portion is requested by either the City or the State.

The Municipal Maintenance Agreement under the general section headed "Coverage" lists in Paragraph numbered one (1) the sections of highway routes on which the State assumed certain maintenance responsibilities, and under

Paragraph numbered two (2) lists the sections on which the City would be responsible for all maintenance except that the State would erect and maintain route, directional and destination signs and markers. It is hereby agreed that these listings shall be modified as necessary to include this project in the listing under Paragraph numbered one (1) for certain maintenance responsibilities by the State, provided that if any section of this project is to be excluded from the listing in Paragraph numbered one (1) and included in Paragraph numbered two (2), such section is identified as follows:

It is further agreed by the City and State that no other revision in the Municipal Maintenance Agreement is required and that the full effect and all conditions of the Municipal Maintenance Agreement shall apply to this project. The Municipal Maintenance Agreement is hereby supplemented by this construction agreement for this project, and a copy shall be attached thereto and made a part thereof in all respects.

Special Conditions

Indemnification

The City agrees to indemnify the State against any and all damages and claims for damages to adjoining, abutting or other property for which the State is or may be liable arising out of, incident to or in any way connected with the installation, the construction, the existence, the use and/or maintenance of such project and does hereby agree to indemnify the State against any and all court costs, attorneys' fees and all expenses in connection with suits for such damage and shall, if requested to do so in writing, assist or relieve the State from defending any such suits brought against it.

Nothing in this agreement shall be construed to place any liability on the City for personal injury arising out of the construction of such project. Furthermore, it is not the intent of this agreement to impose upon the City the liability for injury to person or property arising out of the construction of the project by the State's contractor unless the State itself would be liable for such injury or damage.

Nothing herein contained shall be construed to place upon the State any manner of liability for injury to or death of persons or for damage to or loss of property arising out of or in any manner connected with the maintenance or use of the project, and the City will save the State harmless from any damages arising from said maintenance and/or use of said project.

It is further understood and agreed between the parties hereto that the improvement and/or maintenance of the project by the State is for the sole purpose of providing the travelling public a more adequate travel facility and shall never be the basis of any claim for State assumption, or participation in the payment, of any of the obligations of the City incurred in the improvement, past or present, of any street project.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures,
the City of Austin on the _____ day of _____, 1957, and the
Highway Department on the _____ day of _____, 1957.

ATTEST:

CITY OF AUSTIN

BY _____

(Title of Signing Official)

THE STATE OF TEXAS

Certified as being executed for the
purpose and effect of activating and/or
carrying out the orders, established
policies, or work programs heretofore
approved and authorized by the State
Highway Commission:

BY _____

Administrative Engineer

APPROVAL RECOMMENDED:

District Engineer_____
Engineer Road Design_____
Engineer, Land Service Roads

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

There being no further business, the Council adjourned at 12:15 P.M.,
subject to the call of the Mayor.

APPROVED: _____

Mayor

ATTEST:

Elsie Hooley
City Clerk